

# Ordinary Council

## Business Paper

**date of meeting:** Thursday 17 October 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 17 October 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 15 August 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.

In addition to the Acknowledgement of Country, the Mayor separately acknowledged migrants and members, and returned members, of the armed and emergency services for their contributions to the Country.

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**02 REMOTE ATTENDANCE AT MEETING**

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Nil

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**03 LOCAL GOVERNMENT PRAYER**

Phil Thomson from the Divergent Church delivered the Local Government Prayer.

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**04 APOLOGIES**

Nil.

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**05 CONFIRMATION OF MINUTES**

*RESOLVED: Roberts/Slade*

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

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

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**06 DISCLOSURES OF INTEREST**

Councillor Maltman declared a Non-Pecuniary - Less than Significant interest in Item 13.13 Lake Cathie Natural Resource Management Monthly Update Report. The reason being that Councillor Maltman is a non-financial life member and former President of the community organisation Revive Lake Cathie Incorporated. Councillor Maltman intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence her decision making in the matter.

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**07 MAYORAL MINUTES**

Nil.

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**08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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*RESOLVED: Roberts/Edwards*

**That Council determine that the attachments to Item 10.08 be considered as confidential, in accordance with section 11(3) of the Local Government Act.**

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

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

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*RESOLVED: Sheppard/Maltman*

**That Items 10.01, 10.03, 10.08, 10.09, 10.11, 10.16, 10.17, 10.18, 10.19, 10.21, 11.10, 11.11, 13.01, 13.02, 13.03, 13.05, 13.09 and 13.10 be considered as a block resolution.**

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

*RESOLVED: Sheppard/Lipovac*

**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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**SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Roberts/Maltman*

**That Standing Orders be suspended to allow Item 10.02 to deferred to follow Item 13.13.**

*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 - 4 JULY TO 31 JULY 2024**

*BLOCK RESOLVED: Sheppard/Lipovac*

**That Council note the Mayoral Discretionary Fund allocations for the period 4 July to 31 July 2024 inclusive.**

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**10.03 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

*BLOCK RESOLVED: Sheppard/Lipovac*

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

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**10.08 LEGAL FEES**

*BLOCK RESOLVED: Sheppard/Lipovac*

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

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**10.09 REPORT OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 1 AUGUST 2024**

*BLOCK RESOLVED: Sheppard/Lipovac*

**That Council note the report of the Audit, Risk and Improvement Committee held 1 August 2024.**

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**10.11 GRANT APPLICATIONS BIENNIAL REPORT**

*BLOCK RESOLVED: Sheppard/Lipovac*

**That Council note the Grant Applications Biennial Report, providing an update on grants that Council has applied for and/or obtained, for the 2023-2024 financial year.**

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#### **10.16 INVESTMENTS AND LOANS - JULY 2024**

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*BLOCK RESOLVED: Sheppard/Lipovac*

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

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#### **10.17 MONTHLY BUDGET REVIEW - JULY 2024**

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*BLOCK RESOLVED: Sheppard/Lipovac*

**That Council:**

- 1. Adopt the adjustments in the July 2024 Adjustments section of the Monthly Budget Review – July 2024 report and associated attachment.**
  - 2. Amend the 2024-2025 Operational Plan to include all budget adjustments approved in this report.**
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#### **10.18 PAYMENT OF GLASSHOUSE LOAN FROM THE SECTION 7.11 RESERVE**

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*BLOCK RESOLVED: Sheppard/Lipovac*

**That Council authorise the finalisation and payment of Glasshouse Loans from the Developer Contributions (General Fund) Reserve.**

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#### **10.19 GLASSHOUSE BIENNIAL REPORT AND UPDATE ON GLASSHOUSE PLAN 2020-2022 ACTIONS**

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*BLOCK RESOLVED: Sheppard/Lipovac*

**That Council:**

- 1. Note the information provided in the Glasshouse Biennial Report and Update on Glasshouse Plan 2020-2022 Actions report (Attachment 1 and Attachment 2).**
  - 2. Endorse the proposed plan for the Glasshouse Strategic Review (Attachment 3).**
  - 3. Adopt minor amendments to, and the extension of, the existing Glasshouse Plan 2020-2022, to 31 December 2025 (Attachments 4 and 5).**
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**10.21 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM  
PERFORMANCE**

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*BLOCK RESOLVED: Sheppard/Lipovac*

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

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**11.10 MANAGEMENT OF PUBLIC SPACES POLICY - POST PUBLIC  
EXHIBITION**

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*BLOCK RESOLVED: Sheppard/Lipovac*

**That Council adopt the Management of Public Spaces Policy.**

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**11.11 RECOMMENDED ITEMS FROM THE JULY 2024 MEETING OF THE  
PORT MACQUARIE-HASTINGS SPORTING FUND**

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*BLOCK RESOLVED: Sheppard/Lipovac*

**That Council note the application to Port Macquarie-Hastings Sporting Fund considered at the July 2024 Sub-Committee meeting and endorse payment from the fund of \$1,000 to Mia Szumowski for representation at the World Junior Wushu Championships.**

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**13.01 POLICY REVIEW - STORMWATER MANAGEMENT POLICY**

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*BLOCK RESOLVED: Sheppard/Lipovac*

**That Council:**

- 1. Place the draft Stormwater Management Policy on public exhibition for a period of 28 days.**
  - 2. Note that a further report will be provided by the December 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.**
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### 13.02 POLICY REVIEW - ROADS POLICY SUITE

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*BLOCK RESOLVED: Sheppard/Lipovac*

**That Council:**

- 1. Place on public exhibition the draft Roads Policy Suite including Road Reserve and Public Roads Management Policy, Sealed Roads Policy, Roadside Vegetation Management Policy, and Bridge and Culverts Policy for a period of 28 days.**
  - 2. Note that a further report will be provided by the December 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.**
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### 13.03 POLICY REVIEW - UNSEALED ROADS POLICY - POST PUBLIC EXHIBITION

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*BLOCK RESOLVED: Sheppard/Lipovac*

**That Council adopt the draft Unsealed Roads Policy.**

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### 13.05 CLASSIFICATION OF COUNCIL LAND - LOT 50 WAAPANGAL PLACE THRUMSTER

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*BLOCK RESOLVED: Sheppard/Lipovac*

**That Council pursuant to Section 34 of the Local Government Act 1993 classify Lot 50 DP 1299688 Waapangal Road, Thrumster as operational land.**

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### 13.09 LAND ACQUISITION - MARIA RIVER ROAD LIMEBURNERS CREEK

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*BLOCK RESOLVED: Sheppard/Lipovac*

**That Council:**

- 1. Pay compensation in the amount of \$2,000 (ex GST) to the owners of Lot 24 DP 754451, Timothy Willsallen Superannuation Pty Ltd, for the acquisition of that part of Lot 24 DP 754451 more particularly described as Lots 1 and 2 in the plan of acquisition Deposited Plan 1293813.**
  - 2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation Act) 1991, pay the landowner's property conveyancing costs.**
  - 3. Pursuant to Section 10 of the Roads Act 1993, dedicate Lots 1 and 2 DP 1293813 as public road.**
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### 13.10 LAND ACQUISITIONS - LORNE ROAD COMBOYNE

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*BLOCK RESOLVED: Sheppard/Lipovac*

**That Council:**

1. Pay compensation in the amount of \$45,435.00 plus GST to the owner of Lot 1 Deposited Plan 866401 and Lot 102 Deposited Plan 1150364, Philip Borham, for the acquisition of 4 parts of Lot 1 Deposited Plan 866101 and 5 parts of Lot 102 Deposited Plan 1150364, more particularly described as Lots 1, 2, 3, 4, 6, 7, 8, 9, and 10 in the plan of acquisition Deposited Plan 1305509.
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay Mr Borham's property conveyancing costs.
3. Pursuant to Section 10 of the Roads Act 1993, dedicate Lots 1, 2, 3, 4, 6, 7, 8, 9, and 10 Deposited Plan 1305509 as public road.
4. Pay compensation in the amount of \$55,963.00 plus GST to the owners of Lot 1 Deposited Plan 701091, Michael and Jennifer Hurrell, for the acquisition of parts of Lot 1 Deposited Plan 701091, more particularly described as Lots 13, 14, 15, 16 and 17 in the plan of acquisition Deposited Plan 1305509.
5. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay Mr and Mrs Hurrell's property conveyancing costs.
6. Pursuant to Section 10 of the Roads Act 1993, dedicate Lots 13, 14, 15 16 and 17 Deposited Plan 1305509 as public road.

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

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### 10.04 STATUS OF COUNCIL POLICIES

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*RESOLVED: Edwards/Sheppard*

**That Council note the information provided in the Status of Council Policies report.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**10.05 POLICY REVIEW - DRAFT POLICY FRAMEWORK - FOLLOWING  
PUBLIC EXHIBITION**

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**MOTION**

*MOVED: Edwards/Lipovac*

*That Council adopt the draft Policy Framework.*

**AMENDMENT**

*MOVED: Edwards/Sheppard*

That Council:

1. Defer consideration of the Draft Policy Framework until the October 2024 Ordinary Council meeting.
2. Request the Chief Executive Officer provide the Draft Policy Framework Procedure in conjunction with the Draft Policy Framework to the October 2024 Ordinary Council meeting for the consideration of Council

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

**THE AMENDMENT ON BEING PUT WAS LOST**

**AMENDMENT**

*MOVED: Sheppard/Edwards*

That Council defer consideration of the Draft Policy Framework until the October 2024 Ordinary Council meeting.

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

**THE AMENDMENT ON BEING PUT WAS CARRIED.**

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

*RESOLVED: Sheppard/Edwards*

That Council defer consideration of the Draft Policy Framework until the October 2024 Ordinary Council meeting.

*CARRIED: 8/0*

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

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#### **10.06 MID NORTH COAST JOINT ORGANISATION END OF TERM REPORT**

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*RESOLVED: Edwards/Pinson*

**That Council noted the information contained in the Mid North Coast Joint Organisation End of Term report.**

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

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#### **10.07 DISCLOSURE OF INTEREST RETURN - DESIGNATED PERSONS**

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*RESOLVED: Pinson/Roberts*

**That Council note the Disclosure of Interest return for the following position:**

**1. Enterprise Applications Manager**

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

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

Item 10.08 Legal Fees, has been addressed previously within the meeting.

Item 10.09 Report of the Audit, Risk and Improvement Committee Meeting Held 1 August 2024, has been addressed previously within the meeting.

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#### **10.10 AUDIT, RISK AND IMPROVEMENT COMMITTEE - ANNUAL REPORT 2023-2024**

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*RESOLVED: Sheppard/Roberts*

**That Council:**

- 1. Note the Audit, Risk and Improvement Committee Annual Chairperson's Report for the period 2023-2024.**
- 2. Request the ARIC Chairperson to provide a comprehensive assessment of all the matters listed in Schedule 1 of the Guidelines for Risk Management and Internal Audit for Local Government in NSW to the**

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**governing body and Chief Executive Officer no later than 31 October 2024.**

- 3. Request the Chief Executive Officer engage a suitably qualified external assessor to conduct a review of the effectiveness of the Audit Risk and Improvement Committee, as required by the Guidelines for Risk Management and Internal Audit for Local Government in NSW for a report to be presented to Council in December 2024.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 10.11 Grant Applications Biannual Report, has been addressed previously within the meeting.

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## **10.12 2024-2025 LONG-TERM FINANCIAL PLAN**

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### **MOTION**

*MOVED: Sheppard/Lipovac*

That Council:

1. Note the Office of Local Government has directed that the 2024-2025 Long-Term Financial Plan be provided to the August 2024 Ordinary Council Meeting for noting and then placed on the Council's website.
2. Note the 2024-2025 Long-Term Financial Plan which is based on the 2024-2025 budget adopted by Council and Council's 10-year Works Program.
3. Note that the Audit Risk and Improvement Committee:
  - (a) Noted the 2024-2025 Long-Term Financial Plan (2024-2025 LTFP) which will be provided to the Ordinary Council Meeting for noting on 15 August 2024.
  - (b) Expressed concern at the deteriorating position over the long term.
  - (c) Encourages Council to consider each of the proposed actions to address the issue and leverage other opportunities.
4. Note that the 2024-2025 LTFP projects key financial issues including:
  - (a) Substantial cash shortfalls in the Sewer, Water, and General funds in the next term of Council.
  - (b) Substantial operating losses in the Sewer, Water and General funds in the next term and remainder of the decade.
  - (c) Shortfall on meeting several financial performance measures prescribed by the Office of Local Government (OLG) through the Integrated Planning and Reporting Framework.
5. Note the actions required to address key financial issues identified in the 2024-2025 Long-Term Financial Plan, including but not limited to:
  - (a) Prepare a proposal to 'catch up' all foregone rating revenue in 2025-2026 to address worsening General Fund operating losses.
  - (b) Until further notice, no dividend will be proposed to be paid from the Water or Sewer Funds to the General Fund under section 409(5) of the Local Government Act.



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- (c) Urgent review and prioritisation of Sewer and Water projects in the Works Program to determine what can be delivered with the cash projected to be available in the 2024-2025 LTFFP.
  - (d) Investigation of revenue and loan options for any proposed Sewer and Water projects in the Works Program that cannot be delivered within the cash projected to be available in the 2024-2025 LTFFP.

#### **AMENDMENT**

*MOVED: Roberts/Pinson*

That Council:

1. Note the Office of Local Government has directed that the 2024-2025 Long-Term Financial Plan be provided to the August 2024 Ordinary Council Meeting for noting and then placed on the Council's website.
2. Note the 2024-2025 Long-Term Financial Plan which is based on the 2024-2025 budget adopted by Council and Council's 10-year Works Program.
3. Agree the 2024-2025 Long-Term Financial Plan be placed on the Council website as directed by the Office of Local Government.
4. Note the actions to address key financial issues identified in the 2024-2025 Long-Term Financial Plan are staff suggestions and are not a decision of Council.

*CARRIED: 5/3*

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

*AGAINST: Edwards, Lipovac and Sheppard*

**THE AMENDMENT ON BEING PUT WAS CARRIED**

**THE AMENDMENT THEN BECAME THE MOTION**

#### **AMENDMENT**

*MOVED: Intemann/Sheppard*

That Council:

1. Note the Office of Local Government has directed that the 2024-2025 Long-Term Financial Plan be provided to the August 2024 Ordinary Council Meeting for noting and then placed on the Council's website.
2. Note the 2024-2025 Long-Term Financial Plan which is based on the 2024-2025 budget adopted by Council and Council's 10-year Works Program.
3. Agree the 2024-2025 Long-Term Financial Plan be placed on the Council website as directed by the Office of Local Government.
4. Note the actions to address key financial issues identified in the 2024-2025 Long-Term Financial Plan are staff suggestions and are not a decision of Council.
5. Note that the Audit Risk and Improvement Committee:
  - (a) Noted the 2024-2025 Long-Term Financial Plan (2024-2025 LTFFP) which will be provided to the Ordinary Council Meeting for noting on 15 August 2024.
  - (b) Expressed concern at the deteriorating position over the long term.

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- (c) Encourages Council to consider each of the proposed actions to address the issue and leverage other opportunities.

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

**THE AMENDMENT ON BEING PUT WAS LOST**

**THE MOTION ON BEING PUT WAS CARRIED**

*RESOLVED: Roberts/Pinson*

**That Council:**

- 1. Note the Office of Local Government has directed that the 2024-2025 Long-Term Financial Plan be provided to the August 2024 Ordinary Council Meeting for noting and then placed on the Council's website.**
- 2. Note the 2024-2025 Long-Term Financial Plan which is based on the 2024-2025 budget adopted by Council and Council's 10-year Works Program.**
- 3. Agree the 2024-2025 Long-Term Financial Plan be placed on the Council website as directed by the Office of Local Government.**
- 4. Note the actions to address key financial issues identified in the 2024-2025 Long-Term Financial Plan are staff suggestions and are not a decision of Council.**

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

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**10.13 2023-2024 OPERATIONAL PLAN FULL YEAR STATUS REPORT AS AT 30 JUNE 2024**

*RESOLVED: Edwards/Pinson*

**That Council note the 2023-2024 Operational Plan Full Year Status Report as at 30 June 2024.**

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

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**10.14 2022-2026 DELIVERY PROGRAM (YEAR 2) - SIX MONTH PROGRESS  
REPORT AS AT 30 JUNE 2024**

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*RESOLVED: Pinson/Edwards*

**That Council note the progress against the 2022-2026 Delivery Program  
(Year 2) for the period 1 January 2024 to 30 June 2024.**

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

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**10.15 2023-2024 CARRY-OVER PROJECTS**

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*RESOLVED: Pinson/Roberts*

**That Council:**

- 1. Adopt the 2023-2024 carry-over projects outlined in this report for inclusion in the 2024-2025 budget.**
- 2. Amend the 2024-2025 one-year Operational Plan to include all projects approved to be carried over as individual action items.**

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

Item 10.16 Investments and Loans - July 2024, has been addressed previously within the meeting.

Item 10.17 Monthly Budget Review - July 2024, has been addressed previously within the meeting.

Item 10.18 Payment of Glasshouse Loan from the Section 7.11 Reserve, has been addressed previously within the meeting.

Item 10.19 Glasshouse Biannual Report and Update on Glasshouse Plan 2020-2022 Actions, has been addressed previously within the meeting.

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## 10.20 DRAFT PROCUREMENT STRATEGY

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### MOTION

*MOVED: Roberts/Maltman*

That Council:

1. Remove Page 9 of the Draft Procurement Strategy.
2. Publicly exhibit the Draft Procurement Strategy for a period of not less than 45 days.
3. Note that a further report will be tabled at the November 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.

### AMENDMENT

*MOVED: Sheppard/Edwards*

That Council:

1. Publicly exhibit the draft Procurement Strategy for a period of not less than 45 days.
2. Note that a further report will be tabled at the November 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.
3. Invite feedback on Council's approach to "Sustainability in Procurement", during the public exhibition period.

*EQUAL: 4/4*

*FOR: Edwards, Intemann, Lipovac and Sheppard*

*AGAINST: Maltman, Pinson, Roberts and Slade*

*LOST*

### THE AMENDMENT ON BEING PUT WAS LOST

### AMENDMENT

*MOVED: Sheppard/Edwards*

That Council:

1. Publicly exhibit the draft Procurement Strategy for a period of not less than 45 days.
2. Note that a further report will be tabled at the November 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.

*EQUAL: 4/4*

*FOR: Edwards, Intemann, Lipovac and Sheppard*

*AGAINST: Maltman, Pinson, Roberts and Slade*

*LOST*

---

**THE AMENDMENT ON BEING PUT WAS LOST**

**THE MOTION ON BEING PUT WAS CARRIED**

*RESOLVED: Roberts/Maltman*

**That Council:**

- 1. Remove Page 9 of the Draft Procurement Strategy.**
- 2. Publicly exhibit the Draft Procurement Strategy for a period of not less than 45 days.**
- 3. Note that a further report will be tabled at the November 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.**

*CARRIED: 6/2*

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

*AGAINST: Edwards and Lipovac*

Item 10.21 Development Activity and Assessment System Performance, has been addressed previously within the meeting.

---

**11.01 NOTICE OF MOTION - HOMELESSNESS AND DISADVANTAGED PERSONS**

*RESOLVED: Edwards/Lipovac*

**That Council:**

- 1. Note that staff have confirmed that one of the buildings at Lot 23 DP 1129456 143 Gordon Street, formally referred to as “The Hub” is owned by Port Macquarie-Hastings Council and is currently vacant.**
- 2. Note that staff have confirmed that the other building; a dwelling located at 143 Gordon Street, is currently occupied/leased as a dwelling.**
- 3. Note that staff have confirmed that the subject land is zoned E1 Local Centre in accordance with the Port Macquarie-Hastings Council Local Environmental Plan.**
- 4. Note that staff have confirmed that the Objectives of the E1 zoning are as follows:**
  - To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.**
  - To encourage investment in local commercial development that generates employment opportunities and economic growth.**
  - To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.**
  - To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.**
  - To provide a focal point for the neighbourhood community.**

- 
5. **Note that staff have confirmed that in accordance with the Port Macquarie-Hastings LEP, the uses permitted with development consent in the E1 zone include:**  
Amusement centres; Artisan food and drink industries; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4 (of the LEP Clause)
6. **Request the Chief Executive Officer provide a report to the November 2024 Ordinary Council meeting that details the following:**
- **The proposed future use of the currently vacant building 143 Gordon Street**
  - **The options for use of 143 Gordon Street that could support the work of the Homelessness Interagency Services**
  - **The process and costs involved in establishing a use of the building that could support the work of the Homelessness Interagency Services.**
7. **Request the Chief Executive Officer to pause all activities in respect of leasing of 143 Gordon Street until Council has had time to consider the report at the November 2024 Ordinary Council meeting.**

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

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#### **11.02 QUESTION WITH NOTICE - ASSET MANAGEMENT**

*RESOLVED: Edwards/Sheppard*

**That Council's Chief Executive Officer please advise to the 15 August 2024 Ordinary Council meeting to what extent is the attached example of an Asset Management Plan from the Queanbeyan-Palerang NSW Council consistent with or deviating from the definition, content type and function to the draft Asset Management Plans that Port Macquarie-Hastings Council is currently working to produce for all 12 of its Asset Classes.**

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

A verbal response to the question was provided to the Council by the Director Business and Performance.

