



Ordinary Council

Business Paper

date of meeting: Thursday 12 December 2024

location: Council Chambers, 17 Burrawan Street, Port Macquarie

time: 10:00am

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

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

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

Oath Of Councillor

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

Affirmation Of Councillor

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

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

Ordinary Council Meeting

Thursday 12 December 2024

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

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

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

RECOMMENDATION

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

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

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

Item: 04**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 14 November 2024 be confirmed.

PRESENT

Members:

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

Other Attendees:

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

The meeting opened at 10.00am

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

RESOLVED: Lipovac/Edwards

That Council accede to the request of Councillor Mark Hornshaw to attend the meeting by remote means.

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

03 LOCAL GOVERNMENT PRAYER

Reverend Daniel Berris from St Thomas Church, Port Macquarie delivered the Local Government Prayer.

04 APOLOGIES

Nil.

05 CONFIRMATION OF MINUTES

RESOLVED: Maltman/Intemann

That the Minutes of the Ordinary Council Meeting held on 17 October 2024 be confirmed.

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

06 DISCLOSURES OF INTEREST

Councillor Tubman declared a Non-Pecuniary, Less Than Significant Interest in Item 13.01 Rescission Motion Camden Head Lookout Master Plan, the reason being that an associate of Councillor Tubman, Sue Baker, ran on in a group ticket for the 2024 Local Government election together with Councillor Tubman and she is a member of a Hastings Landcare Group, that have made submissions with regard to this item. Ms Baker also made a minor financial contribution to the election campaign of Councillor Tubman in the 2024 Local Government election. Councillor Tubman has known this person for the past 3 months, however they are not regarded as close associates and we do not meet or speak on a regular basis. Councillor Tubman intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence his decision making in the matter.

Councillor Maltman declared a Non-Pecuniary - Less than Significant interest in Item 13.08 Lake Cathie Natural Resource Management Monthly Update Report. The reason being that Councillor Maltman is a non-financial life member and former President of the community organisation Revive Lake Cathie Incorporated. Councillor Maltman intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence her decision making in the matter.

Councillor Sheppard declared a Non-Pecuniary, Significant interest in Item 14.04 Code of Conduct Matter. The reason being is that in August 2024 the respondent in this matter made a reportable political donation to a campaign from which she benefited. Councillor Sheppard intends to leave the meeting and take no part in consideration of this item.

07 MAYORAL MINUTES

Nil.

08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Lipovac/Intemann

That Council determine that the attachments to Item Numbers 10.10, 10.11 and 10.22 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

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

09 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Maltman/Kirkman

That Items 10.01, 10.02, 10.03, 10.10, 10.13, 10.17, 10.18, 10.20, 10.22, 11.06, 13.04, 13.05 and 13.06 be considered as a block resolution.

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

RESOLVED: Sheppard/Lipovac

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

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

**10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 3 TO 30
OCTOBER 2024**

BLOCK RESOLVED: Sheppard/Lipovac

That Council note the Mayoral Discretionary Fund allocations for the period 3 to 30 October 2024 inclusive.

10.02 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.

10.03 OATH OR AFFIRMATION OF OFFICE

BLOCK RESOLVED: Sheppard/Lipovac

That Council note that the Mayor and all Councillors undertook their Oath, or Affirmation, of Office before Council's Chief Executive Officer on Thursday 17 October 2024.

10.10 LEGAL FEES

BLOCK RESOLVED: Sheppard/Lipovac

That Council note the information in the Legal Fees report.

10.13 INVESTMENTS AND LOANS - OCTOBER 2024

BLOCK RESOLVED: Sheppard/Lipovac

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

**10.17 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM
PERFORMANCE - QUARTERLY REPORT**

BLOCK RESOLVED: Sheppard/Lipovac

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

10.18 ELECTRICITY CONTRACT - SMALL SITES (<100,000KWH)

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

- 1. In accordance with section 55(3)(i) of the Local Government Act 1993, not invite tenders for the supply of electricity to Council's sites and facilities due to extenuating circumstances for the reasons that a satisfactory outcome would not be achieved by openly advertising the invitation of tenders.**
 - 2. Extend the current Contract with retailer Shell Energy to 2032 under the NSW Whole of Government Contract 3062.**
-

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

BLOCK RESOLVED: Sheppard/Lipovac

That Council adopt the draft Policy Framework and draft Policy Framework Procedure.

10.22 PROPERTY INVESTMENT PORTFOLIO - ANNUAL REPORT

BLOCK RESOLVED: Sheppard/Lipovac

That Council note the update provided to Council on the Property Investment Portfolio for financial year to 30 June 2024.

11.06 COMMUNITY GRANTS PROGRAM 2024-2025 - FUNDING ROUND 1

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

1. **Allocate \$101,350 in funding under Round 1 of the 2024-2025 Community Grants Program to the following organisations:**

Endeavour Mental Health	Creating a Safe Haven	\$2,400
Self Seen Inc.	Front Line Listeners	\$3,000
Liberty DV Services	Pathways to Healing	\$10,000
Arts MNC	Creative Sparks	\$10,000
Lions Club PMQ/TP	Rise & Shine Breakfast Club	\$5,000
Birpai LALC	Camden Haven Cultural Camps	\$10,000
PMQ Historical Society	Hastings Art Trail	\$13,769
EACH Headspace	Cage the Night	\$15,000
PMQ Players	One Act Play Festival	\$5,000
Charles Sturt University	Queer Screen Short Film Festival	\$5,000
Hastings Valley Fine Art Assoc	Hastings Valley Open Art Prize	\$1,000
The Y NSW	Australia Day Splashfests	\$8,950
Douglas Vale Conservation	Seniors Day in the Vineyard	\$2,000
Pappinbarra Progress Assoc	Christmas in Lorne	\$2,000
Byabarra Sports & Tennis Club	Christmas in Byabarra	\$2,000
Beechwood P&C	Christmas in Beechwood	\$2,000
Bunyah LALC	Christmas for Bunyah	\$2,000
Wauchope Bonny SLS Club	Christmas at Bonny Hills	\$2,000
Pappinbarra Progress Assoc	Christmas in Pappinbarra	\$2,000
Friends of Mrs Yorks Garden	A Decade of Bloom	\$2,000
	TOTAL	\$101,350

2. **Note that \$6,755 in community micro grants has been allocated to the following organisations:**

Heritage Christian School	Seen & Heard 2.0	\$2,000
MNC Indian Assoc.	Diwali Festival of Lights	\$2,000
Hastings College Robotics	Hastings Heroes Robotics Team	\$2,000
PMQ Community Garden Inc.	Lost Plot Spring Fair	\$ 755
	TOTAL	\$6,755

**13.04 DA2023-504 - PRIMITIVE CAMPING AT COMBOYNE SHOWGROUND -
SHOWGROUND ROAD COMBOYNE - REQUEST TO WAIVE
DEVELOPMENT CONTRIBUTIONS AND WATER DEVELOPER
SERVICING CHARGES**

BLOCK RESOLVED: Sheppard/Lipovac

That Council waive the development contributions and water developer servicing charges, totalling \$64,898.90, associated with the eight additional primitive campground sites within the existing Comboyne Showground.

13.05 LOCAL STRATEGIC PLANNING STATEMENT - ANNUAL UPDATE

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

- 1. Note the progress of actions identified in Council's Local Strategic Planning Statement - Shaping our Future 2040.**
 - 2. Note that the LSPS is to be reviewed to ensure alignment with Council's Community Strategic Plan (Imagine 2050) and the North Coast Regional Plan 2041.**
 - 3. Note that the review will also seek to assign actions which support the implementation of the planning priorities and principles identified in the LSPS, to the appropriate Council strategy(s) and supporting action plan(s).**
-

**13.06 UPDATE REPORT DRAFT DEVELOPMENT SERVICING PLAN (DSP),
2024 - PUBLIC EXHIBITION**

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

- 1. Note the Draft Development Servicing Plan is currently on public exhibition, commenced on 14 October and concluding on 22 November 2024.**
 - 2. Note that a report will be presented to the February 2025 Ordinary Council Meeting following the public exhibition period.**
-

10.04 NOTICE OF MOTION - COUNCILLOR ATTENDANCE AT MEETINGS

RESOLVED: Lipovac/Sheppard

That Council, during the end of each 12-month period (October to September) of this 4-year term, request the Chief Executive Officer to provide a report at the October Meeting on the number of Ordinary, Extraordinary Meetings, Pre-Council Briefings and the number of Public Forums each Councillor has attended.

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

10.05 NOTICE OF MOTION - CODE OF CONDUCT PROVISIONS FOR RETURNS OF INTEREST

RESOLVED: Sheppard/Tubman

That Council amend the Code of Conduct by including additional supplementary provisions as detailed below:

- 4.23A** If a Councillor or Designated Person does not lodge a Return of Interest, the Chief Executive Officer or delegate will bring this to the attention of the Councillor or Designated Person and will request they lodge the Return. Should the Councillor or Designated Person fail to lodge a Return after reasonable requests, this will be documented in the associated report in which the Return is presented to Council, by identifying the party who has not lodged a required Return of Interest, and their position in the organisation.
- 4.23B** In the case that a Councillor or Designated Person submits a Return of Interests that, in the opinion of the Chief Executive Officer or delegate, is visibly incomplete, contains unclear responses, is illegible or is otherwise visibly non-compliant with the requirements of completing the return, the Chief Executive Officer, or delegate, will bring all areas of visible noncompliance to the attention of the Councillor or Designated Person and will request the Councillor or Designated Person to lodge a corrected return.
- 4.23C** If, following application of clause 4.23B, a Councillor or Designated Person insists on lodging a Return of Interests that, in the opinion of the Chief Executive Officer or delegate, is visibly incomplete, contains unclear responses, is illegible or is otherwise visibly non-compliant with the requirements of completing the return, this is documented in the associated report in which the Return is presented to Council, by identifying the noncompliant Return of Interest and specifying the ways in which it is considered noncompliant.

4.23D With respect to clauses 4.23B and 4.23C, the analysis with respect to the measure of completeness will be based on examination of whether individuals have completed all parts of the Returns of Interests form. This does not examine whether the information provided in the forms is in fact accurate. It is further noted that the responsibility of correctly completing the return is held by the Councillor or Designated Person, and not the Chief Executive Officer or their delegate.

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

10.06 QUESTION WITH NOTICE - STATE OR FEDERAL ACTIVE TRANSPORT GRANT FUNDING OPPORTUNITIES.

RESOLVED: Edwards/Sheppard

That the response provided to Councillor Edwards Question on Notice regarding State Or Federal Active Transport Grant Funding Opportunities be noted.

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

10.07 COUNCIL MEETING DATES FOR 2025

MOTION

MOVED: Lipovac/Sheppard

That Council:

1. Set the Ordinary Council Meeting dates for the 2025 as the third Thursday of each month (with the exception of an earlier meeting in December due to the proximity of Christmas) being:
 - 20 February
 - 20 March (Wauchope)
 - 17 April
 - 15 May
 - 19 June
 - 17 July
 - 21 August
 - 18 September
 - 16 October (Camden Haven)
 - 20 November

-
- 11 December
2. Set the Ordinary Council meetings to commence at 2:00pm on the dates as listed in 1 above.
 3. Conduct a public forum the Monday evening prior to each Ordinary Council Meeting commencing at 5.00pm, with the exception of the March 2025 and October 2025 public forums where they will be held at 1pm immediately preceding the commencement of the Ordinary Council meeting.

AMENDMENT

MOVED Intemann/Hornshaw

That Council:

1. Set the Ordinary Council Meeting dates for the 2025 as the third Thursday of each month (with the exception of an earlier meeting in December due to the proximity of Christmas) being:
 - 20 February
 - 20 March (Wauchope)
 - 17 April
 - 15 May
 - 19 June
 - 17 July
 - 21 August
 - 18 September
 - 16 October (Camden Haven)
 - 20 November
 - 11 December
2. Set the Ordinary Council meetings to commence at 2:00pm on the dates as listed in 1 above.
3. Conduct a public forum the Monday evening prior to each Ordinary Council Meeting commencing at 5.00pm, with the exception of the March 2025 and October 2025 public forums where they will be held at 1.00pm immediately preceding the commencement of the Ordinary Council meeting.
4. Request the Chief Executive Officer be requested to consult with Councillors and staff in early 2025 regarding the possibility of engaging in community outreach rather than conduct council meetings off-site.

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

THE AMENDMENT ON BEING PUT WAS CARRIED

THE AMENDMENT BECAME THE MOTION

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Intemann/Hornshaw

That Council:

1. **Set the Ordinary Council Meeting dates for the 2025 as the third Thursday of each month (with the exception of an earlier meeting in December due to the proximity of Christmas) being:**
 - 20 February
 - 20 March (Wauchope)
 - 17 April
 - 15 May
 - 19 June
 - 17 July
 - 21 August
 - 18 September
 - 16 October (Camden Haven)
 - 20 November
 - 11 December
2. **Set the Ordinary Council meetings to commence at 2:00pm on the dates as listed in 1 above.**
3. **Conduct a public forum the Monday evening prior to each Ordinary Council Meeting commencing at 5pm, with the exception of the March 2025 and October 2025 public forums where they will be held at 1pm immediately preceding the commencement of the Ordinary Council meeting.**
4. **Request the Chief Executive Officer be requested to consult with Councillors and staff in early 2025 regarding the possibility of engaging in community outreach rather than conduct council meetings off-site.**

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

10.08 DISCLOSURE OF INTEREST RETURN - DESIGNATED PERSONS

RESOLVED: Intemann/Sheppard

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

1. **Elected Member - Councillor**
2. **Business and Performance - Health, Safety and Wellbeing Manager**
3. **Community Utilities - Waste Transfer Station Team Leader**

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

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

**10.09 AUDIT RISK AND IMPROVEMENT COMMITTEE FOUR- YEAR
WORKPLAN AND FOUR-YEAR STRATEGIC INTERNAL AUDIT PLAN**

RESOLVED: Sheppard/Edwards

That Council:

- 1. Note the draft Port Macquarie- Hastings Council Audit Risk and Improvement Committee Strategic Workplan and the draft Four-year Strategic Audit Plan for the period 1 July 2024 to 30 June 2028.**
- 2. Defer consideration of adoption of the draft plans in clause 1, until after Council has received the End of Term Audit Risk and Improvement Committee Presentation to Council and received the report of the end of term Independent Assessment, no later than February 2025.**
- 3. Note that ARIC and Internal Audit work will continue per the draft plans until such time as plans are formally adopted by council.**

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

Item 10.10 Legal Fees, has been addressed previously within the meeting.

**10.11 2024-2025 QUARTERLY BUDGET REVIEW STATEMENT AND
OPERATIONAL PLAN STATUS REPORT AS AT 30 SEPTEMBER 2024**

RESOLVED: Sheppard/Edwards

That Council:

- 1. Note the Quarterly Budget Review Statements as at 30 September 2024.**
- 2. Note the 2024-2025 Operational Plan First Quarter Status Report as at 30 September 2024.**
- 3. Authorise the deferral of the following Actions/Projects, with the Status of Council approved Action Deferred / Not Progressing**
 - WAS 09 Water Network Planning - Trunk Mains Upgrade- Chalmers St (O'Briens)**
 - WAS 11 Water Network Planning - Trunk Mains Upgrade - Sancrox Residential Area**
 - WAS 12 Water Network Planning - Trunk Mains Upgrade- Yarramundi Rd Trunk Mains**
 - WAS 13 Water Network Planning - Trunk Mains - Yippin Creek Northern Trunk Mains**
 - WAS 21 Water Network Planning - Transit Hill Reservoir instrumentation, pipework and valves renewal**

-
- **WAS 33 Reservoirs - Trunk Main from Bonny Hills to Kew (Area 15) reservoir**
 - **WAW 09 Wastewater Network - Reticulation Mains and Rising Mains - Camden Haven Sewer Pump Station (SPS) #11 - Rising main renewal works**
 - **WAW 10 Wastewater Network - Reticulation Mains and Rising Mains - Camden Haven Sewer Pump Station (SPS) #15 - Rising main renewal works**
 - **WAW 21 Wastewater Network - Reticulation Mains and Rising Mains - Camden Haven Sewer Pump Station (SPS) #23 Catchment Relining**
 - **WAW 22 Wastewater Network - Reticulation Mains and Rising Mains - Port Macquarie Sewer Pump Station #71 Catchment Investigations**
 - **WAW 28 Sewer Pumping Stations (SPS) - Port Macquarie Sewer Pump Station (SPS) #05 - Pump Station Upgrade**
 - **WAW 29 Sewer Pumping Stations (SPS) - Port Macquarie Sewer Pump Station (SPS) #06 - Pump Station Upgrade**
 - **WAW 31 Sewer Pumping Stations (SPS) - Wauchope Sewer Pump Station (SPS) #01 - Pump Station Upgrade**
4. **Note the tabled additional information in relation to the project deferrals detailed in clause 3.**
 5. **Request the Chief Executive Officer provide a Councillor briefing by the end of February 2025 in relation to the deferrals appearing in clause 3, that details the proposed new timeline for delivery of each project, impacts of deferring each project in relation to strategic growth considerations, and details options explored or to be explored to progress the deferred projects in the upcoming delivery program.**
 6. **Note that whilst there are no errors in the T-Corp ratio calculations, there is a lack of clarity on the criteria supporting the classification, which will be addressed in future Quarterly Budget Review Statement reporting.**

CARRIED: 9/0

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

AGAINST: Nil

The Chairperson tabled additional documentation circulated to Councillor's 2024-2025 Quarterly Budget Review Statement And Operational Plan Status Report as at 30 September 2024 as listed above.

Deputy Mayor Edwards left the meeting, the time being 10.44am.

Deputy Mayor Edwards returned to the meeting, the time being 10.44am.

10.12 MONTHLY BUDGET REVIEW - OCTOBER 2024

RESOLVED: Sheppard/Intemann

That Council:

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

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

Item 10.13 Investments and Loans - October 2024, has been addressed previously within the meeting.

10.14 PORT MACQUARIE-HASTINGS COUNCIL ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2024

RESOLVED: Edwards/Intemann

That Council adopt the Port Macquarie-Hastings Council Annual Financial Statements, incorporating the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2024.

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

10.15 2023-2024 PORT MACQUARIE-HASTINGS COUNCIL ANNUAL REPORT

RESOLVED: Edwards/Tubman

That Council:

- 1. Adopt the 2023-2024 Port Macquarie-Hastings Council Annual Report.**
- 2. Authorise minor corrections or typographical errors to be corrected prior to the finalised document being published on Council's website and the Office of Local Government be notified no later than 30 November 2024.**
- 3. That a copy of the 2023-2024 Port Macquarie-Hastings Council Annual Report be printed and made available for reading at the Port Macquarie, Wauchope, and Laurieton Libraries.**

CARRIED: 9/0

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

AGAINST: Nil

10.16 2021-2024 STATE OF OUR REGION REPORT - PORT MACQUARIE HASTINGS COUNCIL

RESOLVED: Edwards/Maltman

That Council:

- 1. Note the 2021-2024 State of our Region Report.**
- 2. Authorise minor corrections or typographical errors to be corrected prior to the finalised document being published on Council's website and the Office of Local Government be notified no later than 30 November 2024.**
- 3. That a copy of the 2021-2024 State of our Region Report be printed and made available for reading at the Port Macquarie, Wauchope, and Laurieton Libraries.**

CARRIED: 9/0

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

AGAINST: Nil

Item 10.17 Development Activity and Assessment System Performance - Quarterly Report, has been addressed previously within the meeting.

Item 10.18 Electricity Contract - Small Sites (<100,000kWH), has been addressed previously within the meeting.

10.19 SUPPLY OF ELECTRICITY - REGIONAL COUNCILS NSW POWER PURCHASE AGREEMENT

RESOLVED: Edwards/Sheppard

That Council note that:

1. **At its February 2024 meeting, Council resolved:**
 - a) **In accordance with section 55(3)(i) of the Local Government Act 1993, not to invite tenders for the supply of electricity to Council's large sites and streetlights due to extenuating circumstances, for the reasons that a satisfactory outcome would not be achieved by openly advertising the invitation of tenders.**
 - b) **To support pursuing a Power Purchase Agreement for Council's electricity contract for large sites and streetlights through the Hunter Joint Organisation tender process with the upfront cost of \$22,385.**
 - c) **That subject to a successful tendering process by the Hunter Joint Organisation, the Chief Executive Officer shall negotiate and enter into a contract for the supply of electricity to Council's large sites and streetlights under existing delegation and present a further report to a future meeting of Council on completion of the process for Council's information.**
2. **A successful extended tendering process has concluded for the Chief Executive Officer to enter into a six-year contract, under existing delegation, with Iberdrola Australia commencing 1 January 2025 for the supply of electricity to Council's large sites and streetlights.**

CARRIED: 8/1

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

AGAINST: Hornshaw

Item 10.20 Policy Review - Draft Policy Framework - Following Public Exhibition, has been addressed previously within the meeting.

10.21 STRATEGY REVIEW - DRAFT PROCUREMENT STRATEGY - FOLLOWING PUBLIC EXHIBITION

RESOLVED: Sheppard/Lipovac

That Council:

1. **Note the Local Content evaluation criteria within the Draft Procurement Strategy is intended to replace the current offset methodology within the Tendering Local Preference Policy and more effectively maximise the participation of local business in Council contracts and projects.**
2. **Re-exhibit the Draft Procurement Strategy and place the proposed rescission of the Tendering Local Preference Policy on public exhibition for a period of 28 days, with public submissions to be**

considered and presented to the Ordinary Council meeting in February 2025.

3. **Design a communication plan to ensure a broad consultation process on the Draft Procurement Strategy, encouraging diverse input from regional businesses and suppliers by direct outreach to known business working groups within our region as well as all vendors currently registered in Council's Procure to Pay system.**
4. **Reinsert Page 9 of the Draft Procurement Strategy as presented to the August 2024 Ordinary Council Meeting, for inclusion in the re-exhibition, with the removal of paragraph three.**
5. **Note a future report will be presented to the Ordinary Council meeting every 12 months commencing from October 2025, that details Council's commitment to supporting local business through its tendering and purchasing process during the previous financial year.**

CARRIED: 5/4

FOR: Edwards, Intemann, Lipovac, Sheppard and Tubman

AGAINST: Hornshaw, Kirkman, Maltman and Roberts

Item 10.22 Property Investment Portfolio - Annual Report, has been addressed previously within the meeting.

RESOLVED: Sheppard/Lipovac

That the meeting adjourn for 5 minutes.

CARRIED: 6/3

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

AGAINST: Kirkman, Maltman and Roberts

The Ordinary Council Meeting adjourned at 11.07am

The Ordinary Council Meeting resumed at 11.13am

10.23 REVIEW OF DISCONTINUED COMMITTEES WORKING GROUP

RESOLVED: Sheppard/Edwards

That Council:

1. **Acknowledge the Draft Scope for the Review of Port Macquarie Hastings Disbanded Committees as tabled.**
2. **Commence a desktop review of the committees discontinued in February 2022, including the charters, most recent agendas and minutes, under business as usual allocations.**
3. **Determine that the Working Group continue for the purposes of finalising a scope of review.**
4. **Request that the Chief Executive Officer provide a further report to Council in December 2024 regarding the activities of Working Group,**

the proposed scope of the review and funding as identified in the October 2024 resolution (Item 10.08).

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

The Chairperson tabled the "Review of Port Macquarie-Hastings Council Disbanded Committees - Project Scope.

11.01 NOTICE OF MOTION - SPORTING VENUE SPONSORSHIP PROGRAM

RESOLVED: Lipovac/Maltman

That Council request the Chief Executive Officer provide a report to the April 2025 Ordinary Council meeting regarding the options available to Council for consideration of the establishment of a Sporting Venue Sponsorship Program.

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

11.02 QUESTION WITH NOTICE - PORT MACQUARIE OCEAN POOL COMMITTEE

RESOLVED: Lipovac/Tubman

That the response provided to Councillor Lipovac Question on Notice regarding Port Macquarie Ocean Pool Committee be noted.

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

**11.03 PROPOSED FUTURE USE OF THE CURRENTLY VACANT BUILDING -
143 GORDON STREET, PORT MACQUARIE**

RESOLVED: Edwards/Lipovac

That Council:

- 1. Defer consideration of item 11.03 Proposed Future Use of the Currently Vacant Building - 143 Gordon Street, Port Macquarie to the December 2024 Ordinary Council meeting.**
- 2. Requests the Chief Executive Officer to pause all activities in respect of leasing of 143 Gordon Street, Port Macquarie pending the outcome of Council's consideration at the December 2024 Ordinary Council meeting.**

CARRIED: 8/1

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

AGAINST: Maltman

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

MOTION

MOVED: Lipovac/Intemann

That Council:

- 1. Defer consideration of the determination for the use of the vacant land at Oxley Oval until the February 2025 Ordinary Council meeting.**
- 2. Request the Chief Executive Officer to provide a briefing to Councillors on this matter on Thursday 6 February 2025.**

AMENDMENT

MOVED: Intemann/Tubman

That Council:

- 1. Defer consideration of the determination for the use of the vacant land at Oxley Oval until the February 2025 Ordinary Council meeting.**
- 2. Request the Chief Executive Officer to provide a briefing to Councillors on this matter on Thursday 6 February 2025 or thereabouts before the February 2025 Ordinary Council Meeting.**

CARRIED: 5/4

FOR: Intemann, Kirkman, Roberts, Sheppard and Tubman

AGAINST: Edwards, Hornshaw, Lipovac and Maltman

THE AMENDMENT ON BEING PUT WAS CARRIED

THE AMENDMENT BECAME THE MOTION

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Intemann/Tubman

That Council:

- 1. Defer consideration of the determination for the use of the vacant land at Oxley Oval until the February 2025 Ordinary Council meeting.**
- 2. Request the Chief Executive Officer to provide a briefing to Councillors on this matter on Thursday 6 February 2025 or thereabouts before the February 2025 Ordinary Council Meeting.**

CARRIED: 8/1

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

AGAINST: Maltman

11.05 RECOMMENDED ITEMS FROM THE OCTOBER 2024 MEETING OF THE PORT MACQUARIE-HASTINGS SPORTING FUND

RESOLVED: Lipovac/Sheppard

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

- 1. Payment of \$250 to Pippa Lawler to attend Pacifika Youth Rugby Cup in Sydney on 29 November 2024.**
- 2. Payment of \$500 to Ella Broderick to attend U16 Australian Country Junior Basketball Cup in Albury on 14 January 2025.**

CARRIED: 9/0

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

AGAINST: Nil

Item 11.06 Community Grants Program 2024-2025 - Funding Round 1, has been addressed previously within the meeting.

13.01 RESCISSION MOTION - CAMDEN HEAD LOOKOUT MASTER PLAN

Councillor Tubman declared a Non-Pecuniary, Less Than Significant Interest in Item 13.01 Rescission Motion Camden Head Lookout Master Plan, the reason being that an associate of Councillor Tubman, Sue Baker, ran on in a group ticket for the 2024 Local Government election together with Councillor Tubman and she

is a member of a Landcare Group, that have made submissions with regard to this item. Ms Baker also made a minor financial contribution to the election campaign of Councillor Tubman in the 2024 Local Government election. Councillor Tubman has known this person for the past 3 months, however they are not regarded as close associates and do not meet or speak on a regular basis. Councillor Tubman intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence his decision making in the matter.

RESOLVED: Edwards/Lipovac

That the undermentioned motion adopted at the Ordinary Council Meeting held on 18 July 2024

“That Council:

- 1. Note the information contained within the Camden Head Lookout Master Plan Community Engagement Report – July 2024**
- 2. Endorse the Establishment of a ‘Friends of Camden Head Lookout’ volunteer group and proceed to establish the group by November 2024**
- 3. Immediately proceed to undertake ‘preliminary works’ to tidy up the site as noted in this Report.**
- 4. Adopt for the purposes as a starting point, the Individual Stakeholder Proposed Master Plan, to be further developed by the ‘Friends of Camden Head Lookout’ to be presented to Council for adoption, including a detailed scope of medium to long term works, project costings and likely legislated planning assessment pathway(s).**
- 5. Thank submitters and advise them of the outcome of Council’s consideration of this matter.**
- 6. Upon establishment of the ‘Friends of Camden Head Lookout’ group provide a Bi-Monthly Report to Council on the progress of the group development, preliminary works and progress towards the longer term works on the site.”**

be rescinded.

CARRIED: 5/4

FOR: Edwards, Intemann, Lipovac, Sheppard and Tubman

AGAINST: Hornshaw, Kirkman, Maltman and Roberts

RESOLVED: Edwards/Lipovac

That Council:

- 1. Note the information contained within the Camden Head Lookout Master Plan Community Engagement Report - July 2024**
- 2. Note that preliminary works have commenced at the site to tidy up the site as per Council’s July 2024 resolution on this matter.**
- 3. Adopt the Amended Camden Head Lookout Reserve Master Plan included in Attachment 5 to the report for Item 11.01 Camden Head Lookout Master Plan Engagement Outcomes - Post Exhibition Report of the July 2024 Ordinary Council meeting.**
- 4. Endorse the establishment of a Friends of Camden Head Lookout volunteer group and proceed to establish the group.**

5. Advise submitters of Council's amended resolution regarding this matter.

CARRIED: 5/4
FOR: Edwards, Intemann, Lipovac, Sheppard and Tubman
AGAINST: Hornshaw, Kirkman, Maltman and Roberts

The Chairperson tabled the following correspondence:

1. NSW National Parks and Wildlife
2. Department of Planning and Housing Infrastructure

Councillor Maltman left the meeting, the time being 12:13pm.

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

13.02 NOTICE OF MOTION - ENVIRONMENTAL SUSTAINABILITY STRATEGY

RESOLVED: Sheppard/Edwards

That Council:

- 1. Endorse the draft Environmental Sustainability Strategy as presented to Council in April 2024 (Item 13.05) for the purposes of public exhibition and place the draft Strategy on public exhibition for a period of not less than 28 days.**
- 2. Note that a further report will be presented to Council, following the public exhibition period, detailing the submissions received and any recommended changes to the draft Strategy for consideration by Council, no later than the March 2025 Ordinary Meeting of Council.**

CARRIED: 5/4
FOR: Edwards, Intemann, Lipovac, Sheppard and Tubman
AGAINST: Hornshaw, Kirkman, Maltman and Roberts

13.03 NOTICE OF MOTION - SOUTH-WEST LINK ROAD

MOVED: Lipovac/Intemann

That Council:

1. Note that Integrated Transport Plan includes an action to review traffic modelling in the Local Government area to better inform future transport planning.
2. Receive an information report to the February 2025 Ordinary Meeting that outlines the options previously considered relating to the construction of a South-West Link Road (previously known as the Orbital Road) that connects Ocean Drive and the Oxley Highway in Port Macquarie.

LOST: 2/7

FOR: Hornshaw and Lipovac

AGAINST: Edwards, Intemann, Kirkman, Maltman, Roberts, Sheppard and Tubman

Item 13.04 DA2023-504 - Primitive Camping at Comboyne Showground - Showground Road Comboyne - Request to Waive Development Contributions and Water Developer Servicing Charges, has been addressed previously within the meeting.

Item 13.05 Local Strategic Planning Statement - Annual Update, has been addressed previously within the meeting.

Item 13.06 Update Report Draft Development Servicing Plan (DSP), 2024 - Public Exhibition, has been addressed previously within the meeting.

Deputy Mayor Edwards left the meeting, the time being 12:38pm.

Councillor Kirkman left the meeting, the time being 12:39pm.

Deputy Mayor Edwards returned to the meeting, the time being 12:40pm.

Councillor Kirkman returned to the meeting, the time being 12:40pm.

13.07 KOALA RECOVERY STRATEGY ANNUAL UPDATE

RESOLVED: Intemann/Lipovac

That Council note the annual update on the delivery of the Port Macquarie Hastings Council Koala Action Plan.

CARRIED: 9/0

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

AGAINST: Nil

13.08 LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY UPDATE REPORT

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

CONFIDENTIAL SESSION

RESOLVED: Edwards/Kirkman

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 Demographic, Land Use and Economic Planning - Annual SaaS Licensing

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 14.02 Seek Recruitment 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 14.03 Budget and Reporting Application and Support

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

Item 14.04 Code of Conduct Matter

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

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

RESOLVED: Lipovac/Sheppard

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

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

14.01 DEMOGRAPHIC, LAND USE AND ECONOMIC PLANNING - ANNUAL SAAS LICENSING

RESOLVED: Sheppard/Edwards

That Council:

1. Under the extenuating circumstances provision of section 55(3)(i) of the Local Government Act 1993, not invite tenders for the licencing and support agreements for the Demographic, Land Use and Economic Planning - Annual SaaS Licensing with Compelling Economics Pty Ltd due to the unavailability of competitive tenders.
2. Renew the current agreements with Compelling Economics Pty Ltd for licences and support for the Demographic, Land Use and Economic Planning - Annual SaaS Licensing subscription on an annual basis for 5 years, at an annual cost of \$78,500.00 (excluding GST), commencing 1 November 2024 and expiring 31 October 2029.
3. Maintain the confidentiality of the consideration in respect of the Demographic, Land Use and Economic Planning - Annual SaaS Licensing procurement matter outlined in this report.

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

14.02 SEEK RECRUITMENT SUBSCRIPTION

RESOLVED: Lipovac/Kirkman

That Council:

1. Under the extenuating circumstances provision of section 55(3)(i) of the Local Government Act 1993, not invite tenders, as a satisfactory outcome would not be achieved for the reason of limited availability for suppliers of recruitment advertisement services.
2. Renew the current subscription with Seek Limited for recruitment advertisement services for one year, at an approximate annual cost of \$55,000 (including GST), commencing 20 November 2024 with the option to undertake annual renewals for a further four years at Council's discretion.
3. Maintain the confidentiality of the consideration in respect of the recruitment advertisement services procurement matter outlined in this report.

CARRIED: 9/0

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

AGAINST: Nil

14.03 BUDGET AND REPORTING APPLICATION AND SUPPORT

RESOLVED: Intemann/Edwards

That Council:

1. Under the extenuating circumstances provision of section 55(3)(i) of the Local Government Act 1993, not invite tenders for the licensing of Council's budget and reporting application with Jedox Pty Ltd and the support agreement with Minerva Partners Pty Ltd.
2. Renew the current agreements with Jedox Pty Ltd and Minerva Partners Pty Ltd for licensing and support for Council's budget and reporting application on an annual basis, at an annual cost of \$145,266 (including GST), expiring 31 March 2030, with the option to undertake annual renewals for a further five years at Council's discretion.
3. Maintain the confidentiality of the consideration in respect of the budget and reporting application procurement matter outlined in this report.

CARRIED: 9/0

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

AGAINST: Nil

14.04 CODE OF CONDUCT MATTER

Councillor Sheppard declared a Non-Pecuniary, Significant interest in this item. The reason being is that in August 2024 the respondent in this matter made a reportable political donation to a campaign from which she benefited. Councillor Sheppard took no part in the consideration or voting and was out of site for consideration of this matter.

Councillor Intemann left the meeting during consideration of this matter.

RESOLVED: Roberts/Lipovac

That Council note the information contained in the report and finalise the Code of Conduct complaint with no action taken.

CARRIED: 7/0
FOR: Edwards, Hornshaw, Kirkman, Lipovac, Maltman, Roberts and Tubman
AGAINST: Nil

RESOLVED: Edwards/Sheppard

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

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

Councillor Sheppard left the meeting, the time being 12.58pm.

Councillor Sheppard returned to the meeting, the time being 1.00pm.

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

The meeting closed at 1.01pm.

.....
Adam Roberts
Mayor

Item: 06
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

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

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

Councillor's Signature: **Date:**

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

Last Updated: 3 June 2019

Important Information

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

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

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

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

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

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

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

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

Item: 08

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

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

Discussion

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

1 Leadership and Governance

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

Item: 10.01

**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 31 OCTOBER
TO 27 NOVEMBER 2024**

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note that there were no allocations made from the Mayoral Discretionary Fund for the period 31 October to 27 November 2024 inclusive.

Executive Summary

To advise of any allocations made from the Mayoral Discretionary Fund for the period 31 October to 27 November 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.

Had any allocations been made during this reporting period, they would have been funded from the Mayoral Discretionary Fund as included in the 2024-2025 Operational budget.

AGENDA

**ORDINARY COUNCIL
12/12/2024**

Attachments

Nil

Item: 10.02

Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

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

Discussion

FEBRUARY 2025 REPORTS					
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report
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, 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. Due to difficulties in engaging an external reviewer this report will be presented to Council in February 2025.	DBP	Dec-24	Dec-24
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	DBP		Nov-23 Mar-24 May-24 Jul-24 Dec-24 Nov-24



		property review due in May.			
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FEBRUARY 2025 REPORTS

Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s 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 - Following public exhibition	19/05/2022 Item 14.04	Alignment of the Corridor Strategy with the Integrated Transport Plan will be required The Draft Corridor Strategy shall be reviewed on completion of the Integrated Transport Plan	DCI		Feb-24 Aug-24
Request Council to Continue Acceptance of Kempsey Shire Council Waste at Cairncross Landfill	20/06/2024 Item 13.10	A future report be tabled at the completion of the arrangement	DCU		
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/2018 Item 14.05	To be incorporated in strategic property portfolio review to be undertaken in 2022/2023 Reclassify the property to operational land, this is a statutory process involving a planning proposal which includes Council fees, public exhibition, submissions, a public hearing, council resolutions and Depot Planning approval. It is estimated that this would take at least 6-9 months.	DCPE	Future Report	Mar-20 Nov-20 Mar-21 Apr-21 Jun-21 Sep-21 Feb-22 Jun-22 Jun-23

Draft Procurement Strategy	14/11/2024 Item 10.21	Following public exhibition a report to Ordinary Council Meeting February 2025	DBP	Feb-25	
Draft Development Servicing Plan (DSP) 2024	14/11/2024 Item 13.06	Following public exhibition a report to Ordinary Council Meeting February 2025	DCU	Feb-25	

MARCH 2025 REPORTS

Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report
Environmental Sustainability Strategy	14/11/2024 Item 13.02	Following public exhibition a report to Ordinary Council Meeting March 2025	DCU	Mar-25	

APRIL 2025 REPORTS

Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report
Sporting Venue Sponsorship Program	14/11/2024 Item 11.01	A report to Council regarding the options available to consider the establishment of a Sporting Venue Sponsorship	DCPE	Apr-24	

JULY 2025 REPORTS

Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report
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
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
Administering 2028 Local Government Election	Na	Na	GMG	Na	Na

JULY 2027 REPORTS					
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s for Report
Councillor Numbers for 2028 Local Government Election	Na	Na	GMG	Na	Na

FUTURE REPORTS					
Report	Date and Item of Resolution	Status	Reporting Officer	Due Date from Council resolution	Previous Anticipated Date/s 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	18/0/2024 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 Council Election	
Draft Port Macquarie-Hastings Local Infrastructure Contributions Plan 2024	20/06/2024 Item 13.06	A report to Council following public exhibition	DCPE		
Places to Play Plan	20/06/2024 Item 11.04	A further sub plans report to Council for consideration 2024-2025	DCPE		
Living and Place Strategy and Supporting Documents	18/04/2024 Item 13.04	A report to Council following public exhibition	DCPE	Future Report	

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

CYCLIC REPORTS	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Mayoral Discretionary Fund Allocations	CEO	Monthly	Every		
Monthly Budget Update	DBP	Monthly	Every (except July)		
Investments	DBP	Monthly	Every		
Recommendations by the Port Macquarie-Hastings Sporting Fund Sub-Committee	DCPE	Monthly	Every (except Feb)		

CYCLIC REPORTS	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
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	DCU	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.		
Community Inclusion Plan - Update of Tasks, Measures and Actions	DCPE	Biannual	Feb, Aug		
Glasshouse Strategic Plan Update	DBP	Biannual	Feb, Aug		
2022-2026 Delivery Program – Six Monthly Progress	DBP	Biannual	Feb, Aug		
Grant Application Biannual Report (16/02/23 - Item 11.05) (21/08/19 - Item 11.02)	DCPE	Biannual	Feb, Aug		
Major Events Grants Round 1 Round 2	DCPE	Biannual	Sept Apr		
Chief Executive Officer's Performance Review	CEO	Annually	Aug		
Operational Plan – Quarterly Progress	DBP	Quarterly	May, Nov (other 2 quarters reported with DP 6 monthly progress report)		
Quarterly Budget Review Statement	DBP	Quarterly	Feb, May, Nov		



CYCLIC REPORTS	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Mayoral and Councillor Fees (Setting of)	CEO	Annually	May		
General Fund Operating Performance	CEO	Biannual	June Dec		
Update on Site Specific Planning Proposal Requests	DCPE	Biannual	Jun, Dec		
Kooloonbung Creek Flying Fox Camp Management Plan - Annual Update (16/06/2021 - Item 12.03)	DCPE	Annually	Jun		
Port Macquarie-Hastings Destination Management Plan 2020-2024 (20/05/2020 - Item 12.01)	DCPE	Annually	Jun		
Council Policy - Status	CEO	Annually	Jul		
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DCPE	Annually	Jul		
Local Preference Policy Outcomes	DBP	Annually	Aug		
Cultural Plan 2021 - 2025: Implementation and evaluation of actions undertaken (04/08/2021 - Item 10.01)	DCPE	Annually	Aug		
Audit, Risk and improvement Committee Annual Report	CEO	Annually	Sep		
Annual Disclosure of Interest Returns	CEO	Annually	Oct		
Professional Development of Councillors (15/09/2021 - Item 09.07)	CEO	Annually	Oct		
Opportunity for Local Firms to do Business with Port Macquarie-Hastings Council	DBP	Annually	Oct		
Draft Procurement Strategy 14/11/24 - Item 10.21	DBP	Annually	Oct		
Councillor Attendance at Meetings 14/11/24 - Item 10.04	DBP	Annually	Oct		
Council Meeting Dates	CEO	Annually	Nov		
Legislative Compliance Register	CEO	Annually	Nov	Feb-25	There has been significant work on legislative compliance register and this will come back to Council in February 2025.
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		

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

Item: 10.03

Subject: DISCLOSURE OF INTEREST RETURN - DESIGNATED PERSONS

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Disclosure of Interest return for the following position.

- 1. Elected Member - Councillor**
- 2. Major Project Manager - Community Utilities**

Executive Summary

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

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

Discussion

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

- Elected Member - Councillor
- Major Project Manager

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

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

Options

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

Community Engagement and Internal Consultation

Internal Consultation

- Group Manager Governance.
- Chief Executive Officer.

Planning and Policy Implications

There are no planning or policy implications.

Financial and Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 10.04**Subject: NOTICE OF MOTION - CORRESPONDENCE FROM TOWN OF PORT
HEADLAND COUNCIL**

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

RECOMMENDATION**That Council:**

- 1. Note the correspondence from the Town of Port Headland Council as attached.**
- 2. Respond to the Town of Port Headland Council thanking them for their correspondence.**
- 3. Note that matters relating to the regulation of vaccines are not the responsibility of Local Government and fall within the responsibilities of Federal health authorities, such as the Therapeutic Goods Administration (TGA)**

Comments by Councillor

Nil

Comments by Chief Executive Officer

This Notice of Motion is for noting and responding to correspondence to the Town of Port Headland Council and is identifying that is not the role of Local Government to become involved in federal health matters and therefore it is able to proceed as lodged. The Chief Executive Officer would have concerns if Council was making public submissions or commentary on this matter as it is outside the jurisdiction of Council.

Attachments

1.  Correspondence from Town of Port Headland Council

Item: 10.05

Subject: NOTICE OF MOTION - QUADRUPLE BOTTOM LINE OBLIGATIONS

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

RECOMMENDATION

That Council:

- 1. Request the Chief Executive Officer provide a report to the February 2025 Ordinary meeting of Council that details proposed plans to progress embedding structured and data driven consideration of Quadruple Bottom Line (QBL) into Council decision making, including but not limited to:**
 - (a) Inclusion of QBL implications/considerations in all Council reports as a standard item for consideration**
 - (b) The Integrated Planning and Reporting (IP&R) framework and suite of documents and QBL outcomes being reported on in Council's Annual Report**
- 2. Request the Chief Executive Officer to facilitate a Councillor Workshop in March 2025 regarding item 1 above and the implications for delivery of Council's 2025-2026 IP&R suite of documents including the following:**
 - (a) costs likely to be associated with actioning the outcome of Council's consideration of item 1 in the draft 2025-2026 IP&R documents.**
 - (b) resourcing available or required to support progressing the plans to embed a structured and data driven consideration of Quadruple Bottom Line (QBL) into Council decision making, including but not limited to external organisations such as the Joint Organisation and establishing a community reference group or advisory committee.**

Comments by Councillor Sheppard

This motion seeks to provide the governing body visibility across Council's progress in meeting our planning and reporting obligations. Namely, to request a report to the February meeting that will articulate a plan to progress a structured and data driven approach to meeting Council's obligations to integrate the Quadruple Bottom Line (QBL) into Council's planning and reporting.

Background:

Councils are required to integrate the QBL (Social, Economic, Environmental and Governance considerations) as a founding principle of Council's planning and delivery, and a key component of measuring success in Council's Annual and State of the Region Reports.

The QBL is a relatively new addition to the IP&R obligations of Council. It is important for Council to have visibility across the progress of embedding the QBL into planning, delivery and evaluation, and be accountable to the community in this progress.

Unfortunately there has been significant delay in this work, and limited visibility of the governing body across progress in integrating the QBL into operations. Of particular interest are specific mechanisms to support council to make data driven decisions. For example, this includes actions to integrate the QBL into Council's monthly reports (currently delayed from the 2022-2023 Financial Year), and to have measures in place to meet Council's obligations to report against quadruple bottom line considerations in Annual Reports and State of the Region Reports (End of Term).

This motion seeks to ensure the governing body retains visibility and may support continued progress on integrating the QBL into planning and reporting.

Comments by Chief Executive Officer

This request and report is achievable and able to be developed during business as usual activities. Staff do not have any concerns with this motion.

Attachments

Nil

Item: 10.06

Subject: NOTICE OF MOTION - MONEY RESERVES EXPLAINER

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

RECOMMENDATION

That Council request the Chief Executive Officer to develop an updated Money Reserves Explainer to be distributed with the rates first instalment notice for 2025-2026.

Comments by Councillor

Nil

Comments by Chief Executive Officer

An updated Reserves Explainer will be prepared and included in the final operational plan documents for adoption of Council. This information can also be distributed with the rates instalment notice as requested in the motion.

Attachments

Nil

Item: 10.07

Subject: INVESTMENTS AND LOANS - NOVEMBER 2024

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Investment and Loans Report for November 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 November 2024 and for the financial year to date.
- Returns on invested funds are exceeding year to date budget expectations by \$1,254,550. Note that interest rate cuts in the second half of 2024-2025, 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 1.34% (actual) or 3.35% (annualised), marginally under-performing against the benchmark AusBond Bank Bill Index return of 1.87% (actual), or 4.67% 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 25 November 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 November 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 as at 25 November 2024 is provided below.

	Amount \$0	% of total
Externally Restricted		
Water Fund	157,964,326	40%
<i>Water Reserve</i>	91,031,583	23%
<i>Developer Contributions</i>	66,932,742	17%
Sewer Fund	54,088,826	14%
<i>Sewer Reserve</i>	27,729,732	7%
<i>Developer Contributions</i>	26,359,094	7%
Waste Fund	25,240,875	6%
General Fund	125,794,062	32%
<i>General Reserves</i>	38,527,317	10%
<i>Developer Contributions</i>	87,266,745	22%
Total externally restricted	363,088,089	91%
Internally Restricted		
General Fund	35,674,456	9%
Total internally restricted	35,674,456	9%
Total investments	398,762,545	100%

The 2024-25 Long-Term Financial Plan shows Water, Sewer and Waste investments (\$237.3 million or 60% 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, with the following breakdown at the end of the 2023-24 financial year:

- Developer Contributions: \$87.3 million, or 22% of total investments, must be expended in relation to adopted plans to fund growth related infrastructure. It cannot be spent on existing infrastructure or projects not listed in 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.



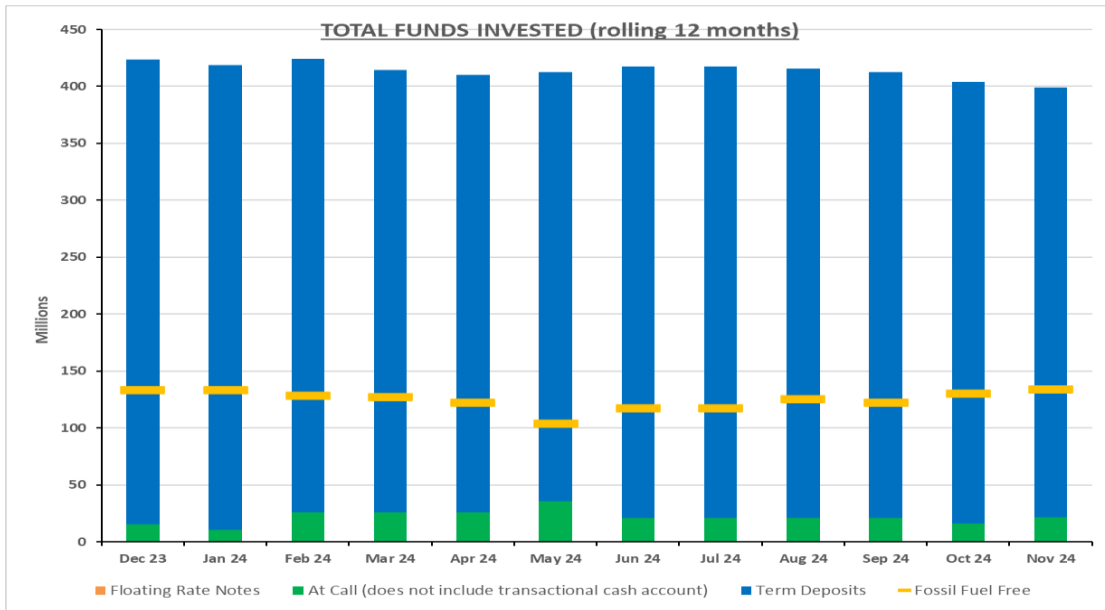
- Working capital: \$7.1 million, or 1.7%, is maintained as a working capital reserve. Sound financial management requires holding a level of funds in reserve for urgent or emerging priorities and the amount held is not significant for an organisation of this size.
- Committed works: \$3.8 million or 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.