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Councillor Maltman left the meeting, the time being 12:15pm.

Councillor Maltman returned to the meeting, the time being 12:18pm.

---

### **11.03 QUESTION WITH NOTICE - KOALA STRATEGY MAPPING**

---

*RESOLVED: Edwards/Sheppard*

**That Council's Chief Executive Officer please advise to the 15 August 2024 Ordinary Council what progress to date has been made on the Koala Mapping project that is set to be undertaken with the NSW Koala Strategy funding of \$300,000, including any reasons for lack of any progress and the currently expected time of completion.**

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

A verbal response to the question was provided to the Council by the Director Community, Planning and Environment.

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### **11.04 CENTRAL BUSINESS DISTRICT (CBD) MAINTENANCE**

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*RESOLVED: Sheppard/Roberts*

**That Council:**

- 1. Note the information in this report with respect to changes to maintenance services within the Port Macquarie Central Business District (CBD) following the removal of the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD Business Rate.**
- 2. Note that existing maintenance services within the Wauchope and Laurieton CBD areas shall continue at levels previously undertaken.**

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



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#### 11.05 COMMUNITY GRANTS PROGRAM 2024-2025

---

*RESOLVED: Sheppard/Pinson*

**That Council:**

- 1. Adopt the proposed funding criteria for the 2024-2025 Community Grants Program.**
- 2. Receive a report to the July 2025 Council meeting on the outcomes of the 2024-2025 Community Grants program.**

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

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#### 11.06 COMMUNITY INCLUSION PLAN - REPORT CARD 2023-2024

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*RESOLVED: Edwards/Sheppard*

**That Council note the Community Inclusion Plan Report Card for 2023-2024.**

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

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#### 11.07 CULTURAL PLAN - REPORT CARD 2023-2024

---

*RESOLVED: Edwards/Lipovac*

**That Council note the Cultural Plan Report Card for 2023-2024.**

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



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## 11.08 RECREATION AND OPEN SPACE ACTION PLAN - POST EXHIBITION

---

*RESOLVED: Edwards/Lipovac*

**That Council:**

- 1. Adopt the Recreation and Open Space Action Plan 2024 - 2029.**
- 2. Note the information contained within the Recreation and Open Space Action Plan Community Engagement Report - July 2024.**
- 3. Thank submitters and advise them of the outcome of Council's determination.**

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

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## 11.09 LANK BAIN NAMING REQUEST - POST PUBLIC EXHIBITION

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*RESOLVED: Pinson/Slade*

**That Council:**

- 1. Adopt the naming of the stand at Lank Bain "The Athol Lank Bain Stand"**
- 2. Provide signage on the stand to reflect the adopted name.**
- 3. Advise the proponent and all submitters of Council's determination.**

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

Item 11.10 Management of Public Spaces Policy - Post Public Exhibition, has been addressed previously within the meeting.

Item 11.11 Recommended Items from the July 2024 Meeting of the Port Macquarie-Hastings Sporting Fund, has been addressed previously within the meeting.

Item 13.01 Policy Review - Stormwater Management Policy, has been addressed previously within the meeting.

Item 13.02 Policy Review - Roads Policy Suite, has been addressed previously within the meeting.

Item 13.03 Policy Review - Unsealed Roads Policy - Post Public Exhibition, has been addressed previously within the meeting.

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### 13.04 STORMWATER STRATEGIC ACTION PLAN

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*RESOLVED: Sheppard/Edwards*

**That Council:**

- 1. Note the report provided on the development of the Stormwater Strategic Action Plan.**
- 2. Note the final Stormwater Strategic Action Plan.**
- 3. Endorse the next steps to prepare a detailed action plan and community facing overview of the Plan as outlined in the report.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 13.05 Classification of Council Land - Lot 50 Waapangal Place Thrumster, has been addressed previously within the meeting.

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### 13.06 SETTLEMENT POINT AND HIBBARD FERRY OPERATIONS

---

*RESOLVED: Edwards/Lipovac*

**That Council:**

- 1. Note the response dated 18 July 2024 from The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads, regarding Council's request for the NSW Government to take over the operation of Hastings River vehicular ferry services or provide funding support.**
- 2. Note that this continued position of the NSW Government results in Port Macquarie-Hastings Council continuing to fund vehicular ferry services across the Hastings River.**
- 3. Note the correspondence provided by the Chief Executive Officer dated 31 July 2024, which requests the NSW Government make a contribution of \$500,000 - \$800,000 annually towards the cost of providing the vehicular ferry services across the Hastings River.**
- 4. Note that a media release has been issued to inform the community of Council's advocacy with the NSW Government and of Council's request for a financial contribution.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### 13.07 INTEGRATED TRANSPORT PLAN - POST PUBLIC EXHIBITION

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*RESOLVED: Intemann/Edwards*

**That Council:**

- 1. Adopt the draft Integrated Transport Plan 2024.**
- 2. Note the information is the Integrated Transport Plan Community Engagement Report 2024.**
- 3. Note the responses to feedback categories and associated updates made to the draft Integrated Transport Plan 2024.**
- 4. Thank the submitters and advise them of the outcome of Council's consideration.**
- 5. Note that the 2024-2025 Operational Plan includes action to progress the design, environmental approvals, and land acquisition requirements for the Lake Road duplication and the highest priority on the local road network is intended to be given to the construction of this project.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### 13.08 HOUSING FOR OUR FUTURE - LOCAL HOUSING STRATEGY POST EXHIBITION REPORT

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#### **MOTION**

*MOVED: Intemann/Sheppard*

**That Council**

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

#### **AMENDMENT**

*MOVED: Edwards/Lipovac*

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That Council:

1. Defer consideration of this item pending the outcome of the Councillor Briefing.
2. Request the Chief Executive Officer to facilitate a Councillor Briefing on the draft Housing For Our Future - Local Housing Strategy with Councillors in November 2024.

*EQUAL: 4/4*

*FOR: Edwards, Intemann, Lipovac and Sheppard*

*AGAINST: Maltman, Pinson, Roberts and Slade*

*LOST*

**THE AMENDMENT ON BEING PUT WAS LOST**

**THE MOTION ON BEING PUT WAS CARRIED**

*RESOLVED: Intemann/Sheppard*

**That Council**

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 13.09 Land Acquisition - Maria River Road Limeburners Creek, has been addressed previously within the meeting.

Item 13.10 Land Acquisitions - Lorne Road Comboyne, has been addressed previously within the meeting.

Councillor Slade left the meeting, the time being 1:06pm.

Councillor Slade returned to the meeting, the time being 1:07pm.

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### 13.11 NSW NATIONAL PARKS AND WILDLIFE SERVICES LAND REVOCATION

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*RESOLVED: Intemann/Pinson*

**That Council:**

1. **Progress the land transfer process with National Parks and Wildlife Service (NPWS) for areas of recently revoked National Park land at Lake Innes Nature Reserve and Sea Acres National Park for the following locations/projects:**
  - a) **Lake Road, Port Macquarie - revocation between Ocean Drive and Chestnut Road.**
  - b) **Lighthouse Road, Port Macquarie - revocation between Pacific Drive and Matthew Flinders Drive.**
  - c) **Ocean Drive, Lake Cathie - revocation on western and northern boundaries of the Lake Cathie sports fields.**
  - d) **Ocean Drive, Lake Cathie to Port Macquarie - revocation between Lake Cathie sports fields and Pozieres Estate 821 Ocean Drive Port Macquarie.**
2. **Endorse the proposed transfer of the revoked NPWS lands to Council.**
3. **Endorse the proposed offer of Council owned land, Lot 71 DP 246597 and Lot 72 DP 246597, Lake Innes Drive Lake Innes, to NPWS as compensation for the transfer to Council of the revoked lands.**
4. **Note that a further report will be presented to Council detailing the outcome of the compensation process discussions with NPWS and seeking a Council resolution to proceed with the transfers.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### 13.12 KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT PLAN UPDATE

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*RESOLVED: Pinson/Roberts*

**That Council:**

1. **Note the Kooloonbung Creek Flying Fox Camp Management Plan update report for the implementation of the actions from the Kooloonbung Creek Flying Fox Camp Management Plan (Attachment 1)**
2. **Note for information only, the Appropriate Land Use Planning Framework Report prepared for the Kooloonbung Creek Flying Fox Camp Management Plan (Attachment 2).**

*CARRIED: 8/0*

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

*AGAINST: Nil*

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

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Councillor Maltman declared a Non-Pecuniary - Less than Significant interest in this item. The reason being is that she 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/Lipovac*

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

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

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### **10.02 NOTICE OF MOTION - ACKNOWLEDGEMENT OF MAYOR PETA PINSON**

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*RESOLVED: Roberts/Maltman*

**That Council acknowledge Mayor Peta Pinson's valuable contribution to the Port Macquarie-Hastings Council and Port Macquarie Hastings community between 2017-2024.**

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

Councillor Sheppard left the meeting, the time being 1.36pm

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### **CONFIDENTIAL SESSION**

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*RESOLVED: Lipovac/Roberts*

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

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

Item 14.01 2024.111 WaterOutlook Subscription

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

Item 14.02 Chief Executive Officer's Performance Review

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

Item 14.03 2023-082 Supply and Installation of Pumps and Pipework for the Cowarra Dam Pump Station Upgrade

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

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

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

*RESOLVED: Pinson/Roberts*

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

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

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## **ADJOURN MEETING**

*RESOLVED: Pinson/Roberts*

The Ordinary Council Meeting adjourned at 1.37pm

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



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## RESUME MEETING

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The Ordinary Council Meeting resumed at 1.45pm

Councillor Sheppard returned to the meeting, the time being 1.45pm

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## SUSPENSION OF STANDING ORDERS

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*RESOLVED: Roberts/Edwards*

**That Standing Orders be suspended to allow Item 14.03 to be brought forward and considered following Item 14.01.**

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

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## 14.01 2024.111 WATEROUTLOOK SUBSCRIPTION

---

*RESOLVED: Roberts/Pinson*

**That Council:**

- 1. Under the extenuating circumstances provision of section 55(3)(i) of the Local Government Act 1993, not invite tenders for the subscription of WaterOutlook cloud-based system through SAFEgroup Automation Pty Ltd due to the unavailability of competitive tenders.**
- 2. Renew the current agreement with SAFEgroup Automation Pty Ltd for subscription and support for the WaterOutlook cloud-based system for one year, at an approximate annual cost of \$66,800 (excluding GST), commencing 1 July 2024 with the option for one further annual renewal at Council's discretion.**
- 3. Maintain the confidentiality of the consideration in respect of the 2024.111 WaterOutlook Subscription procurement matter outlined in this report.**

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



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#### 14.03 2023-082 SUPPLY AND INSTALLATION OF PUMPS AND PIPEWORK FOR THE COWARRA DAM PUMP STATION UPGRADE

---

RESOLVED: *Slade/Roberts*

That Council:

1. In accordance with section 178(1) of the Local Government (General) Regulation 2021, decline to accept any tenders submitted for 2023.082 - Supply and Installation of Pumps and Pipework for the Cowarra Dam Pump Station Upgrade, and enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into contracts in relation to the subject matter of the contract.
2. Pursuant to section 178(4)(a) and (b) of the Local Government (General) Regulation 2021, decline to invite fresh tenders since the evaluation panel considers that the market has not significantly changed and inviting fresh tenders likely will not achieve a satisfactory result.
3. Note that the Chief Executive Officer, under existing delegation to the General Manager, may accept a tender for 2023.082 - Supply and Installation of Pumps and Pipework for the Cowarra Dam Pump Station Upgrade following successful negotiations, and present a further report to a future meeting of Council after contract award for Council's information.
4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender 2023.082 - Supply and Installation of Pumps and Pipework for the Cowarra Dam Pump Station Upgrade.

CARRIED: 8/0

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

AGAINST: Nil

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#### 14.02 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW

---

RESOLVED: *Pinson/Roberts*

That Council:

1. Note the Confidential Chief Executive Officer's Performance Review Panel's Report prepared by the Facilitator SINC Solutions Pty Ltd, for the period 1 July 2023 to 30 June 2024 as attached as Attachment 1.
2. Note the Chief Executive Officer's performance for the review period as determined by the Performance Review Panel, was that the Chief Executive Officer showed 'significant strength' in four (4) of the five (5) Key Performance Indicator Strategies and an 'area of strength' in the final Strategy with the Chief Executive Officer's overall rated weighting against the criteria was determined as 'significant strength'.
3. Note that no changes be made to the Contract or the Total Remuneration Package of the Chief Executive Officer.

- 
4. Undertake a benchmarking assessment of the Chief Executive Officer's total remuneration package (TRP) in time for the 2024-2025 Performance Review Period Review, to ensure the TRP is in line with market expectations, and the results of this assessment be provided to the 2024-2025 Performance Review Panel for their review and consideration.
  5. Note the Performance Agreement for 1 July 2024 to 30 June 2025 as attached as Attachment 3.
  6. Thank Ms Mel Jacobs for her service as an Independent Observer during the Chief Executive Officer's Performance Review process for 2023-2024.
  7. Delegate to the Mayor the authority to finalise and sign all documentation as required.

CARRIED: 5/3

FOR: Lipovac, Maltman, Pinson, Roberts and Slade

AGAINST: Edwards, Intemann and Sheppard

RESOLVED: Slade/Roberts

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

CARRIED: 8/0

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

AGAINST: Nil

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

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The meeting closed at 2.16pm

.....  
Peta Pinson  
Mayor

**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:
- your interest, or
  - the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - 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:
- Your "relative" is any of the following:
    - your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - the spouse or de facto partner of a person referred to in paragraphs (i) and (i)
  - "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)
- if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - 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
  - 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 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
  - 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.
  - 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.
  - 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
  - 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
  - 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:
- 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
  - if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

**SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION**

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

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

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

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

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

Last Updated: 3 June 2019

**Important Information**

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

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

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

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

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

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

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

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

**Item: 08**

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

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

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

# 1 Leadership and Governance

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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



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**Item: 10.01**

**Subject: CREATION OF OFFICE OF DEPUTY MAYOR**

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

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### **Alignment with Delivery Program**

1.3.1 Provide effective leadership and equity.

### **RECOMMENDATION**

#### **That Council:**

- 1. Determine if the Office of Deputy Mayor is to be created.**
- 2. Determine the term of the Office of Deputy Mayor to be the Mayoral term or a shorter term.**
- 3. Elect the Deputy Mayor by way of ordinary ballot, open voting or preferential ballot, if more than one nomination for Deputy Mayor is received.**

### **Executive Summary**

Council can determine to create the Office of Deputy Mayor, under Section 231 of the *Local Government Act 1993*, for a period coinciding with the Mayoral term or a shorter period.

On the assumption that Councillors will wish to elect a Deputy Mayor, a nomination paper for Office of Deputy Mayor has been prepared and is provided with this report.

### **Discussion**

Council can determine to create the Office of Deputy Mayor for a period coinciding with the Mayoral term or a shorter period.

Section 231 of the *Local Government Act 1993* ("the Act"), provides the following:

- 231 (1) *The Councillors may elect a person from among their number to be the Deputy Mayor.*
- (2) *The person may be elected for the Mayoral term or a shorter term.*
- (3) *The Deputy Mayor may exercise any functions of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.*
- (4) *The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this Section, or if no Deputy Mayor has been elected.*

On the assumption that Councillors will wish to elect a Deputy Mayor, a nomination paper for Office of Deputy Mayor has been prepared and is provided as Attachment 1 to this report.

Nomination papers may be delivered or sent to the Chief Executive Officer either prior to or at the Council Meeting. Additionally, Council will also be required to determine the term of the Office of Deputy Mayor.

Should there be only one (1) Councillor nominated for the Office of Deputy Mayor, in accordance with Schedule 7 Section 3(1) of the Local Government (General) Regulation 2021 that Councillor is elected as Deputy Mayor and no vote is required.

Should there be more than one (1) Councillor nominated for the Office of Deputy Mayor, Council is to determine whether the election is to be by preferential ballot, by ordinary ballot or by open voting.

### Election Methods

#### *Ordinary Ballot*

This method utilises ballot-papers. The Returning Officer decides the manner in which votes are to be marked on the ballot-papers.

If there are only two candidates, the candidate with the higher number of votes is elected. If there are only two candidates and they are tied, the one elected is to be chosen by lot.

If there are three or more candidates, a vote is taken, the candidate with the lowest number of votes is excluded. If three or more candidates still remain further votes are taken with the candidate receiving the lowest number of votes being excluded until two candidates remain.

A further vote is taken of the two remaining candidates, the candidate with the higher number of votes is elected. If there are only two candidates and they are tied, the one elected is to be chosen by lot.

If at any stage during a count two or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

#### *Open Voting*

This method utilises a show of hands. The election procedure is the same as for the ordinary ballot method.

#### *Preferential Ballot*

This method utilises ballot-papers. Councillors are to mark their votes by placing the numbers "1", "2" and so on against the candidate names so as to indicate the order of their preference for all the candidates.

If a candidate has an absolute majority of first preference votes, that candidate is elected.

If an absolute majority is not achieved, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes, whom is then elected.

If, on any count of votes, there are two candidates in, or remaining in, the election and the numbers of votes cast for the two candidates are equal, the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

If, on any count of votes, there are three or more candidates in, or remaining in, the election and the numbers of votes cast for two or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes, the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

#### *Definitions*

**Absolute majority:** In relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

**Ballot:** In the context of this type of election has the meaning of a secret ballot.

**Chosen by lot:** If two candidates are tied (having equal numbers of votes) their names are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the candidate names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

#### Timing of Election

The election for Office of Deputy Mayor is to take place at the Council Meeting at which the Council determines the method of voting.

#### **Options**

Council can determine to create, or not create the Office of Deputy Mayor for a term equal to the Mayoral term or a shorter term.

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

##### Community Engagement

There has been no external community engagement required for the subject of this report.

Internal Consultation

- Chief Executive Officer.
- Group Manager Governance.


**Planning and Policy Implications**

There are no planning or policy implications as a result of this report.

**Financial and Economic Implications**

There are no financial or economic implications as a result of this report.

**Attachments**

1.  Deputy Mayor Nomination Paper

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**Item: 10.02**

**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 1 AUGUST  
TO 2 OCTOBER 2024**

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

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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 that there were no allocations made from the Mayoral Discretionary Fund for the period 1 August to 2 October 2024 inclusive.**

**Executive Summary**

To advise of any allocations made from the Mayoral Discretionary Fund for the period 1 August to 2 October 2024 inclusive.

**Discussion**

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

**Options**

This report is for noting only.

**Community Engagement & Internal Consultation**

There has been no community engagement or internal consultation regarding this report.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

There are no economic implications in relation to this report.

**Attachments**

Nil

Item: 10.03

Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Presented by: Business and Performance, Keith Hentschke

**Alignment with Delivery Program**

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

**RECOMMENDATION**

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

**Discussion**

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	



<b>OCTOBER 2024 REPORTS Continued</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>
Election of Deputy Mayor	Na	Na	GMG		Oct-24	
Audit, Risk and Improvement Committee - Annual Report 2023-2024	15/08/2024 Item 10.10	Request the ARIC Chairperson provide a comprehensive assessment of matters listed in Schedule 1 Guidelines for Risk Management and Internal Audit for Local Government in NSW to the Governing Body and Chief Executive Officer by 31 October 2024.	DBP	31-Oct-24		
Attendees at Local Government Conference	Na	Determine attendees at the annual Local Government conference	GMG		Oct-24	
<b>NOVEMBER 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>
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. (PPA negotiations are delayed)	DCPE		Jun-24 Oct-24	Nov-24
Homelessness and Disadvantaged Persons	15/08/2024 Item 11.01	Request the Chief Executive Officer provide a report to the November 2024 Ordinary Council meeting	DCPE	Nov-24		
Draft Procurement Strategy	15/08/2024 Item 10.20	Note a further report tabled at the November 2024 Ordinary Council meeting detailing	DBP	Nov-24		



		submissions during the exhibition period.				
<b>NOVEMBER 2024 REPORTS Continued</b>						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Draft Development Servicing Plan (DSP), 2024 Public Exhibition	18/07/2024 Item 13.05	A future report to be tabled at the completion of public exhibition	DCU	Nov-24		
<b>DECEMBER 2024 REPORTS</b>						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Council owned lots at North Shore: Progress of Sale	19/09/2018 Item 09.24 14/12/2023 Item 13.09	Due diligence ongoing. Options for sale of land will be prepared for Council consideration as part of the broader property review due in May.	DBP		Nov-23 Mar-24 May-24 Jul-24 Nov-24	Dec-24
Review: Audit, Risk and Improvement Committee	15/08/2024 Item 10.10	Request the Chief Executive Officer engage a suitably qualified external assessor to conduct a review of the effectiveness of the Audit Risk and Improvement Committee	DBP	Dec-24		
Stormwater Management Policy	15/08/2024 Item 13.01	A future report be tabled at the completion of public exhibition.	DCPE	Dec-24		
Roads Policy Suite	15/08/2024 Item 13.02	A future report be tabled at the completion of public exhibition.	DCI	Dec-24		



FEBRUARY 2025 REPORTS						
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Draft Budget Development Policy	20/06/2024 Item 10.04	Draft Budget Development Policy to be presented to Council before March 2025	DBP	Prior to March 2025		
Draft MR538 and MR600 Corridor Strategy	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-25
Request Council to continue acceptance of Kempsey Shire Council Waste at Cairncross Landfill	20/06/2024 Item 13.10	A future report be tabled at the completion of the arrangement	DCU		Oct-24	Arrangement Extended
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.				Amended to Feb 2025 as there is quite a process to be done for completion of the planning proposal ahead of being able to report back to Council.
JULY 2025 REPORTS						
Community Grants Program 2024-2025	15/08/2024 Item 11.05	Receive a report to the July 2025 Council Meeting on outcomes of the 2024-2025 Grants Program	DCPE	Jul-25		
Port Macquarie Airport - Pilot Training and Aircraft Noise - Fly Neighbourly Agreement Trial 12 Month Review	18/07/2024 Item 12.01	A future report following the additional 12-month extension	DBP	Jul-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
JULY 2027 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
Councillor Number for 2028 Local Government Election	Na	Na	GMG	Na	Na	Jul-27
FUTURE 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
NSW National Parks and Wildlife Services Land Revocation	18/05/2024 Item 13.11	Note that a further report will be presented to Council detailing the outcome of the compensation process discussions with NPWS and seeking a Council resolution to proceed with the transfers.	DCPE	Future Report		
T-22-04 Water SCADA	18/0/82024 Item 14.01	Further report to be presented after contract awarded	DCU			Future Report
Tacking Point Lighthouse Construction of Accessible Walkway	20/06/2024 Item 14.04	Further report to be presented after contract awarded	DCPE			
Planning and Land Use Discussion Paper	20/06/2024 Item 13.03	A report to Council following Public Exhibition	DCPE	Following September Council Election		

<b>FUTURE REPORTS Continued</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>
Draft Port Macquarie-Hastings Local Infrastructure Contributions Plan 2024	20/06/2024 Item 13.06	A report to Council following Public Exhibition	DCPE			
Places to Play Plan	20/06/2024 Item 11.04	A further sub plans report to Council for consideration 2024-2025	DCPE			
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 Opens Space Action Plan and Sporting Infrastructure Priorities	18/04/2024 Item 13.07	A report to Council following public exhibition	DCPE	Future Report		
Classification of council land - Waapangal Road Thrumster	18/04/2024 Item 13.07	A report to Council following public exhibition	DCPE	Future Report		
Biodiversity and Land Acquisition for offsets update	20/04/2023 Item 14.02	Further report presented for further consideration	DBP	Future Report		Estimated 2024
Environmental Land Rezoning - Council owned land	08/12/2022 Item 13.10	Further report to Council following public exhibition	DCPE	Future Report		
Draft s9.11 Airport Business Park Roads Contribution Plan	20/05/2020 Item 13.05	To be considered as part of wider development contribution framework review and proposed development yet to be assessed.	DCPE	Future Report (Prior to development )	Dec-20 Jun-21 Oct-21 Jun-22 Dec-22	
T-22-10 Inlet Odour Management Works	21/09/2023 Item 14.02	Present a future report to Ordinary Council Meeting after contract awarded for Council's information	DCU			



Sancrox Employment Land Environmental Lands and Services Planning Assessment Report	15/02/2024 Item 13.06	Further report to Council following public exhibition	DCPE			
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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		
Camden Head Lookout Bimonthly report on progress of group, development and preliminary works and progress toward the longer term of works (Item 11.01 18/07/2024)"	DCPE	Bimonthly	Sep, Nov, Feb, April, June and Aug.		

CYCLIC REPORTS	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
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 and Round 2	DCPE	Biannual	Sept Apr		
Chief Executive Officer's Performance Review	CEO	Annually	Aug		
Operational Plan – Quarterly Progress	DBP	Quarterly	May, Nov (other 2 qtrs. reported with DP 6 monthly progress report)		
Mayoral and Councillor Fees (Setting of)	CEO	Annually	May	June	
General Fund Operating Performance	CEO	Biannual	June Dec		
Update on Site Specific Planning Proposal Requests	DCPE	Biannual	Jun, Dec		
Port Macquarie-Hastings Destination Management Plan 2020-2024 (20/05/2020 - Item 12.01)	DCPE	Annually	Jun		
Kooloonbung Creek Flying Fox Camp Management Plan - Annual Update (16/06/2021 - Item 12.03)	DCPE	Annually	Jun		
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		





CYCLIC REPORTS	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Professional Development of Councillors (15/09/2021 - Item 09.07)	CEO	Annually	Oct		New Council Item deferred. This will be completed following the creation of individual development plans following the induction process.
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		
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: 10.04

Subject: NOTICE OF MOTION - NSW STATE AND FEDERAL GOVERNMENT  
MINISTERS - HOUSING AND INFRASTRUCTURE

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

### RECOMMENDATION

That Council request the Chief Executive Officer, at the earliest convenience, to request opportunities for Port Macquarie-Hastings Councillors to meet with the following NSW State and Federal Government Ministers to discuss matters relating to Housing and Infrastructure:

1. The Hon. Rose Jackson MLC, Minister for Water, Housing, Homelessness, Mental Health, Youth and the North Coast.
2. The Hon. Jenny Aitchison MLA, Minister for Regional Transport and Roads.
3. The Hon. Clare O'Neil MP – Minister for Housing and Homelessness.
4. The Hon. Catherine King MP – Minister Infrastructure, Transport, Regional Development and Local Government.

### Comments by Councillor:

Late in the last term of Council, Council adopted the Local Housing Strategy – Living and Place Strategy and an Integrated Transport Plan, so now is the opportune time for Councillors to be meeting with relevant State and Federal Government Ministers to seek support and understanding of the plans and needs of the Port Macquarie-Hastings Community.

### Comments by Chief Executive Officer:

It is noted that should this motion be passed, Council will contact the office of each of these Ministers requesting an opportunity for Councillors to meet with them. It is also noted that there is no obligation on the Ministers to meet with Council and accordingly these meetings may not occur.

### Attachments

Nil

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Item: 10.05

Subject: NOTICE OF MOTION - LIBRARY FACILITIES

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

### RECOMMENDATION

That Council request the Chief Executive Officer to arrange a Councillor briefing prior to the December 2024 Ordinary Council meeting in relation to the following:

1. Any Risk Assessment and mitigation measures undertaken by Council in relation to the protection of children using Council's library facilities, in order to ensure that Council is taking appropriate measures to:
  - prevent minors from accessing books that could harm them.
  - prevent persons who may seek to use books containing sexually-explicit material to groom minors are prevented from doing so.
  - appropriately manage minors who are unaccompanied by a parent/guardian inside libraries.
  - reduce the risk of psychosocial workplace injury for council staff who may be exposed to sexual content which may harm them or public liability injury to patrons who may also be harmed by this material.
  - reduce the risk of psychosocial workplace injury for council staff who may have to manage agitated patrons who have been exposed to sexually-explicit content.
2. Whether Council has applied the NSW Child Safe Standards and, if so, how this is being implemented in Council libraries and alternatively, why Council is not implementing NSW Child Safe Standards.
3. Whether Council libraries meet the definition of 'publish' under the *Classification (Publications, Films and Computer Games) Act 1995* and further, whether Council has any legal obligation, duty of care or other moral obligation to obtain a classification of any 'submittable publications' prior to displaying or distributing such a publication via its library network.
4. Actions taken to prevent or reduce the likelihood of domestic and gender-based violence being fuelled by materials accessible from Council's libraries.
5. The options available to Council to remove books that may be considered inappropriate for young readers from general access areas of the library, including titles such as "Gender Queer" and "Welcome to Sex".

Comments by Councillor:

Nil



**Comments by Chief Executive Officer:**

Should Council resolve in this way, a briefing can be conducted with Councillors prior to the December 2024 Ordinary Council meeting.

**Attachments**

Nil

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**Item: 10.06**

**Subject: OUTCOME OF CONSTITUTIONAL REFERENDUM - REDUCTION IN COUNCILLOR NUMBERS**

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

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### **Alignment with Delivery Program**

1.1.2 Support community involvement in decision making through education around Council matters and services.

### **RECOMMENDATION**

**That Council note the outcome of the Constitutional Referendum conducted at the 2024 Local Government Elections being that the number of Councillors for Port Macquarie-Hastings Council will be reduced to seven (7), comprising the Mayor and six (6) Councillors at the 2028 Local Government Elections.**

### **Executive Summary**

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

This constitutional referendum was conducted at the September 2024 Local Government Elections and was passed by the community. It is noted that this result is binding upon Council.

As a result, the Local Government Election to be held in 2028 will be conducted to fill seven (7) vacancies, one being the position of Mayor and six (6) Councillors.

### **Discussion**

As stated above, at the September 2024 Ordinary Council meeting, Council resolved, in part:

#### **10.03 DETERMINATION OF COUNCILLOR NUMBERS**

3. *In accordance with Section 224(3) engage the Electoral Commissioner to conduct a constitutional referendum at the 2024 Local Government election in September 2024 in regard to a reduction of Councillors from 9 to 7, including the Mayor, following the 2028 Local Government election.*

This constitutional referendum was undertaken at the September 2024 Local Government Election and was passed by the community. It is noted that this result is binding upon Council. The declaration of the result is attached as Attachment 1.

As a result, the Local Government Election to be held in 2028 will be conducted to fill seven (7) vacancies, one being the position of Mayor and six Councillors.

This is provided for information only.

**Options**

The result of the referendum is binding on Council. This report is for noting only.

**Community Engagement and Internal Consultation**

No community engagement has occurred in the preparation 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.

**Attachments**

1.  Declaration of Constitutional Referendum

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Item: 10.07

Subject: COUNTBACK ELECTION

Presented by: Business and Performance, Keith Hentschke

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### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. **Note that with the successful constitutional referendum held at the 2024 Local Government elections that resulted in a reduction of Councillor numbers from 9 to 7, the first 2 vacancies that may occur during this Council term are not to be filled in accordance with the result of the referendum.**
2. **Pursuant to section 291A(1)(b) of the Local Government Act 1993, declare that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 14 September 2024 that are required to be filled, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the Chief Executive Officer to notify the Electoral Commissioner for NSW of Council's decision within 7 days of this decision.**

### Executive Summary

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 (section 291A of the Act).

It is noted that as the community has passed a reduction in Councillor numbers from 9 to 7 at a constitutional referendum held during the 2024 Local Government elections, the first 2 of any vacancies that might occur during this term would not be replaced and a countback election would only apply in situations where more than 2 vacancies would occur during the first 18 months.

### Discussion

Following the 2021 local government elections, councils now have the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the offices of councillors in the first 18 months after the election.

It is noted that as the community has passed a reduction in Councillor numbers from 9 to 7 at a constitutional referendum held during the 2024 Local Government

elections, the first 2 of any vacancies that might occur during this term would not be replaced and a countback election would only apply in situations where more than 2 vacancies would occur during the first 18 months.

Countback elections will allow councils to use a countback to fill vacancies at a lower cost than the cost of holding a by-election.

To exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the election that are required to be filled, councils must resolve, at their first meeting after the election, to use a countback to fill casual vacancies. If councils do not resolve this at the first meeting after the election, they will be required to fill casual vacancies through a by-election.

Where councils resolve to fill required casual vacancies using a countback in the first 18 months of their terms, the Chief Executive Officer is required under the *Local Government (General) Regulation 2021* (the Regulation) to notify the election manager of the council's ordinary election of the council's resolution within 7 days of the resolution.

This option is in accordance with Sec 291A of the Act, which provides:

#### **291A Countback to be held instead of by-election in certain circumstances**

- (1) *This section applies to a casual vacancy in the office of a councillor if--*
  - a. *the casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and*
  - b. *the council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.*
- (2) *This section does not apply to a casual vacancy in the office of a councillor if the councillor who vacated office was elected--*
  - a. *in an election using the optional preferential voting system (including the election of a mayor elected by the electors of an area), or*
  - b. *in an election without a poll being required to be held.*
- (3) *A casual vacancy to which this section applies is to be filled by a countback election conducted in accordance with the regulations.*
- (4) *A countback election to fill a casual vacancy to which this section applies must be conducted-*
  - a. *by the returning officer who conducted the election at which the person whose departure created the casual vacancy was elected, or*
  - b. *if that is not possible, by the substitute returning officer at that election, or*
  - c. *(Repealed)*
- (5) *If a countback election fails or the returning officer is otherwise unable to fill the casual vacancy by a countback election--*
  - a. *the returning officer must notify the general manager of the council concerned, and*
  - b. *a by-election in accordance with this Part must be held to fill the casual vacancy.*



- (6) *This section does not apply to a casual vacancy in the office of a councillor if the vacancy occurs before the day prescribed for the purposes of this section by the regulations.*

As mentioned previously, as a constitutional referendum has been passed to reduce Councillor numbers, Sec 294B of the Act does not permit the vacancy to be filled where a reduction in Councillor numbers has been approved but has not yet taken effect. This is included below:

**294B Casual vacancy not to be filled where councillor numbers reduced— approved by constitutional referendum**

- (1) *Despite section 17(2), a casual vacancy in the office of a councillor (but not a mayor elected by the electors) is not to be filled if a constitutional referendum has approved a reduction in the number of councillors but the reduction has not yet taken effect.*

**Countback election Process**

A countback election is used to elect a councillor to fill a single vacancy, where the vacating councillor was elected under the proportional representation method (i.e. where two or more candidates were elected at a local government ordinary election). If there are multiple vacancies, a separate countback election is held for each vacancy.

The returning officer contacts all unelected candidates from the local government ordinary election who may still qualify to be elected to the office of councillor. Where the candidate is interested, they must submit a formal application to the returning officer. All candidates who submit and do not withdraw their application, become eligible candidates.

The timeline for a countback election is

- The Electoral Commissioner is notified of a casual vacancy, within seven days of it occurring.
- A returning officer is appointed within 14 days of the notification of the vacancy.
- Casual vacancy notices are issued 2 to 14 days from the appointment of the returning officer.
- Where a candidate is interested, they must submit a formal application to the returning officer. The application period closes after 10 days of the notices being issued.
- The countback is conducted within 14 days of the vacancy notices being issued.
- It may take up to a month for the results to be declared.

A countback election must be completed within 49 days, and applications for candidates to participate is open for 10 days.

If there are no eligible candidates, an attendance by-election must be held. If there is only one eligible candidate, that candidate is elected. If there are multiple eligible candidates, a countback election is conducted. In a countback election, the returning officer:

- uses preference data from ballot papers from the previous local government ordinary election
- uses the same proportional representation method used in the original election
- effectively re-runs the election making the vacating councillor ineligible and distributing each of their ballot papers to the next preference on the ballot paper
- if a non-eligible candidate would be elected, the election is re-run with that candidate's ballot papers also distributed to their next preference on the ballot paper
- re-runs the countback until an eligible candidate is elected.

Eligible candidates and the council are then notified of the result. At a countback election, a sitting councillor cannot be unelected, and non-eligible candidates cannot be elected

Countbacks are not available to fill casual vacancies in the office of a councillor where:

- the councillor who vacated office was elected at an election using the optional preferential voting system (i.e. elections where only one civic office is required to be filled such as the election of popularly elected mayors), or
- the councillor was elected at an uncontested election.

A by-election must be used to fill these vacancies.

### **Options**

Council has two options to fill casual vacancies occurring in the office of a councillor within 18 months of the election:

1. Declare that casual vacancies occurring in the office of a councillor within 18 months of the last ordinary election of Council are to be filled by a countback of votes cast at that election; or
2. Make no declaration, which results in the requirement for a by-election to fill any vacancies occurring in the office of a councillor within 18 months of the election.

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

External consultation has been undertaken with:

- The Office of Local Government
- Local Government NSW - Governance Network

### **Planning and Policy Implications**

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

### **Financial and Economic Implications**

If Council resolve to implement the countback option the cost is significantly lower than holding a by-election as it will require very few staff and does not require the

leasing of venues. It is estimated that a countback election would cost between \$6,000 and \$10,000 to conduct for a single vacancy. If Council does not resolve to implement the countback option and there is a casual vacancy in the first 18 months, a by-election will need to be held. Elections costs to Council in the past elections include \$446,731 in the 2016 Local Government elections, \$327,901 for the Mayoral by-election in 2017, and the 2021 Local Government elections cost \$627,904. It is expected that any by-election as a result of not utilising a countback election could cost in the vicinity of \$500,000.

**Attachments**

Nil



**Item: 10.08**

**Subject: FORMATION OF AND COUNCILLOR MEMBERSHIP TO COMMITTEES AND GROUPS**

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

**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:**

- Form the following Committees and Groups and appoint Councillor representation to them included in the respective charters as indicated:**

<b>Committee / Steering Group</b>	<b>Councillor Representation</b>
<b>Audit, Risk and Improvement Committee</b>	<b>One (1) Councillor and one (1) alternative Councillor</b>
<b>Local Traffic Committee</b>	<b>One (1) Councillor</b>
<b>Port Macquarie-Hastings Sporting Fund Sub-Committee</b>	<b>One (1) Councillor</b>
<b>Port Macquarie-Hastings Sports Council</b>	<b>Two (2) Councillors</b>
<b>Development Assessment Panel</b>	<b>No Councillor representation</b>
<b>Hastings Youth Voice</b>	<b>No Councillor representation</b>

- Conduct a workshop with Councillors no later than March 2025 to review Council’s Committee structure to determine its suitability to engage appropriately with the Community.**
- Continue to operate the existing section 355 Committees for the operation and management of respective Council halls and facilities.**

**Executive Summary**

With the recent election of the new Council at the September 2024 Local Government elections, it is now appropriate to renew the existing Committee structure and appoint, where required, Councillor representation on established committees and groups.

It is also recommended that a workshop be conducted no later than March 2025 to allow returning and new Councillors an opportunity to review the adequacy of Council’s Committee structure. This timing is suggested to allow new Councillors time to familiarise themselves with Council and its Committee structure so informed discussion can occur within the workshop.

**Discussion**

Council has a number of established Committees. It is appropriate following the recent September 2024 Local Government election to renew the existing Committees and appoint Councillor representation as required.

It is also noted that Council operates a number of section 355 Committees to assist in the management of various Council halls and facilities. These Committees consist of dedicated members of the public who are given various delegations to operate the facilities on Council's behalf. It is recommended that Council continue to operate these committees at various locations throughout the Local Government Area.

Following is some brief information around each of the Committees and Groups that may require the appointment of one or more Councillors. Please note that amendments to the representations below may require amendments to existing charters for these Committees:

**Audit, Risk and Improvement Committee**

Function:

The objective of Council's Audit, Risk and Improvement Committee is to provide independent assurance to Council by monitoring, reviewing and providing advice about the Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

The formation of the Audit, Risk and Improvement Committee is a statutory requirement of Council in accordance with section 428A of the Local Government Act 1993. The current Committee composition complies with the minimum requirements being an independent chairperson and two independent members. Under the Office of Local Government Guidelines for Risk Management and Internal Audit for Local Government in NSW, Council has previously appointed the one (1) non-voting Councillor representative allowable to this Committee with an alternative Councillor who may attend in the absence of the usual Councillor representative.

**Local Traffic Committee**

Function:

1. To advise Council on traffic control matters that have been referred to Council.
2. To ensure matters referred to the Committee meets current technical guidelines.
3. To ensure matters referred to the Committee for which Council has delegated authority are voted upon.

This is a technical committee and is formed under delegation to Council by Transport for NSW. Council provides the secretariat for this Committee and is allowed one voting member which is the chairperson and has previously been the Mayor. Both Transport for NSW and the NSW Police have one vote each and are the other voting members on this Committee.

**Port Macquarie-Hastings Sporting Fund Sub-Committee**

## Function:

1. To generate funding and financial support for talented local athletes to reach Regional, State or National representative levels.
2. To raise the profile of the Fund to enable talented youth to apply for funds and be assessed and allocated support, as deemed fit, based on the criteria set.