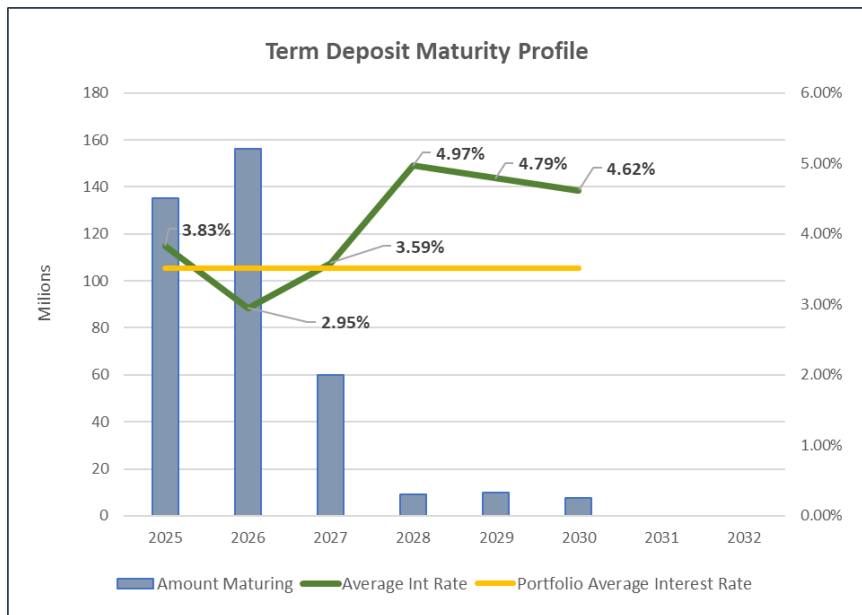
Movements in investments during November 2024 are detailed below.

Activity	Amount \$	Institution	Rate	Term	Funds Fossil Fuel
Matured	3,000,000	ICBC	1.65%	3yrs	Yes
Matured	5,000,000	ICBC	4.85%	2yrs	Yes
Matured	1,000,000	Westpac	1.45%	3yrs	Yes
Matured	4,000,000	Westpac	1.60%	3yrs	Yes
Matured	5,000,000	NAB	0.70%	4yrs	Yes
Withdrawal	5,000,000	Westpac	4.60%	On Demand	Yes
Total Matured	23,000,000				
Deposit	10,000,000	Westpac	4.60%	On Demand	Yes
Invested	4,000,000	ICBC	5.20%	1yr	No
Invested	4,000,000	Suncorp-ANZ	4.93%	2yrs	Yes
Total New Investments	18,000,000				
Net Investment Movement being the difference in principal invested at end of month & excluding Investment Earnings	-5,000,000				

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 November 2024 and largely being reinvested at higher rates. This will further support Council’s performance against 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 01/07/24	Amount invested at 25/11/24	Amount invested at 25/11/24
Yes	10,076,760	28%	264,762,545	66%
No	26,000,000	72%	134,000,000	34%
	36,076,760		398,762,545	

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 25 November 2024 for 2024-25 and the portfolio performance against benchmark (bank bill Index).

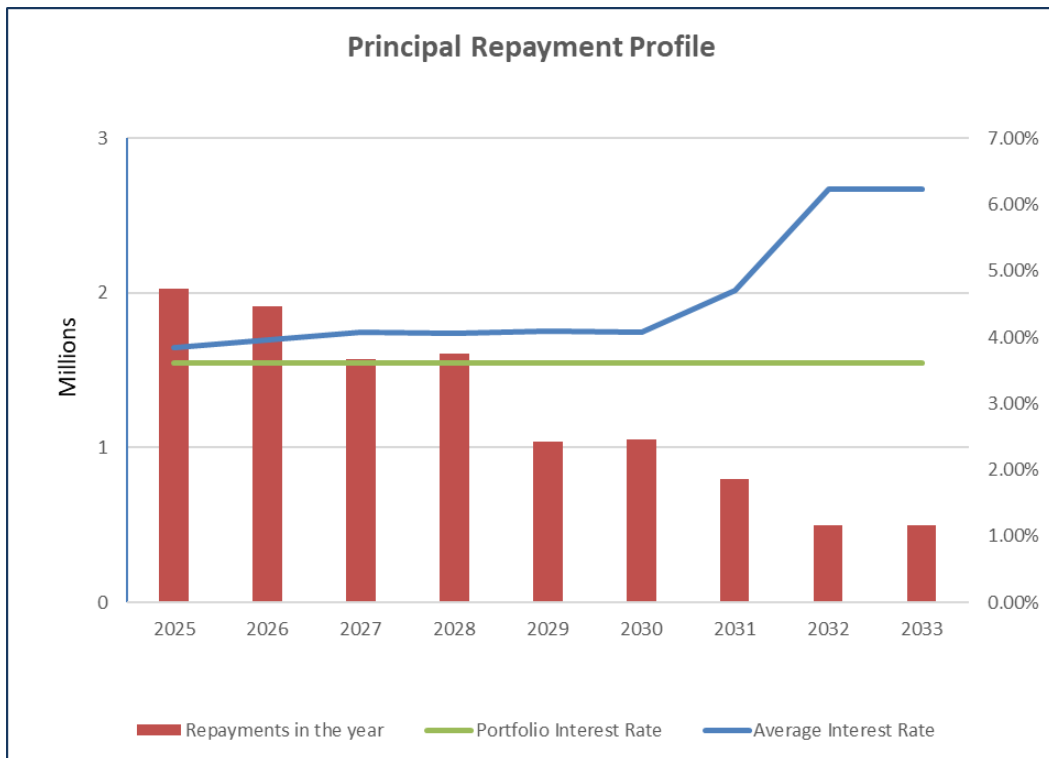
Item	Performance
Interest for the Month (\$)	900,278
Interest YTD (\$)	5,722,379
% of Annual Budget Rec'd	53%
Portfolio Performance FYTD Actual (%)	1.34%
AusBond Bank Bill Index FYTD Actual (%)	1.87%
Performance Compared to Bank Bill Index (%)	-0.53%

Loan Portfolio

A detailed table of council’s borrowings is provided at Attachment 3. The following table summarises Council’s loans by Fund and interest expense for November 2024.

Fund	Amount Borrowed	Outstanding Balance	Weighted Average Interest Rate	Accrued Interest for Month	Remaining Repayments FYTD
General	66,144,755	10,662,841	4.29%	39,806	2,910,537
Waste	1,500,000	342,342	3.44%	968	178,582
Total	67,644,755	11,005,184		40,774	3,089,119

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



Summary - Net Position Investments and Loans

Interest Analysis for the Month	Values \$
Investment Interest Income	900,278
Loan Interest Expense	(40,774)
Net Interest Income for the Month	859,504
Investments Vs Borrowings	
Total Current Investment Balance	398,762,545
Total Current Loan Balance	(11,005,184)
Net Position	387,757,362

As interest rates rise, Council can invest funds at higher rates, currently locking in rates in the vicinity of 5.20%. 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 - 25 November 2024
2.  Port Macquarie Hastings Council Portfolio Valuation - 25 November 2024
3.  Port Macquarie Hastings Council Loan Repayments - 2024-2025

Item: 10.08

Subject: MONTHLY BUDGET REVIEW - NOVEMBER 2024

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Adopt the adjustments in the November 2024 Adjustments section of the Monthly Budget Review – November 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 November 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 November 2024. This is outlined in the table below.

Monthly Budget Review Summary

Original Budget position as at 1 July 2024	Balanced	\$0
<i>Plus adjustments:</i>		
July Review	Balanced	\$0
September Review	Balanced	\$0
October Review	Balanced	\$0
November Review	Balanced	\$0
Revised Budget position as at 30 November 2024	Balanced	\$0

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 2024-25 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.

November 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: November 2024 Budget Review.

Grants and contributions totalling \$246k were recognised during the month of November 2024. These include grants for Public Library Infrastructure Grant (\$140k), Grandparents Day at Port Macquarie Libraries (\$2k), Emergency Services Data Review (\$40k), Library Special Projects (\$3k) and Library Local Priority Grant (\$61k).

Reserve Transfers were required this month for maintenance works related to Voluntary Planning Agreements (\$28k).

Budget Variance Requests were approved by the Executive during the month for Pappinbarra & Beechwood Tennis Facility Upgrades (\$181k), Port Dam Pump Station Renewal Works (\$335k), Comboyne & Long Flat Reservoir Refurbishments (\$1,022k), a Joint Initiative Project (\$44k), a Change Management Enablement Project (\$55k), Service Review Framework (\$60k), ABEF Annual Health Assessment (\$50k), a Transformation Program - Performance Management (\$50k), a Risk Management Transformation Project (\$151k) and a Minerva Jedox Data & Process Management Project (\$77k).

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

Forecast Budget Statement for the Year Ended 30 June 2025

	2024-25 Original Budget ‘\$000	Carry Overs ‘\$000	Approved Adj YTD ‘\$000	Prior Month Forecast ‘\$000	Current Month Adj ‘\$000	2024-25 Full Year Forecast ‘\$000
Operating Activities Movements						
Income from continuing operations						
Rates and Annual Charges	121,907		0	121,907		121,907
User Charges and Fees	48,186		0	48,186		48,186
Interest Received	11,114		0	11,114		11,114
Grants and Contributions	85,166	3,994	3,180	92,340	253	92,593
Other Operating Receipts	7,038		0	7,038		7,038
Expenses from continuing operations						
Employee Costs	(71,850)		0	(71,850)		(71,850)
Materials and Contracts	(59,571)	(347)	(861)	(60,779)	(233)	(61,012)
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)
Operating result from continuing operations	55,303	3,647	2,319	61,269	20	61,289
Restricted Asset Movements						
Transfer from Restricted Assets	105,532	7,315	(9,567)	103,280	1,966	105,246
Transfer to Restricted Assets	(62,827)		0	(62,827)		(62,827)
Net Revenues (Used in)/Provided by in Restricted Assets	42,705	7,315	(9,567)	40,453	1,966	42,419
Property, Plant and Equipment Movements						
Purchase of Assets	(205,452)	(10,962)	7,248	(209,166)	(1,986)	(211,152)
Developer Provided Assets	(8,000)		0	(8,000)		(8,000)
Net Revenues (Used in)/Provided by Property, Plant and Equipment Activity	(213,452)	(10,962)	7,248	(217,166)	(1,986)	(219,152)
Financing Activities Movements						
Proceeds from Borrowings and Advances	59,360			59,360		59,360
Repayments of Borrowings and Advances	(6,817)			(6,817)		(6,817)
Net Revenues (Used in)/Provided by Financing Activity	52,543	0	0	52,543	0	52,543
Net Result (Incl Depreciation)	(62,901)	0	0	(62,901)	0	(62,901)
Add Back: Non Cash Items	62,901		0	62,901		62,901
Budget Surplus/(Shortfall)	0	0	0	0	0	0

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 November 2024 this position remains a balanced budget and this position is considered acceptable”.

Attachments

1.  November 2024 Budget Review

Item: 10.09

Subject: IMPROVEMENT PLAN 2022-2026 - GENERAL FUND OPERATING PERFORMANCE

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the update on initiatives within the Improvement Plan 2022-2026 which represents Council's plan to continually drive efficiency, productivity, and improved service delivery.**
- 2. Note the General Fund Operating Performance Ratio for the 2023-24 financial year and the outlook over the decade to 2033-2024 which continues to reflect the 2024-25 Long-Term Financial Plan.**

Executive Summary

The Improvement Plan 2022-2026 - General Fund Operating Performance (the Improvement Plan) is the mechanism supported by Council to address long-term financial sustainability which, under Office of Local Government guidelines, is measured by the General Fund Operating Performance Ratio. Improvement Plan initiatives incorporate plans to find operational efficiencies, productivity improvements and ultimately find cost savings. This is a long-term plan which has investment at its core to achieve its intended objectives.

There has been progress against all streams of the Improvement Plan since the last report to Council on 20 June 2024. Progress since commencement of the Improvement Plan has contributed to a better than budgeted Operating Performance Ratio in the General Fund for the 2023-24 financial year. However, despite this achievement, financial pressures mean the outlook for the ratio over the decade from 2024-2025 to 2033-2034 remains negative, as shown in the 2024-25 Long-Term Financial Plan (LTFP).

Key focus areas for the second half of 2024-2025

Considerable work against all streams of the Improvement Plan is planned for the second half of 2024-25 as outlined in this report. The key focus during that period will be delivery of the next Resourcing Strategy in early 2025, inclusive of the LTFP, Asset Management Strategy and Workforce Strategy. These strategies draw on a vast amount of analysis from across the organisation and will represent a substantial undertaking.

Dependencies

The Improvement Plan is an ambitious plan which is being implemented within the financial and workforce constraints the organisation has been set. Achieving progress within these constraints requires careful planning and prioritisation. The 2025-26 Budget will include proposals to strategically leverage funds from the Business Improvement Initiatives Reserve to ensure the most effective delivery pathway is implemented and maximise financial and service delivery benefits.

Technology uplift will continue to be a critical enabler across all streams of the Improvement Plan. It will also provide improved data which will enable improved financial forecasting of long-term General Fund operating performance.

Discussion

Background

On 15 September 2022, Council considered the Improvement Plan 2022-2026 and resolved to:

- Note the importance of key financial and asset ratios, and in particular the Operating Performance ratio, as indicators of Council's long-term financial sustainability.
- Note the improvement plan as outlined in this report to address the General Fund operating performance ratio over the coming years.
- Request the Chief Executive Officer provide an initial progress report to Council at the December 2022 Ordinary Meeting of Council, detailing progress made against the Improvement Plan, with biannual reporting in June and December annually thereafter.

Structure of this report

This report provides a biannual progress report on the Improvement Plan in line with the above resolutions. It provides updates and next steps against six streams that comprise the Improvement Plan:

1. Financial Sustainability
2. Long-Term Financial Plan
3. Asset Management
4. Workforce
5. Transformation Program (including Service Reviews)
6. Technology.

1. Financial Sustainability

- a. Overview

As Council noted on 15 September 2022, the key objective of the Improvement Plan is to implement initiatives that improve the General Fund Operating Performance Ratio. The Office of Local Government benchmark for the Operating Performance Ratio is a positive value which indicates that council's operating expenses do not exceed its operating income.

The General Fund supports delivery of all community services that are not funded by the restricted Water and Sewer Funds. Efficiency of General Fund expenditure over

the long term will therefore be a key driver of Council’s financial sustainability and sustainable delivery of a range of important services that deliver on the Community Strategic Plan.

Maintaining a positive General Fund Operating Performance Ratio aligns with Council’s Risk Appetite Statement which, in relation to financial sustainability, states:

“Council will not tolerate ongoing failures to meet key financial performance ratios without any adequate resolution planning.”

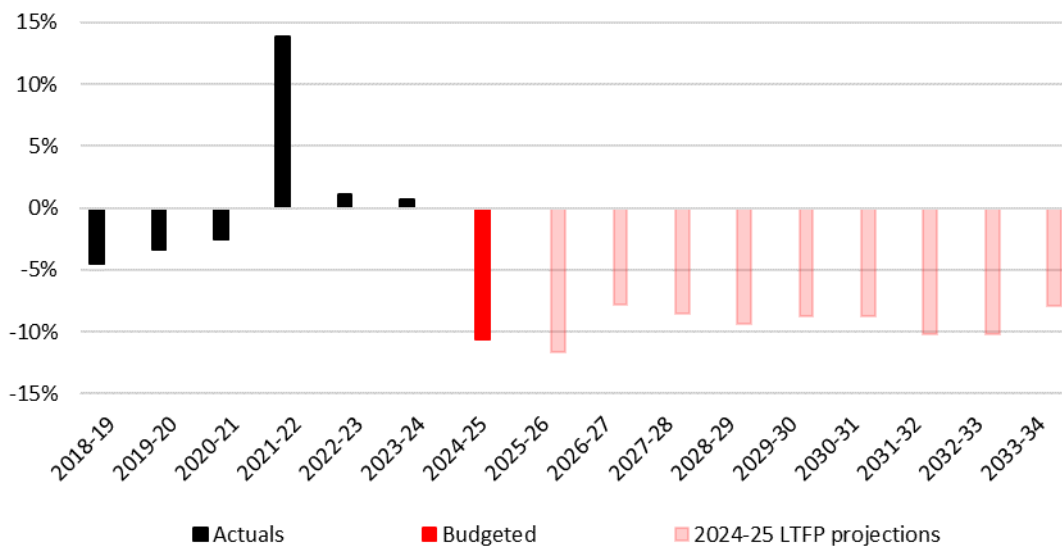
Improvement Plan initiatives are also intended to improve productivity and the efficiency and effectiveness of service delivery without impacting the Operating Performance Ratio.

b. Progress since the last report

The 2023-24 Annual Financial Statements were signed on 17 October 2024 and show an Operating Performance Ratio for the General Fund of 0.7% for the 2023-24 financial year. This result was better than budgeted due to higher than anticipated revenue (around \$6m across multiple revenue categories - fees, charges and investment income) and lower than anticipated expenses (around \$4m due mostly to timing of delivery across financial years).

Figure 1 shows the actual General Fund Operating Performance Ratio over the last six financial years, the budgeted ratio for 2024-25 based on the 2024-25 Operational Plan, and the projected ratio for the decade to 2033-34 in the 2024-25 LTFP as presented to Council in August 2024.

Figure 1: General Fund Operating Performance Ratio - 2018-19 to 2033-34



The ratio steadily improved between 2018-19 and 2022-23, with a spike in 2021-22 driven by flood assistance following the March 2021 floods. Accounting standards required that flood assistance be recognised as operating revenue despite being capital in nature and is an anomaly. Based on the 2024-25 Operational Plan and LTFP, the outlook is for a persistently negative Operating Performance Ratio over the decade to 2033-34.

At the 15 August 2024 Ordinary Council Meeting, Council noted cash shortfalls in the Sewer, Water and General Funds projected in the 2024-25 LTFP. Council also noted that staff would urgently review and reprioritise Sewer and Water projects in the Works Program to address cash shortfalls from 2025-26.

The review and reprioritisation process is resulting in the proposed deferral of projects, as foreshadowed when the 2024-25 LTFP was provided to Council in August. These deferrals will significantly improve the cash position of those funds, with further work being undertaken to analyse options related to project deferrals, reversal of cost shifting, and/or revenue to resolve any remaining shortfalls. Options and their implications will be briefed to councillors as part of the 2025-26 Budget briefing process.

The challenging outlook across all funds underlines the importance of the Improvement Plan as Council's plan to drive efficient expenditure, improved productivity, and effective service delivery.

2. Long Term Financial Plan

a. Overview

Robust long term financial planning is key in managing Council's financial sustainability and underpins effective and efficient management of our significant asset base. It is also important in managing the delivery of Council's services. A focus on strong planning and financial sustainability ensures we can deliver to our community into the future.

We need to improve the quality of data inputs into the LTFP and systems that support data capture and reporting. This will facilitate timely, data driven business decisions, with technology uplift facilitating agile and efficient budgeting, meaning that the human effort is focused on providing insights. This will lead to greater transparency, clarity and usability of budget information and reporting, as well as stronger governance and accountability for financial management.

b. Progress since the last report

- Since the last update to Council, the Financial Services Group has filled long-term vacancies in several key roles. These roles are critical to improving our financial management and long-term financial planning.
- A draft Budget Development Policy is being finalised based on feedback from the Executive, with the intention to provide a briefing on the draft policy in February 2025.
 - The draft policy will provide guidance to the organisation and councillors when developing, and ultimately adopting, the annual budget as part of the Operational Plan. It will seek to embed parameters for the development of council's budget in accordance with the principles detailed in section 8b of the Local Government Act 1993.
- Financial Services and the Asset Management Coordinator have collaborated to design and implement a framework to refine the budgeting of capital works projects in the Operational Plan and LTFP.
- A monthly internal management reporting pack has been rolled out with Finance Business Partners offering support and reporting to each directorate.

- 2025-26 LTFFP and Operational Plan budgeting is underway with data being collated and captured and working to produce initial draft results.
 - Finance Business Partners are now providing bespoke support to Group Managers and education throughout the budget development process.
 - The project to enhance our budgeting and reporting tool is underway with improvements to internal reporting and scenario planning as some of the initial outcomes.
- c. Next steps
- Deliver the 2025-26 Budget and LTFFP, having addressed the issues identified in the report to Council of 15 August 2024.
 - Continue to identify instances of cost shifting onto council for addressing as part of the 2025-26 Budget process.
 - Ensure that User Charges and Fees are optimised as part of the 2025-26 Budget process.
 - Complete the project to enhance our budgeting and reporting tool.
 - Implementation of an effective month-end close process that will help provide a timely and accurate financial snapshot, ensuring that all transactions are recorded, and any discrepancies are addressed promptly.

3. Asset Management

a. Overview

Council's Asset Management Framework was last comprehensively reviewed in 2015. Improvements to the Asset Management Framework are a critical part of the Improvement Plan to support long-term financial planning and better service delivery.

A revised and improved framework will support Council to:

- Maximise value from the \$3 billion of community assets that Council manages, supporting the efficient delivery of services to the community.
- Maximise value obtained from future capital works investments.
- Improve long term strategic and financial planning and sustainability.
- Fulfil asset management compliance requirements under the NSW Government Integrated Planning and Reporting (IP&R) framework.

b. Progress since the last report

- A new Asset Management Coordinator commenced in June 2024 following a period of vacancy since October 2023. This appointment has enabled renewed focus on Council's Asset Management Framework and long-term financial planning for our assets.
- The Asset Management Improvement Project continued the previous work to review and update our Asset Management Framework and align it to the Australian Standard AS55000 and AS55001. Work has continued to finalise the Asset Management Strategy and Asset Management Plans as part of the IP&R suite being prepared for adoption by Council. Recent work has been focussed

on aligning with latest budgeting and financial assumptions within the LTFP to ensure the plans are integrated and accurate.

- Work has commenced to formalise the asset management gap analysis from earlier stages of the Asset Management Improvement Project. The gap analysis will be used to develop an Asset Management Sustainment and Improvement Plan (AMSIP) within the Asset Management Strategy.
 - The AMSIP will identify and allocate actions to address and sustain improvements to our asset management, as well as outline the resourcing, roles, and management of change requirements to support and sustain those improvements.

c. Next steps

The next steps planned for the next six months include:

- Finalise asset management cost modelling and budgeting processes for the 2025-26 Operational Plan and 2025-26 LTFP, including;
 - Refinement of asset management and LTFP scenarios
 - Updating of developed budget risks and project prioritisation criteria
- Deliver the asset management suite of documents, including the Asset Management Strategy as part of the Resourcing Strategy, Asset Management Plans and Asset Management Sustainment and Improvement Plan.
- Embedding risk transformation outcomes in the draft asset management suite of documents.
- Implementing asset management audit recommendations in accordance with agreed timelines
- Beginning the detailed phase and stakeholder engagement for the asset management systems review.
- Commencing the annual asset valuation process.

4. Workforce

1.

a. Overview

The Workforce Management Strategy was adopted in June 2022 as part of our IP&R suite of documents for the period 2022-2026. Its objectives include:

- Enabling an engaged, empowered and accountable workforce
- Meeting local government reporting requirements
- Determining strategies to address skill shortages in leadership roles, engineering and trades in a tight labour market
- Reducing turnover and driving performance.

b. Progress since the last report

- Human Resources Information System (HRIS) Project has been completed with all 5 modules (HR Core, Recruitment, Onboarding, Learning and Performance) now implemented.

- Leadership Program for the Senior Leadership Team completed.
 - Flexible Working policy and procedure has been adopted.
 - People, Safety & Performance Transformation project is progressing against the implementation roadmap and is due to be completed this financial year.
 - Reward Framework is in place and the new salary system went to all staff for consultation and has now been adopted.
 - The 2024 Employee Engagement Survey has been completed and featured a 5% increase in response rate and an 8% year-on-year increase in engagement, noting a councillor briefing on the Engagement Survey is proposed for 2025 Q1.
 - Developed the People, Safety & Performance (PSP) Service Desk
 - Implementation of the New Local Government (State) Award - 2023
- c. Next steps
- Continue with the Policy & Procedure Review Plan
 - Implementation of new Council Values
 - Implementation of new Employee Value Proposition
 - Implementation of new Salary System
 - Implementation of new State Cover safety reporting system called “BeSafe”
 - Implementation of new Health & Wellbeing Plan
 - Implementation of Contractor Safety Management Procedure
 - Implementation of Psychosocial Hazard Risk Assessment
 - Finalise the next Workforce Management Plan for consultation
5. Transformation Program (including Service Reviews)

a. Overview

The Transformation Program vision is to enable and empower great service delivery, innovation and community connection through efficient, effective and well governed organisational operations.

Key objectives of the program include:

- Achieving the goals set out by our Executive Ambition.
- Strategically position Council for now and in the future so we can effectively serve our community.
- Enabling the need to move from a traditional to contemporary way of operating.
- Enhancing Governance and compliance.
- Build people capabilities and empower our workforce.
- Enhancing efficiencies within our operating service delivery model for identified outdoor services.

b. Progress since the last report

Joint Initiative

- The Transformation and Digital Technology teams have progressed strategies for Transformation, Digital Technology, and Customer Experience, supported by strategic documents, roadmaps, and a masterplan to guide outcomes. Final drafts are scheduled for Executive Leadership Team review in February 2025 prior to a Councillor briefing focussed on the Customer Experience Strategy.

Procurement

- In June 2024, the Procurement transformation progressed from a stream within the Transformation Program to a Procurement Improvement Program led by the Procurement Team under the oversight of the Executive Lead - Finance and Commercial Operations.
- The Procurement Improvement Program has involved:
 - Adoption of a new Procurement Policy in July 2024 which laid the foundation for updated procedures, procurement rules and guidance material to support excellence in procurement and supplier relationship management.
 - Development of a Draft Procurement Strategy which is undergoing public consultation.
 - Implementation of a new Procurement operating model, with contemporised processes, templates and guidance to improve the efficiency and effectiveness of council's procurements.

People, Safety and Performance

- The Employee Value Proposition (EVP) project is progressing, with the Strategic Plan and new Values and Behaviour Statement now finalised. A 12-month EVP campaign, including the launch of new Values and system updates, will begin in early 2025 to enhance employee experiences and attract diverse talent.
- Customer Journey Mapping for recruitment continues, with internal workshops planned for December 2024 which will focus initially on hiring managers' perspectives, with plans to include candidates' experiences next.
- Five HRIS modules, HR Core, Recruitment, Onboarding, Learning, and Performance have been successfully implemented with support from 40 HRIS Champions. The project is now finalised and transitioned to the business for ongoing management.