In previous terms, this sub-Committee was named the Mayor's Sporting Fund Sub-Committee with the Mayor being the Councillor representative. The Sub-Committee was renamed the Port Macquarie Sporting Fund Sub-Committee during the last term of Council and the representation was changed to a Councillor.

**Port Macquarie-Hastings Sports Council**

## Function:

1. Assist in the development, review and monitoring of the Recreation Action Plan 2023-2028 which assists Council in the identification for sport and sporting infrastructure.
2. Consider the cumulative effects of Council's decisions on identification of priorities for sport and sporting infrastructure.
3. Provide advice to Council on strategic projects and Council policies related to, or that may impact on the implementation of the Recreation Action Plan 2023-2028.
4. Initiate increased communication between the sporting community and Council to ensure that all existing and future needs and requirements of sport are identified and considered.
5. Work with Council to ensure that sporting and recreation facilities are provided and maintained to an acceptable standard.
6. Raise funds and source grants which will assist in furthering the objectives of the Sports Council.
7. Provide input to the setting and review of fees and charges for sporting fields and recreation facilities.

The Sports Council includes two (2) Councillor members to be determined by Council.

**Development Assessment Panel**

## Function:

1. To assist in managing Council's development assessment function by providing independent, transparent and expert determinations of development applications that fall outside of staff delegations.
2. To review development application reports and conditions. The focus of the Panel's review is to be on those issues raised in submissions received following exhibition of development applications.
3. To determine development applications where there are 3 or more unique submissions or where an application is outside of staff delegations.
4. To refer development applications to Council for determination where necessary.

5. To provide a forum for objectors and applicants to make submissions on applications before the Development Assessment Panel (DAP).
6. To maintain transparency in the determination of development applications.

The Development Assessment Panel has the following delegation from Council:

Pursuant to Section 377 of the Local Government Act, 1993 delegation to:

1. Determine (approve or refuse) development applications under Part 4 of the Environmental Planning and Assessment Act 1979 having regard to the relevant environmental planning instruments, development control plans and Council policies.
2. Vary, modify, or release restrictions as to use and/or covenants created by Section 88B instruments under the Conveyancing Act 1919 in relation to development applications being considered by the panel.
3. Determine Koala Plans of Management under State Environmental Planning Policy (Biodiversity and Conservation) 2021 associated with development applications being considered by the Panel.

Membership of the panel consists of three (3) independent members and Council's Group Manager Development Services. There are no Councillors represented on this panel however Councillors are welcome to attend in an observer capacity.

Decisions are to be made by consensus. Where consensus is not possible on any item, that item is to be referred to Council for a decision.

All development applications involving a proposed variation to a development standard greater than 10% under Clause 4.6 of the Local Environmental Plan will be considered by the Panel and recommendation made to the Council for a decision.

### **Hastings Youth Voice**

Function:

Port Macquarie-Hastings Council is committed to ensuring that the Port Macquarie-Hastings is a community for all and that includes our young people aged 12-25. We want a community that offers everyone a great quality of life and the opportunity to realise their potential as part of a flourishing society.

The Hastings Youth Voice as a working group will work together to develop a youth voice within the community and share that voice with Councillors and Council Staff. It will comprise of young people who are from different schools, colleges, universities and other youth-based organisations from across the Port Macquarie-Hastings area.

The key objectives of the Hastings Youth Voice are to:

- identify key youth issues in the Port Macquarie-Hastings area.

- provide reports to Council on key youth issues at least every 6 months.
- provide input from a youth perspective into PMHC engagement activities.
- promote a positive image of young people and their abilities.
- consult with young people in the community on youth based issues.
- organise and produce youth events/ activities in the region.
- apply for grants and seek sponsorship to generate financial support for youth projects.
- learn how to contribute to civic life through formal meeting and submissions approaches.

There are no Councillor representatives on this group.

**Options**

Council has the option of determining appropriate Councillor representation on the Committees and Groups as detailed in this report and to give consideration to the other recommendations as included in the report.

**Community Engagement & Internal Consultation**

There has been no community engagement in relation to this report. Internal consultation has taken place with the following:

- Chief Executive Officer
- Directors

**Planning & Policy Implications**

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

**Financial & Economic Implications**

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

**Attachments**

Nil



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**Item: 10.09**

**Subject: 2024 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Determine which Councillors will attend the 2024 Local Government NSW Annual Conference to be held at the Tamworth Regional Entertainment and Conference Centre from 17 to 19 November 2024.**
- 2. Determine which Councillors will be Council's voting delegates on motions and the Board elections at the Conference (maximum of four voting delegates).**

### **Executive Summary**

The 2024 Local Government NSW Annual Conference will be held at the Tamworth Regional Entertainment and Conference Centre from 17 to 19 November 2024.

Council is entitled to four (4) voting delegates at the Conference.

### **Discussion**

The Local Government NSW Annual Conference is the main policy making event for the Local Government sector where issues are debated, and motions put forward for consideration by delegates. It also provides the opportunity to hear from State and Federal Government leaders, business representatives, community groups and academics and for delegates to network with peers.

A copy of the draft Conference Program is attached for information and is subject to change.

### Voting Delegate Entitlements

Council is entitled to four (4) voting delegates at the Conference to vote on motions and the Board elections (no Board elections in 2024).

### Reporting Requirements for Conferences

As per Council's Policy, the Mayor and Councillors attending the Local Government NSW Annual Conference are not required to provide a written report following the Conference.

**Options**

Council could determine not to send delegates or choose to send more or less delegates to the Annual Conference, noting that the number of voting delegates is fixed at four (4) should more than four Councillors wish to attend.

Due to limited accommodation options and availability, three motel rooms have been booked in Tamworth.

**Internal Consultation**

- Chief Executive Officer
- Group Manager Governance

**Planning and Policy Implications**

This report satisfies the requirements of Council's Payment of Expenses and Provision of Facilities to Councillors Policy.

**Financial and Economic Implications**

The 2024-2025 operational budget contains an allocation for expenses relating to attendance at conferences and associated out-of-pocket expenses for the Mayor and Councillors. The attendance of elected members at the Conference can be funded from within this budget.

Registrations opened on 17 July 2024 with the standard registration cost from 25 September 2024 being \$1,485.00 per person (registration is yet to occur). The Conference Gala Dinner is an additional \$230.00 per person. Other costs to attend the Conference will include accommodation, travel and any out-of-pocket expenses as allowed for under the Policy.

**Attachments**

1.  Draft 2024 LGNSW Annual Conference Program

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**Item: 10.10**

**Subject: DISCLOSURES REGISTER - ANNUAL RETURNS 2023-2024**

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

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### **Alignment with Delivery Program**

1.4.3 Build trust and improve Council's public reputation through transparency and accountability.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the information in the Disclosure Register for 2023-2024.**
- 2. Note that the Chief Executive Officer determines Designated Persons of the organisation under delegation.**
- 3. Note that a further report will be presented to an Ordinary Council Meeting tabling the outstanding Annual Disclosure Returns as detailed in this report.**

### **Executive Summary**

Council's Code of Conduct requires the Chief Executive Officer to keep a register of disclosure returns and table the returns at the first Council meeting after 30 September each year.

The Disclosure Register is a public register and can be accessed by members of the public, by appointment.

### **Discussion**

Clause 4.21 of Council's Code of Conduct requires Councillors and Designated Persons to submit a disclosure return on an annual basis and lodge it with the Chief Executive Officer within 3 months after 30 June each year.

Clause 4.24 requires the 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.

A review of Designated Persons has been completed and all disclosure returns for the period 1 July 2022 to 30 June 2023 have been lodged and will be tabled, by the Chief Executive Officer, when this report is dealt with by Council.

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.



As new positions are established, or position titles and responsibilities change, or positions become obsolete, it is necessary to review the list of Council positions which are Designated Persons. This is carried out under the delegated authority of the Chief Executive Officer.

#### Outstanding Annual Disclosure Returns

At the time of writing this report the following Annual Disclosure Returns are outstanding:

- Community Planning and Environment - NRM Field Officer
- Community Planning and Environment - Development Assessment Officer

#### Options

It is a requirement under Council's Code of Conduct that the disclosure returns be presented to Council.

#### Community Engagement and Internal Consultation

##### Internal Consultation

- Councillors.
- Chief Executive Officer and Directors.
- Designated Persons.

#### Planning and Policy Implications

This report meets Council's legislative requirements with regards to annual disclosure returns for Councillors and designated persons.

#### Financial and Economic Implications

There are no financial or economic implications.

#### Attachments

Nil

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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. Community Infrastructure - Contracts Administrator**
- 2. Community Utilities - Project Manager Cowarra Thrumster Major Projects**
- 3. Community Utilities - Group Manager Utilities Operations**
- 4. Community Infrastructure Planning and Design - Engineer Stormwater**
- 5. Community Utilities - Senior Asset 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:

- Contracts Administrator
- Project Manager Cowarra Thrumster Major Projects
- Group Manager Utilities Operations
- Engineer Stormwater
- Senior Asset 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: AUDIT, RISK AND IMPROVEMENT COMMITTEE END OF TERM REPORT**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

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

### **Executive Summary**

At the August 2024 Ordinary Council meeting, Council resolved:

*That Council:*

1. *Note the Audit, Risk and Improvement Committee Annual Chairperson's Report for the period 2023-2024.*
2. *Request the ARIC Chairperson to provide a comprehensive assessment of all the matters listed in Schedule 1 of the Guidelines for Risk Management and Internal Audit for Local Government in NSW to the governing body and Chief Executive Officer no later than 31 October 2024.*
3. *Request the Chief Executive Officer engage a suitably qualified external assessor to conduct a review of the effectiveness of the Audit Risk and Improvement Committee, as required by the Guidelines for Risk Management and Internal Audit for Local Government in NSW for a report to be presented to Council in December 2024.*

This report addresses point 2 of Council's resolution.

### **Discussion**

Council's adopted Audit, Risk and Improvement Committee charter requires that *"the committee will provide a comprehensive assessment every Council term of the matter listed in schedule 1 to the governing body and the Chief Executive Officer."*

It is noted that the Guidelines that form the basis of the charter were not adopted by the Office of Local Government until December 2023 and were only available in draft form up until that time.

The Committee acknowledge that not all these areas have been met over this current term of Council however the Committee has experienced a complete replacement of independent members and also a change in the non-voting Councillor member during this term. Many of these areas that are not currently being achieved have plans in place to address these areas of non-compliance in the coming Council term.

**Audit**

→ Act as a forum for communication between the governing body, Chief Executive Officer, senior management, the internal audit function and external audit

The Committee has provided a forum for communication by having a Councillor representative appointed to the Committee, with the Chief Executive Officer attending meetings along with senior management. External providers both for internal audit and external audit are invited to all Committee meetings. Independent members provide insight through their combined extensive experience on emerging risks and through promoting discussion with senior management, and requesting, and receiving presentations/reports from various work areas. In addition, the Committee holds a regular in camera session at the beginning of each Committee meeting with the Chief Executive Officer where sensitive and confidential matters are discussed.

**Internal audit**

- Provide overall strategic oversight of internal audit activities.
- Act as a forum for communication between the governing body, Chief Executive Officer, senior management, the internal audit function and external audit
- Coordinate, as far as is practicable, the work programs of internal audit and other assurance and review functions.

*The Committee has provided strategic oversight and coordinated internal audit activities by providing direction for the development of annual workplans delivered by external providers until the appointment of the in-house Internal Auditor in November 2023.*

- Review and advise the Council:
  - on whether the Council is providing the resources necessary to successfully deliver the internal audit function
  - if the Council is complying with internal audit requirements, including conformance with the International Professional Practices Framework
  - if the Council's internal audit charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by the Council are suitable
  - of the strategic four-year work plan and annual work plan of internal audits to be undertaken by the Council's internal audit function
  - if the Council's internal audit activities are effective, including the performance of the internal audit coordinator and the internal audit function.
  - of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised.
  - of the implementation by the Council of these corrective actions
  - on the appointment of the internal audit coordinator and external providers, and
  - if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities

*The Committee supported and advised the Council in developing the Internal audit function to be able to be able to address the requirements of the guidelines and has now endorsed an Internal Audit Charter (March 2024), a 4-year strategic internal*



*audit plan (June 2024) and a 4-year strategic workplan of the Committee (August 2024).*

*The Committee supports the Internal Auditor and the Chair was a part of the selection and appointment process of the Internal Auditor. The Committee is focused on ensuring compliance with accepted internal audit requirements, inclusive of compliance with International Professional Practice Framework (Global Internal Audit Standards from January 2025) and will be reviewing the policies, procedures, and methodologies as they are developed.*

*The findings and recommendations of internal audits completed are presented at each Committee meeting along with the status of corrective actions, and the provide feedback based on the independent members experience around the suitability of the response, the reasonableness of the timeframe, and the accountability for implementing the recommended improvement.*

### **External audit**

- Act as a forum for communication between the governing body, Chief Executive Officer, senior management, the internal audit function, and external audit
- Coordinate as far as is practicable, the work programs of internal audit and external audit.
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided.
- Review all external plans and reports in respect of planned or completed audits and monitor council's implementation of audit recommendations.
- Provide advice to the governing body and/or Chief Executive Officer on action taken on significant issues raised in relevant external audit reports and better practice guides.

*The Committee receives the annual engagement plan from the NSW Audit Office, the engagement closing report, the interim and final Management Letters. They also review the draft financial statements and provide feedback and oversight on the monitoring and implementation of external audit recommendations.*

### **Risk**

#### **Risk management**

Review and advise the Council:

- if the Council's has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard.

*The Committee considered a draft risk management framework document in August 2022 which was endorsed for the adoption of Council in September 2022. The Committee was also engaged with the review of Council's draft Risk Appetite Statement and Risk Consequence Tables in August and December 2023.*

→ whether the Council is providing the resources necessary to successfully implement its risk management framework.

*The Committee is aware that Council is undertaking a Risk Management Transformation project that will be further considered by the Committee in the coming Council term, once this is completed the Committee will be in a better position to assess and provide guidance of resourcing for Council to successfully implement the risk management framework.*

→ whether the Council's risk management framework is adequate and effective for identifying and managing the risks the council faces, including those associated with individual projects, programs, and other activities.

→ if risk management is integrated across all levels of the Council and across all processes, operations, services, decision-making, functions and reporting.

→ of the adequacy of risk reports and documentation, for example, the Council's risk register and risk profile

*With the adopted 4-year strategic workplan the Committee will be receiving risk reports, reviewing the risk registers which will provide the Committee with an understanding of staff training and induction processes. The Committee will then be in a position to provide feedback on the effectiveness and adequacy of the risk management framework and express a view in if the framework is integrated across all levels of Council, how it's being used in decision making, if there is a positive risk culture as well as potential impact on council's insurance arrangements, and its effectiveness in the management of Council's assets.*

→ whether a sound approach has been followed in developing risk management plans for major projects or undertakings.

*The Committee does receive a report at each meeting outlining major projects currently underway and the risks and mitigation measures being implemented as part of these projects and has found this to be beneficial in understanding how Council is currently managing risk in relation to the major projects.*

→ whether appropriate policies and procedures are in place for the management and exercise of delegations.

→ if the Council has taken steps to embed a culture which is committed to ethical and lawful behaviour.

*The Committee receives policy reviews on a regular basis, The Committee regularly receives policy reviews on ethical behaviour and related policies such as the Public Interest Disclosure Policy, conflicts of interest policies and Fraud and Corruption Prevention Policy. Policy review has not been undertaken in relation to delegations during this Council term and note that an internal audit in relation to delegations has been included in the current 4-year strategic audit plan.*

- if there is a positive risk culture within the Council and strong leadership that supports effective risk management.
- of the adequacy of staff training and induction in risk management
- how the Council's risk management approach impacts on the Council's insurance arrangements.

*The Committee has reviewed an insurance health report which was completed as part the review of Council's insurance portfolio while tendering for insurance and brokerage services early 2022.*

*The Chief Executive Officer also meets members of the Committee in-camera prior to each meeting to discuss legal matters affecting the Council. The Committee is also aware that Council has an anonymous complaints (whistle-blower) hotline that staff are encouraged to report misconduct or corrupt behaviours and has now appointed an in-house Legal Counsel.*

- of the effectiveness of the Council's management of its assets, and

*In relation to asset management the Committee approved an Asset Management internal audit in the Internal Audit Plan which is currently being finalised and is planned to come back to the Committee in November 2024.*

- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

*It is noted that Council is currently in the final stages or reviewing its Business Continuity plans which will come to the Committee for comments once complete in the near future.*

**Internal controls**

Review and advise the Council:

- whether the Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective.

*The Committee's review of Council's approach to maintaining effective internal controls is partially achieved through the internal audit work program. Assessment of the internal controls in relation to external parties such as contractors and advisors being sound and effective was not achieved in this term, this has been included in the 4-year strategic audit plan endorsed in June 2024.*

- whether the Council has in place relevant policies and procedures and that these are periodically reviewed and updated.

*The Committee was presented with draft policies throughout the term for endorsement by the Committee prior to approval by Council. These policies included:*

- Risk Management Framework
- Investment policy
- Water Supply Policy
- Climate Change Response Policy
- Conflict of interest - Council Related Development Applications Policy



- *Fraud and Corruption Prevention Policy*
- *Development Contributions Assessment Policy*
- *Public Interest Disclosures Policy*
- *Data Breach Policy*
- *Privacy Management Plan*
- *Draft Policy Framework*
- *Legislative Compliance Policy*
- *Determining Applications Lodged by Councillors and Staff Policy*

→ whether appropriate policies and procedures are in place for the management and exercise of delegations.

*Policy and procedures review for delegation was not undertaken during the term of Council, this has been included in the 4-year strategic audit plan.*

→ whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with.

→ if the Council's monitoring and review of controls is sufficient, and

*The results of the internal and external audits inform the Committee on how well staff have been informed of their responsibilities for internal controls and whether the processes and procedures have been complied with, issues and concerns identified during the audit processes are rated and form the basis for the audit recommendations.*

→ if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

*The Committee monitors the implementation of internal and external audit recommendations.*

### **Compliance**

Review and advise the Council of the adequacy and effectiveness of the Council's compliance framework, including:

→ if the Council has appropriately considered legal and compliance risks as part of the Council's risk management framework.

*The Committee received a draft risk management framework document in August 2022 which was endorsed for the adoption of Council in September 2022.*

*The Committee has been advised that Council is currently undertaking a risk management transformation project. This project will review the existing risk management framework and any additional requirements to be included in this framework.*

→ how the Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and

*The Committee has received an annual report indicating Council's legislative compliance requirements and compliance with these requirements. This report is*

*also presented to Council for its information. The Committee also received a regular report of major non-compliances with legislation or licenses that may have occurred between meetings.*

→ whether appropriate processes are in place to assess compliance.

*The Committee considered a draft Legislative Compliance Policy at its meeting in March 2024 which was endorsed for adoption by Council at its March 2024 Ordinary Council meeting.*

### **Fraud and corruption**

*Review and advise the Council of the adequacy and effectiveness of the Council's fraud and corruption prevention framework and activities, including whether the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.*

*During the Council term ending September 2024, ARIC received several reports on Fraud and Corruption prevention. In February 2022, a report was presented to the Committee detailing the implementation of the fraud and corruption prevention plan that was previously approved by Council in April 2021 and the Committee in May 2021. This report was noted by the Committee.*

*The Committee also endorsed a draft Fraud and Corruption Prevention policy in August 2023. This policy was subsequently adopted by Council at its September 2023 Ordinary Council meeting.*

*Finally, the Committee considered an internal audit that was completed in August 2024 on Fraud and Corruption Prevention. This audit highlighted a number of areas for improvements which are currently being planned for implementation.*

### **Financial management**

Review and advise the Council:

→ if the Council is complying with accounting standards and external accountability requirements.

→ of the appropriateness of the Council's accounting policies and disclosures

*The Committee reviews the Annual Financial Statement, which are made up of the General Purposes Financial Statements, Special Purpose Financial Statements and Special Schedules after audit and before the Council formally signs the Annual Financial Statements, at this time the Committee is also provided with the Engagement Closing Reports from the New South Wales Audit Office, together the Committee uses this information to review and advise on compliance with and appropriateness of accounting standards.*

→ of the implications for the Council of the findings of external audits and performance audits and the Council's responses and implementation of recommendations

*The Committee receives a presentation from the external auditor of the interim and final management letter's each year as well as the Engagement closing report. The Committee also receive a report from Internal Audit in June 2024 on Council's position in relation to the New South Wales Audit Offices Local Government Financial Audit 2023 report key findings.*

→ whether the Council's financial statement preparation procedures and timelines are sound.

*The Committee received reports annually including the Audit Office Engagement Plan with the attendance of Council's external auditors to explain the timelines and process.*

→ the accuracy of the Council's annual financial statements prior to external audit, including:

- management compliance/representations
- significant accounting and reporting issues
- the methods used by the Council to account for significant or unusual transactions and areas of significant estimates or judgements.
- appropriate management signoff on the statements

*The Committee considers the draft financial statements prior to being referred to Audit. This addresses the points listed above. Unfortunately, due to the timing of Local Government elections in 2024, Council not conducting a Council meeting in September 2024 and the compressed period in which statements were prepared due to the election, the Committee has not received the financial statements prior to the external audit process. However, the Committee has previously received position papers prepared by Council's management when Council is impacted by changes to Accounting Standards.*

→ if effective processes are in place to ensure financial information included in the Council's annual report is consistent with signed financial statements.

*Council's annual report is provided to the Committee annually for consideration along with the annual financial statements. Process uses to create these documents and compare have not been presented to the Committee.*

→ if the Council's financial management processes are adequate.

→ the adequacy of cash management policies and procedures

→ if there are adequate controls over financial processes, for example:

- appropriate authorisation and approval of payments and transactions
- adequate segregation of duties
- timely reconciliation of accounts and balances
- review of unusual and high value purchases

→ if policies and procedures for management review and consideration of the financial position and performance of the Council are adequate.

→ if the Council's grants and tied funding policies and procedures are sound.

*The Committee receives the interim and final management letters to identify if any issues are raised in relation to Councils financial management processes,*

*reconciliations of account and balances, and Council's grants processes as these areas are a part of the external audit procedures.*

*The Committee also receives regular reporting on quarterly budget reviews, Improvement Plan 2022-2026 – General Fund Operating Performance, Revenue Policy, Fees and Charges, Operational Plans.*

**Governance**

Review and advise the Council regarding its governance framework, including the Council's:

→ decision-making processes

*This was not undertaken during the term of Council.*

→ implementation of governance policies and procedures

*The Committee was presented with draft governance policies throughout the term for endorsement by the Committee prior to approval by Council. These policies included:*

- *Risk Management Framework*
- *Conflict of interest - Council Related Development Applications Policy*
- *Fraud and Corruption Prevention Policy*
- *Public Interest Disclosures Policy*
- *Data Breach Policy*
- *Privacy Management Plan*
- *Draft Policy Framework*
- *Legislative Compliance Policy*
- *Determining Applications Lodged by Councillors and Staff Policy*

→ reporting lines and accountability

*This was not undertaken during the term of Council throughout the general workforce however the Committee was provided information in June 2023 relating to Council developing an in-house internal audit function and the related reporting lines of this function.*

→ assignment of key roles and responsibilities

*This was not undertaken during the term of Council.*

→ committee structure

*This was not undertaken during the term of Council.*

→ management oversight responsibilities

*This was not undertaken during the term of Council.*

→ human resources and performance management activities



*The Committee was provided an update at each meeting from March 2023 regarding Work, Health and Safety function at Council. This conversation often expanded to cover other human resources topics such as workforce planning and industrial matters. During the in-camera meeting with the CEO prior to the commencement of each meeting, conversation also addressed human resources matters that could not be discussed with general staff in attendance.*

*An internal audit was also presented to the Committee in March 2024 relating to the recruitment and selection of staff. This audit highlighted a number of areas for improvements which are currently being implemented.*

→ reporting and communication activities

*The Committee regularly received reports relating to budget reviews, annual reports, quarterly updates of the Operational Plan.*

→ information and communications technology (ICT) governance, and

*The Committee was provided an update at each meeting from August 2023 regarding Cybersecurity preparedness and any ICT issues at Council. This conversation often expanded to cover other general ICT topics that the Committee was interested in learning more about.*

→ management and governance of the use of data, information and knowledge

*This was not undertaken during the term of Council.*

## **Improvement**

### **Strategic planning**

Review and advise the Council:

→ of the adequacy and effectiveness of the Council's integrated, planning and reporting (IP&R) processes.

*This was not undertaken during the term of Council.*

→ if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and

*This was not undertaken during the term of Council.*

→ whether the Council is successfully implementing and achieving its IP&R objectives and strategies.

*This was not undertaken during the term of Council.*

**Service reviews and business improvement**

→ Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies)

*The Committee considered a report at every meeting that detailed the outstanding recommendations from internal and external audits with the status of that recommendation and those recommendations that had been completed in the previous period.*

→ Review and advise the Council:

- If the Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance

*This was not undertaken during the term of Council.*

- if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and

*This was not undertaken during the term of Council.*

- how the Council can improve its service delivery and the Council's performance of its business and functions generally

*This was not undertaken during the term of Council.*

**Performance data and measurement**

Review and advise the Council:

→ if the Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives.

*This was not undertaken during the term of Council.*

→ if the performance indicators the Council uses are effective, and

*This was not undertaken during the term of Council.*

→ of the adequacy of performance data collection and reporting.

*This was not undertaken during the term of Council.*

**Options**

Council may note the contents of this report or resolve in some other way.

**Community Engagement and Internal Consultation**

No external or internal consultation has occurred during the development 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.

**Attachments**

Nil



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Item: 10.13

Subject: ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30  
JUNE 2024

Presented by: Business and Performance, Keith Hentschke

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### Alignment with Delivery Program

1.4.2 Manage Council's financial assets, and provide accurate, timely and reliable financial information for management purposes and provide plain English community reporting.

### RECOMMENDATION

#### That Council

1. Endorse the actions of staff in referring to audit the draft Annual Financial Statements for the year ended 30 June 2024.
2. That the Statement by Councillors and Management be signed by the Responsible Accounting Officer, the Chief Executive Officer, the Mayor and one Councillor as required by the Local Government Act 1993.
3. That Council note that a further report will be tabled for consideration by Council at the November 2024 Ordinary Meeting of Council for the adoption of the final Annual Financial Statements for the year ended 30 June 2024, together with the auditor's report.

### Executive Summary

Section 413(1) of the Local Government Act 1993 requires that "a Council must prepare financial reports for each year and must refer them for audit as soon as practicable". Council must also prepare a Statement by Councillors and Management as to their opinion on the general purpose and special purpose financial statements.

The draft Financial Statements for the year ended 30 June 2024 have been prepared and the external audit of the financial statements is nearing completion. The audit Engagement Closing Report has not been received at the time of preparing this report, similarly the Annual Financial Statements for the year ended 30 June 2024 have not been finalised. However, the audit is substantially complete and significant amendments to the draft financial statements are not expected.

A copy of the draft financial statements is attached to this report.

### Discussion

Council was unable to convene a meeting in September 2024 to refer the draft Annual Financial Statements to audit. To meet statutory obligations, staff provided financial statements and supporting working papers listed in the NSW Audit Office Engagement Information Request to the audit team for the general purpose financial statements and special purpose financial statements.

The final Annual Financial Statements for the year ended 30 June 2024 will be reported to Council for consideration at its Ordinary Meeting in November 2024. This report will provide more detailed analysis for Council's consideration.

**Options**

There are no options available as this is a requirement under section 413 (1) of the Local Government Act 1993.

**Community Engagement & Internal Consultation**

Consultation has taken place with Financial Services Group, external auditors and Council's Audit, Risk & Improvement Committee.

**Planning & Policy Implications**

The Annual Financial Statements form Part C of the Council's Annual Report, legislated under the Integrated Planning and Reporting Framework.

**Financial & Economic Implications**

The Draft Annual Financial Statements provide a preliminary view of Council's financial performance for 2023-24.

**Attachments**

1.  Draft Annual Financial Statements for the year ended 30 June 2024

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**Item: 10.14**

**Subject: INVESTMENTS AND LOANS - AUGUST 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 August 2024.**

#### **Executive Summary**

- All of Council's investments are in accordance with section 625 of the Local Government Act 1993 and Council's Investment Policy.
- Council's investment portfolio met compliance requirements in August 2024 and for the financial year to date.
- Returns on invested funds are exceeding year to date budget expectations by \$667,322.
- For the financial year to date, Council's Investment portfolio (excluding cash holdings) provided a return of 0.56% (actual) or 3.31% (annualised), marginally under-performing against the benchmark AusBond Bank Bill Index return of 0.75% (actual), or 4.52% p.a. (annualised).
  - This is due to Council holding investments that were made between March 2020 and May 2022 which have lower rates of return than are currently available.
- 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**

Clause 212 of Local Government (General) Regulation 2021, states the Responsible Accounting Officer must provide Council with a monthly report detailing all funds invested under Section 625 of the Local Government Act 1993 (the Act). The report must include certification that the investments have been made in accordance with the Act and the Regulations, as well as the revised Investment Order issued by the Minister for Local Government and Council's Financial Investment Policy.

This report provides details of Council's investment and loan portfolios as at the end of August 2024. Attachments 1 (Port Macquarie Hastings Council Investment Report), and 2 (Port Macquarie Hastings Council Portfolio Valuation), have been

prepared by Council’s Investment Advisors, Arlo Advisory and provide detailed information on the performance of Council’s investment portfolio for August 2024.

**Investment Portfolio**

Council’s investments largely relate to:

- Funds which are externally restricted under the Local Government Act (e.g. Water and Sewer) which cannot be spent on general operations, or
- Monies held for specific purposes. These funds will be spent depending on the required timing of future works and delivery plans of individual projects.

A breakdown of the investments by external and internal restriction at 31 August 2024 is provided below.

	<b>Amount \$000</b>	<b>% of total</b>
<b>Externally Restricted</b>		
Water Fund	157,964,326	38%
<i>Water Reserve</i>	91,031,583	22%
<i>Developer Contributions</i>	66,932,742	16%
Sewer Fund	54,088,826	13%
<i>Sewer Reserve</i>	27,729,732	7%
<i>Developer Contributions</i>	26,359,094	6%
Waste Fund	25,240,875	6%
General Fund	131,651,014	32%
<i>General Reserves</i>	44,384,269	11%
<i>Developer Contributions</i>	87,266,745	21%
<b>Total externally restricted</b>	<b>368,945,040</b>	<b>89%</b>
<b>Internally Restricted</b>		
General Fund	46,665,561	11%
<b>Total internally restricted</b>	<b>46,665,561</b>	<b>11%</b>
<b>Total investments</b>	<b>415,610,601</b>	<b>100%</b>

The 2024-25 Long-Term Financial Plan shows Water, Sewer and Waste investments (\$237.3 million or 57% of total investments) will be exhausted over the next 10 years to deliver projects including Cowarra Water Treatment Plant, Thrumster Sewerage Treatment Plant and Kew Sewerage Treatment Plant Upgrade.

General Fund investments are almost completely allocated as follows:

- Developer Contributions: \$87.3 million, or 21% of total investments, must be expended in relation to adopted plans to fund growth related infrastructure. It cannot be spent on existing infrastructure or on projects not listed in the relevant plans.
- Unexpended grants: \$34.3 million, or 8% of total investments, relates to grant funds for specific purposes that have been received but not yet expended.
- Deposits and bonds: \$7.9 million, or 2% of total investments, relates to security bonds which will be returned to suppliers on completion of works.

- Working capital: \$7.1 million, or 1.7%, is maintained as a working capital reserve. Sound financial management requires holding a level of funds in reserve for urgent or emerging priorities and the amount held is not significant for an organisation of this size.
- Committed works: \$4.8 million or 1% of total investments, relates to committed works that will be delivered in 2024-25 or future years.
- Plant replacement: \$4.5 million, or 1% of total investments, relates to planned replacement of vehicles and major plant and is funded by plant hire fees.
- Employee Leave Entitlements: \$3.8 million or 1% of total investments.

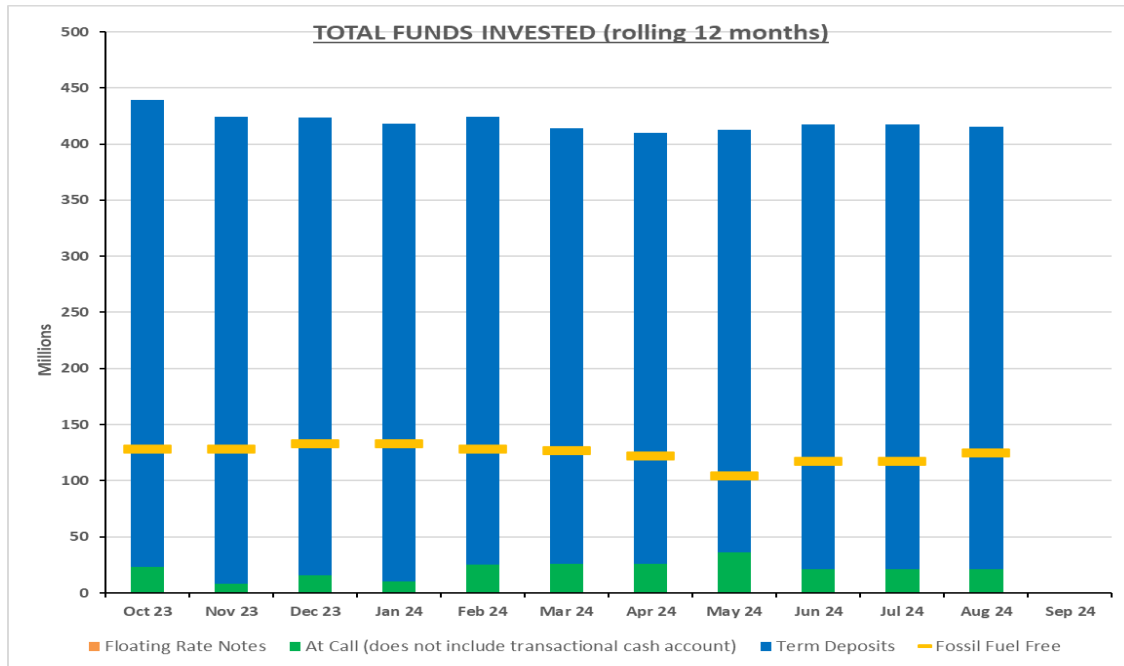
Remaining investments are split across numerous internal reserves held for specific purposes. These reserves contain funding for a range of projects already included in council's 10 year works program.

Movements in investments during August 2024 are detailed below.

Activity	Amount \$	Institution	Rate	Term	Funds Fossil Fuel
Matured	2,000,000	Bank of Qld	0.79%	3yr	Yes
Matured	3,000,000	Westpac	0.77%	3yr	Yes
Matured	5,000,000	ICBC	5.40%	1yr	Yes
Matured	2,000,000	Westpac	0.72%	3yr	Yes
Matured	3,000,000	AMB	0.75%	3yr	No
Withdrawal	2,000,000	Westpac	4.60%	On Demand	Yes
<b>Total Matured</b>	<b>17,000,000</b>				
Deposit	2,077,468	Westpac	4.60%	On Demand	Yes
Invested	4,000,000	Hume Bank	5.04%	1yr	No
Invested	4,000,000	Bank of Us	4.85%	2yr	No
Invested	5,000,000	AMB	4.71%	2yr	No
<b>Total New Investments</b>	<b>15,077,468</b>				
Net Investment Movement being the difference in Principal invested at end of month & excluding Investment Earnings	<b>-1,922,532</b>				

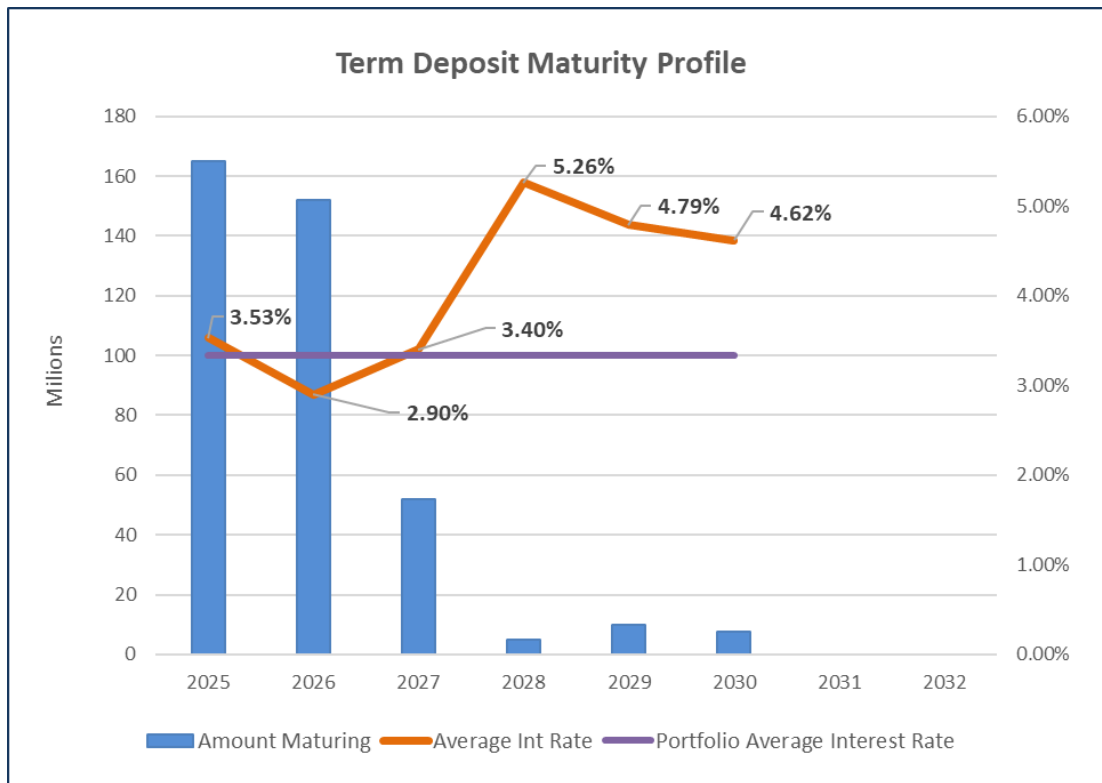
The following graph shows total investments by type on a rolling 12-month basis.





The maturity profile of investments (excluding the cash management account which is at call) is illustrated below and shows that maturities are well balanced across the next 3 to 5 years in accordance with Council’s Investment Policy.

The average interest rate of maturities in 2024-25 reflects longer-term investments prior to the interest rate decline during the COVID-19 pandemic. The Movements in Investments table above demonstrates investments with lower interest rates maturing during August 2024 and largely being reinvested at higher rates. This will further support Councils performance against key metrics such as budget and the AusBond Bank Bill Index.



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

Financial institutions funding fossil fuels	Purchases since 01/07/24	Purchases since 01/07/242	Amount invested at 30/09/24	Amount invested at 30/09/242
Yes	20,000	28%	290,610,601	70%
No	13,000,000	72%	125,000,000	30%
	<b>18,020,000</b>		<b>415,610,601</b>	

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

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

The following table shows the interest returns as of 30 July 2024 for 2024-25 and the portfolio performance against benchmark (bank bill Index).

Item	Performance
Interest for the Month (\$)	1,225,814
Interest YTD (\$)	2,454,453
% of Annual Budget Rec'd	23%



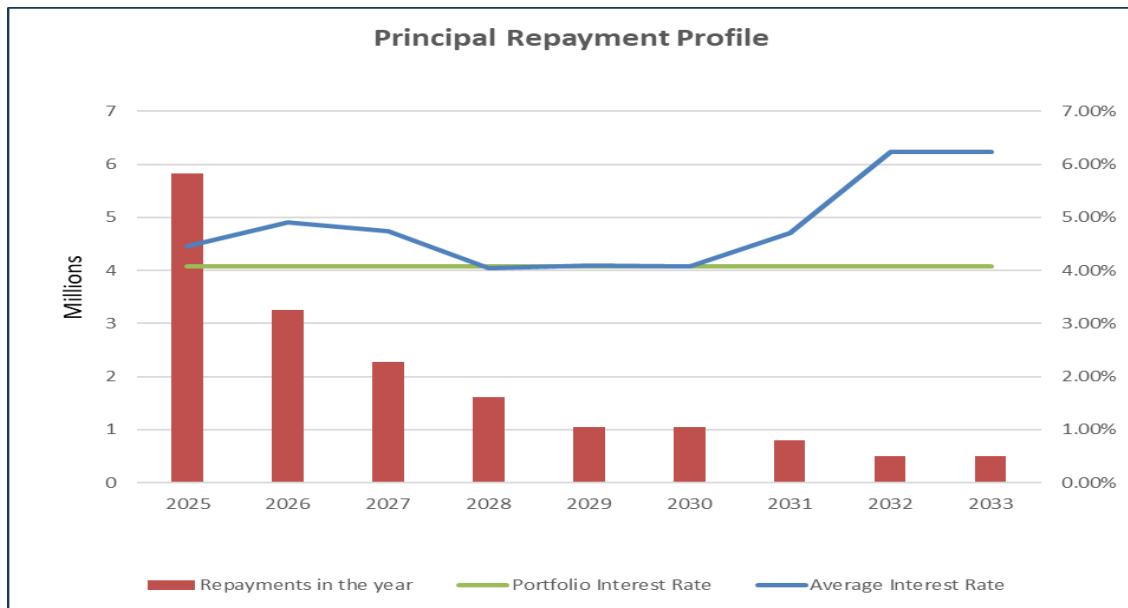
Portfolio Performance FYTD Actual (%)	0.56%
AusBond Bank Bill Index FYTD Actual (%)	0.75%
Performance Compared to Bank Bill Index (%)	-0.19%

**Loan Portfolio**

A detailed table of council’s borrowings is provided at attachment 3, loan repayments for 2024/25. The following table summarises Council’s loans by Fund, and details interest expense for August 2024.