Change Management Framework

- To support the achievement of our vision and executive ambition, the Transformation Team has finalised an Internal Change Management Framework.
- This framework is designed to drive consistency and effectiveness in managing change across the organisation. The team is refining tools and templates to

align with updated brand guidelines, ensuring they are fit for purpose and strategically positioned to support our transformation journey.

Financial Services

- Council has completed a comprehensive review of financial services and payroll that expands upon the Long-Term Financial Planning Processes Review by KPMG in 2022.
- Improvements identified are being scoped and prioritised to form the Financial Services Transformation Roadmap which will provide an understanding of the resourcing requirements for successful implementation.
- Financial Services Transformation has significant interdependencies with Council's wider transformation and technology uplift initiatives including the Digital Technology Strategy, Asset Management Strategy and Developer Contribution Plan.

Risk Management

- Following adoption of the Risk Appetite Statement and Risk Consequence Rating Table by Council on 14 December 2023, we have initiated a Risk Management Transformation Program that is focussed on:
 - Building an accountable, engaged, and empowered workforce, committed to achieving the highest levels of employee safety and delivering excellence in the management of risks at all levels.
 - Enhancing risk awareness across Council, and an understanding of the importance of managing risk, especially with the move towards zero tolerance for high risk strategic and operational risks.
 - Maintaining transparency, ensuring compliance, and driving improvements within Council through the Audit Risk and Improvement Committee.
- c. Next steps
 - In December, an internal self-assessment against the seven categories of the Australian Business Excellence Framework will be conducted. This will highlight strengths, areas for improvement, and key focus areas to enhance operations and inform 2025 priorities. An independent assessment is planned before the end of 2024-25.
 - The Financial Services program will focus on scoping, project prioritisation and developing a roadmap.
 - Finalise the Change Management Framework.
 - Roll out the Service Review program to begin the next Integrated Performance and Reporting cycle.
 - Finalise the Joint Initiative to develop the Transformation Strategy, Customer Experience Strategy and Digital Strategy.

6. Technology**a. Overview**

The Digital Technology (DT) roadmap seeks to address the following:

- Unfavourable user satisfaction with core systems
- Cyber Security maturity
- Increase the customer focus within the DT Strategy Roadmap
- Build productivity and resilience
- Drive value from existing investments
- Address legacy back-end systems requiring immediate uplift.

b. Progress since the last report

- Successful integration with the Department of Planning and Environment Development Portal
- Launch of the performance module in HRIS system for improved workforce management
- The initial phases of the cloud migration have been completed
- Successful implementation of the following:
 - Audit Management Solution
 - Invoice to Debtor Payment solution
 - Multi Factor Authentication
 - Desktop and Mobile Device Management Platform
 - MyTech Outreach and Training Support Program
 - Delegations Management Tool
 - Policy Management Tool
 - SharePoint Platform for Elected Members and Procurement portals.

c. Next Steps

- Over the next six months, we will focus on:
 - DPE Portal Integration final phases
 - Cloud Migration (server workloads to Amazon Web Services)
 - Core Network upgrades
 - Cyber Security Platform implementation
 - Workforce Mobility (4G and Satellite uplinks) for field staff
 - Telecommunications contract renewal
 - Cyber Security Uplift
 - The Information Technology Information Library framework

- Workforce Management Solution
- Ongoing staff outreach (Champions and Super User groups)
- Digital Foundations training for tech-novice users
- Centralised Process Capture / Management System and Framework
- A new system to management electronic business papers
- Asset Management Platform uplift
- Digital on boarding process enhancement
- User Access Review
- Electronic Document and Records Management System Upgrade
- GIS Platform Upgrade

Options

This is an information report.

Community Engagement and Internal Consultation

Internal Consultation has been undertaken with:

- Executive Lead Finance and Commercial Operations
- Chief Information Officer
- Executive Manager Transformation
- Chief Finance Officer
- Group Manager People, Safety and Performance
- Asset Management Coordinator

Planning and Policy Implications

The Improvement Plan will contribute to improving the maturity of Council's planning and policy framework, in particular through the LTFP and Asset Management Framework.

Financial and Economic Implications

The Improvement Plan is funded from existing budget allocations across Digital Technology, Financial Services, People, Safety and Performance, and Transformation.

The 2025-26 Budget will include proposals to strategically leverage funds from the Business Improvement Initiatives Reserve to ensure the most effective delivery pathway is implemented and maximise financial and service delivery benefits.

Attachments

Nil

Item: 10.10

Subject: HIGHWAY SERVICE CENTRE SEWER WORKS DEVELOPER DEED

Presented by: Community Utilities, Robert Fish

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Note the sewer works to be undertaken by Scott PDI No-6 Pty Ltd in accordance with 1179 Oxley Highway, Sancrox Planning Agreement, dated 24 July 2019, and associated with Development Consent DA2019/945, includes sewer works above what is required to solely service the development.
2. Note that the works are to provide additional capacity in the sewer pumping station, associated rising main and trunk gravity main to serve other future development in the growth area and as such would constitute works-in-kind.
3. Note that detailed design of the sewer works is required to gain an accurate estimate of the construction costs.
4. Under the extenuating circumstances provision of 55(3)(i) of the Local Government Act 1993, resolve not to call tenders for the detailed design of the Sewerage Pump Station and associated works for the Highway Service Centre and surrounding catchment as it is considered that a satisfactory result would not be achieved by inviting tenders (due to extenuating circumstances) for the reason of the works being associated with and linked to a voluntary planning agreement and development consent as outlined in this report.
5. Note that the Chief Executive Officer, under existing delegations to the General Manager, may enter into a Developer Deed contract for Design Works following negotiations with Scott PDI No-6 Pty Ltd, and present a further report to a future meeting of Council on completion of the designs for Council's information and consideration of forward funding construction works.
6. Note that a budget adjustment will be presented to a future Council Meeting as per the current monthly budget adjustment procedure to adjust the budget with funds from the Sewer Reserves, for the required amount in the 2024/25 Financial Year and note that the required amount in the 2025/26 Financial Year will be allocated in the draft 2025/26 budget.
7. Note that the estimated cost of additional works has been identified in the draft Development Servicing Plan, due to be reported to Council for adoption in February 2025, and therefore are part of the calculation for future developer contribution charges, which will facilitate Council recouping the costs from future development when it occurs.

Executive Summary

Planning is underway for the delivery of a Highway Service Centre on the south-western corner of the Pacific and Oxley Highways, Sancrox, by a private developer, Scott PDI No-6 Pty Ltd, in accordance with approved Development Application (DA) 2019/945.

This development is also subject to a voluntary planning agreement that, among other things, outlines the sewer servicing requirements and mechanisms for the delivery of the required sewer works. In accordance with the Planning Agreement Scott PDI No-6 has nominated to deliver the 'Sewerage Infrastructure Long Term Works' being a sewerage pump station, sewer rising main and sewer gravity main, all of which are to be designed to cater for the development proposed within the broader catchment area, not solely the Highway Service Centre.

The Planning Agreement further sets out that should Scott PDI No-6 construct the sewerage long term works that they are entitled to recoup the cost of the works from Council when other development connects to and is serviced by the sewer works. This development is likely to occur over the long term (next 10 to 20 years) given the land is not zoned for residential/business development (currently zoned RU1 - Primary Production) and is only identified in the draft Sancrox/Fernbank Creek Structure Plan. This situation sets up a long-term administration and financial control burden for Council and is therefore not a preferred outcome.

An alternative delivery mechanism, which is also outlined in the Planning Agreement, is for Council to forward fund a proportion of the works with these costs recouped by Council as sewer development contributions are paid. However due to the requirement to deliver other significant sewer infrastructure projects over the next 10 years, such as the Thrumster Wastewater Scheme and upgrade works to service already zoned land, it is not clear as to whether Council can sustainably afford to forward fund the required works. A review of the Long-Term Financial Plan and the sewer works program is currently underway, and until this review is completed a decision around forward funding the works cannot be made. Also given the current cost estimates have only been derived from high level concept designs it is likely they could increase.

To gain certainty of the construction costs the detailed design of the works need to be completed. Scott PDI No-6's engineering consultant has provided an estimate to undertake the detailed design of the works, being \$438,836, which is assessed as appropriate given the scale of the works. Using the calculated apportionment ratio of development serviced, Council's contribution to forward fund the design costs would equate to \$360,372.12 (82.12%). To progress this work and gain the required certainty of the construction costs, it is recommended that a developer deed is negotiated for the delivery of the detailed designs. It is anticipated that once the detailed designs have been completed and a more accurate construction cost estimate is produced, the required review of the Long-Term Financial Plan would have been completed, allowing Council to be in a more informed position to consider forward funding the construction works.

The original landowner of the Highway Service Centre site is also a party to the Planning Agreement. Currently they disagree with the concept design put forward by Scott PDI No-6 as their representatives believe it is a variation to what was outlined in the Planning Agreement. Council Community Utilities staff assess the proposed

concept design meets the intent of the Planning Agreement and therefore further consultation is required with all Planning Agreement parties to get agreement prior to moving forward.

Discussion

Scott PDI No-6 Pty Ltd is developing a Highway Service Centre on the south-western corner of the Pacific and Oxley Highways, Sancrox, approved under Development Application (DA) 2019/945, with the development also subject to a voluntary planning agreement - 179 Oxley Highway, Sancrox Planning Agreement, dated 24 July 2019. The Planning Agreement defines the sewer servicing for the site as either an on-site management system or the construction of a reticulated sewerage system, designed to cater for all the proposed development in the area, comprising of a trunk gravity main serving the site, a sewer pump station and associated rising main to connect into the existing Thrumster sewer network. These works are defined as the Sewerage Infrastructure Long Term Works in the Planning Agreement. The Planning Agreement further sets out provisions around the developer being able to recoup the cost for providing sewer services with additional capacity beyond what is required solely for the Highway Service Centre as other parts of the area serviced by the sewer works are developed and/or for Council to contribute towards the cost of the works. The executed Planning Agreement is attached for reference.

Scott PDI No-6 have outlined the preference to deliver the sewer infrastructure long term works over having an on-site sewer system and as such have developed a concept plan and initial cost estimates. The initial estimate of the works is approximately \$6,375,600, including a 40% contingency allocation given the limited level of design detail currently.

In accordance with the Planning Agreement once Scott PDI No-6 has constructed the reticulated sewer system Council would have an ongoing obligation to repay the cost of these works, less the Highway Service Centre development's sewer contribution amount, when other developments in the catchment connect to this infrastructure and pay development sewer contributions. This situation sets up a long-term administration and financial control burden for Council with development in the area likely to occur over 10 to 20 years.

As the Planning Agreement allows for Council, at its absolute sole discretion, to contribute towards the works there is a possibility for Council to forward fund a proportion of the works via a developer works deed, this would avoid the need to administer repayments over a long period of time, while still collecting sewer development contributions. The initial assessment of the sewer load identified that the pump station could serve 2,153 equivalent tenements, 385 of which are from the Highway Service Centre site. This would calculate the apportionment of works as 17.88% funded by Scott PDI No-6 and 82.12% forward funded by Council. Noting the estimated cost of the sewer works has been identified in the draft Development Servicing Plan, to be adopted in February 2025, and therefore are part of the calculation for future developer contribution charges, this will allow Council to recoup the costs from future development when it occurs.

The letter of offer to enter in a Developer Works Deed from Hopkins Consultants Pty Ltd on behalf of Scott PDI No-6 Pty Ltd is attached. It is acknowledged that Council forward funding a significant proportion of the works would be a substantial benefit to Scott PDI No-6 with little short to medium term benefit to the broader community. The

works may benefit the Billabong Zoo, who could connect their sewer once the works are constructed.

At this apportionment ratio, Council would have to forward fund approximately \$5,108,130.72. Due to the requirement to deliver other significant sewer infrastructure projects over the next 10 years, such as the Thrumster Wastewater Scheme and upgrade works to service already zoned land, it is not clear as to whether Council can sustainably afford to forward fund the required works. A review of the Long-Term Financial Plan and the sewer works program is currently underway, and until this review is completed a decision around forward funding the works cannot be made. Also due to the limited design works undertaken to date there is a high likelihood these costs will vary from that outlined.

To gain certainty of the construction costs the detailed design of the works need to be completed. Scott PDI No-6's engineering consultant has provided an estimate to undertake the detailed design of the works, being \$438,836, which is assessed as appropriate given the scale of the works. Using the same apportionment ratio for the design costs would equate to \$360,372.12 being forward funded by Council. To progress this work and gain the required certainty of the construction costs, it is recommended that a developer deed is negotiated for the delivery of the detailed designs first. It is anticipated that once the detailed designs have been completed and a more accurate construction cost estimate is produced, the required review of the Long-Term Financial Plan would have been completed, allowing Council to be in a more informed position to consider forward funding the construction works.

The area to be serviced by the reticulated sewer system is currently only identified in the draft Sancrox/Fernbank Creek Structure Plan and as such is not zoned for residential/business development. The zoning proposed in the draft Structure Plan identifies the potential for upwards of 1,440 new residential dwellings. Any planning proposal(s) to commence the rezoning process are subject to the timing of the Thrumster Wastewater Scheme and the ultimate sewer servicing of this future development is also subject to the construction of a new regional sewage pump station on Fernbank Creek Road that would then connect to the new Thrumster Wastewater Treatment Plant.

The Planning Agreement outlines a preliminary alignment and locations of the proposed sewer reticulation works along with a connection point into the existing Thrumster sewer network. The concept design work completed by Scott PDI No-6's engineering consultant has refined this alignment, adhering to Council's updated sewer servicing strategic planning for the draft Sancrox/Fernbank Creek Structure Plan, with it now differing to what was illustrated in the Planning Agreement. The concept design however still achieves the intent of the Planning Agreement whereby the sewer long term works have to cater for the entire proposed development area.

Representatives of Margaret Hore, who is a party to the Planning Agreement, have been consulted regarding the refined alignment and locations and updated strategic sewer servicing strategy. Currently they disagree with the refined designs, stating that refinements constitute a variation to the Planning Agreement. Council Community Utilities staff assess that the refinement doesn't require a variation to the Planning Agreement as the original intent is still being achieved with a better result for the long-term serving of the area. The plans included in the Planning Agreement state "Final location and alignment of all proposed infrastructure subject to detailed engineering design". It is acknowledged that agreement by all parties to the Planning

Agreement should be gained prior to moving forward with any detailed design work. Consultation with relevant parties is ongoing.

Options

Council has the following options:

- Resolve in line with the recommendations.
- Resolve to defer a decision on entering into a Developer Deed for the detailed designs and seek more information in relation to this matter.
- Resolve not to enter into a Developer Deed with the developer for the design works and request the developer to undertake the required design works and approvals to present a firm construction cost for consideration back to Council for consideration. The Planning Agreement does allow for this, however Council may still be required to repay the detailed design costs at a later date. This would depend on whether detailed design costs are defined as construction costs.
- Resolve not to enter into a Developer Deed with the developer and to call public tenders for consultants, managed by Council, to deliver the detailed designs - not recommended. This option would impact on the delivery of Council's works program.

Community Engagement and Internal Consultation

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

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

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

External consultation has occurred with:

- Scott PDI No-6 Pty Ltd - Developer
- Hopkins Consultants Pty Ltd - Developer's engineering consultant
- Representatives of Margaret Hore - Party to 1179 Oxley Highway, Sancrox Planning Agreement, dated 24 July 2019, being prior landowner of the Highway Service Centre site.

Further consultation is required with representatives of Margaret Hore to discuss the refined sewer infrastructure alignments and locations.

Planning and Policy Implications

The works in kind agreement process for these design works adheres to Council's Work in Kind Policy. The design works have been assessed as qualifying as works-in-kind in accordance with the Policy by Council's Group Manager Utilities Planning

and Design, noting the allocation in the soon to be adopted update to the Development Servicing Plan.

The provision of the additional sewer capacity is in line with the strategic sewer planning for the greater Sancrox/Fernbank Creek future growth area and is in accordance with the servicing intent outlined in the Planning Agreement.

Financial and Economic Implications

The current estimated cost for the sewer works, based on high-level concept designs only and including a 40% contingency allocation, is \$6,375,600. It is acknowledged that this estimate is based on limited details with no approvals in place. Prior to Council entering into a Developer Deed for the construction, the estimates will need to be refined and updated based on more information gained through the detailed design process.

The estimated detailed design costs are \$438,836, which is assessed as appropriate given the scale of the works. It is noted that this estimate has various provisional sums for specialist design consultants (such as electrical design and studies associated with ecology and archaeology where required) and is therefore subject to variations. Based on the calculated apportionment ratio (subject to further negotiations) Council's contribution to forward fund the detailed designs would be approximately \$360,372.12.



A cost sharing mechanism for variations will be outlined in the developer deed. Unfortunately, due to the nature of the works, a fixed overall price cannot be determined and agreed to at this point in time due to the provisional items outlined above.

To allocate the required funds in the 2024/25 Financial Year, a budget adjustment will be presented to a future Council Meeting as per the current monthly budget adjustment procedure and the required amount in the 2025/26 Financial Year will be allocated in the draft 2025/26 budget.

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

The estimated cost of the additional works has been identified in the draft Development Servicing Plan, to be reported to Council for adoption in February 2025, and therefore are part of the calculation for future developer contribution charges. This will facilitate Council recouping the costs from future development when it occurs.

Attachments

1.  Planning Agreement - 1179 Oxley Highway, Sancrox Planning Agreement Executed 20190724_redacted
2.  Letter of Offer to enter into a Developer Works Deed for Sewer Design Works - Hopkins Consultants Pty Ltd on behalf Scott PDI No-6 Pty Ltd

Item: 10.11

Subject: CODE OF CONDUCT COMPLAINT STATISTICS

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Code of Conduct Complaint Statistics for the period 1 September 2023 to 31 August 2024.

Executive Summary

The “*Procedures for the administration of the Model Code of Conduct*” state that Council’s Complaints Coordinator is to report certain statistics pertaining to Code of Conduct complaints to Council each year.

Council’s Group Manager Governance, has prepared the required statistics for Council. The statistics pertain to the period 1 September 2023 to 31 August 2024.

Discussion

Clause 12.1 of the “*Procedures for the administration of the Model Code of Conduct*” state that the Council’s Complaints Coordinator is to report certain statistics pertaining to Code of Conduct complaints to Council within three (3) months of the end of September each year.

Additionally, clause 12.2 of the “*Procedures for the administration of the Model Code of Conduct*” states that Council is to provide the Office of Local Government a report containing the statistics detailed in clause 12.1 within three (3) months of the end of September each year.

Council’s Group Manager Governance, has prepared the required statistics for Council.

Code of Conduct Statistics

Number of Complaints	
1	The total number of complaints received in the reporting period about councillors and the General Manager (GM) under the code of conduct from the following sources:

i	Community	1	
ii	Other Councillors	4	
iii	General Manager	0	
iv	Other Council Staff	0	
2	The total number of complaints finalised about councillors and the GM under the code of conduct in the following periods:		
i	3 Months	3	
ii	6 Months	0	
iii	9 Months	0	
iv	12 Months	0	
v	Over 12 months	2	
Overview of Complaints and Cost			
3	a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	2
	b	The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	0
	c	The number of code of conduct complaints referred to a conduct reviewer	3
	d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	1
	e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f	The number of finalised code of conduct complaints investigated by a conduct reviewer	2
	g	Cost of dealing with code of conduct complaints via preliminary assessment	14,018
	h	Progressed to full investigation by a conduct reviewer	1
	i	The number of finalised complaints investigated where there was found to be no breach	1
	j	The number of finalised complaints investigated where there was found to be a breach	0
	k	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	
	i	ICAC	0
	ii	NSW Ombudsman	0
	iii	OLG	0

i	Police	0
v	Other Agency (please specify)	0
l	The number of complaints being investigated that are not yet finalised	1
m	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	26,500
Preliminary Assessment Statistics		
4	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
a	To take no action (clause 6.13(a) of the 2020 Procedures)	1
b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2020 Procedures)	0
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2020 Procedures)	0
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2020 Procedures)	0
e	To investigate the matter (clause 6.13(e) of the 2020 Procedures)	1
f	Other action (please specify)	0
Investigation Statistics		
5	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:	
a	That the council revise its policies or procedures	0
b	That a person or persons undertake training or other education (clause 7.40 of the 2020 Procedures)	0
6	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:	
a	That the council revise any of its policies or procedures (clause 7.39 of the 2020 Procedures)	0
b	In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.37(a) of the 2020 Procedures)	0
c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.37(b) of the 2020 Procedures)	0

d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.37(c) of the 2020 Procedures)	0
7	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2020 Procedures)	0
Categories of misconduct		
8	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a	General conduct (Part 3)	1
b	Non-pecuniary conflict of interest (Part 5)	0
c	Personal benefit (Part 6)	0
d	Relationship between council officials (Part 7)	0
e	Access to information and resources (Part 8)	0
Outcome of determinations		
9	The number of investigated complaints resulting in a determination that there was a breach in which the council:	
a	Adopted the independent conduct reviewers recommendation	0
b	Failed to adopt the independent conduct reviewers recommendation	0
10	The number of investigated complaints resulting in a determination where:	
a	The external conduct reviewers decision was overturned by OLG	0
b	Council's response to the external conduct reviewers recommendation was overturned by OLG	0
11	Date Code of Conduct data was presented to council	12-Dec-24

The statistics pertain to the period 1 September 2023 to 31 August 2024.

Options

No other options.

Community Engagement & Internal Consultation

Internal Consultation

- Chief Executive Officer.



- Director Business and Performance.
- Complaints Coordinator (Group Manager Governance).

Planning & Policy Implications

This report satisfies the requirement of Clause 12.1 of the *“Procedures for the administration of the Model Code of Conduct”*. This section states that the Council's Complaints Coordinator is to report certain statistics pertaining to Code of Conduct complaints to Council within three (3) months of the end of September each year.

Financial & Economic Implications

No financial or economic implications.

Attachments

Nil

Item: 10.12

Subject: REPORT FROM THE DISCONTINUED COMMITTEES WORKING GROUP MEETING HELD 25 NOVEMBER 2024

Presented by: Business and Performance, Keith Hentschke

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the information contained within this report.**
- 2. Note the draft revised scope as attached to this report.**
- 3. Amend the date of the Committee Structure review workshop until March 2025.**
- 4. Request the Chief Executive Officer to identify a potential funding source to conduct a survey of past Committee members as part of the review.**

Executive Summary

The Discontinued Committees Working Group met on 25 November 2024 electronically with all Councillors invited and Councillors Edwards, Intemann, Sheppard and Tubman in attendance. The Director Community, Planning and Environment and the Group Manager Governance were also in attendance.

The Committee addressed two primary items being the Draft Review Of Discontinued Committees Scope and the Discontinued Committees Desktop Review. The Committee recommended that additional work is required to the scope before it can be further presented to Council for endorsement. These further changes have been undertaken and the draft scope is now attached to this report for the consideration and endorsement of Council.

The Director Community, Planning and Environment also presented a desktop review of discontinued committees to the Working Group which was considered by the group and noted. It was further recommended that additional information be provided within the desktop review prior to referring back to the Working Group. The Working Group also acknowledged that the earlier timeframe of February 2025 for the committee structure review would be difficult to achieve and have recommended to Council to extend this to March 2025. As a funding source has not been allocated, the Chief Executive Officer has been requested to identify a funding source to conduct a survey of past Committee members as part of the desktop review.

Options

Council may accept the recommendations of this report or resolve in some other way.

Community Engagement and Internal Consultation

There has been no Community Engagement and Internal Consultation in relation to this report.

Planning and Policy Implications

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

Financial and Economic Implications

The Chief Executive Officer has been requested to identify a potential funding source to allow a survey of past Committee members as part of the review as no funding source has been provided to undertake this work.

Attachments

1.  Disbanded Committees Working Group Scope

2 Your Community Life

What we are trying to achieve

A healthy, inclusive and vibrant community.

What the result will be

We will have:

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

How we will get there

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

Item: 11.01

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

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

Alignment with Delivery Program

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

RECOMMENDATION

That Council endorse the Port Macquarie-Hastings Sporting Fund Sub-Committee recommendation for payment of \$1000 to James Constable to attend various athletic championships across Australia.

Discussion

The Port Macquarie-Hastings Sporting Fund committee conferred via email to consider grant applications. The submission from James Constable was determined to have met the funding criteria. Accordingly, the Sub-Committee recommends to Council the following payment from the fund:

- James Constable - \$1000 to compete at the following events.
 - Hart Sports Zone Championships
 - Australian All Schools Athletics Championships in Queensland
 - Canberra Track Classic in ACT

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

Attachments

Nil

Item: 11.02

Subject: DRAFT PUBLIC ART POLICY

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

2.5.1 Support cultural activities within the community.

RECOMMENDATION

That Council:

- 1. Endorse the draft Public Art Policy and place it on public exhibition for a period of not less than 42 days.**
- 2. Note that a further report will be tabled at the future meeting of Council of Council, detailing the submissions received from the public during the exhibition period following exhibition.**

Executive Summary

Council recognises that public art strengthens the natural assets of the region and provides unique attractions that are intrinsic to the Community's Strategic Plan vision being "The most liveable, sustainable and innovative place in Australia" and Council's cultural vision for the community. This policy provides guidance for the integration of striking and engaging public art into infrastructure, spaces and urban design projects.

The existing policy was adopted on 29 March 2020, with a minor amendment on 18 September 2021.

Public art plays an important role in creating connected, effective, and empowered communities. Council is committed to integrating high quality public art into infrastructure and urban design projects and to enabling communities across the Local Government Area to express their character and identity through public art.

The *Draft Public Art Policy* seeks to provide the framework for program parameters, decision-making, funding, procurement, and management for public art throughout the Port Macquarie-Hastings region.