<b>Fund</b>	<b>Amount Borrowed</b>	<b>Outstanding Balance</b>	<b>Weighted Average Interest Rate</b>	<b>Accrued Interest for Month</b>	<b>Remaining Repayments FYTD</b>
General	62,719,755	16,617,036	4.55%	65,246	6,325,131
Waste	1,500,000	342,342	3.44%	1,000	178,582
<b>Total</b>	<b>64,219,755</b>	<b>16,959,378</b>		<b>66,246</b>	<b>6,503,713</b>

The maturity profile of the loans portfolio is shown below, providing details of when outstanding loan balances will be paid down, including the average interest rate payable.



In accordance with Council’s resolution of 18 July 2024, the Town Centre Master Plan loan held with CBA was fully paid out on 1 August 2024 totalling \$1,160,537.38.

**Summary - Net Position Investments and Loans**

<b>Interest Analysis for the Month</b>	<b>Values \$</b>
Investment Interest Income	1,225,814
Loan Interest Expense	(69,691)
<b>Net Interest Income for the Month</b>	<b>1,156,123</b>
<b>Investments Vs Borrowings</b>	
Total Current Investment Balance	414,610,601
Total Current Loan Balance	(16,841,513)
<b>Net Position</b>	<b>397,769,088</b>

As interest rates rise, Council can invest funds at higher rates, currently locking in rates in the vicinity of 5.04%. 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 YTD basis. Returns are currently marginally below benchmark.

**Certification**

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

Rod Archer  
Responsible Accounting Officer

**Attachments**

1.  Port Macquarie Hastings Council Investment Report - 31 August 2024
2.  Port Macquarie Hastings Council Portfolio Valuation - 31 August 2024
3.  Port Macquarie Hastings Council Loan Repayments - 2024-2025



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**Item: 10.15**

**Subject: INVESTMENTS AND LOANS - SEPTEMBER 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 September 2024.**

#### **Executive Summary**

- All of Council's investments are in accordance with section 625 of the Local Government Act 1993 and Council's Investment Policy.
- Council's investment portfolio met compliance requirements in September 2024 and for the financial year to date.
- Returns on invested funds are exceeding year to date budget expectations by \$990,867. Note that interest rate cuts later in 2024-25, which are predicted by some analysts, may reverse this trend.
- For the financial year to date, Council's Investment portfolio (excluding cash holdings) provided a return of 0.83% (Actual) or 3.32% (annualised), marginally under-performing against the benchmark AusBond Bank Bill Index return of +1.11% (actual), or +4.50% p.a. (annualised).
  - This is due to sustained higher interest rates and Council holding term deposits made in a low inflation environment, when rises were not expected.
- 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**

Clause 212 of Local Government (General) Regulation 2021, states the Responsible Accounting Officer must provide Council with a monthly report detailing all funds invested under Section 625 of the Local Government Act 1993 (the Act). The report must include certification that the investments have been made in accordance with the Act and the Regulations, as well as the revised Investment Order issued by the Minister for Local Government and Council's Financial Investment Policy.

This report provides details of Council's investment and loan portfolios as at the end of September 2024. Attachments 1, (Port Macquarie Hastings Council Investment Report), and 2, (Port Macquarie Hastings Council Portfolio Valuation), have been prepared by Council's Investment Advisors, Arlo Advisory and provide detailed information on the performance of Council's investment portfolio for September 2024.

**Investment Portfolio**

Council’s investments largely relate to:

- Funds which are externally restricted under the Local Government Act (e.g. Water and Sewer) which cannot be spent on general operations, or
- Monies held for specific purposes. These funds will be spent depending on the required timing of future works and delivery plans of individual projects.

A breakdown of the investments by external and internal restriction at 30 September 2024 is provided below.

	Amount	% of total
<b>Externally Restricted</b>		
Water Fund	157,964,325	38%
<i>Water Reserve</i>	91,031,583	22%
<i>Developer Contributions</i>	66,932,742	16%
Sewer Fund	54,088,826	13%
<i>Sewer Reserve</i>	27,729,732	7%
<i>Developer Contributions</i>	26,359,094	6%
Waste Fund	25,240,875	6%
General Fund	130,704,941	32%
<i>General Reserves</i>	43,438,196	11%
<i>Developer Contributions</i>	87,266,745	21%
<b>Total externally restricted</b>	<b>367,998,967</b>	<b>89%</b>
<b>Internally Restricted</b>		
General Fund	44,693,809	11%
<b>Total internally restricted</b>	<b>44,693,809</b>	<b>11%</b>
<b>Total investments</b>	<b>412,692,776</b>	<b>100%</b>

The 2024-25 Long-Term Financial Plan shows Water, Sewer and Waste investments (\$237.3 million or 57% of total investments) will be exhausted over the next 10 years to deliver projects including Cowarra Water Treatment Plant, Thrumster Sewerage Treatment Plant and Kew Sewerage Treatment Plant Upgrade.

General Fund investments are almost completely allocated as follows:

- Developer Contributions: \$87.3 million, or 21% of total investments, must be expended in relation to adopted plans to fund growth related infrastructure. It cannot be spent on existing infrastructure or on projects not listed in the relevant plans.
- Unexpended grants: \$34.3 million, or 8% of total investments, relates to grant funds for specific purposes that have been received but not yet expended.
- Deposits and bonds: \$7.9 million, or 2% of total investments, relates to security bonds which will be returned to suppliers on completion of works.
- Working capital: \$7.1 million, or 1.7%, is maintained as a working capital reserve. Sound financial management requires holding a level of funds in reserve for urgent or emerging priorities and the amount held is not significant for an organisation of this size.

- Committed works: \$3.8 million or 1% of total investments, relates to committed works that will be delivered in 2024-25 or future years.
- Plant replacement: \$4.5 million, or 1% of total investments, relates to planned replacement of vehicles and major plant and is funded by plant hire fees.
- Employee Leave Entitlements: \$3.8 million or 1% of total investments.

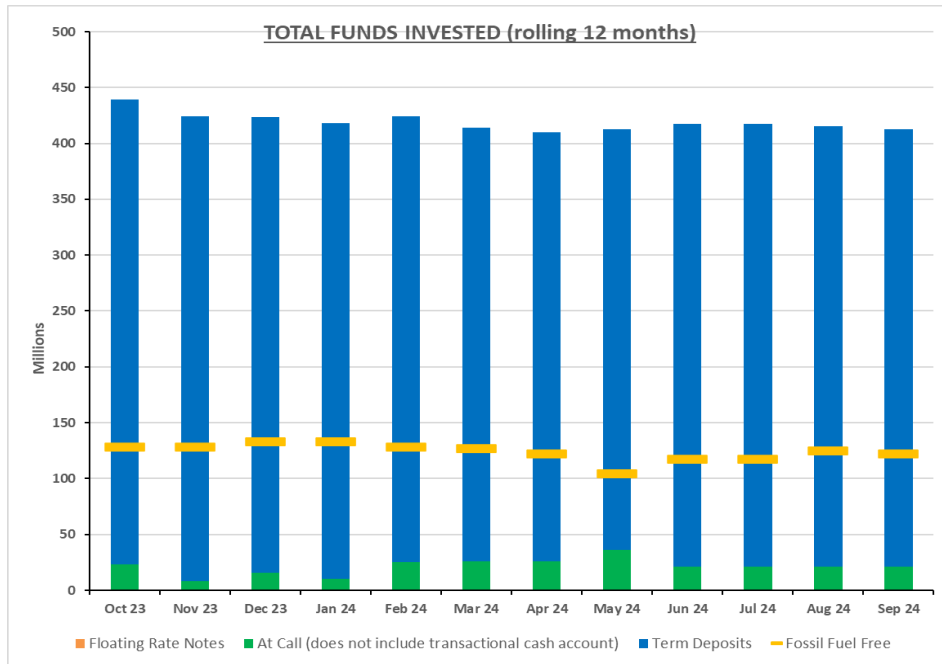
Remaining investments are split across numerous internal reserves held for specific purposes. These reserves contain funding for a range of projects already included in council's 10 year works program.

Movements in investments during September 2024 are detailed below:

Activity	Amount	Institution	Rate	Term	Funds Fossil Fuel
Matured	6,000,000	P & N Bank	4.45%	2yr	No
Matured	5,000,000	ICBC	4.55%	2yr	Yes
Matured	5,000,000	NAB	5.28%	1yr	Yes
Matured	2,000,000	BOQ	2.00%	5yr	Yes
Withdrawal	0	Westpac	4.60%	On Demand	Yes
<b>Total Matured</b>	<b>18,000,000</b>				
Deposit	82,176	Westpac	4.60%	On Demand	Yes
Invested	2,500,000	ING	4.63%	2yr	Yes
Invested	2,500,000	ING	4.67%	5yr	Yes
Invested	5,000,000	ING	4.59%	5yr	Yes
Invested	5,000,000	BOQ	4.45%	4yr	No
<b>Total New Investments</b>	<b>15,082,176</b>				
Net Investment Movement being the difference in Principal invested at end of month & excluding Investment Earnings	<b>-2,917,824</b>				

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

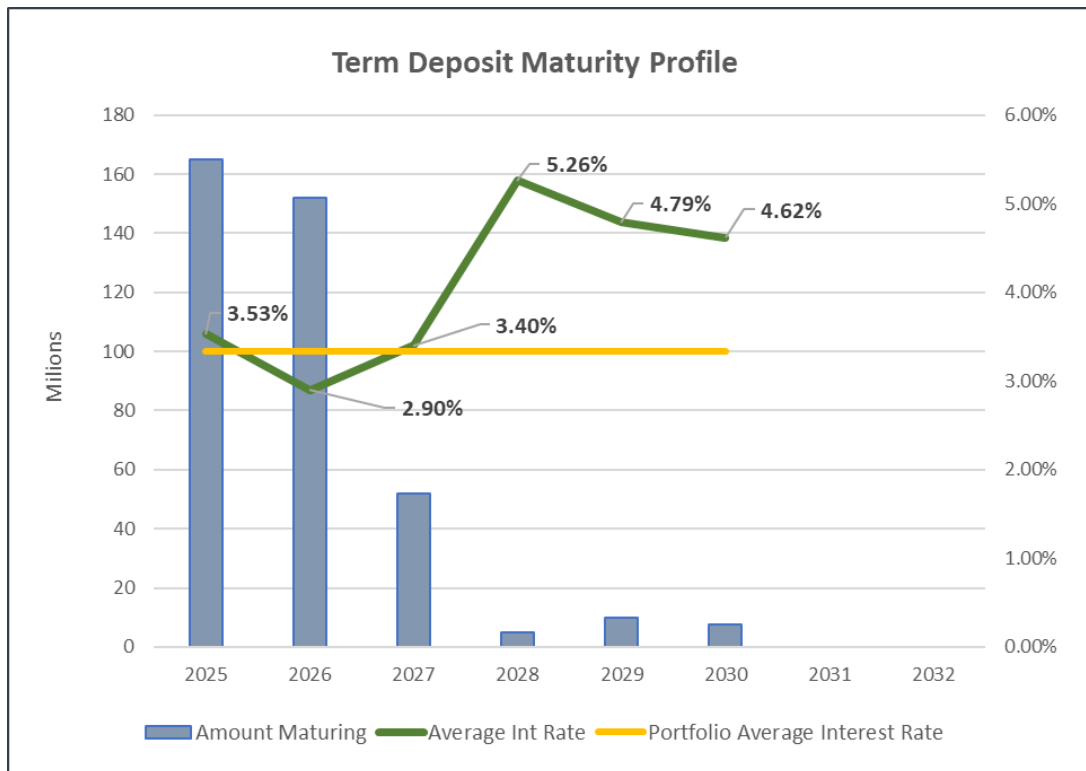




The maturity profile of investments (excluding the cash management account which is at call) is illustrated below and shows that maturities are well balanced across the next 3 to 5 years in accordance with Council’s Investment Policy.

The average interest rate of maturities in 2024-25 reflects longer-term investments prior to the interest rate decline during the COVID-19 pandemic. The Movements in Investments table above demonstrates investments with lower interest rates maturing during September 2024 and largely being reinvested at higher rates. This will further support Councils performance against key metrics such as budget and the AusBond Bank Bill Index.





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

Financial institutions funding fossil fuels	Purchases since 01/07/24 (\$)	Purchases Since 01/07/2024 (%)	Amount invested at 30/09/2024 (\$)	Amount invested at 30/09/20242 (%)
Yes	10,020,000	36%	290,692,777	70%
No	18,000,000	64%	122,000,000	30%
	<b>18,020,000</b>		<b>412,692,777</b>	

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

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

The following table shows the interest returns as of 30 September 2024 for 2024-25 and the portfolio performance against benchmark (bank bill Index).

Item	Performance
Interest for the Month (\$)	1,106,899
Interest YTD (\$)	3,671,564
% of Annual Budget Rec'd	34%

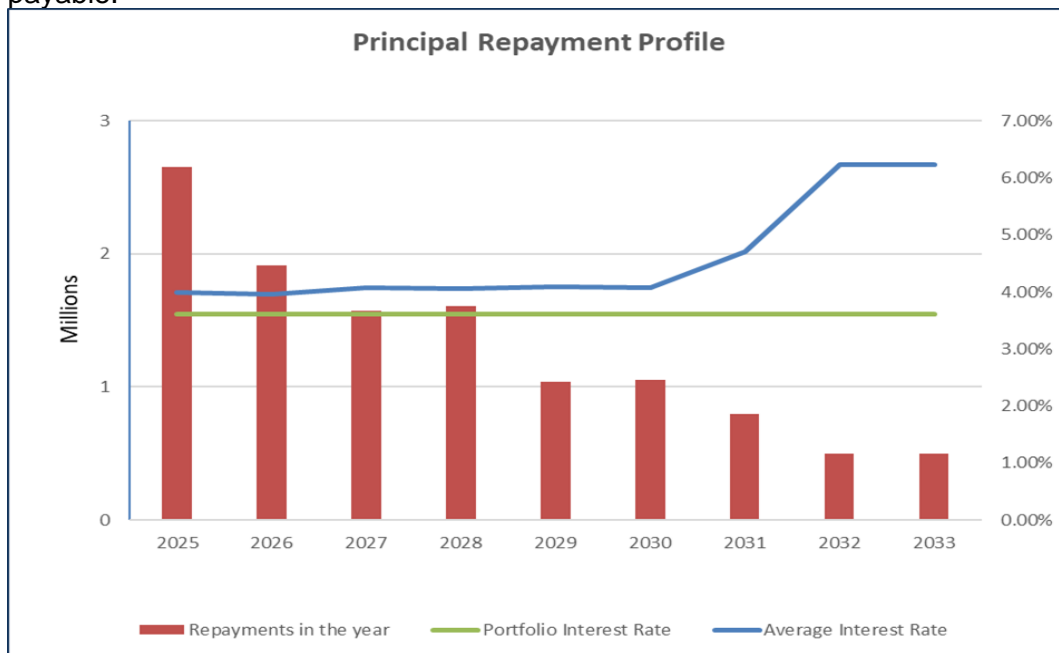
Portfolio Performance FYTD Actual (%)	0.83%
AusBond Bank Bill Index FYTD Actual (%)	1.11%
Performance Compared to Bank Bill Index (%)	-0.28%

**Loan Portfolio**

A detailed table of council’s borrowings is provided at attachment 3, loan repayments for 2024/25. The following table summarises Council’s loans by Fund, and details interest expense for September 2024.

Fund	Amount Borrowed	Outstanding Balance	Weighted Average Interest Rate	Accrued Interest for Month	Remaining Repayments FYTD
General	66,144,755	11,295,048	4.64%	42,557	2,910,068
Waste	1,500,000	342,342	3.44%	968	178,582
<b>Total</b>	<b>67,644,755</b>	<b>11,637,390</b>		<b>43,525</b>	<b>3,088,650</b>

The maturity profile of the loans portfolio is shown below, providing details of when outstanding loan balances will be paid down, including the average interest rate payable.



In accordance with Council’s resolution the Glasshouse Loans held with CBA and NAB were fully paid out on 2 September 2024 totalling \$4,084,568.21.

**Summary - Net Position Investments and Loans**

<b>Interest Analysis for the Month</b>	<b>Values \$</b>
Investment Interest Income	1,106,899
Loan Interest Expense	(43,525)
Net Interest Income for the Month	1,063,375
<b>Investments Vs Borrowings</b>	
Total Current Investment Balance	412,692,777
Total Current Loan Balance	11,637,390
<b>Net Position</b>	<b>424,330,167</b>

As interest rates rise, Council can invest funds at higher rates, currently locking in rates in the vicinity of 4.60%. 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 YTD basis. Returns are currently marginally below benchmark.

Certification

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

Rod Archer  
Responsible Accounting Officer

**Attachments**

1.  Port Macquarie Hastings Council Investment Report - 30 September 2024
2.  Port Macquarie Hastings Council Portfolio Valuation - 30 September 2024
3.  Port Macquarie Hastings Council Loan Repayments - 2024-2025

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**Item: 10.16**

**Subject: MONTHLY BUDGET REVIEW - SEPTEMBER 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:**

- 1. Adopt the adjustments in the September 2024 Adjustments section of the Monthly Budget Review – September 2024 report and associated attachment.**
- 2. Amend the 2024-2025 Operational Plan to include all budget adjustments approved in this report.**

### Executive Summary

This report details monthly budget adjustments recommended for the month of September 2024. The Council-adopted 2024-2025 budget position at the commencement of the financial year was a balanced budget. The budget adjustments contained in this report maintain this position and forecast a balanced budget as at the end of September 2024. This is outlined in the table below.

#### Monthly Budget Review Summary

<b>Original Budget as at 1 July 2024</b>	<b>Balanced</b>	<b>\$0</b>
<i>Plus adjustments:</i>		
July Review	Balanced	\$0
September Review	Balanced	\$0
<b>Forecast Budget Position for 30 June 2025</b>	<b>Balanced</b>	<b>\$0</b>

### 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 2024-2025 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 in its function to oversee operational activities and approve operational actions.

September 2024 Adjustments

The commentary below is to be read in conjunction with the “Forecast Budget Statement for the Year Ended 30 June 2025” on page 3 of this report. Further details on individual transactions are provided in Attachment 1: September 2024 Budget Review.

A budget adjustment was recognised during the month relating to a resolution of a Council meeting on 16 May 2024: Item 10.17 Thrumster Business Park - Works in Kind - Developer Works Deed Agreement - Sewer Works.

Budget Variance Requests were approved by the Executive during the month for the Sesqui Centenary Bridge Level 3 Investigations (\$96k) and Hibbard Ferry Slipping (\$180k).

**Forecast Budget Statement for the Year Ended 30 June 2025**

	2024-25 Original Budget ‘\$000	Approved Adj YTD ‘\$000	Prior Month Forecast ‘\$000	Carry Overs ‘\$000	Current Month Adj ‘\$000	2024-25 Full Year Forecast ‘\$000
<b>Operating Activities Movements</b>						
<b>Income from continuing operations</b>						
Rates and Annual Charges	121,907	0	121,907			121,907
User Charges and Fees	48,186	0	48,186			48,186
Interest Received	11,114	0	11,114			11,114
Grants and Contributions	85,166	(130)	85,036	3,994		89,030
Other Operating Receipts	7,038	0	7,038			7,038
<b>Expenses from continuing operations</b>						
Employee Costs	(71,850)	0	(71,850)			(71,850)
Materials and Contracts	(59,571)	(340)	(59,911)	(347)		(60,258)
Depreciation	(59,851)	0	(59,851)			(59,851)
Interest Paid	(3,029)	0	(3,029)			(3,029)
Other Operating Payments	(20,757)	0	(20,757)			(20,757)
Loss on Disposal of Assets	(3,050)	0	(3,050)			(3,050)
<b>Operating result from continuing operations</b>	<b>55,303</b>	<b>(470)</b>	<b>54,833</b>	<b>3,647</b>	<b>0</b>	<b>58,480</b>
<b>Restricted Asset Movements</b>						
Transfer from Restricted Assets	105,532	134	105,666	7,315	1,198	114,179
Transfer to Restricted Assets	(62,827)	0	(62,827)			(62,827)
<b>Net Revenues (Used in)/Provided by in Restricted Assets</b>	<b>42,705</b>	<b>134</b>	<b>42,839</b>	<b>7,315</b>	<b>1,198</b>	<b>51,352</b>
<b>Property, Plant and Equipment Movements</b>						
Purchase of Assets	(205,452)	336	(205,116)	(10,962)	(1,198)	(217,276)
Developer Provided Assets	(8,000)	0	(8,000)			(8,000)
<b>Net Revenues (Used in)/Provided by Property, Plant and Equipment Activity</b>	<b>(213,452)</b>	<b>336</b>	<b>(213,116)</b>	<b>(10,962)</b>	<b>(1,198)</b>	<b>(225,276)</b>
<b>Financing Activities Movements</b>						
Proceeds from Borrowings and Advances	59,360		59,360			59,360
Repayments of Borrowings and Advances	(6,817)		(6,817)			(6,817)
<b>Net Revenues (Used in)/Provided by Financing Activity</b>	<b>52,543</b>	<b>0</b>	<b>52,543</b>	<b>0</b>	<b>0</b>	<b>52,543</b>
<b>Net Result (Incl Depreciation)</b>	<b>(62,901)</b>	<b>0</b>	<b>(62,901)</b>	<b>0</b>	<b>0</b>	<b>(62,901)</b>
Add Back: Non Cash Items	62,901	0	62,901			62,901
<b>Budget Surplus/(Shortfall)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Note that ‘Other Operating Payments’ includes items such as waste levy and 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 a balanced budget.

Statement by Responsible Accounting Officer

*“The adopted original budget result for 2024-2025 was a balanced budget. As at 30 September 2024 this position remains a balanced budget and this position is considered acceptable”.*

**Attachments**

1.  September 2024 Budget Review

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Item: 10.17

Subject: **CONTRACTS AWARDED UNDER S377 LOCAL GOVERNMENT ACT**

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

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### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council note the contracts awarded under s377 of the *Local Government Act 1993* for the period 1 July 2024 to 30 September 2024.**

### Executive Summary

Attached is an extract of the GIPA Contracts Register published on the website of Council detailing contracts awarded by the Chief Executive Officer under section 377 *Local Government Act 1993* in the period 1 July 2024 to 30 September 2024.

### Discussion

Under s377 of the *Local Government Act 1993* (Act), a Council may by resolution delegate to the general manager or any other person specific functions. This includes the function to accept tenders as set out in s178(a) of the *Local Government (General) Regulation 2021* (Regulation) and in accordance with s377(1) of the Act.

### Delegated Authority

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

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

The procurement delegate and/or the Chief Executive Officer will retain discretion to refer to Council for decision any procurement outcome:

- which otherwise falls within the Chief Executive Officer's delegated authority
- which has materially deviated from the approved procurement and evaluation plan
- that has a significant level of public interest in the service
- that is contentious in nature, or
- for any other reason described in the evaluation & recommendation report.

A report is tabled on a quarterly basis detailing contracts that have been awarded by the Chief Executive Officer under s377 of the Act.

### **Options**

This report is provided for information. Council can resolve to request further information.

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

Internal consultation has been undertaken with the following staff:

- the contract manager / owner
- Contracts Officer
- Group Manager Procurement
- Executive Lead Finance & Commercial Operations, and
- Director Business and Performance.

### **Planning and Policy Implications**

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

### **Financial and Economic Implications**

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

### **Attachments**

1.  GIPA Contracts Register - Extract 2024 09 30

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Item: 10.18

Subject: OPPORTUNITY FOR LOCAL FIRMS TO DO BUSINESS WITH PORT  
MACQUARIE HASTINGS COUNCIL

Presented by: Business and Performance, Keith Hentschke

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### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. Note the information provided in this report.
2. Note a future report will be presented to the Ordinary Council meeting in October 2025, that details Council's commitment to supporting local business through its tendering and purchasing process during the financial year.

### Executive Summary

Local businesses are crucial to the economic vitality of our community, providing employment, fostering innovation and contributing to the overall economic health of our region. Council is committed to supporting local businesses by creating opportunities for them to participate in procurement activities and compete for contracts. This report outlines the current and potential opportunities available to do business with Council, along with recommendations for enhancing these opportunities in the future.

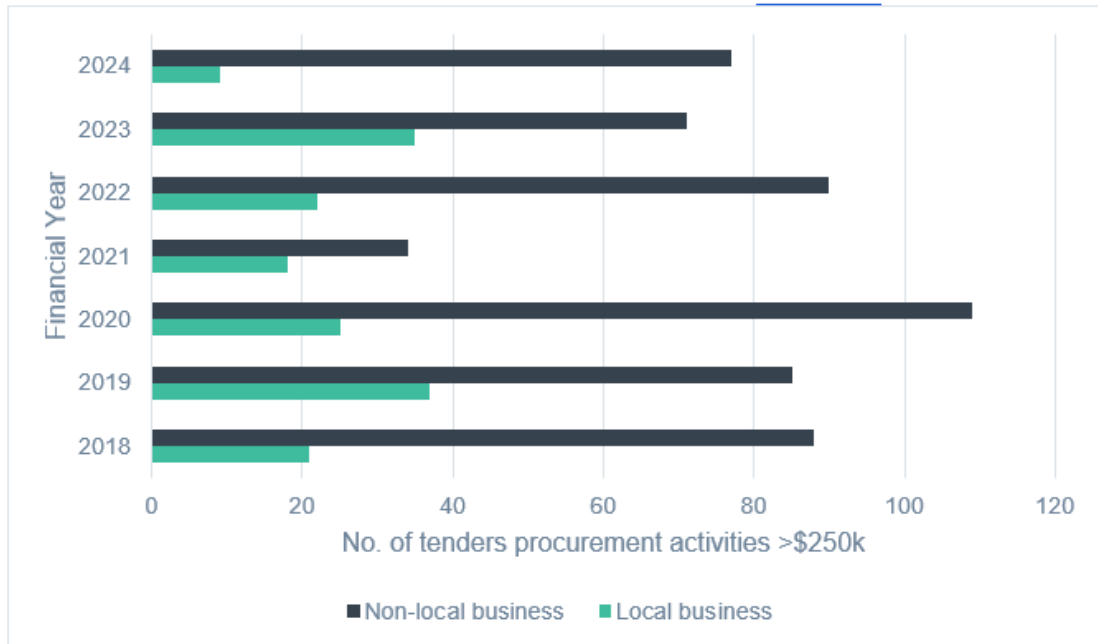
### Current Opportunities for local suppliers

Council currently employs several initiatives aimed at increasing the participation of local business in procurement activities. Results and benefits of these initiatives follow:

#### Opportunity to participate in procurement activities and compete for contracts

From 2018 to 2024, Council has consistently received tenders / proposals from local suppliers and awarded multiple contracts, significantly contributing to the local economy. While there have been some fluctuations in local participation rates, the overall trend reflects growth, with increased engagement over time despite some variability. This variability can often be attributed to the alignment between the types of projects and the specific capabilities of local suppliers. As projects occasionally require highly specialised services or products that may fall outside local expertise, some fluctuations in participation are natural.

**Chart 1: Tenders received local business vs non-local business**

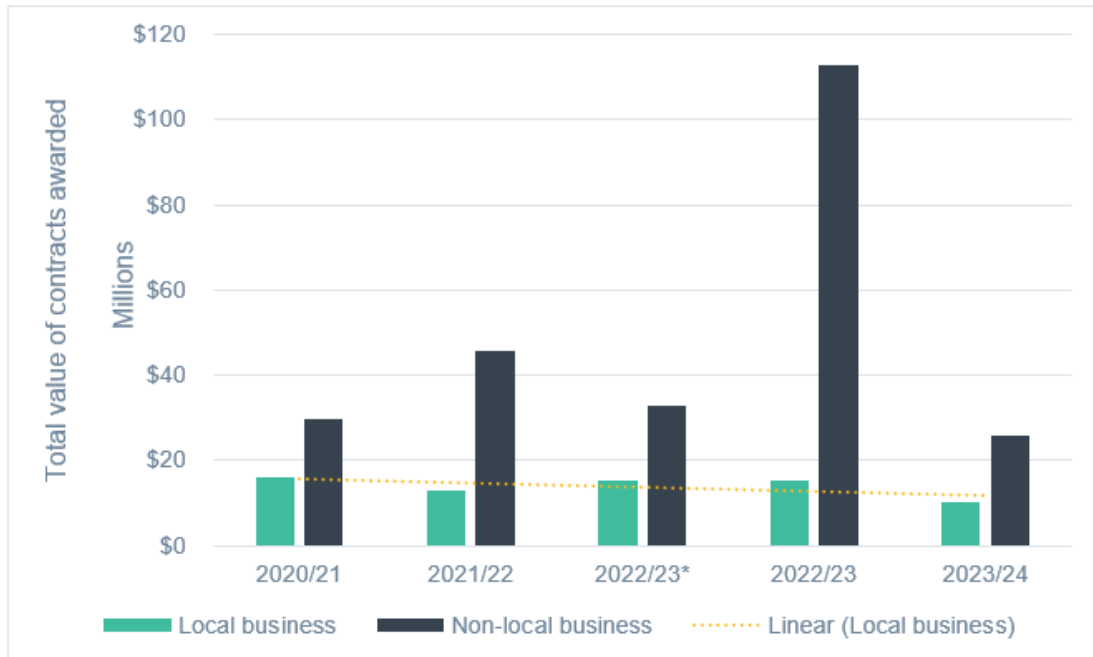


Despite these occasional shifts, Council has remained committed to awarding contracts to local businesses, reinforcing its dedication to supporting the local economy. The general trend has been positive, with an increasing number of contracts awarded to local suppliers, highlighting Council’s ongoing efforts to foster local economic growth.

**Chart 2: Contracts awarded to local businesses**



**Chart 3: Total value of Contracts awarded to local businesses**



*Influence the level of participation of local businesses in procurement activities*

Council’s procurement activities also encompass a significant number of smaller contracts under \$10,000, which play a vital role in supporting the local business community. These contracts provide accessible opportunities for local businesses to engage with Council, helping them gain valuable experience and strengthen their presences in the market. By securing these smaller contracts, local businesses have been able to enhance their capabilities, working towards positioning themselves for larger contracts in the future.

In 2022, Council revised its purchasing threshold, raising the ‘one quote’ threshold from \$2,000 to \$10,000, with a strong preference for local businesses. The positive impact of this change has been clear, leading to increased local participation. Building on this success, we are now exploring additional ways to further enhance our support for local suppliers and continue fostering their growth through the draft Procurement Strategy.

**Table 1: Spend with businesses in LGA vs outside LGA**

	2021/22		2022/23		2023/24	
Spend with businesses in LGA	\$33m	40%	\$71m	41%	\$49m	28%
Spend with businesses outside the LGA	\$88m	60%	\$223m	76%	\$123m	72%
Total Spend	\$121m		\$293m		\$172m	



*Economic impact of local supplier spend*

In 2023, Council's total spend with local businesses within the LGA was >\$70million, making a substantial contribution to the local economy. This expenditure has not only provided direct revenue to local businesses but also created significant ripple effect, including job creation and increased economic activity. Using the commonly accepted multiplier for regional councils, it estimated that this investment generated approximately **320 direct employment opportunities** and **180 indirect opportunities**.

These jobs support local families, businesses and communities, driving broader growth and fostering long-term stability in the region. This positive impact demonstrates Council's commitment to empowering the local economy and ensuring its sustained prosperity.

*Council's tendering local preference policy*

Council's procurement strategy incorporates a local preference policy, which gives consideration to suppliers based within the region. This policy ensures that local businesses are given a competitive advantage where possible, while still maintaining fairness and value for money for ratepayers.

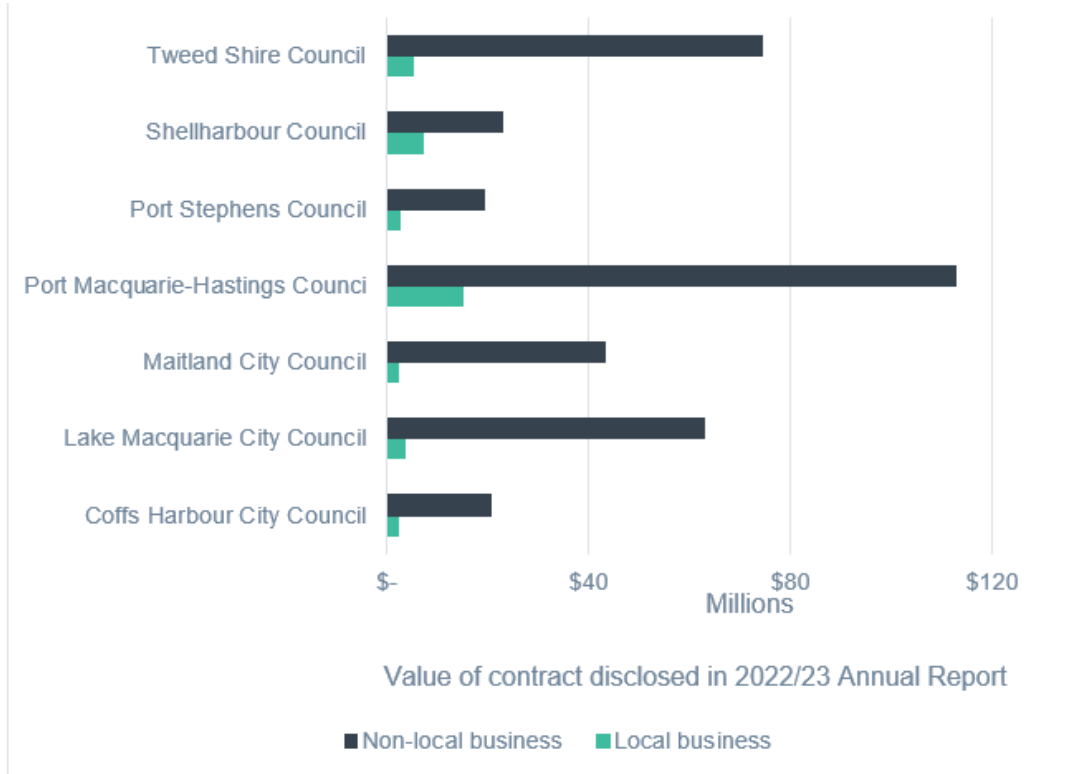
While the local preference policy was intended to boost engagement with local suppliers, its effectiveness has been limited. Since its implementation in 2017, the policy has only influenced the outcome of one procurement activity.

**Benchmarking our results***Benchmarking our commitment to supporting local businesses*

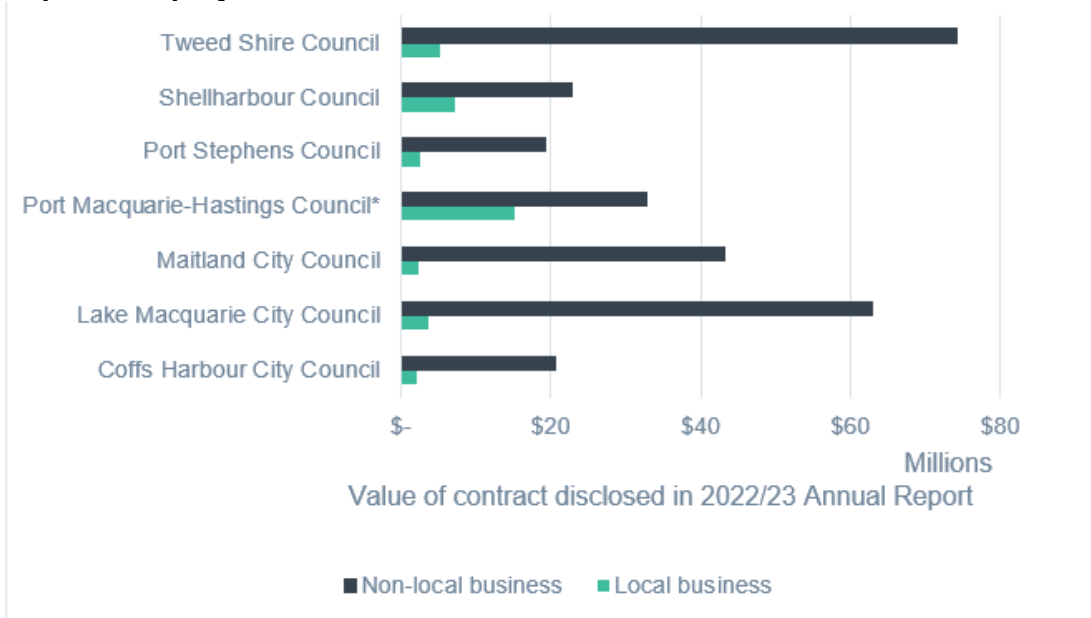
While councils across the region demonstrate a strong commitment to supporting local businesses, few actively monitor or assess the long-term impact and benefits of their procurement practices. Despite clear intentions to drive local economic growth, there is limited data available to measure how effectively councils are achieving these goals. Without a standardised approach to tracking and evaluation local supplier engagement, it becomes difficult to benchmark performance or draw meaningful comparison with other councils.

Using data from last year's annual report and the addresses of contractors awarded contracts we have developed a comparison alongside other councils of similar size. This provides a rare glimpse into how local our local business engagement measures up to peers, though the absence of consistent, shared information among councils remains a challenge.

**Chart 4: Total value of Contracts awarded to local businesses**



**Chart 5: Total value of Contracts awarded to local businesses - Ocean Drive Duplication project removed**



Greater transparency and sharing of procurement outcomes across councils would allow for more effective benchmarking and accountability. By collectively monitoring and reporting on local business engagement, councils could more accurately assess the true impact of their policies, identify areas for improvement, and ensure they are maximising benefits for their communities.



**Potential enhancements to local business engagement and participation**

To further strengthen engagement with local suppliers and create a more inclusive procurement environment, Council has introduced new local supplier capability initiatives as part of its proposed procurement strategy (currently on public exhibition). These initiatives are designed to enhance relationships with local businesses and address their unique needs. Key elements of the strategy include:

**Engaging actively with local suppliers to ensure maximum value and support**

A key feature of the new initiatives is the introduction of programs and workshops aimed at building the capabilities of local suppliers. This initiative will offer valuable insights on tendering more effectively and navigating local government procurement requirements. By focusing on practical skills and strategies, local suppliers will gain a clearer understanding of the tendering process, empowering them to submit more competitive bids. Additionally, the interactive format will promote networking and collaboration, encouraging knowledge-sharing among suppliers.

**Simplifying Processes**

Another essential component of the strategy is the commitment to simplify the procurement process. Through our engagement processes, Council will actively gather feedback from participants to identify areas of complexity within the current framework. Feedback will guide continuous improvement efforts to streamline processes and reduce barriers to participation, making it easier for local businesses to engage with Council opportunities.

**Use of Local Subcontractors**

In cases where large contracts are awarded to external suppliers, Council encourages the use of local subcontractors. Prime contractors are urged to include local firms in their supply chains, thereby ensuring indirect opportunities for local businesses even when larger contracts are awarded to non-local businesses.

Council has made significant progress in creating opportunities for local businesses to engage in procurement activities, but there is room for improvement. Expanding the local preference policy, streamlining processes, and providing targeted support can further enhance local business participation. These measures will help Council strengthen its commitment to fostering a thriving local economy while delivering value and service excellence to the community.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

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

**Attachments**

Nil

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**Item: 10.19**

**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.

Following the exhibition period, Council further considered this item at its May 2024 Ordinary Council meeting where it resolved:

*That Council defer the adoption of the Draft Policy Framework to the July 2024 Ordinary Council meeting following a briefing to be held with Councillors in June 2024 to discuss the associated Policy Framework procedure.*

A briefing was scheduled for 29 June 2024 however this was deferred and conducted on 4 July 2024.

Council further considered this matter at its August 2024 Ordinary Council meeting and resolved:

*That Council defer consideration of the Draft Policy Framework until the October 2024 Ordinary Council meeting.*

The draft policy 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.

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 Council further considered this item at its May 2024 Ordinary Council meeting where it resolved:

*That Council defer the adoption of the Draft Policy Framework to the July 2024 Ordinary Council meeting following a briefing to be held with Councillors in June 2024 to discuss the associated Policy Framework procedure.*

A briefing was scheduled for 29 June 2024 however this was deferred and conducted on 4 July 2024. The draft policy has been amended based on the outcome of the Councillor briefing that has been included in red text in the draft Policy Framework attached to this report.