Once adopted, the *Draft Public Art Policy* will supersede Council's current Public Art Policy 2020.

This report recommends that the new draft Policy be endorsed for the purpose of an extended public exhibition period (42 days) to account for the upcoming holiday period.

Discussion

The current Public Art Policy (2020) - Attachment 1 expires in December 2024. This revision brings the policy up-to-date and provides guidance in integrating public art

across a range of Council projects. The Policy also applies to private development, as outlined in the Port Macquarie Hastings Development Control Plan.

Public art is known to bring social, cultural, economic, environmental and wellbeing benefits. It is an opportunity to reflect a community's culture, history and values creating a sense of vibrancy, pride and belonging. Inviting people to gather and engage it can also provide a voice to diverse groups, encouraging better understanding and empathy across the community.

Encouraging creativity, it is an effective method for engaging with and supporting the local creative arts community. Public art improves urban aesthetics making them more inviting and enjoyable. As an example, within the last 12 months Council implemented a public art program that was successful in combatting graffiti across the local government area.

The revised Policy provides guidelines as to the principles for creating public art, approved sources of funding, procurement criteria and processes for the management and maintenance of public art.

The *Draft Public Art Policy*, Attachment 2, provides a clear framework to guide public art in our region with the following objectives:

- affirm the critical role, knowledge, values, and insights of Traditional Owners in the planning of site-specific artworks.
- provide a clear purpose for investment in public art.
- provide clarity on the role Council plays in achieving a portfolio of notable public art.
- provide guidance on delivery of commissions through transparent processes.
- target our resources effectively.
- provide confidence for external collaborators and partners.
- encourage local creatives to participate in public art projects.

In comparison with the previous Policy, the revised version provides additional information regarding:

- the importance of public artworks to the community (Draft Policy - Section 2) in terms of engaging our creative community, enriching public spaces, economic impact, and the sharing of community stories with locals and visitors.
- the guiding principles for the creation of public art (Draft Policy - Section 2.2), for example, Traditional Owners engagement, activation of public spaces and places, showcasing our region, diversity of our community and environment and accessibility for all.

Community Engagement and Internal Consultation

The *Draft Public Art Policy* will be publicly exhibited for not less than 42 days to account for the upcoming holiday period. Additionally, the draft policy will be circulated to members of the creative industries via Council's creative newsletter, i:Create and Glasshouse lists (total 2,000 recipients) for input.



Planning and Policy Implications

Should this policy be adopted, it will supersede the current policy.

Financial and Economic Implications

There are no financial and economic implications in relation to this report. For the reasons outlined above and within the policy, it is important that Council commits to an investment in public art not only as standalone projects or embedded within special events, but also as a commitment to public art integration with all projects delivered across the local government area. Currently, Council has no dedicated budget for public art in the 2024/25 budget.

Attachments

- 1.  Public Art Policy 2020
- 2.  Draft Public Art Policy

Item: 11.03

**Subject: FRIENDS OF CAMDEN HEAD LOOKOUT VOLUNTEER GROUP
NOMINATIONS**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

Recommendation

That Council:

- 1. Note the information contained within the report.**
- 2. Note the process and procedure for establishment of a Friends of Camden Head Lookout Volunteers' group.**
- 3. Endorse the following members of the Friends of Camden Head Lookout Volunteers Group: Margaret Carey, Carolyn Osborne, Blair Maxwell, Robyn Camozzato, Stephen Hamilton, Ron Byrnes, Jon Bailey, Dan Guthrie, Isaac Puriri, Russell Dodds, Dave Napper, James Weatherall, Gary Morriss, Stephen Allwood, Keith Turner, James Eve, Murray Cowled, Charlie Holtom, Alan Klahn, Greg Osborne, John Lawrie, Steven Hausfeld, Adrian Guthrie and Barbara Davies.**
- 4. Thank the community for their interest in supporting efforts to manage Camden Head Lookout**

Executive Summary

The Community has been interested in the maintenance and management of the Camden Head Lookout. Earlier this year Council prepared a draft master plan and engaged with the community, from 28 May to 1 July, and called for interest in being part of a "Friends of" Group. At the July 2024 meeting, Council resolved to adopt an Individual Stakeholder Proposed Master Plan and establish a Friends of Camden Head Lookout (FCHL) volunteer group and proceed to establish the group by November 2024.

Formal nominations for the FCHL volunteer groups were sought between 1 and 29 November and 24 nominations were received (see Attachment 1).

During the nomination period and at the November 2024 meeting, Council resolved to rescind the motion from the July meeting and adopt the Amended Camden Head Lookout Reserve Master Plan (Attachment 3). Information to nominees was amended to communicate to potential members of this change that the group will be working to the Amended Camden Head Lookout Reserve Master Plan. This change may affect the final numbers for acceptance of membership of the group.

The FCHL Volunteer Group is to be established in line with Council's "Friends of" Volunteer Group procedure (Attachment 2) and the first meeting of the group is to occur in January 2025.

Discussion

At the Ordinary Council meeting held on 18 July 2024 (Item 11.01), Council resolved as follows:

That Council

1. *Note the information contained within the Camden Head Lookout Master Plan Community Engagement Report – July 2024*
2. *Endorse the Establishment of a ‘Friends of Camden Head Lookout’ volunteer group and proceed to establish the group by November 2024*
3. *Immediately proceed to undertake ‘preliminary works’ to tidy up the site as noted in this Report.*
4. *Adopt for the purposes as a starting point, the Individual Stakeholder Proposed Master Plan, to be further developed by the ‘Friends of Camden Head Lookout’ to be presented to Council for adoption, including a detailed scope of medium to long term works, project costings and likely legislated planning assessment pathway(s).*
5. *Thank submitters and advise them of the outcome of Council’s consideration of this matter.*
6. *Upon establishment of the ‘Friends of Camden Head Lookout’ group provide a Bi-Monthly Report to Council on the progress of the group development, preliminary works and progress towards the longer term works on the site.*

At the Ordinary Council meeting held on 14 November 2024 Council (Item 13.01), Council resolved as follows:

That Council

1. *Note the information contained within the Camden Head Lookout Master Plan Community Engagement Report - July 2024*
2. *Note that preliminary works have commenced at the site to tidy up the site as per Council’s July 2024 resolution on this matter.*
3. *Adopt the Amended Camden Head Lookout Reserve Master Plan included in Attachment 5 to the report for Item 11.01 Camden Head Lookout Master Plan Engagement Outcomes - Post Exhibition Report of the July 2024 Ordinary Council meeting.*
4. *Endorse the establishment of a Friends of Camden Head Lookout volunteer group and proceed to establish the group*

At the Ordinary Council meeting 14 November 2024, Council rescinded the previous motion adopting the Amended Camden Head Lookout Reserve Master Plan (Attachment 3) in place of the Individual Stakeholder Proposed Master Plan.

Council resolved to progress with the establishment of the FCHL volunteer group and subsequently, Council sought and received 24 nominations from community members interested in volunteering (see Attachment 1).

The request for nominations for the FCHL volunteer group was open from 1 to 29 November. Nominations were advertised and lodged via the Have Your Say webpage and the Volunteering webpage on the Council website.

As part of the nomination process, nominees were informed of the proposed scope of works by the FCHL volunteer group, which would include maintenance activities at

Camden Head within prescribed limits as defined by Council in accordance with the adopted Master Plan.

Nominees were asked to familiarise themselves with Council's "Friends of" Volunteer Group procedure (Attachment 2) which outlines the process for establishing the group and also volunteer responsibilities and expectations.

The steps required to establish a "Friends Of" group includes:

- Determining the Group's Purpose, the Volunteer Types and the Site Location for the group
- Defining the scope of works under direction from Council.
- Establishing the mandatory requirements for the Group
- Drafting the Volunteer Agreement, which includes Roles and Responsibilities of the Group, a Code of Conduct, Training and Safety requirements and the expected commitment from volunteers.
- A commitment to monitoring works and reporting updates to Council.

When completing their nomination, nominees were asked about their motivation for joining the group, prior volunteer experience, skills to be offered to the group, time commitments and any information that may restrict the nominee from performing certain tasks.

As the Council resolution to rescind the Individual Camden Head Masterplan occurred during the call for nominations, once the nomination period had closed nominees were contacted to thank them for their nomination and confirm that the group will be working in accordance with the Amended Camden Head Lookout Reserve Master Plan (Attachment 3) and not the Individual Stakeholder Proposed Master Plan. This is an important step in gauging the continued interest for members being part of the Friends of Camden Head Lookout Volunteer Group.

Endorsement is now sought for all of the nominations received for the group. While strong interest in membership of the group was identified through the nominations process, Council's resolution at the November meeting for the Group to work to the Amended Camden Head Lookout Reserve Master Plan may mean that membership could change.

Council will convene a meeting in January with interested nominees to continue the process of establishing the group in line with the "Friends Of" procedure.

Community Engagement

Following the endorsement to establish the FCHL volunteer group, Council notified the public that it was accepting formal nominations for membership of the Friends of group with nominations open from 1 November to 29 November. In total, 24 nominations were received during that period.

The call for nominations was placed on our Have Your Say site and communicated to all community members that had participated in the earlier engagement. More detail of the community engagement process and the nominations is available in Attachment 1.

Options

Council can choose to:

1. Endorse the recommended members of the group as recommended or
2. Seek additional information.




Planning and Policy Implications

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

Financial and Economic Implications

There are financial or economic implications in relation to this report.

Attachments

1.  Friends of Camden Head Lookout volunteer group - summary report
2.  Friends Of Volunteer Group procedure
3.  Amended Camden Head Lookout Reserve Master Plan

Item: 11.04

**Subject: DRAFT PRIVATE MEMORIALS AND COMMEMORATIVE NAMING
IN PARKS AND RESERVES POLICY**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

2.2.1 Support and advocate for all community sectors.

RECOMMENDATION

That Council:

- 1. Endorse the draft Private Memorials and Commemorative Naming in Parks and Reserves Policy for the purpose of public exhibition for a period of not less than 28 days.**
- 2. Note that a further report will be tabled at a future meeting of Council, detailing the submissions received from the public during the exhibition period.**

Executive Summary

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

The provision of memorial seating has been supported in principle by Port Macquarie Hastings Council for some time however, there has never been a formal policy in place for the management of this practice. Within the Port Macquarie-Hastings LGA there are currently 235 registered memorials located on park seating, picnic tables, park shelters and plaques for centenarian trees. Over 150 additional requests have been made to Council for new memorial seats. Several unregistered plaques are also found within the region. Council continues to receive requests or enquiries about memorials monthly.

We understand and respect that memorials are a meaningful way for individuals to honour loved ones and cherish their memory and they often want to put them in places that were meaningful to their loved ones. While Council deeply values these personal expressions, the installation of memorial seating is not included as an ongoing action in Council's Operational Plan and does not align with the vision or objectives outlined in our Community Strategic Plan (ie "The most liveable, sustainable and innovative place in Australia") and the practicalities of ongoing memorials is not affordable or sustainable.

The purpose of this draft Policy is to provide consistency to all private memorials and commemorative naming in Council owned parks and reserves or Council managed Crown Reserves.

The draft Policy guides how Council will respond to requests for permission to establish memorials for deceased persons on public land and how Council will respond to requests for commemorative naming or placement of public infrastructure.

The draft Policy also guides how Council will manage unapproved installations of memorials or commemorative naming in Council parks and reserves.

This draft Policy replaces any previous approval, guidelines, or procedures regarding the installation of a memorial.

This report recommends that the draft Policy be adopted for the purpose of public exhibition. An extended exhibition period is proposed (42 days) to account for the upcoming holiday period.

Discussion

Council receives numerous requests to approve or provide for the installation of new memorial plaques on varying types of infrastructure or items including, and not limited to, park furniture, trees, rocks, shelters, sculptures and to approve the naming of infrastructure, including and not limited to buildings and facilities, for commemorative reasons. This is an exclusive service.

Council's Community Inclusion Plan promotes an inclusive community for all members to share a sense of belonging. Public spaces such as parks, reserves and beaches are shared community spaces; therefore, activities or services provided by Council in these spaces ought to reflect participation and equity in all aspects.

Privately funded assets in public spaces generate considerable issues around perceived ownership and ongoing maintenance. Perceived ownership creates an expectation that Council will replace the asset if it is damaged or removed to upgrade a park or reserve or through wear and tear. Subsequently, replacing or repairing or relocating a memorial seat etc is an additional cost Council must factor into the budget.

Another issue raised as a concern is the potential aesthetic impact memorial plaques have on places people go to enjoy natural beauty or in areas where Council is actively trying to promote vibrancy or excitement.

The cumulative visual and character impact of private memorials in public spaces, Council parks and reserves and can be considered a little excessive and can impact the visual amenity of our open space areas. Memorial gardens, cemeteries and private properties are the most appropriate places for memorials or alternatively areas outside of the CBD or highly trafficked or visited areas.

Council aims to support and encourage the sustainable use of Council parks and reserves while minimising risk and the environmental impacts of plaques and memorials. This will ensure that Council parks and reserves serve the intended purpose and do not become dominated by plaques and memorials.

In exceptional circumstances as determined only by formal resolution of Council, a private memorial or commemorative naming may be approved. Memorials or commemorative naming will only be approved for a person who is deceased and was

a resident of Port Macquarie-Hastings Council LGA. The individual would have undertaken an extraordinary contribution to the community.

Public Art Installation

Our community can continue to reflect and remember loved ones in public open space, supported by Councils draft Public Art Policy.

The Heard at Sea Public Art Installation at Town Beach, Port Macquarie provides a permanent, safe, and welcoming, sculptural space where family members and friends can go to reflect, to grieve and to connect with someone they have lost to the sea in our region.

A future concept, of a Public Art Installation, may propose a designated area in a public park or reserve could feature a series of sculptures, mosaics, or interactive art installations created through collaboration with local artists and community members. Each piece of art could represent themes of remembrance, healing, and celebration of life. Inspired by the Draft Public Art Policy, the installation would reflect local cultural narratives, including Aboriginal and non-Aboriginal histories, enhancing the community's sense of place and belonging.

Following the draft Private Memorials and Commemorative Naming in Parks and Reserves Policy, the installation avoids traditional plaques but instead incorporates elements such as engraved stones or artistic features that symbolically honour individuals or groups without dominating the park's natural beauty.

Options

Council has the option to not adopt the draft Private Memorials and Commemorative Naming in Parks and Reserves Policy for exhibition and may request the draft Policy be amended further prior to being placed on exhibition. This report recommends adoption of the draft Policy to seek community feedback.

Internal Consultation

Ongoing Internal Consultation has occurred with;

- Group Manager Liveable Communities
- Manager Spaces and Places
- Recreation & Community Initiatives Coordinator
- Recreation & Community Strategy Coordinator
- Recreation and Open Space Planner
- Tree Management and Open Space Planner
- Senior Community Development Officer
- Facilities Coordinator
- Asset Officer
- Community Engagement and Communication Coordinator
- Property and Leasing Coordinator
- Parks and Open Space Coordinator
- Community Engagement Officer
- Utilisation Officer

Planning and Policy Implications

This is a proposed new Draft Council Policy

This Policy, if adopted would replace the Commemorative Seat Procedure and Commemorative Seat Guideline.


Financial and Economic Implications

The installation costs per unit is approximately \$3750. This includes the cost of the concrete slab, the bench seat, and the installation of the bench seat and the plaque. The plaque will need to be order and pay for separately and supplied to council to install.

There are currently 235 commemorative assets. The ongoing costs of managing and maintaining existing memorials place a strain on Council resources. Each year, operational teams incur approximately \$30,000 to \$40,000 in expenses for tasks such as repairing, sanding, painting, removing graffiti and cleaning these memorials.

Additionally, the expectation that these memorials will be cared for indefinitely introduces challenges in terms of unquantifiable long-term costs. This impacts our ability to allocate resources effectively for the management and maintenance of core assets and services, which are essential to meeting the broader needs of our community.

Attachments

1.  DRAFT Private memorials and commemorative naming in parks and reserves policy

Item: 11.05

Subject: DRAFT PLACES TO PLAY PLANS

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

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

Executive Summary

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

The Places to Play Plan (Attachment 5) is a comprehensive strategy composed of various smaller plans and reviews combined, forming a unified and all-encompassing approach. This report continues the Places to Play Plan with the publishing of an additional 4 sub plans:

- Skate Spaces Plan (Attachment 1)
- Outdoor Fitness Equipment Plan (Attachment 2)
- Outdoor Courts Plan (Attachment 3)
- Off-leash Areas and Designated Dog Parks Plan (Attachment 4)

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

Discussion

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

That Council

1. Adopt the Places to Play Plan, Play Spaces Plan

2. *Note the information contained within the Places to Play Plan Community Engagement Report - March 2024*
3. *Thank submitters and advise them of the outcome of Council's consideration.*
4. *Note that further sub plans of the Places to Play Plan will be reported to Council for consideration in 2024-2025.*

The adopted Places to Play Plan including the Play Spaces Plan can be found in Attachment 5.

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

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

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

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

Skate Spaces Plan

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

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

Outdoor Fitness Equipment Plan

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

The purpose of this review is to examine the condition and provision of outdoor fitness equipment in the Port Macquarie-Hastings LGA. Its findings will provide

guidance on planning to ensure there is sufficient provision of outdoor fitness equipment for the next 10 years.

Outdoor Courts Plan

Our outdoor court network consists of all the outdoor courts within the Port Macquarie-Hastings LGA based on their geographical relationships and how they are interconnected at the local, neighbourhood and regional levels. Recognising this network is essential to our planning approach. Our outdoor courts are used for general play as well as the running of sporting competitions and training. By recognising that these outdoor courts are interconnected and part of a larger network spanning our suburbs and neighbourhoods we can strive for a fair distribution of diverse and inclusive areas. Our goal is to ensure that every community has access to high-quality courts, promoting active recreation and inclusivity throughout the region.

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

Off-leash Areas and Designated Dog Parks Plan

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

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

Options

Council has the option to:

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

This report recommends option 1.

Community Engagement and Internal Consultation

Ongoing Internal Consultation has occurred with:

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

If adopted the draft Plans will be placed on public exhibition for an extended period of not less than 42 days (to account for the holiday period).

Planning and Policy Implications

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

The adoption of the Places to Play Plan will be followed by a review of the Recreation and Open Spaces Action Plan 2024-2029 priority projects.

Financial and Economic Implications

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

Attachments

1.  Places to Play Plan - Skate Spaces Plan
2.  Places to Play Plan - Outdoor Fitness Equipment Plan
3.  Places to Play Plan - Outdoor Courts Plan
4.  Places to Play Plan - Off-leash Areas and Designated Dog Park Plan
5.  Places to Play Plan - Play Spaces Plan - adopted June 2024

Item: 11.06

Subject: PETITION - REQUEST FOR CONSTRUCTION OF FOOTBRIDGE,
WALKWAY AND WHALE VIEWING PLATFORM OVER DUCHESS
CREEK, BONNY HILLS

Presented by: Community Infrastructure, Robert Fish

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Note the petition lodged by Lachlan Jones on behalf of residents requesting the construction of a footbridge, walkway and whale viewing platform over Duchess Creek, Bonny Hills.**
2. **Respond to the organiser of the petition with the outcome of Council's consideration in the matter.**

Executive Summary

A petition has been received by Council from Lachlan Jones on behalf of residents requesting the construction of a footbridge, walkway and whale viewing platform over Duchess Creek, Bonny Hills.

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

Discussion

A petition has been received by Council from Lachlan Jones on behalf of residents containing 393 signatures, requesting the construction of a footbridge, walkway and whale viewing platform over Duchess Creek, Bonny Hills.

A copy of the petition is attached for information.

The assumed location based on the information provided with the petition requests a path and associated infrastructure that is not currently identified as a priority within Council or community planning, including the Bonny Hills Community Plan, Bonny Hills Reserves Master Plan and Coastal Users Recreational Needs Analysis. It is noted the Reserves Master Plan focus in this general precinct is for the improvement of the Rainbow Beach Reserve, to the south of the identified location in the petition.

It is noted that formalised beach access at Rainbow Beach Reserve is approximately 450m to the south of the location over Duchess Creek that is the assumed subject of

the petition. At the assumed location suggested in the petition, beach access is currently available via informal tracks on the south side of the creek. Rainbow Beach is a popular walking route and the outlets of Saltwater Creek and Duchess Creek typically are not an impediment to this.

Substantial infrastructure investment is required to achieve the outcome sought via the petition. Environmental approvals would also likely be at significant cost and require extensive environmental impact assessment and approvals from various government agencies to achieve the requested outcome as the proposed route passes through mapped areas of coastal wetland and littoral rainforest identified under *State Environmental Planning Policy (SEPP) 2021 - Resilience and Hazards*.

It is also noted that portions of the route pass through land owned and managed by the Crown, not Council.

Options

Council has the option to note the petition or resolve in some other manner as appropriate.

Community Engagement and Internal Consultation

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

Internal discussion has occurred between:

- Director Community Infrastructure
- Director Community, Planning and Environment

Planning and Policy Implications

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


Should Council decide to action in some way, this will require further investigation by staff.

Financial and Economic Implications

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

Should Council decide to action the request in some way, there would be future financial costs to Council.

Attachments

1.  Petition - Request to Construct a footbridge walkway and Whale viewing platform over Duchess Creek Bonny Hills

Item: 11.07

Subject: NOTICE OF MOTION - ARTS MID NORTH COAST MEMBERSHIP

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

RECOMMENDATION

That Council:

1. **Note that Arts Mid North Coast has extended an offer to Council to rejoin Arts Mid North Coast for 2024-2025 by making a payment of \$9,230.20 inclusive of GST.**
2. **Request the Chief Executive Officer to provide a report to the February 2025 Ordinary Council meeting that includes the merits for Council's potential membership to Arts Mid North Coast and also to identify a potential funding source, if available, to fund this expenditure.**

Comments by Councillor Edwards

Councillors received an email from the Executive Director of Arts Mid North Coast outlining the offer for PMHC to rejoin membership of Arts Mid North Coast by making payment of \$9,230.20.

The total annual membership fee is \$17,482 ex GST and because Arts Mid North Coast were successful in their application to Council's Community Grants Round 1 for an amount of \$10,000, the Executive Director has since offered that this could be accepted as part of Council's membership fee and would enable our Local Government Area to receive not only the Creative Sparks project, for which the Community Grant was awarded, but in addition all other programs and member benefits as indicated in the words from the emailed offer below.

Under this arrangement, Arts Mid North Coast will:

1. Deliver the *Creative Sparks* project funded by the \$10,000 grant.
2. Provide all standard benefits of membership, including access to Arts Mid North Coast's programs throughout the year as outlined in the MOU.

Further important information provided to Councillors via email shared that in 2023-2024, Arts Mid North Coast delivered more than \$80,000 worth of programs directly benefitting the Port Macquarie-Hastings community. The loss of Council membership has resulted in significant financial challenges for Arts Mid North Coast, reducing their capacity to maintain the same level of services and programs for the region.

Arts Mid North Coast receives 80% of its operational funding from Create NSW. For a membership fee of \$17,482, Council enables Arts Mid North Coast to access an additional \$69,940 in NSW Government funding. This co-funding requirement ensures substantial resources are directed towards operational costs, services, and programs that directly benefit the Port Macquarie-Hastings community.

Arts Mid North Coast work extends beyond local boundaries, fostering collaboration across the Mid North Coast, advocating for regional arts funding, and delivering programs that benefit the entire region. The uncertainty around Council’s membership jeopardises AMNC’s sustainability, which would negatively impact the creative sector in Port Macquarie-Hastings and beyond.

Comments by Chief Executive Officer

Staff have no objection to undertaking this work, however it needs to be noted that a decision has been made in respect of this membership and funding. In order to determine to provide funding now will result in a reduction in committed funding for some other activity(s) already included in the 2024-2025 Operational Plan and budget.

Attachments

Nil

Item: 11.08

Subject: NOTICE OF MOTION - BEACHWATCH PARTNERSHIP PROGRAM

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

RECOMMENDATION

That Council:

- 1. Note the Beachwatch Partnership Program assists local councils to monitor and report recreational water quality along the NSW coast, monitoring a range of sites including ocean beaches, estuarine swimming areas, lake and lagoons swimming sites.**
- 2. Request the Chief Executive Officer give consideration to the inclusion of resourcing in the draft 2025-2026 Operational Plan and budget for implementation and ongoing monitoring of and participation in the Beachwatch Partnership Program in the following Port Macquarie-Hastings Local Government Area locations:**
 - **Town Beach, Port Macquarie**
 - **Flynn's Beach, Port Macquarie**
 - **Lighthouse Beach, Port Macquarie**
 - **Lake Cathie Lagoon, Lake Cathie**
 - **Rainbow Beach, Bonny Hills**
 - **Grants Beach, North Haven**
- 3. Identify any/all impediments to inclusion of the Beachwatch Partnership Program in the 2025-2026 draft operational plan.**

Comments by Councillor Maltman

As the former President of Revive Lake Cathie, I believe that implementing the Beachwatch Partnership Program in the Port Macquarie-Hastings would be commitment to looking after our own backyard and in particular the health and safety of our friends, families, and visitors to the Port Macquarie-Hastings.

At the November 2022 Ordinary Council Meeting I brought forward item 14.02 Notion of Motion – Beachwatch partnership program which was resolved unanimously by Councillor's, however not included in the 2023-2024 Operational Plan.

At the December 2023 Ordinary Council Meeting I brought forward item 13.16 Notion of Motion – Beachwatch partnership program which was resolved unanimously by Councillor's, however not included in the 2024-2025 Operational Plan.