Council further considered this matter at its August 2024 Ordinary Council meeting and resolved:

*That Council defer consideration of the Draft Policy Framework until the October 2024 Ordinary Council meeting.*

This draft Policy Framework 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



# 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 SEPTEMBER 2024 MEETING  
OF THE PORT MACQUARIE-HASTINGS SPORTING FUND

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

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### Alignment with Delivery Program

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

### RECOMMENDATION

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

- 1. Payment of \$250 to Zac Stubbs to attend World Martial Arts Tournament in Japan on 13 October 2024.**
- 2. Payment of \$250 to Ollie McCormick to attend World Martial Arts Tournament in Japan on 13 October 2024.**

### Discussion

The Port Macquarie-Hastings Sporting Fund committee met on 26 September 2024 and considered grant applications. The submission from Zac Stubbs was determined to have met the funding criteria. Accordingly, the Sub-Committee recommends to Council the following payment from the fund:

- Zac Stubbs - \$250 to compete at the World Martial Arts Tournament in Japan on 13 October 2024.

The amount recommended is consistent with the amount payable for participation at a National Sporting Level under the Port Macquarie-Hastings Sporting Fund.

Regarding the application for Ollie McCormick, this application was deemed ineligible due to Ollie not turning 13 until 17 November 2024 and thus beyond the remit of the sub-committee and the Chief Executive Officer to endorse. Accordingly, the Port Macquarie-Hastings Sporting fund is requesting that Council approve a discretionary amount of \$250.00 be awarded to Ollie to recognise his achievement and potential.

### 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:** MAJOR EVENT GRANTS 2025 - ROUND 1

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

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### Alignment with Delivery Program

3.1.3 Implement Major Events Strategy.

### RECOMMENDATION

**That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Major Events Grant Program Round 1, 2025, to the total amount of \$15,500 for the following major events:**

a) Laurieton Multisport Challenge	\$2,500
b) LatinFest	\$3,000
c) Water Ski Australia National Titles	\$5,000
d) Reflections Cadet Cup	\$5,000

### Executive Summary

Council's Major Events Grant Program allocates \$40,000 per year, in two (2) contestable funding rounds, under the approved 2024-2025 budget and Operational Plan.

The first grant round for the 2024-2025 financial year, Round 1 - 2025, opened for application on Monday 26 August 2024 and closed Sunday 15 September 2024. Eligible events must be held in the first half of 2025.

The program aims to support event organisers to develop, promote, execute, and sustain locally grown, long-term major events which attract out of region visitation. Major events are an important and growing part of our local economy and add to the vibrancy of our region. Major Events Grants are awarded with an aim to make hosting an event in our LGA more accessible to local event organisers, clubs, and associations.

Four (4) applications were assessed, and the panel agreed that all four (4) events met the criteria for support under the Major Events Grant stream.

This report recommends approval of funding for all four (4) events.

### Discussion

In applying for funding under Council's Major Events Grant program, applicants are required to demonstrate that the proposed event is either:

- A driver of significant overnight visitation (i.e., a measurable economic impact, evidenced by previous data collected), or
- Has the potential to grow to 'major event' status with a significant economic impact.

Events that are held in the Camden Haven, hinterland, and Wauchope areas are also looked upon favourably to provide benefits of events throughout the region and support businesses and community across the LGA centres.

Applicants are required to detail how the grant will be spent, with the proposed spending required to contribute to marketing activities that attract out-of-region visitors.

As per previous rounds, an internal review panel assessed applications. The panellists assessed applications against the established program criteria, and weightings (refer Table 1 below), with 1 being the lowest and 5 being the highest.

Table 1- Program Criteria and Weightings

Criteria	Weighting
Potential to become a major event and attract significant visitor nights	5
Unique to the region/Mid North Coast	3
Financial sustainability	4
Substantial economic impact (or potential for)	3
Event organiser experience & resourcing	3
Off-peak or shoulder season placement	5
Robust marketing plan	4
Community Benefit	3

Based on criteria weightings, applicants were ranked, and funds allocated. 65% of funds are payable prior to the event, with the remaining 35% paid upon satisfactory acquittal (evidenced by visitor data and proven marketing).

**Options**

1. Endorse the final assessment of the internal review panel and funding allocations as recommended; or
2. Not endorse the final assessment of the internal review panel and either:
  - a. Seek further information from staff; or
  - b. Not expending any of the allocated budget for this round of funding; or
  - c. Re-open this round of funding and call for new applications.

**Community Engagement and Internal Consultation**

Round 1 of the 2025 Major Events Grant program was promoted to the community through various Council communication channels.

The internal assessment panel comprised:

- Senior Grants Officer
- Senior Economic Development Officer
- Economic Development Officer
- Senior Community Development Officer

**Planning and Policy Implications**

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

**Financial and Economic Implications**

The approved 2024-2025 budget and Operational Plan includes \$40,000 for the major events program. This is delivered through two (2) contestable funding rounds.

Since February 2020, Council has allocated a total of \$164,500 to the Major Events Grant program.

The economic impact of the \$164,500 is just under \$20,000,000 for the business community of our LGA.

Attachment B - "History of Allocations under Major Event Grants Sept 2024" shows a history of allocations for Council's information.

Subject to Council endorsement, this first contestable round will allocate \$15,500 from this budget to the four (4) events recommended.

**Attachments**

1.  Round 1 2025 Major Event Grant Evaluation Summary
2.  History of Allocations under Major Event Grants Sept 2024



# 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: NOTICE OF MOTION - TRAFFIC CONGESTION

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

### RECOMMENDATION

That Council:

1. Note that the Integrated Transport Plan developed in partnership with Transport for NSW, which articulates key priorities regarding congestion, road safety and modal shift (public transport and active transport), was adopted by Council at the Ordinary Meeting held on 15 August 2024.
2. Receive an update by the December 2024 Ordinary Council Meeting as relevant on the status of project development, funding availability and advocacy to other levels of government for the following locations of key traffic congestion concern:
  - Upgrading of the Oxley Highway between Wrights Road and Lake Road.
  - Duplication of Lake Road between Ocean Drive and Chestnut Road, including turning lane capacity to/from Ocean Drive into Lake Road.
  - Provision of a connection between Port Macquarie's Industrial Area off Lake Road to the Health & Education Precinct, which includes the Port Macquarie Base Hospital, and the Lake Innes precinct.
  - Network functionality in Wauchope on the High Street corridor.
  - Hastings River Drive Duplication between Boundary Street and Hughes Place.
  - John Oxley Drive Duplication from the Ruins Way to Kingfisher Drive, including the Major Innes Drive intersection.
  - Key intersection upgrades across the LGA on the state, regional and local road networks to improve traffic flow and road safety.
3. Note the NSW Government will be developing a Regional Integrated Transport Plan for the North Coast in 2025, which will further inform NSW Government investment priorities into the future, thereby being of high importance to ensure key priorities from the Port Macquarie-Hastings Integrated Transport Plan across the state, regional and local road networks are included within that regional plan.

### Comments by Mayor Roberts

Traffic congestion is a major concern for residents of the Port Macquarie-Hastings LGA across the state, regional and local road networks. Our population has seen significant growth, in particular in the post COVID period, now being close to 90,000 people, and this growth trend is expected to continue into the future. Our region also experiences high visitation via tourism and business related travel.

To address congestion, necessary planning is required to progress at high priority locations and funding secured to enable delivery of upgrades to occur. The NSW

Government is responsible for state roads, which include the Pacific and Oxley Highways, however Council is responsible for local and regional roads. It is noted the NSW Government does provide funding assistance and hold certain statutory powers with respect to the regional network.

Council adopted the Integrated Transport Plan in August 2024. The plan is aspirational and sets out priorities and needs across the network for upgrading and planning. Within this plan there are several locations of high importance with respect to congestion on our network. This motion lists out those locations and seeks to have an update provided to Councillors by the December 2024 Ordinary Meeting of Council. This is to ensure Councillors are aware of the status of these locations of high importance, including planning work undertaken to-date, and to support a platform for advocacy with the NSW Government and Australian Government with respect to our transport congestion needs.

Whilst Council and the NSW Government are investing heavily in the duplication of Ocean Drive to improve traffic flow through the south-eastern areas of Port Macquarie, implementation of upgrades or provision of alternative routes at other locations, including Lake Road and the Oxley Highway, are critical to ensuring the overall benefits of that upgrade investment can be realised.

Wauchope and surrounds are and will continue to see growth placing further pressure on key corridors on the road network in the area. Solutions to support addressing current congestion and growth need to be identified to alleviate the current and likely worsening congestion issue.

It is noted the NSW Government will be developing a Regional Integrated Transport Plan for the North Coast in 2025, which will further inform NSW Government investment priorities into the future. It is of high importance to ensure key priorities from the Port Macquarie-Hastings Integrated Transport Plan across the state, regional and local road networks are included within that regional plan. This motion seeks to support reinforcing the congestion priorities that exist across our network.

### **Comments by Chief Executive Officer**

Council adopted the Integrated Transport Plan (ITP) in August 2024 following its development in partnership with Transport for NSW. A key target of that plan is addressing congestion, with a number of locations outlined within the action plan of the ITP. This includes the locations listed within the Notice of Motion. An update can be provided to the December 2024 meeting on these locations should Council resolve to request receiving this.

The ITP actions will assist in advocacy with the NSW Government and will be sought to be included where of regional or state significance within the Regional Integrated Transport Plan once Transport for NSW commence development of that plan.

### **Attachments**

Nil

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**Item: 13.02**

**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 note the progress of natural resource management projects/initiatives within the Lake Cathie, Lake Innes and Cathie Creek Waterways and the progress of the Coastal Management Program.**

### **Executive Summary**

Council is currently involved in a number of projects involved in the management of the Lake Cathie/ Lake Innes / Cathie Creek waterway (referred herein as Lake Cathie) and its surrounds. This report provides an update on the Lake Cathie waterway natural resource management projects/initiatives and the progression of the Coastal Management Program (CMP) that have occurred since the previous report was presented to the August 2024 Ordinary Council Meeting.

This report addresses Item 7 of the Council resolution from Extraordinary Council Meeting held on 13 January 2022 (included in discussion below) which requests a monthly update report.

Works currently being undertaken and outlined in this report include:

1. Hydrodynamic Model of Lake Innes, Lake Cathie and Cathie Creek
2. Bundella Avenue Asbestos Remediation Works
3. Coastal Hazard Assessment and Coastal Vulnerability Assessment Mapping Project
4. Water Quality Improvement Strategy
5. Update to Lake Cathie Standard Operating Procedure
6. Review of the Lake Cathie Entrance Management Strategy
7. Invasive Weed Management
8. Other Projects

### **Discussion**

At the Extraordinary Council Meeting on 13 January 2022 Council resolved as follows:

*“That Council:*

1. *Undertake an urgent review of the Lake Cathie Opening Strategy triggers to reduce the high level opening trigger from 1.6m to 1.4m to mitigate flood*

- impacts on Council infrastructure and include as a high priority, consideration of poor water quality and public health.*
2. *Receive in the February 2022 Ordinary Council meeting a draft revised Lake Cathie Opening Strategy for consideration.*
  3. *Upon the Lake reaching the 1.4m trigger level, request that the Chief Executive Officer affect a traditional opening of the lake on the first and most appropriate tide in accordance with the revised Opening Strategy.*
  4. *Continue to pursue the option to dredge the lake for recreational purposes and for beach nourishment.*
  5. *Urgently seek the appropriate approvals to affect a traditional opening of the lake, if closed and/or water quality has been determined to be a risk to public health and marine life in preparation for the start of the December 2022 holidays, and then annually.*
  6. *Request the Chief Executive Officer to host a meeting of the key Government agencies/officers involved in the management of the Lake Cathie system and Councillors, to discuss the future management of the Lake.*
  7. **Request the Chief Executive Officer to provide a monthly update report to Council on the progress of items above.**
  8. *Note that any opening of the lake is dependent on Council first obtaining relevant approvals and meeting legislative requirements.*
  9. *That the Chief Executive Officer be requested to expedite the coastal management program.”*

In response to Item 7 of the Extraordinary Council meeting held on 13 January 2022, this monthly report advises Council of the progress undertaken to address the items identified in the abovementioned resolution, the progression of the CMP and address other subsequent Council Resolutions concerning the management of the Lake Cathie / Lake Innes / Cathie Creek waterway.

### **What is the Coastal Management Program (CMP)?**

The NSW Government introduced a new framework in 2016 to manage the coastal environment, which included the introduction of CMPs. CMPs are prepared by local councils in accordance with the coastal management manual and in consultation with their communities and relevant public authorities. A CMP will set a strategy for the coordinated management of the coast. It will identify:

- key coastal management issues
- actions to be implemented by council and other public authorities to address those issues
- how and when actions will be implemented
- the costs and cost-sharing arrangements to enable implementation.

The development of CMP was included in the 2018-2019 Operational Plan, which was adopted by Council on 20 June 2018. At the Ordinary Council meeting held on 12 August 2020, Council resolved to Incorporate the Lake Cathie Coastal Zone Management Plan (CZMP) actions into the CMP. The development of CMPs is prescriptive and includes five stages.

- Stage 1: Identify the scope of the CMP
- Stage 2: Determine risks, vulnerabilities and opportunities
- Stage 3: Identify and evaluate options
- Stage 4: Prepare, exhibit, finalise, certify and adopt the CMP
- Stage 5: Implement, monitor, evaluate and report

Staff are currently undertaking investigations associated with Stage 2 of the CMP development. Stage 2 of the CMP process involves undertaking detailed studies that will help Council to identify, analyse and evaluate risks, vulnerabilities, and



opportunities in the study area. The studies conducted during Stage 2 are to provide information to support decision-making in the later stages of the CMP planning process. Given the complexities of these studies, this stage is the most time consuming. Ensuring high quality studies in Stage 2 will result in high quality management plans in the CMP and a faster pathway to Government approval. The status of Stage 2 projects is listed in the Table 1.

	<b>Project</b>	<b>Status</b>	<b>Estimated Completion Date</b>
<b>Lake Cathie / Bonny Hills</b>	Illaroo Road Coastal Hazard Protection Options Review and Co Design	Complete	2022
	Hydrodynamic Model of Lake Innes / Lake Cathie / Cathie Creek	Complete	2024
	Sensitive Receptors - Catchment Management: Bushfire Affected Coastal Waterways Project	Complete	2023
	Lake Cathie Entrance Strategy	Commence late 2024	2025
	Water Quality Improvement Strategy	Commence late 2024	2025
<b>Hastings River</b>	Bank and Riparian Condition Assessment	Complete	2022
	Hydrographic Dilution Study Kooloonbung Creek	Complete	2023
	Water Quality Improvement Strategy	Commence late 2024	2025
<b>Camden Haven</b>	Bank and Riparian Condition Assessment	FY23/24	FY23/24
	Water Quality Improvement Strategy	Commence late 2024	2025
<b>Open Coastline</b>	Coastal Recreational User Needs Analysis (LGA wide)	Complete	2024
	Coastal Hazard Assessment and Coastal Vulnerability Mapping	Progressing	2024
	Sea Country Action Plan	Progressing	2025

The CMP is being developed in geographical chapters. An indicative timeframe of the progression of the CMP is presented below in Table 2.

<b>Current Progress</b>	<b>CMP Stage</b>	<b>Expected Completion</b>			
		<b>Lake Cathie / Bonny Hills</b>	<b>Hastings River Estuary</b>	<b>Camden Haven River Estuary</b>	<b>Open Coastline</b>
✓	<b>Stage 1</b>	Complete			
⇒	<b>Stage 2</b>	2021 - 2025	2022 - 2025	2023 - 2025	2023 - 2025
	<b>Stage 3 - 4</b>	2025	2025	2025	2025
	<b>Stage 5</b>	2025+	2025+	2025+	2025+

Table 2: Indicative CMP Timeframe  
**Projects Progress**

The following provides an overview of the progress of Council projects associated with the CMP and initiatives within the Lake Cathie / Lake Innes / Cathie Creek waterway since the previous report to Council in August 2024.



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

The Hydrodynamic Model of Lake Innes, Lake Cathie and Cathie Creek has now been completed. Council staff have organised a presentation for November for key NSW State Government and community stakeholders involved in the management of the system. The presentation will ensure key stakeholders involved in the management of the system are aware of the findings of this project and are able to contribute to decision-making for CMP actions. The outcomes of the model will be referenced in the development of the CMP including the Review of the Lake Cathie Entrance Management Strategy.

**2. Bundella Avenue Asbestos Remediation Works**

The Bundella Avenue Asbestos Remediation works have now been completed, with the revegetation works being completed in September. Approximately 4,000 plants in total were planted along the remediated embankment off Bundella Avenue. An ongoing watering regime will continue to encourage the establishment of the plants.

The collaborative project between NSW Crown Lands and PMHC was a good example of agencies working across difficult tenure to achieve good outcomes for the community.

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

Bluecoast Consulting Engineers are continuing the development of the Coastal Hazard Assessment and Coastal Vulnerability Assessment Mapping Project on behalf of Council. Bluecoast Consulting Engineers are currently assessing the various coastal hazards across the Local Government Area. This hazard assessment will be used in the development of Coastal Vulnerability Assessment maps for the Port Macquarie Hastings Council LGA. The overall project is expected to be completed by late 2024.

**4. Water Quality Improvement Strategy**

Council released a tender in May 2024 to identify a consultant to develop Water Quality Improvement Strategies for three waterways including the Hastings River Estuary, the Camden Haven River Estuary and Lake Cathie / Bonny Hills catchments. The overarching aim of these strategies is to identify current and future impacts to water quality within the coastal waterways of the LGA and provide Council with specific management actions to improve water quality within the coastal waterways. At the time this report was prepared, a preferred submission had been identified by the evaluation team and Council staff were finalising procurement documentation.

**5. Update to Lake Cathies Standard Operating Procedure**

An update to the Lake Cathie Standard Operating Procedure (SOP) has recently been adopted by Council's Executive Staff. The SOP is an internal procedure outlining actions that Council staff take to manage and mitigate flood risk once Lake Cathie reaches 1.4m AHD.

Key changes outlined in the revised SOP include renaming the document to "Standard Operating Procedure," updating roles and defining the methodology to

achieve a dry notch berm scrape. To maintain transparency for the community, the Standard Operating Procedure has been uploaded onto the Lake Cathie webpage under the “Water levels and opening strategy” tab.

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

Council staff have received a proposal from the consultant that undertook the Hydrodynamic Model of Lake Cathie, Lake Innes and Cathie Creek to complete an Entrance Management Strategy for the Lake Cathie System. The proposal looks to use the findings from recent investigations undertaken on the waterway, current guidelines and legislation to develop short, medium and long term management options to manage the entrance of the system. The proposal also looks to develop a monitoring dashboard, to provide an overview of the potential flood hazards from rising water level,s that can be used to better inform decision making around timing of artificial entrance opening and to support application of Council's Lake Cathie Standard Operating Procedure. The proposal is currently being reviewed.

#### **7. Invasive Weed Management**

Invasive weed control activities that have occurred since the August 2024 Lake Cathie Natural Resource Management Monthly Update Report include:

- The identification and removal of Yellow bells trees from a property in Chapana Street
- The identification and mapping of Bushman's poison trees within littoral rainforest off Chepana Street.
- The treatment of invasive weed species including Ground asparagus, Cassia, and Giant strelitzia in 0.5 hectares of littoral rainforest along Chepana Street.
- The high priority weeds Sicklethorn (*Asparagus falcatus*) and Groundsel bush (*Baccharis halimifolia*), along with many common weeds, have been mapped in 7 hectares of bushland along the edge of Tallong Drive and Lake Innes Nature Reserve. A management plan is currently being developed for this area.
- Extensive weed control has been undertaken over 3 hectares of bushland between Able Tasman Drive and Ocean Drive. This will assist Lake Cathie Landcare in the maintenance of this area. Main targets included Canary Island Date Palm, Lantana, Cassia and Brazilian nightshade.

**8. Other Projects**

**Sea Country**

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

**4WD Signage**

Council staff have continued to install several signs across the LGA targeting drivers of vehicles on beaches. Following the installation of signs at Lighthouse Beach, Lake Cathie, North Shore, Queens Head Dunbogan Beach and Diamond Head, additional signs were recently installed at Lake Cathie, Bonny Hills and North Haven. The signs inform beach drivers where vehicles are permitted/not permitted and speed limits as per the Beach Driving Policy.

**Options**

This report is provided for information purposes only.

**Community Engagement and Internal Consultation**

This report is provided for information purposes only.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

There are no financial and economic implications in relation to this report specifically. An updated budget status of current adopted projects is provided below.

<b>Project</b>	<b>Grant Funding (\$)</b>	<b>Council Contribution (\$)</b>	<b>Total Estimated Project Cost (\$)</b>
<b>Current Projects</b>			
Water Quality Improvement Strategy	200,001	100,000	300,001
Coastal Hazard Assessment & Coastal Vulnerability Assessment	108,000	54,000	162,000
<b>TOTAL</b>	<b>308,001</b>	<b>154,000</b>	<b>462,001</b>

**Attachments**

Nil