The Beachwatch Partnership Program aligns perfectly with our community values by providing regular water quality testing results that foster transparency and raises awareness of the condition of our local beaches, rivers, lakes, and lagoons. Since its establishment in 2004, Beachwatch has been helping councils monitor

and report on recreational water quality. This partnership program supports local councils in assessing water quality at a range of swimming locations, including ocean beaches, estuarine areas, and lakes. Water samples are tested for enterococci, a bacterial indicator of faecal contamination, ensuring public safety.

Comments by Chief Executive Officer

This request has been raised several times before and considered by Council in the development of the past two draft Operational Plans. It was not included in previous Operational Plans due to competing resource priorities.

This request is achievable and able to be considered again in the development of the draft 2025-2026 Operational Plan. Staff do not have any concerns with this motion.

Attachments

Nil

Item: 11.09

Subject: NOTICE OF MOTION - COMMUNITY SATISFACTION SURVEY RESULTS

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

RECOMMENDATION

That Council request the Chief Executive Officer:

- 1. To advise the governing body of the following information as soon as possible, but by end of December 2024:**
 - (a) What results/reports Council operational body have received in relation to 2024 community satisfaction survey.**
 - (b) Which preliminary results or reports can be provided to councillors currently, or with minor redaction or amendment.**
- 2. To provide the governing body with preliminary results and reports identified in part 1(b), as soon as practical, but by end of December 2024.**

Comments by Councillor Sheppard

The Community Satisfaction Survey provides valuable information to inform Council decision-making. This information is particularly important at present, as Council prepares the next Delivery Program, which will be far advanced by the next Council Meeting, in February 2025. This motion seeks to ensure that relevant CSS results can be provided to Councillors as early as possible, to inform our conversations with community members, and to consider community priorities alongside the reality of the current challenges and opportunities for council.

Background:

Over the last decade, Council has undertaken a Community Satisfaction Survey (Survey) every two to three years to understand and identify community priorities. The Survey seeks to identify community priorities, community satisfaction in Council performance, level of community support for specific priority areas, desired levels of investment in services, and perceived quality of life. The results of the Survey provides Council one avenue to integrate community priorities into planning and delivery.

The Survey has historically been undertaken by phone with a sample of approximately 600 residents, with results weighted by gender and age to provide results that better reflect Council's demographics. More recent surveys have seen the addition of an unweighted online survey, with results reported separately.

The 2022 results saw a 12% decrease in overall community satisfaction in Council, while over the same period that comparable regional and coastal Councils experienced steady or increased community satisfaction. The change in satisfaction in Council was identified to be driven by communication/engagement factors, giving insight into one avenue for improving satisfaction. Other 2022 results include that

respondents' highest priorities were road maintenance, alleviating traffic congestion, improving 'liveability' measures (e.g. improving and more parks/playgrounds, sports and recreation), improving/maintaining infrastructure and managing the natural environment. The full results of the 2022 Survey are available in the relevant agenda, Item 11.11 of the Agenda of the October 2022 Ordinary Meeting of Council, and includes information about potential optimisers of community satisfaction, and other insights that are useful to inform council IP&R planning.

It is my understanding that the 2024 Community Satisfaction Survey results are intended to be brought to Councillors early in 2025. However, I consider that the governing body would benefit from accessing the available Community Satisfaction Survey insights as soon as possible. This will ensure the governing body has visibility across any trends that emerge, be in the best position to engage in informed community dialogue and contribute productively to the development of the upcoming delivery program and further IP&R suite.

In particular, as we head into the 2025-2029 Delivery Program and IP&R development, Council faces serious challenges in relation to long term financial sustainability, escalating costs from climate change related damage, addressing dilapidated or limited sewer/water/stormwater infrastructure, and community desire for maintaining or improving various services while maintaining or lowering rates from the current levels. As such, as we approach the Delivery Program and Operational Plan, it is prudent for Councillors to have an understanding of community priorities as we also navigate the presenting financial and other challenges and opportunities.

Comments by Chief Executive Officer

This Notice of motion is not supported. There has been insufficient time for staff to respond to the notice of motion and consult with the Councillor prior to preparing the business papers.

A Councillor briefing will be conducted by the consultants undertaking the survey in February 2025 which will provide all relevant information to Councillors and the release of this information prior to the briefing would be pre-emptive and without context.

Council has currently not received the final report from the consultants and it would be inappropriate to provide the information provided by the consultant to date without providing the consultant an opportunity to guide Councillors through the outcomes of the survey.

Attachments

Nil

Item: 11.10

Subject: NOTICE OF MOTION - PORT MACQUARIE-HASTINGS SPORTING FUND

Councillor Nik Lipovac has given notice of an intention to move the following motion:

RECOMMENDATION

That Council:

- 1. Appoint Councillor Nik Lipovac to chair the Port Macquarie Hastings Sporting Fund.**
- 2. Appoint an alternative chair for occasions where the chair may be absent from the meeting.**

Comments by Councillor (if provided)

Nil

Comments by Chief Executive Officer

The Chief Executive Officer has no comments to make on this Notice of Motion.

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

Item: 12.01

Subject: QUESTION WITH NOTICE - CAIRNCROSS WASTE MANAGEMENT FACILITY - DISPOSAL OF BRICKS AND CONCRETE

Presented by: Business and Performance, Keith Hentschke

RECOMMENDATION

That the response provided to Councillor Maltman Question on Notice regarding Cairncross Waste Management Facility be noted.

The following Question with Notice has been received by Councillor Danielle Maltman.

Question from Councillor Maltman

That Council's Chief Executive Officer advise the 12 December 2024 Ordinary Council meeting on the actions and progress related to waste management specific to Cairncross Waste Management Facility - industry briefing provided 14 August 2024 to include a timeline for addressing the asbestos-contaminated stockpile.

Comments by Councillor Maltman

Nil

Comments by Chief Executive Officer

Of the bricks and concrete currently stored at Cairncross Waste Management Facility, the majority of the material has now been crushed. Extensive testing of the stockpiles present has been undertaken to detect for the presence of asbestos. This testing has determined that of the material stored onsite, approximately 40-50% of the material contains traces of asbestos. Testing and sampling continues for air and dust monitoring to ensure the safety of our staff.

Where asbestos presence has been determined, this material will be transferred to a dedicated space within the landfill cell as is the case for any asbestos contaminated material. A contract is anticipated to be awarded in the near future for this transfer work and liaison with Safe Work NSW has occurred with respect to the proposed work methodology. This transfer work is anticipated to be undertaken in quarter 1 of 2025. Uncontaminated material will be utilised around the site as road base to construct internal roads, or utilised for hard-stand, slope maintenance and channel maintenance.

Subject to progress of the material transfer work, a new pricing structure for disposal of bricks and concrete is anticipated to be presented to Council to the February 2025 Ordinary Council meeting. At that time, Council will be requested to endorse the public exhibition of the proposed new fees for 28 days. The final adoption of the new pricing structure would then be scheduled for presentation at the April 2025 Ordinary Council meeting. Application of any amended fees would follow from that point. This is in line

with the timeline communicated at the industry briefing in August 2024 and follow up communications provided to the industry attendees.

Attachments

Nil

4 Your Natural and Built Environment

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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



Item: 13.01

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

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

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

Executive Summary

Council is currently involved in a number of projects relating to 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 November 2024 Ordinary Council Meeting.

Works currently being undertaken and outlined in this report include:

1. Hydrodynamic Model of Lake Innes, Lake Cathie and Cathie Creek
2. Coastal Hazard Assessment and Coastal Vulnerability Assessment Mapping Project
3. Water Quality Improvement Strategy
4. Review of the Lake Cathie Entrance Management Strategy
5. Invasive Weed Management
6. Development of the CMP and Other Projects

Discussion

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 November 2024.

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

Council staff organised a presentation on 12 November for Councillors and key NSW State Government and community stakeholders involved in the management of the Lake Innes / Lake Cathie / Cathie Creek system. The presentation was undertaken to inform key stakeholders, involved in the management of the system, of the findings of

Hydrodynamic Model update so they are able to contribute to decision-making for CMP actions. Council staff will continue to work with these key stakeholders as the development of the CMP continues.

2. Coastal Hazard Assessment and Coastal Vulnerability Assessment Mapping Project

Bluecoast Consulting Engineers are completing the Coastal Hazard Assessment and Coastal Vulnerability Assessment Mapping Project on behalf of Council. Bluecoast Consulting Engineers have provided a draft Coastal Hazard Assessment Report which is currently under review by Council staff and NSW Department of Climate Change, Energy, Environment and Water (DCCEEW). This report is expected to be finalised in December 2024. This hazard assessment will be used in the development of Coastal Vulnerability Assessment maps for the Port Macquarie Hastings Council LGA. These maps are expected to be completed in early 2025. A briefing to Councillors will be provided in 2025.

3. Water Quality Improvement Strategy

Council released a tender in May 2024 to identify a consultant to develop Water Quality Improvement Strategies for three waterways: Hastings River Estuary, the Camden Haven River Estuary and Lake Cathie / Bonny Hills catchments. The aim of these strategies is to identify current and future impacts to water quality within the coastal waterways of the LGA and provide Council with specific management actions to improve water quality within the coastal waterways.

The highly experienced environmental consultancy Rhelm were selected as the preferred tenderer and have been engaged to complete the project and are currently undertaking a review of existing data. The project is expected to take up to 12 months to complete.

4. Review of the Lake Cathie Entrance Management Strategy

Council staff requested 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, and 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 levels to better inform decision making around the timing of entrance management and to support the application of Council's Lake Cathie Standard Operating Procedure. Council staff have submitted a grant application to NSW DCCEEW under the Coastal and Estuary Grants Program to contribute funding towards the project and are currently awaiting the outcome of this application.

5. Invasive Weed Management

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

- Control of various common invasive species over 13ha in bushland reserve on the western side of Cathie Creek (Lakeside Woods area). Targeted

invasive species included Bitou bush, Lantana, Ground asparagus, Ochna, Morning glory, Cocos palm, Coral berry.

- Control of various invasive species over 1ha through littoral rainforest strip east of Chepana Street. Weeds included Ground asparagus, Coastal morning glory, Ochna, Madeira vine, Cassia and Lantana. Deliberate ringbarking of mature Banksia trees on the foredune was discovered by a contractor while undertaking the works. An investigation was not successful in identifying the perpetrators or reason for the ringbarking.
- Control of Morning glory over 1ha of littoral rainforest east of Chepana Street, near Middle Rock Rd.

6. Development of the CMP and Other Projects

The development of CMPs is prescriptive and includes five stages.

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

Staff are currently undertaking investigations associated with Stage 2 of the CMP development. The CMP is being developed in geographical chapters. An indicative timeframe of the progression of the CMP is presented below in Table 1.

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

Table 1: Indicative CMP Timeframe

Staff are currently progressing with Stage 2 of the CMP development across the four chapters. Stage 2 of the CMP process involves undertaking detailed studies that will help Council to identify, analyse and evaluate risks, vulnerabilities, and opportunities in the study area. The studies conducted during Stage 2 are to provide information to support decision-making in the later stages of the CMP planning process. Given the complexities of these studies, this stage is the most time consuming. Ensuring high quality studies in Stage 2 will result in high quality management plans in the CMP and a faster pathway to Government approval.

The Water Quality Improvement Strategy is the final major Stage 2 project, and while it is expected to take up to 12 months to complete, Council staff are preparing a scope to develop Stage 3 and 4 of the CMP in parallel to the project to enable more rapid preparation of the final CMP.



Riverbank Restoration works**Stage 1 Hastings River Hybrid Shorelines**

An open tender to complete riverbank restoration works along the Hastings River at the North Shore is currently live. This project involves the detailed design and construction of restoration works of a ~200m section of the Hastings River Estuary on Port Macquarie Hastings Council (PMHC) owned foreshore reserve and adjacent Crown land located off the western end of Shoreline Drive, North Shore. A concept design has been prepared for the length of bank and intertidal sand flat to demonstrate best practice erosion control measures where public access, amenity and estuarine vegetation (mangroves) protection are considered key issues. This concept design, coupled with technical input from project partners will inform the development of a detailed design.

The project is being partially funded by a NSW Department of Primary Industries and Regional Development (DPRID) Flagship Fish Habitat Rehabilitation Grant. The grant program offers funds to projects that significantly enhance fish habitat, water quality and fish passage opportunities within the coastal catchments of NSW. The project includes the use of a full-scale oyster reef hybrid fillet prototype. This prototype is being supplied under the Hybrid Living Shoreline Research Study being undertaken out of the University of Melbourne as an Australian Research Council (ARC) Linkage grant project. The tender closes in December and the project is expected to commence in early 2025.

Further engagement with the immediate community around the reserve will be undertaken during the design phase, building on conversations held during concept development.

Limeburner's Creek Riverbank Restoration Works

The Department of Primary Industries and Regional Development (DPIRD) - Fisheries is delivering a bank stabilisation project designed to mitigate flood damage and improve flood resilience and environmental outcomes in NSW estuaries.

PMHC staff supplied DPRID Fisheries with a list of priority sites that were identified in the recently completed Bank and Riparian Assessment of the Hastings River Estuary. DPRID Fisheries and PMHC staff then identified a suitable priority site off Limeburner's Creek, upstream of the Shoreline Drive Bridge. The site is approximately 180m long and contains a failing rock revetment wall. DPRID Fisheries is funding a project to repair and replace the failing rock revetment wall which will stop further erosion at the site and improve water quality to the surrounding area which is utilised by oyster growers. Council staff are providing project management support in both the planning and implementation stages of the project. The project is expected to be completed by mid-2025 and result in improved water quality outcomes for the Hastings estuary and the oyster industry.

North Haven Foreshore Stabilisation Works

The Department of Primary Industries and Regional Development (DPIRD) - Fisheries is also undertaking riverbank restoration works at Riverview Reserve North Haven as part of its bank stabilisation program designed to mitigate flood damage and improve flood and environmental resilience in NSW estuaries.

Council staff identified the foreshore along Riverview Reserve as a priority area to undertake these works and prepared a concept master plan. This project will progress the preparation of detailed designs that introduce best practice, including

living shoreline elements into the erosion mitigation design. As the site is heavily utilised for public recreation, a detailed design that incorporates increased opportunities for biodiversity and complex habitat, while facilitating public access and recreational use is required. Realm studio have been engaged by DPIRD Fisheries to undertake the detailed design which is expected to be completed by mid-2025. DPIRD - Fisheries are funding the project, while Council staff are providing project management support, technical advice and some in-kind services including site survey.

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, informed by community consultation, will be presented to the group in the coming months.

Council staff are working to release an Expression of Interest to the community to develop mapping, collect stories, and create artworks relating to Sea Country for use in educational signage, throughout the CMP documentation, and to record important cultural heritage for future generations.

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.

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

Attachments

Nil

Item: 13.02

Subject: **DEVELOPMENT ASSESSMENT PANEL - APPOINTMENT OF MEMBERS AND DELEGATED AUTHORITY**

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

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Appoint Mr David Crofts, Mr Christopher Gee, Mr Tony McNamara, Mr Murray Blackburn-Smith and the Group Manager Development Services to be members of Council's Development Assessment Panel until January 2029 or until such time a new Development Assessment Panel is appointed by Council.**
- 2. Provide delegated authority to the Development Assessment Panel pursuant to Section 377 of the Local Government Act 1993 to determine applications under Part 4 of the Environmental Planning and Assessment Act 1979 and undertake development assessment related functions in accordance with the Development Assessment Panel Charter.**
- 3. Appoint Mr David Crofts, Mr Christopher Gee, Mr Tony McNamara and Mr Murray Blackburn-Smith as Council's representatives on the Northern Regional Planning Panel on a rotational basis until January 2029, noting Council has 2 representatives per meeting.**
- 4. Thank Mr Michael Mason for his service on the Development Assessment Panel for the past 4 years.**

Executive Summary

The report is seeking Council to appoint members to its Development Assessment Panel (DAP) under the DAP Charter (Attachment 1) and appoint representatives on the Northern Regional Planning Panel.

Discussion

One of Council's key regulatory roles is to assess and determine development applications for local development proposals. Whilst most decisions are made by planning staff under delegation, there is a need for an open and publicly accessible decision making process for more contentious applications where numerous submissions have been received following neighbour notification and/or public exhibition of a development application.

The PMHC DAP plays an important role in the local development assessment process, providing a forum for decisions in these circumstances. Council's DAP

model is unique in that most regional Councils either enable applications to be determined by staff under delegated authority or have them referred to full Council for determination where a particular threshold (typically, a certain number of submissions or capital investment value) is exceeded.

The term of Council's current DAP members is due to expire in January 2025.

An expression of interest was advertised in October 2024 seeking membership to Council's DAP for the next 4-year period, with 8 applications being received. Candidates are required to have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, government and public administration.

Following the evaluation of candidates and formal interviews for those shortlisted, the recruitment panel recommended the following persons be appointed to the DAP:

1. Mr David Crofts
2. Mr Christopher Gee
3. Mr Tony McNamara
4. Mr Murray Blackburn-Smith

It is recommended that the independent members are also Council's representatives on the Northern Regional Planning Panel on a rotational basis whilst ever they are serving members on the DAP. Council is able to nominate 2 of the 5 members that make up the Northern Regional Planning Panel for applications being determined within the local government area, with the remaining 3 members being appointed by the State.

This report recommends endorsement of the DAP new membership and the nominations to the Northern Regional Planning Panel.

Options

Council could opt to adopt the recommendation or propose another course for the DAP and its membership and for representation on the Northern Regional Planning Panel.

Community Engagement and Internal Consultation

An expression of interest was advertised seeking candidates for the DAP. Council's Director Community, Planning and Environment and Group Manager Development Services were on the evaluation and interview panel for the DAP candidates.

Planning and Policy Implications

It is necessary that the DAP be provided appropriate Delegated Authority to implement the DAP Charter.

Financial and Economic Implications

The DAP costs Council approximately \$50K per annum and is funded through development assessment revenue.

Attachments

1.  Attachment 1: DAP Charter

Item: 13.03

Subject: REQUEST TO WAIVE DEVELOPMENT CONTRIBUTIONS FOR STATE SIGNIFICANT DEVELOPMENT APPLICATION SSD-71373460 - IN-FILL AFFORDABLE HOUSING - 33-37 GORDON STREET AND 22-24 GRANT STREET, PORT MACQUARIE

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.5.2 Plan for infrastructure that supports population growth.

RECOMMENDATION

That Council waive the development contributions totalling \$1,170,176.20, associated with the State Significant Development Application SSD-71373460 for infill affordable housing development comprising 94 units at 33-37 Gordon Street and 22-24 Grant Street, Port Macquarie.

Executive Summary

A State Significant Development Application (SSD-71373460) for an infill social and affordable housing development, comprising 44 one-bedroom units and 50 two-bedroom units, has been lodged with the Department of Planning, Housing and Infrastructure by Homes NSW. The proposed development is declared State Significant Development (SSD) in accordance with, and by meeting, the following criteria:

- Schedule 1, Clause 26 of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) as the development will be carried out by or on behalf of the Land and Housing Corporation and has an Estimated Development Cost (EDC) of more than \$30 million; and
- Schedule 1, Clause 26A of the Planning Systems SEPP, as the development is for the purpose of in-fill affordable housing to which Chapter 2, Part 2, Division 1 of the State Environmental Planning Policy (Housing) 2021 applies, and is development with an EDC of more than \$30 million.

As such the development meets the criteria for the Department of Planning, Housing and Infrastructure to be the determining authority for both of these types of development, not Council.

Homes NSW has formally requested an exemption from the levying of local infrastructure contributions (under section 7.11 development contributions) for this proposed social and affordable housing development (see Attachment 1).

Council's Development Contributions Assessment Policy (DCAP) allows for exemptions for certain developments. Specifically, it states:

“Development by non-profit organisations on Council-owned or controlled land is exempt from the payment of development contributions, provided that the Council determines that the development is for an essential community service.”

However, the subject land is not situated on Council-owned or controlled land. This proposal is being carried out on government-owned land by Homes NSW (Crown Development), aimed at developing social and affordable housing. Granting an exemption for development contributions in this case aligns with the intent of the policy.

Waiving these fees would demonstrate Council's commitment to supporting this development, in line with the adopted Affordable Housing Plan. This plan aims to provide valuable social and affordable housing, benefiting both the local community and the wider area. Therefore, this report recommends waiving the fees.

Discussion

The subject land is owned by the NSW Government through Homes NSW and is designated for the purpose of delivering social and affordable housing. This initiative addresses the increasing demand for such housing in the Port Macquarie-Hastings Local Government Area (LGA), as identified in Council's Local Strategic Planning Statement (LSPS), Shaping for Our Future 2040, and Affordable Housing Plan.

A State Significant Development Application (SSD-71373460) for an infill affordable housing project has been submitted to the Department of Planning, Housing and Infrastructure by Homes NSW. This project includes 44 one-bedroom units and 50 two-bedroom units. In accordance with Council's Development Contributions Plan(s), development contributions are required under section 7.11 of the *Environmental Planning and Assessment Act 1979*. These contributions are intended to fund community services and facilities, with the total applicable amount being:

SECTION 7.11 Development Contributions (Total): \$1,170,176.20

Development contributions are collected to finance public infrastructure that is needed as a direct or indirect result of development. This includes local roads, footpaths, community centres, sports fields, and parks.

It is important to note that waiving development contributions can impact the availability of community infrastructure. Any shortfall resulting from this waiver would need to be covered by Council by other means.

According to Planning Circular D6 - Crown DAs and Conditions of Consent, dated September 21, 1995, by the Department of Infrastructure Planning and Natural Resources (now the Department of Planning, Housing and Infrastructure), Council must justify the levying of contributions on Crown developments. Additionally, contributions can only be levied for open space, community facilities, drainage, and local area traffic management measures for medium-density infill developments.

When determining whether to levy contributions for Crown development, Council should consider the Crown's role in delivering community services, the costs of which are borne by all taxpayers in the State. Some types of Crown development serve as infrastructure for the community and are less likely to generate the same demand for public amenities or services as private developments.

The Development Contributions Practice Note from July 2005 and the Draft Section 7.11 Local Infrastructure Contributions Practice Note dated December 2023 reinforce the provisions outlined in Planning Circular D6.

One of the planning priorities in Council's Local Strategic Planning Statement (LSPS) is to provide a diversity of housing in suitable locations. This includes offering greater housing diversity and affordable options for very low, low, and moderate-income households. An action within the LSPS is to implement an Affordable Housing Policy and Action Plan that addresses the needs of low-income and homeless residents.

Council's Affordable Housing Plan was adopted by Council at the Ordinary Meeting of Council on August 15, 2024, as part of the Living and Place Strategy. This Plan highlights a shortfall in social housing within the LGA, indicating that an additional 1,564 dwellings are needed by 2046. The Plan aims to promote and facilitate the funding and delivery of a wide range of affordable housing to meet the needs of very low, low, and moderate-income households. There is potential for developing under-utilised or vacant government-owned land for affordable housing. Waiving the contributions directly supports the implementation of the actions outlined in this Plan.

- *2 (b) Investigate opportunities to support the delivery of social and affordable rental housing on State owned land within the LGA.*
- *3 (a) Advocate to Land and Housing Corporation (LAHC) for greater partnership and actions to support the delivery and renewal of social and affordable housing in the right locations throughout the LGA that meet community needs and minimise clustering.*
- *9 (b) Investigate updating s7.11 development contributions plans to list affordable housing as development that is exempt from payment of contributions.*

Council's is currently in the process of reviewing its development contribution plan(s) and policy and considering suitable exemptions and discounts in accordance with these actions.

On 11 September 2024, the Council received a formal request from the proponent (see Attachment 1) seeking an exemption from local infrastructure contributions (under section 7.11 of the development contributions) for a proposed social and affordable housing development. The main justifications provided by Homes NSW are summarised below:

- The proposed development aims to provide much-needed social and affordable housing, with plans for 94 new social and affordable dwellings on the site. According to the Council's Local Strategic Planning Statement (LSPS) and Affordable Housing Plan, there is an increasing demand for more social and affordable housing within the Local Government Area (LGA).
- This development serves a public purpose by delivering essential community infrastructure, and therefore, an exemption from local contributions would be

both appropriate and justified. Granting this exemption aligns with the goals of the Affordable Housing Plan, which seeks to increase the supply of affordable housing in the LGA and recommends exploring incentives for developments that provide affordable housing, such as waiving fees and contributions.

- The request for an exemption is consistent with the following actions of the Affordable Housing Plan: 2 (b), 3 (a), and 9 (b). Additionally, this exemption aligns with the intent of the Development Contributions Assessment Policy (DCAP) since the project is being undertaken on government-owned land by Homes NSW for the purpose of social and affordable housing.
- The exemption is warranted because the proposed development constitutes 100% social and affordable housing, carried out by Homes NSW, and has a clear public purpose that benefits the broader community. The exemption also aligns directly with the key considerations outlined in the draft Practice Note, as the proposed development is for a public purpose and will provide social benefits for both the local community and the wider area.
- Providing social and affordable housing is critical social infrastructure. It is neither efficient nor equitable to require contributions for essential community infrastructure while simultaneously delivering such necessary facilities.

While it is important to note that the development is not situated on land owned and controlled by the Council, and therefore the exemption for social and affordable housing in the Council's Development Contributions Assessment Policy (DCAP) does not automatically apply in accordance with the Policy, the recommendation of staff is that waiving the contributions is still appropriate. This is because, once constructed, the development will be managed by a registered community housing provider, which qualifies as a not-for-profit organisation.

Moreover, waiving these contributions aligns with Council policy, particularly the Affordable Housing Plan. This plan aims to increase the supply of affordable housing within the local government area and emphasises the need to explore incentives for developments that provide affordable housing, including the possibility of waiving fees and contributions.

Given these key points, it is considered that the proposed development is in line with the intent of the exemption outlined in the DCAP. Therefore, this report recommends that Council waive the development contributions accordingly.

Options

Council has the following options to:

1. Waive the development contributions as recommended.
2. Charge all applicable development contributions.
3. Not adopt the recommendation and resolve in some other manner.

This report recommends Option 1, waive the development contributions.

Community Engagement and Internal Consultation

Community Engagement

It is considered that community engagement is not required to be undertaken in relation to this matter. Community engagement has been undertaken by Homes NSW in relation to the proposed development.

Internal Consultation

Internal consultation has occurred between Council's Development Assessment, Strategic Land Use and Development Contributions teams. The matter has also been discussed with Community Utilities. However, it should be noted the request and Council report would not apply to development servicing charges levied for water and sewer under s64 of the *Local Government Act 1993*.

Planning and Policy Implications

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



The only precedent potentially created by the recommendation for Council, is for Crown development on NSW Government land exclusively for the purpose of social and affordable housing.

Financial and Economic Implications

The development contributions are calculated at \$1,170,176.20.

Although these fees help fund community infrastructure, waiving them would enable Homes NSW to provide essential social infrastructure. This includes social and affordable housing, which would bring significant social benefits to both the local community and the wider region. As a result, it would create broader economic and social value for the area.

Attachments

1.  Homes NSW Request to Waiver Contributions
2.  Circular No. D6 Crown DAs & Conditions of Consent - Revised Issue 21 Sept 1995 - DUAP

Item: 13.04

Subject: HASTINGS RIVER FLOOD STUDY EXTENSION

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Place on public exhibition the Hastings River Flood Study Extension, commencing in February 2025 for a minimum of 28 days.
2. Request that a further report be tabled by the May 2025 meeting of Council, detailing the submissions received from the public during the exhibition period and any resulting changes to the study.

Executive Summary

The *Hastings River Flood Study Extension (2024)* draft report, prepared by Worley Consulting, aims to extend and update previously adopted Flood Studies in the Hastings River catchment.

The study area covers approximately 3,700 km², including major tributaries such as the Forbes, Ellenborough, Pappinbarra, and Wilson Rivers. This extension was prompted by significant flooding in 2021 and increasing development pressures.

The *Hastings River Flood Study Extension (2024)* involves a significant extension of Council's existing flood mapping for the Hastings River catchment to cover six design flood events, a Climate Change scenario and a Probable Maximum Flood (PMF) event. This will provide Council with an up-to-date flood study prepared in accordance with current industry best practice enabling both Council staff and the community to make informed decisions regarding land use planning, flood risks and management.

The updated and extended Hastings River flood study, Attachment 1, has been prepared utilising the latest available rainfall and climatic information. The updated model has resulted in the following changes: a decrease in design flood events across a majority of the catchment for events from the 5% Annual Exceedance Probability (AEP) to the 1% AEP plus climate change scenario; and an increase across the entire catchment in the Probable Maximum Flood (PMF) design flood levels.

This report recommends the placement of the updated and extended study on public exhibition, prior to reporting back to Council on submissions received during the exhibition period, any amendments required and for adoption.

Discussion

Background

The Hastings River is located within the Port Macquarie Hastings Council Local Government Area (LGA) and comprises an area of approximately 3700 km² draining from the Great Dividing Range, approximately 120 kilometres to the coast.

The major tributaries draining the catchment include the Hastings River, Forbes River, Ellenborough River, Pappinbarra River, Morton's Creek, Maria River, and the Wilsons River.

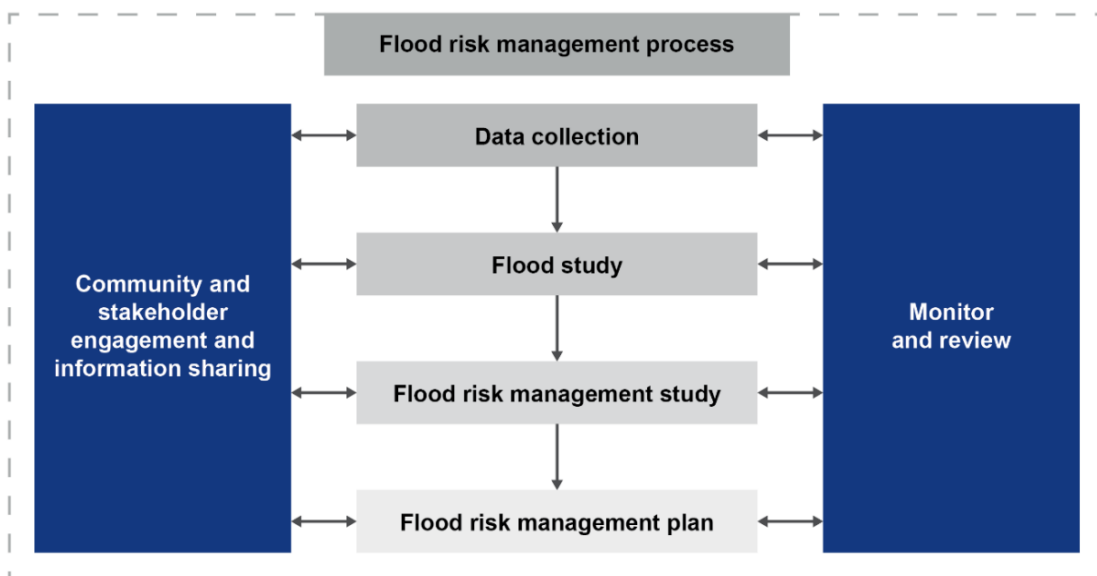
The catchment has a history of flooding, with extensive damage caused to private and public property in proximity to the Hastings River and its major tributaries in events in 1963, 1968, 1978, 1995 and more recently in 2013 and 2021.

The 1963 and 1968 floods were previously considered to be the largest on record in the lower Hastings River and have been used as benchmarks for development in the region.

Port Macquarie Hastings Council (Council) is responsible for local planning and land management within our LGA, including the management of flood prone land.

In this regard the State Government's *Flood Prone Land Policy (2023)* notes that "Councils are primarily responsible for the determination of appropriate planning and development controls to manage flood risk relating to development and redevelopment to an acceptable level based on social, economic and ecological, as well as flooding considerations".

The NSW Government *Flood Risk Management Manual (2023)* defines the Flood Risk Management Process as shown by the diagram below, with Flood Studies being completed to identify and define risks, followed by the completion of Flood Risk Management Studies and Plans to manage and mitigate the associated risks:



Without Flood Studies, Council cannot move forward in the Flood Risk management process, which has implications on identifying at risk communities and infrastructure, implementing mitigation measures and accessing grants.

The characteristics of flooding of the Hastings River and its tributaries are documented in a number of prior studies prepared for Port Macquarie-Hastings Council over the last 17 years. These studies include:

- 'Hastings River Flood Study' (August 2006)
- 'Hastings River Floodplain Risk Management Study' (2012)
- 'Hastings River Floodplain Risk Management Plan' (2014)
- 'Hastings River Flood Study Update (Climate Change Assessment)' (2018)
- 'Hibbard Precinct Flood Study' (2019)
- 'Maria River Road, North Shore - Flood Impact Assessment' (2022)

The *Hastings River Flood Study Extension (2024)* extends the current *Hastings River Flood Study (2018)* into the upper Western reaches of the Hastings Catchment encompassing areas such as Rollands Plains, Bellangry, Pappinbarra and Ellenborough.

The March 2021 flood event, changes to State legislation, and growing development pressure has ultimately led to the expansion of the Hastings catchments Flood Study. This update includes areas that were not covered by Council's pre-existing Flood Studies. The yellow polygon in Figure 1 below diagrammatically shows the approximate extent of Council's 2018 *Hastings River Flood Study*. The Blue and Red shaded areas detail the locations now covered by the updated flood mapping

prepared as part of the *Hastings River Flood Study Extension (2024)* project. The green shading indicates the total contributing catchment.

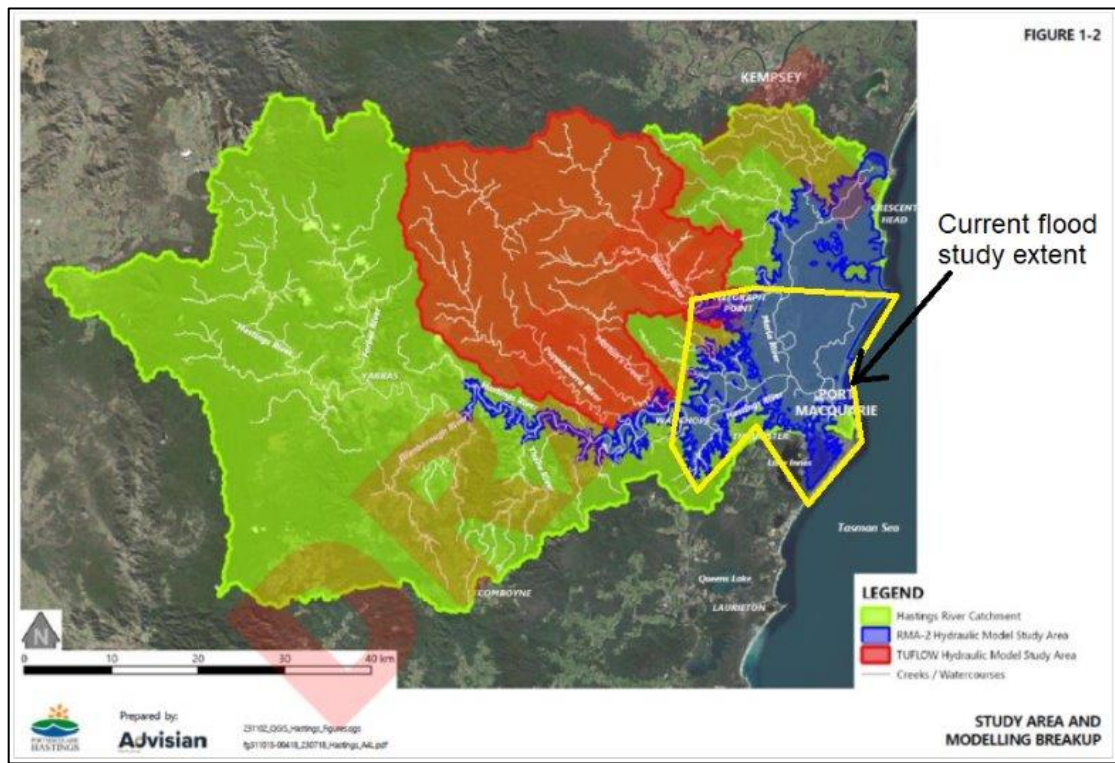


Figure 1 - Scale of Flood study

Model Development and Calibration

The *Hastings River Flood Study Extension (2024)*, fully detailed in Attachment 1, outlines the various data sources, methodology and calibration activities undertaken to prepare an updated and extended flood model for the Hastings River catchment. Following extensive data collection and validation, the consultant has utilised established processes as documented within *Australian Rainfall and Runoff 2019* and the *NSW Flood Risk Management Manual*, to develop an updated and extended flood model of the Hastings River catchment. The consultant has utilised two separate hydraulic models to achieve this outcome, the RMA-2 Flood model and the TUFLOW hydraulic model.

The existing RMA-2 flood model was developed as part of work undertaken in preparing the ‘Hastings River Flood Study’ (Patterson Britton and Partners, 2006). This model covers the lower reaches of the catchment, extending from the ocean entrance at Port Macquarie upstream along the Hastings River beyond Wauchope, and along the Wilson River beyond Telegraph Point. It covers the tidal reaches of the rivers, creeks, and lakes system. In addition the RMA-2 model also extends along the Hastings and Wilson Rivers to incorporate recent studies completed across the catchment such as the ‘Maria River Road, North Shore – Flood Impact Assessment’ (2022).

The TUFLOW hydraulic model has been developed to cover parts of the upper catchment and tributaries of the Hastings and Wilson Rivers. TUFLOW hydraulic modelling is more suited to overland flow and upper catchment modelling where flow

paths are not as clearly defined. This model has a total area of 920 km² and covers the entire catchments of Pappinbarra River and Morton's Creek and parts of the Wilson River upstream of Telegraph Point. It also includes the major tributaries of the Wilson River upstream of Telegraph Point. The extent of the TUFLOW model includes some overlap with the RMA-2 model which allows reliable downstream boundary conditions to be applied.

Following model setup and development, a range of detailed calibration activities were undertaken to provide confidence in the ability of the developed hydrologic and hydraulic models to realistically simulate observed flood behaviour across the study area. This included using data from the flood events experienced in March 2021 and February 2013 for calibration and validation. Both these recent events have considerable flood data, in comparison to previous flood events calibrated to in previous studies.

Model calibration activities are defined within section 5 of the draft Report (Attachment 1).

Design Flood Modelling

Following successful completion of model calibration to ensure accuracy of the digital flood model, design flood event modelling was undertaken.

Design flood conditions are estimated from hypothetical design rainfall events that have a particular statistical probability of occurrence. The assessment of design flood conditions presented in the attached report have been based on the guidance and techniques outlined in *Australian Rainfall and Runoff: A Guide to Flood Estimation (Geoscience Australia 2019) (ARR 2019)*.

NOTE: The probability of a design event occurring can be expressed in terms of percentage Annual Exceedance Probability (AEP) and provides a measure of the relative frequency and magnitude of the flood event. Flood conditions for the 5%, 2%, 1%, 1 in 200, 1 in 500 and 1 in 2000 AEP design events have been investigated in this study along with the Probable Maximum Flood (PMF).

It is important to note that the design flood modelling undertaken as part of the updated *Hastings River Flood Study Extension* project has been undertaken in accordance with ARR 2019, whereby previous catchment wide flood studies have been based on the now superseded *Australian Rainfall and Runoff 1987 (ARR 1987)*.

These prior studies include:

- Hastings River Flood Study (August 2006)
- Hastings River Floodplain Risk Management Study (2012)
- Hastings River Floodplain Risk Management Plan (2014)
- Hastings River Flood Study Update (Climate Change Assessment) (2018)
- Hibbard Precinct Flood Study (2019)

In addition to the minimum requirements of ARR 2019, the updated *Hastings River Flood Study Extension* project provides the following additional modelling/mapping:

- Inclusion of the 1 in 200 and 1 in 500 AEP design events. These will be utilised to inform future risk management planning.
- Simulation of the Probable Maximum Flood (PMF) in lieu of an 'extreme' event. In this regard, prior studies have utilised an "extreme flood", based on

the adoption of inflows that are three (3) times those determined for the 1% AEP flood, whereby the updated study has calculated the Probable Maximum Precipitation (PMP), and utilised that information to determine the Probable Maximum Flood (PMF), using the methods outlined in in ARR 2019.

- Extension of the modelling domain to include a greater length of the Hastings and Wilson Rivers, Maria River, and Connection Creek and the Pappinbarra River and Morton's Creek.

Design flood event mapped model results can be found within the Appendices of the attached *Hastings River Flood Study Extension*.

Key Changes in Flood Mapping

In comparison to the previously adopted 2018 flood study, key changes resulting from the updated *Hastings River Flood Study Extension* project are detailed below:

1) *Changes to 5%, 1% and 1% AEP + Climate Change mapping*

The use of the latest hydrological data and modelling techniques have provided a more accurate representation of flood behaviour in the Hastings catchment, leading to an update to the flood modelling for the 5%, 1%, and 1% AEP + Climate Change scenarios, as outlined within the *Floodplain Risk Management Manual 2023* and scenarios previously adopted by Council.

The revised models for the 5% AEP event indicate a reduction in peak flows, with decreases of up to 21%.

This reduction is primarily due to the updated Intensity-Frequency-Duration (IFD) data and the application of new temporal patterns as recommended by Australian Rainfall and Runoff 2019 (ARR 2019).

The lower modelled peak flows result in significantly reduced flood levels in key areas such as Wauchope, Kings Creek, and Rawdon Island. These changes are crucial for flood risk management, as they suggest a lower likelihood of severe flooding in more frequent, moderate events. It should be noted that the extent between Hibbard to ocean outlet has peak level increases up to 0.29m due to updated river floor elevations (bathymetry) being used.

The updated models for the 1% AEP event also show a reduction in peak flows, though the decrease is more moderate compared to the 5% AEP event. The reductions range from 9-13%, leading to lower predicted flood levels in the same key areas. It should be noted that lower reaches of Hastings River between Hibbard to ocean entrance have increased peak levels up to 0.23m, again due to updated river bathymetry.

The 1% AEP + Climate Change scenario incorporates projections of future climate conditions, which anticipate increased rainfall intensity and frequency. Despite these projections, the updated models still show a reduction in peak

flows compared to previous estimates, though the reductions are less pronounced than those for the current climate scenarios.

Peak flows in the Wilson River have increased by up to 10% for all events up to and including the 1% AEP Climate Change event.

Overall, the inclusion of Maria River and parts of Connection Creek to the north of Port Macquarie at the Kempsey LGA Boundary have resulted in changes to the modelled results and include flood level reductions in areas downstream of the Pacific Highway and a slower rate of rise for all modelled events.

Figures F1 to F9 in the draft Report (Attachment 1) convey the changes to levels across the lower catchment and show what was wet now is dry and what was dry is now wet mapping.

2) *Changes to Probable Maximum Flood (PMF) Extents*

A Probable Maximum Flood is the largest flood that could conceivably occur at a particular location, usually calculated from probable maximum precipitation (the theoretical maximum rainfall for a given duration), coupled with the worst flood-producing catchment conditions.

As noted above, previous flood studies for the Hastings River catchment have not modelled a Probable Maximum Flood and have instead been calculating an “Extreme flood” by multiplying the 1% AEP flood hydrographs by three (3).

The *Hastings River Flood Study Extension (2024)* has now modelled a PMF event, with modelling demonstrating that peak flow levels along the Hastings River are predicted to be 58% higher than those previously predicted in the “extreme” flood event.

This increase in peak flows leads to higher predicted PMF flood levels, with rises of approximately 2.8 meters observed around Wauchope, and 2.3 meters at Rawdon Island.

The report identifies an increase in levels across the catchment, therefore increasing the number of properties within the Hastings catchment identified as “flood prone”. These PMF level increases from previous studies can be found in Figures F-11 and F-12 of the draft Report (Attachment 1).

The model extension, updates to the calibration and additional data has resulted in Council and the community having access to flood information for a significantly larger part of the catchment, covering populated areas west of Telegraph Point and Beechwood including Rollands Plains, Pappinbarra and Long Flat.

The provision of such information will enable Council and the community to make informed decisions regarding flood risk, planning, emergency access and response. Pending the adoption of the updated and extended Hastings River Flood Study and funding allocation, it is planned to commence an update to the Hastings River Floodplain Risk Management Study and Plan in 2025/26, to provide Council and the community with updated controls and measures appropriate to manage the risks identified by the updated Flood Study.

Options

Council may elect to:

1. Exhibit the draft *Hastings River Flood Study Extension (2024)* for a period of not less than 28 days.
2. Request further information or determine not to exhibit the draft *Hastings River Flood Study Extension (2024)*.

Community Engagement and Internal Consultation

The *Hastings River Flood Study Extension (2024)* has been internally reviewed by the Community Infrastructure Division, with status updates provided to Councillors during its development. Further internal consultation shall occur concurrently with the proposed exhibition period, with particular regard to planning related implications.

Pending Council determination to public exhibit the updated study, a community engagement plan is currently being prepared by Council's Engagement team.

On the basis that the study and its outcomes impact large parts of the LGA, it is proposed to delay the commencement of public exhibition until after the Christmas/New Years school holiday period, to ensure that all community members have an opportunity to Have their Say, regardless of leave/holiday plans.

Planning and Policy Implications

The draft *Hastings River Flood Study Extension (2024)* has updated the existing Hastings River Flood Study model and extended flood mapping into the upper and western parts of the Hastings River catchment.

The provision of this expanded mapping has meant that there are a range of new properties that will be (pending adoption) impacted by existing flood related planning controls applicable to developing on flood prone land. The study does not change the risk associated with those properties and locations, rather it documents a risk that previously was not defined. Historically those properties not within the modelled flood mapping area with potential flood risk were required to undertake a flood study and impact assessment where development was proposed.

In this regard, and in accordance with Council's Flood Policy and the provisions of the *PMHC LEP 2011*, development controls apply to any development located within the Flood Planning Area which is an area that is comprised of the 1% AEP Climate Change flood extent plus an additional 500mm freeboard.

Development controls, in certain circumstances, are also applied to the Probable Maximum Flood (PMF) extent, however, this is generally reserves for sensitive and hazardous uses defined in *the PMHC LEP 2011 Special Flood Considerations Clause 5.22*. As outlined above the impacted area of the PMF event will be larger.

See Council's current Flood Policy for further information:

<https://www.pmhc.nsw.gov.au/Your-Council/Policies-plans-and-strategies/Policies/Flood-policy>

Following public engagement and the proposed adoption of the updated *Hastings River Flood Study Extension (2024)* in late 2024/25, updated flood mapping will be published on Council's corporate website to enable the community to make informed decisions regarding the risk associated with property and land use across the LGA.

Current flood mapping can be found on the PMHC website online mapping portal: <https://www.pmhc.nsw.gov.au/Plan-Build/Other-requirements/Flood-Certificates-and-Flood-Enquiries>

It is important to note that pre-existing and approved development that is now mapped as flood prone land will not be asked to rectify pre-existing approvals and works to reflect updated mapping.

Hydraulic Categories/Flood Function and Hazard Mapping

Flood function mapping has been undertaken in the main river arms and creeks of the flood study area to reflect the modelled characteristics of the newly received data.

Under the existing Flood Policy, development is assessed based on the hydraulic categorisation of a site (floodway, flood storage and flood fringe - see Policy for details), to ensure that the development type is compatible with flood behaviour at a particular site or location.

Additional new properties in newly mapped areas will now be required to meet the flood related development provisions of the *Port Macquarie - Hastings Council Flood Policy (2018)*. Existing mapped flood prone properties that experience a change in hydraulic category mapping because of this Flood Study, if adopted, will be assessed as the new category as part of any future development application.

Hydraulic mapping can be found in Figures I-1 to Figure I-18 in the draft report (Attachment 1).

Financial and Economic Implications

The preparation of the Hastings River Flood Study Extension has been prepared using Council funding. Post adoption, the Flood Study Extension project will be utilised to inform the preparation of an updated Hastings River Floodplain Risk Management Study and Plan.

Increased development cost

In the short term, there may be financial and economic implications to landholders who are proposing to develop or alter existing infrastructure on flood prone land (land up to the PMF) because of the provision of new mapping. However, ultimately the

updated and extended mapping does not change the risk associated with those properties and locations, it documents a risk that previously was not defined.

Flood Insurance Premium Increase

Whenever an updated Flood Study is published, there are community concerns that the publishing of flood mapping will lead to insurance increases.

Insurers use a variety of sources to obtain flood information including historical flood measurements, Federal, State and Local Government studies, the Insurance Council of Australia's (ICA) National Flood Information Database and through their own research. Insurance companies use these sources of data to make their own assessments of risk and may use a variety of events to determine the level of risk to a property. Insurers may choose to set a premium for those impacted by flood events up to the PMF, to cover the most extreme and rare flood events.

Any concern regarding flood insurance should be followed up with the relevant insurance company. Council does not set premiums or conduct risk assessments for these companies.

Long-term Benefits

Flood Studies provide current knowledge of flooding and can contribute to more informed planning decisions, helping avoid future losses, legal risks and ultimately move our Local Government Area to a position whereby we have better risk management and reduced long-term costs associated with flood damage.

Attachments

1.  Hastings Flood Study Extension (Draft)

Item: 13.05

Subject: WALKING AND CYCLING REVIEW - FOR PUBLIC EXHIBITION

Presented by: Community Infrastructure, Robert Fish

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

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

Executive Summary

The Port Macquarie-Hastings Walking and Cycling Review has been developed in support of the Integrated Transport Plan (ITP) to enable and encourage people to choose healthier and more sustainable modes of transport such as walking and cycling. The Walking and Cycling Review aligns with the PMHC Regional Integrated Transport Strategy (RITS) and the NSW Government Future Transport Strategy and provides the vision and direction for the planning and development of active transport infrastructure and initiatives across the LGA.

The Walking and Cycling Review has been developed by conducting community consultation, gap analysis of the existing network, and a comprehensive revision of the existing Pedestrian Access Mobility Plan (PAMP) and Bike Plan to provide a consolidated list of actions and programs to assist Council in making informed decisions to improve active transport conditions across the Port Macquarie-Hastings LGA.

Discussion is provided further in this report of the wider context that shaped the development of the Walking and Cycling Review. The draft document is attached for the purposes of placement on public exhibition.

Discussion

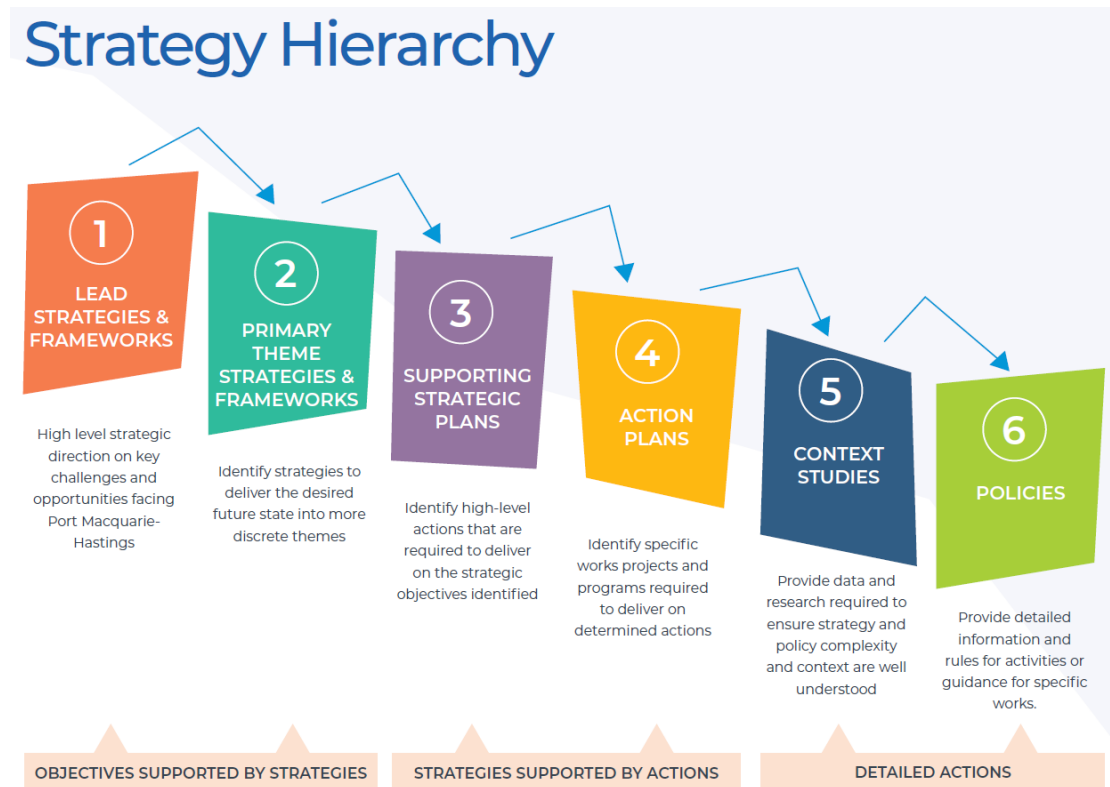
Vision and Strategic Setting

Active transport is a critical component of the NSW Future Transport Strategy that strives to deliver high-level outcomes including connecting our customers' whole lives, successful places for communities, and enabling economic activity. The NSW Active Transport Strategy aims to double active transport trips in 20 years with a

focus on enabling 15-minute neighbourhoods, delivering connected and continuous cycling networks, providing safer and better precincts and main streets, and promoting walking and cycling and encourage behaviour change.

The Walking and Cycling Review has been developed to align with the PMHC Strategic Hierarchy as a key document within the Integrated Transport Plan (ITP), which in turn supports the key objectives of the PMHC Regional Integrated Transport Strategy (RITS). These objectives include the reduced reliance on cars, improve public transport and active transport opportunities, and improve mobility and access within land use precincts and town centres.

The purpose of the Walking and Cycling Review as a key document to enable the actions of the ITP provides clear and concise projects to improve network planning across the LGA. The document outlines projects with relative prioritisation to support work programming and funding applications into the future and having visibility of the long-term projects to guide future planning. It will be revised periodically with projects removed once they are achieved and current longer-term projects will be considered for inclusion as medium-term projects in future revisions.



Strategic Walking and Cycling Networks

The Port Macquarie-Hastings Integrated Transport Plan was a collaborative effort between Port Macquarie-Hastings Council (PMHC) and Transport for NSW (TfNSW), which is based on the vision to create a safe, connected, and accessible network that enables and encourages active travel.

The ITP aims to:

- Increase connectivity within the Port Macquarie-Hastings Local Government



Area (LGA):

- Reduce congestion and improve traffic flow.
- Develop a multi-modal transport network that integrates active, public, and road-based transport systems.
- Ensure sustainability and convenience for all users.
- Improved health and liveability for more people through safe access to services and enabling them to achieve it through walking and cycling, for both recreational and travel-related purposes.

The ITP has guided the development of the Strategic Walking and Cycling Networks via the strategic cycle corridors identified as key actions within the Plan.

These include corridors within and between key centres including Oxley Highway to the Health and Education Precinct, Ocean Drive and Pacific Drive corridors between Port Macquarie and Lighthouse Beach, east-west corridors along Koala Street, coastal shared path through North Haven, Bonny Hills and Lake Cathie, improved walking and cycling connectivity within Wauchope, and continued development of important corridors in the Camden Haven region including Beach to Beach and Schools to Schools.

Desktop Assessment and Gap Analysis

The existing PMHC Pedestrian Access Mobility Plan (PAMP) and Bike Plan were developed and endorsed in March 2015 and May 2015 respectively, and no longer reflect the current strategic direction of PMHC or the NSW Government.

An extensive desktop review, site verification and gap analysis of the existing walking and cycling network was undertaken across the key suburbs of the Local Government Area including Port Macquarie, Wauchope, Lake Cathie, Bonny Hills, Thrumster, Laurieton, Kew, Kendall, North Haven, Lakewood, West Haven, Telegraph Point, Comboyne, North Shore, and Long Flat. Gaps and issues identified from this review have informed the network recommendations provided within the Walking and Cycling Review.

Community and Stakeholder Engagement

To support the development of the Walking and Cycling Review varying forms of stakeholder and community engagement were undertaken. The primary purpose of conducting this engagement was to understand the community and key stakeholder needs and desires which would inform the decision-making process when developing infrastructure recommendations and actions.

An internal visioning workshop was held in March 2024 with internal stakeholders across Council including members from Community Infrastructure, Liveable Communities, and Community Planning Environment. The purpose of the workshop was to understand and develop desires for Active Transport across the LGA and to what extent it should play in supporting the future of the region. The workshop provided a forum for understanding and determining what the prioritised objectives are, and the appetite for change and progression. This workshop helped determine what was working well, what are the barriers, and development of a proposed vision for walking and cycling in Port Macquarie-Hastings for the next 10 years.

The Walking and Cycling Review was open for community engagement between February 10th and March 12th, 2024. Engagement with the community and key stakeholders was conducted through a variety of means, which included:

- An online engagement survey conducted through Council's Have Your Say website.
- An online spatial mapping tool which allowed the community to record georeferenced issues and ideas.
- Community drop-in sessions, across a wide range of locations.
- Internal consultant workshops.
- Internal engagement; and
- Rapid repair bike workshops.

The community engagement process provided useful information on the community's views, concerns, and vision for active transport across Port Macquarie-Hastings LGA, that guided the development of the Walking and Cycling Review. A total of 334 people responded to the survey out of the 661 who visited the website whilst it was live.

Within the Port Macquarie-Hastings LGA, more than half of the respondents lived within the suburb of Port Macquarie (53%), followed by Lake Cathie (8%). More than half of the respondents (59%) belonged within the 50-80 years age group, therefore assuming the average age of the LGA, the sample of residents who responded to the survey could be concluded as being representative of the LGA.

It is evident that our community has a significant interest in and desire to use active transport:

- 94% of respondents currently use our active transport network for walking.
- 95% of those respondents indicated they use our active transport network for walking at least weekly.
- 66% of respondents currently use our active transport network for cycling.
- 60% of respondents indicate that they currently drive somewhere to participate in active transportation closer to their destination.
- 54% of respondents said they walk for transport (such as to get to work or the shops)
- 42% of respondents said they cycle for transport (such as to get to work or the shops)
- 97% of respondents said that if the walking and cycling improvements were introduced, they would be at least somewhat likely to walk or cycle more with 88% of these respondents indicating very likely.
- At least 78% of respondents indicated that the number 1 issue deterring respondents from utilising our active transport network more is a lack of infrastructure, for both walking and cycling.

Network Recommendations and Actions

The network recommendations within the Walking and Cycling Review have been determined considering the extensive desktop review, site verification, gap analysis and community and stakeholder engagement activities undertaken, along with consideration of current best-practise for active transport. The proposed network and changes represent a proactive step towards accommodating and supporting a growing interest in walking and cycling in the region, whilst also taking into consideration potential constraints.

All proposed recommendations made and the key target outcomes for the delivery of the review have been provided to ensure:

- A cycling network is developed which is accessible to persons of all ages and abilities.
- A pedestrian network which closes major gaps in infrastructure to ensure smooth and seamless travel.
- Provides a combined network which enables regional connectivity which balances directness with safety; and
- Provides change to guide existing and future development decisions.

To allow prioritisation of the network recommendations, a Network Assessment Prioritisation Matrix has been developed to provide a systematic framework that determines the required prioritisation of the proposed network. By assigning scores based on specific criteria, the framework helps prioritise interventions that will most effectively improve the active transport network. This approach not only promotes sustainable and healthy transportation options but also ensures that investments are directed towards the most impactful areas.

The network criteria was categorised as follows:

- Connectivity/Cohesion:
 - Measures connectivity to existing and/or future cycling facilities, to establish a more connected network
 - Focuses investment on clusters of learning facilities enabling short trips to schools within each cluster from the surrounding residential catchment
 - Connections to activity hubs such as hospitals, town centres, beaches, etc.
- Equity:
 - Scores routes using the Social Deprivation – Index of Relative Socio-economic Disadvantaged (IRSD) (SA1 block level)
- Safety Deficiency:
 - Prioritises connections that have the highest safety risk. Intersection and mid-block issues are combined in this criterion.
 - Prioritises connections that have the highest safety risk. Mid-block segment only criteria despite intersection being most of the risk exposure.

Network recommendations have been determined and listed by key suburbs including Beechwood, Bonny Hills, Comboyne, Kendall, Kew, Lake Cathie, Lakewood, Laurieton, North Haven, North Shore, Port Macquarie, Wauchope and West Haven along with indicative priority based on the network assessment Prioritisation Matrix. The recommendations are comprehensive and take a full perspective of the network.

Other key actions in addition to the network infrastructure recommendations identified within the Walking Cycling Review that reinforce the objectives of the Integrated Transport Plan including:

- Lighting audit and safety improvements
- Parking studies and behaviour change to encourage walking and cycling
- End of trip facilities
- Feasibility study for bike hire systems (existing and future)
- Educational programs with local schools.
- Revise DCP and Aus-Spec requirements to align with Best Practise standards, along with requirements for developments to provide dedicated walking and cycling infrastructure.
- DDA compliance audit with focus on crossings at key centres.
- Community events including temporary street closures to showcase the benefits of pedestrian and cycling prioritisation.
- On road cycling infrastructure audits and improvements to improve bicycle provision throughout the LGA.
- Way finding strategies in key centres and trails to increase awareness and navigation, whilst supporting cultural awareness.
- Identify and trial reduced traffic speeds in key pedestrian areas to prioritise pedestrians over private vehicle use.

Options

Council may elect to:

1. Exhibit the draft Walking and Cycling Review for a period of not less than 28 days.
2. Request further information or determine not to exhibit the Walking and Cycling Review.

Community and Internal ConsultationCommunity consultation

As outlined above, extensive community consultation has taken place in the development of the Walking and Cycling review document. The draft document is now requested to be placed on public exhibition for further community feedback.

Internal consultation

Several key internal stakeholders from Council were consulted in the development of the Walking and Cycling Review including Director Community Infrastructure, Community Infrastructure Planning and Design Unit, Community Infrastructure and Recreation Operations, Development Assessment, Liveable Communities and Strategy Unit.

Following public exhibition of the Walking and Cycling Review, key comments from the community and other organisations will be considered and taken into consideration prior to finalisation to ensure the key objectives are achieved.

Planning and Policy Implications


There are no direct planning and policy implications in relation to this report. The Walking and Cycling Review is guided by Council's Integrated Transport Plan and will inform future infrastructure planning.

Financial and Economic Implications

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

Implementation of the actions and recommendations identified within the Walking and Cycling Review will require funding allocation by Council with the support of the NSW and Australian Government where possible. The Walking and Cycling Review will provide an advocacy platform and will assist all funding support requests from both the NSW and Australian governments.

Attachments

1.  Draft Walking and Cycling Review

Item: 13.06

**Subject: UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS
BI-ANNUAL REPORT**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the status of site specific Planning Proposal requests detailed in this report; and**
- 2. Receive a further update report in June 2025 regarding the progress of site specific Planning Proposal requests.**

Executive Summary

The purpose of this report is to update the Council on the status of the current site specific Planning Proposal's Council is in the process of assessing and progressing.

Since the Council report in June 2024, progress has been made on several site specific Planning Proposals, which are detailed in this report.

It is recommended that the Council notes the status of the subject planning proposals. Ultimately the intention is to amend the *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP).

Council will receive individual reports on each of these Planning Proposal requests at key stages of the process. Additionally, a further update report will be presented to the Council in June 2025.

Background

Council at its meeting on 14 December 2023, considered a report on the status of seven site specific Planning Proposal requests (Item 13.01) and resolved:

That Council:

- 1. Note the status of site specific Planning Proposal requests detailed in this report.*
- 2. Receive a further update report in June 2024 regarding the progress of site specific Planning Proposal requests.*

Discussion

Status of Site Specific Planning Proposals (Planning Proposals) - December 2024

Since the June 2024 Council report, progress has been made on the following planning proposals:

- PP2022-2.1: This proposal aims to rezone land from RU1 Primary Production to part SP2 Infrastructure (educational establishment) and part C2 Environmental Conservation to facilitate the establishment of a school at 1175 and 1191 Ocean Drive, Bonny Hills. The gateway determination has been received and placed on public exhibition.
- PP2023-5.1: This proposal seeks to rezone land at Beach Street Bonny Hills from R1 General Residential and RU1 Primary Production to C2 Environmental Conservation and R1 General Residential. Additional information has been received and forwarded to both internal and external stakeholders for review.

Four (4) new planning proposals have been lodged:

- PP2023-6.1: This proposal plans to rezone part of the land from E4 General Industrial to E3 Productivity Support at 314 John Oxley Drive, Thrumster (Thrumster Business Park). An individual report will be presented to the Ordinary Council Meeting in December 2024 for consideration to proceed to the gateway determination stage.
- PP2024-4.1: This proposal aims to rezone the subject land from MU1 Mixed Use to R3 Medium Density Residential at Lot 11 DP 1226839, Seaside Drive, Lake Cathie.
- PP2024-10.1: This proposal seeks to rezone land from RU1 Primary Production to E3 Productivity Support at Oxley Highway, Sancrox (Highway Service Centre).
- PP2024-13.1: This proposal aims to rezone land from R1 General Residential to R3 Medium Density Residential at Ocean Drive, Lake Cathie.

Below is Table 1, which provides an update on all site-specific Planning Proposal requests reported in June 2024.

Table 1: Status of Site Specific Planning Proposal Requests (December 2024)

Item No	Planning Proposal Ref.	Property	Summary of amendment to LEP	Fees Paid	Status June 2024	Status December 2024
1.	PP2022-2.1 (Portal Ref PP-2023-653)	Lot 6 DP 594793, Lots 6 & 7 DP 594792, 1175 &	Rezone land from RU1 Primary Production to part SP2 Infrastructure (educational	Yes Stage 1 (Under former PP system)	Ongoing Awaiting amended and updated documentation to send to the	Ongoing Received Gateway determination and placed on public exhibition from 28/10/4 to 26/11/24.



Item No	Planning Proposal Ref.	Property	Summary of amendment to LEP	Fees Paid	Status June 2024	Status December 2024
	Lodged: 21/04/2022	1191 Ocean Drive Bonny Hills	establishment) and part C2 Environmental Conservation to enable an education establishment.		Department of Planning for Gateway determination considerations.	
2.	PP2023-5.1 (Portal Ref PP-2023-446) Lodged: 01/03/2023	Lots 1 & 2 DP 1091253, Beach Street, Bonny Hills	Rezone land from R1 General Residential and RU1 Primary Production to C2 Environmental Conservation and R1 General Residential.	Yes Stage 1 (Under former PP system)	Ongoing Awaiting additional information relating to flooding, stormwater and biodiversity.	Ongoing Received additional information relating to flooding, stormwater and biodiversity and is currently being assessed by staff.
3.	PP2023-6.1 (Portal Ref PP-2023-2079) Lodged: 23/08/2024	Part of previous Lot 2 DP 1245588, 314 John Oxley Drive, Thrumster	Rezone a portion of the site from E4 General Industrial to E3 Productivity Support.	Yes Stages 1, 2 & 3 (Under new PP system)	Meeting held in June 2024 to discuss the economic, noise and acoustic implications of the proposal to enable additional information and reports to be finalised and re-submitted to Council for consideration.	Ongoing Pre-gateway assessment complete. Report to Council in December for consideration to proceed to Gateway determination stage.
4.	PP2024-3.1 (Portal Ref PP-2024-1175) Lodged: 19/06/2024	Lot 11 DP 1226839, Seaside Drive, Lake Cathie	Rezone land from MU1 Mixed Use to R3 Medium Density Residential	Yes Stages 1, 2 & 3 (Under new PP system)	N/A	Ongoing Application was lodged with Council on 19 June 2024. Council have assessed the proposal and requested additional information on 22 August 2024. Awaiting additional information relating to DCP controls; retention of MU1 zone part of site; and amended concept plan to remove driveway on main street.
5.	PP2024-10.1	Lot 1 DP 1261690, Oxley Highway, Sancrox	Rezone land from RU1 Primary Production to	Yes Stages 1, 2 & 3 (Under	N/A	Ongoing Proposal was lodged with Council on 4 November 2024.

Item No	Planning Proposal Ref.	Property	Summary of amendment to LEP	Fees Paid	Status June 2024	Status December 2024
	(Portal Ref PP-2024-1893 Lodged: 31/10/2024		E3 Productivity Support	new PP system)		Proposal is currently under assessment and Internal and external referrals sent out and comments requested.
6.	PP2024-13.1 (Portal Ref PP-2024-2071 Lodged: 26/09/2024	Lot 15 DP 557262, Lots 40 – 49 DP 238263, Lot 1 DP 127488, Lots 1 – 9 DP 32283 & Lot 1 DP 554197, Ocean Drive Lake Cathie	Rezone land from R1 General Residential to R3 Medium Density Residential	Yes Stages 1, 2 & 3 (Under new PP system)	N/A	Ongoing Proposal was lodged with Council on 25 September 2024. Under Council assessment. Referral comments received and requested additional information relating to biodiversity, koala protection and coastal management.

Options

The update on the site specific Planning Proposals is for information only.

Community Engagement and Internal Consultation

Depending upon the stage of the Planning Proposal, consultation may be undertaken between Council staff, proponents, State agencies and the community.

Further community consultation consistent with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), NSW Department of Planning LEP Making Guideline and Council’s adopted Community Participation Plan apply where a Planning Proposal is supported by Council and a Gateway determination is received.

Planning and Policy Implications

Council’s consideration and assessment of requests for Planning Proposals is governed by the EP&A Act, *Environmental Planning and Assessment Regulation 2021*, various state policies, DPE guidelines and Council’s Planning Proposal Policy.

The key milestone stages and benchmark timeframes in the LEP Making Process are now as follows:

Stage	Maximum Benchmark Timeframes (working days)			
Planning Proposal Type	Basic	Standard	Complex	Principal



Stage 1 - Pre-lodgement	30 days	50 days	60 days	20-30 days
Stage 2 - Planning Proposal	80 days	95 days	120 days	40 days
Stage 3 - Gateway Determination	25 days	25 days	45 days	45 days
Stage 4 - Post-Gateway	20 days	50 days	70 days	160 days
Stage 5 - Public Exhibition & Assessment	70 days	95 days	115 days	95 days
Stage 6 - Finalisation	25 days	55 days	70 days	80 days
Sub-total (DPE Target)	140 working days	225 working days	300 working days	380 working days
Total (end to end)	220 days	320 days	420 days	420 days

DPHI is committed to monitoring the Local Environmental Plan (LEP) amendment process and the performance of individual Councils in relation to this process as part of planning reforms. The goal is to reduce assessment times and make it easier to invest in New South Wales (NSW). The Department aims for a 33% reduction in the average time it takes to assess planning proposals, measured from when a planning proposal is referred for Gateway review to the finalisation (publication of the amending instrument on the NSW legislation website).

For each Planning Proposal accepted through the Planning Portal, a separate report will be required for the Council's consideration regarding whether to support an amendment to the LEP. If the amendment is supported, the Planning Proposal will be forwarded to the Department of Planning and Environment (DPE) for Gateway determination.

If the Council does not indicate its support for the proposal or fails to do so within 90 or 115 calendar days (depending on the category of the Planning Proposal), the proponent has the option to submit a rezoning review application. This application requests an independent planning panel to evaluate the proposal and make a recommendation to the Minister on whether it should proceed to Gateway determination.

Financial and Economic Implications

Council fees consistent with the adopted Fees and Charges (Stages 1-6 fees) apply to each of the Planning Proposal requests to amend the LEP.

The current fees and charges indicated within the 2024-2025 Operational Plan are as follows:

Stage	Proposed Fees
LEP Amendments (Planning Proposals) Category - Basic	
Stage 1 - Pre-lodgement	\$1,400
Stages 2 & 3 - Pre-Gateway	\$5,000



Stages 4 & 5 - Post Gateway	\$9,000
Stage 6 - Finalisation	\$2,200
LEP Amendments (Planning Proposals) Category - Standard	
Stage 1 - Pre-lodgement	\$1,400
Stages 2 & 3 - Pre-Gateway	\$15,000
Stages 4 & 5 - Post Gateway	\$30,000
Stage 6 - Finalisation	\$2,200
LEP Amendments (Planning Proposals) Category - Complex	
Stage 1 - Pre-lodgement	\$1,400
Stages 2 & 3 - Pre-Gateway	\$30,800
Stages 4 & 5 - Post Gateway	\$37,000
Stage 6 - Finalisation	\$2,200

It should be noted that the fees and charges associated with Planning Proposals are presently being updated as part of the draft 2025-2026 Operational Plan to take into consideration Council's resources required to assess the complexity of Planning Proposals and reflect the departmental guideline.

Council staff have reviewed the new fee structure against hours worked to ensure cost recovery. Some increases to fees are proposed in the draft Fees and Charges as follows:

Stage	Proposed Fees
LEP Amendments (Planning Proposals) Category - Basic	
Stage 1 - Pre-lodgement	\$1,500
Stages 2 & 3 - Pre-Gateway	\$5,400
Stages 4 & 5 - Post Gateway	\$9,700
Stage 6 - Finalisation	\$2,400
LEP Amendments (Planning Proposals) Category - Standard	
Stage 1 - Pre-lodgement	\$1,500
Stages 2 & 3 - Pre-Gateway	\$16,100
Stages 4 & 5 - Post Gateway	\$32,200
Stage 6 - Finalisation	\$2,400
LEP Amendments (Planning Proposals) Category - Complex	
Stage 1 - Pre-lodgement	\$1,500
Stages 2 & 3 - Pre-Gateway	\$33,000
Stages 4 & 5 - Post Gateway	\$40,000
Stage 6 - Finalisation	\$2,400

Following public exhibition and subject to Council endorsement the new fees would come into effect on 1 July 2025.

Attachments

Nil

Item: 13.07

Subject: **PLANNING PROPOSAL THRUMSTER BUSINESS PARK PP-2023-2079 DD32.2023.006.01**
APPLICANT - LOVE PROJECT MANAGEMENT
PROPONENT - THRUMSTER BUSINESS PARK PTY LTD

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

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Endorse the draft Planning Proposal (Attachment 1), to enable rezoning of land at Thrumster Business Park and associated amendments prepared under section 3.33 of the Environmental Planning and Assessment Act 1979.**
2. **Forward the draft Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.**
3. **Delegate authority to the Director Community, Planning and Environment to make any minor updates to the Planning Proposal prior to seeking a Gateway Determination, and action/address conditions of Gateway determination accordingly.**
4. **Receive a report following the public exhibition period on any submissions received.**
5. **Notify the proponent of Council's decision.**

Executive Summary

The purpose of this report is to inform Council about a proponent-initiated Planning Proposal concerning land at Thrumster Business Park, located at part of the previous Lot 2 DP 1245588, 314 John Oxley Drive, Thrumster NSW 2444. The Planning Proposal is attached to this report as Attachment 1. The Planning Proposal has been prepared on behalf of Thrumster Business Park Pty Limited by Love Project Management to support a request for the rezoning of sections of the subject land.

The Planning Proposal aims to amend the Port Macquarie Hastings Local Environmental Plan 2011 (LEP) by:

1. Rezoning a portion of the site from E4 General Industrial to E3 Productivity Support.

2. Applying a Schedule 1 Additional Permitted Use for Shop Top Housing and Serviced Apartments over 17 lots within the rezoned E3 Productivity Support area.

The purpose of this proposed amendment to the LEP is to address changing demands and needs in employment lands while providing housing close to employment opportunities. Council's Population Forecasts endorsed at the 20 June 2024 Ordinary Council Meeting and Council's Living and Place Strategy acknowledge the significant population growth occurring in this Local Government Area (LGA) and the increasing demand for smaller housing options that are currently under supplied. This growth not only heightens the necessity for housing but also underscores the importance of maintaining and enhancing the functionality of our Employment Lands.

The Thrumster Business Park Planning Proposal has considered these demands, along with the needs of our manufacturing and business communities. This proposal seeks to ensure that Port Macquarie is well-prepared to adapt to changing economic conditions.

The Planning Proposal has been reviewed by both internal stakeholders and external government agencies. It has been assessed as having strategic planning merit; however, it is not entirely consistent with certain site-specific merits, which presents a manageable level of risk to Council should the proposal proceed.

These risks relate to the following:

- The Port Macquarie Airport's Australian Noise Exposure Forecast (ANEF) Boundary impacts
- Residential and Industrial Land Use potential land use conflicts, particularly the potential for noise generated by Industrial uses
- The impact that amplified noise mitigants may have on the potential cost of the proposed affordable worker housing
- Wastewater Management

These risks and a full discussion appear later in this report. The proponent has attempted to address all the risks identified in the proposal. While the measures go some way to addressing the areas of risk, there is some manageable inherent risk that remains, in the areas identified in the report, that may potentially affect the desired outcomes.

Given the management of the risks and the strategic and site specific assessment that follows in the report, it is recommended that the proposal be submitted for gateway determination, allowing it to undergo public exhibition.

Discussion

1. Background

An initial pre-lodgement meeting was held on the 14 December 2022. A subsequent pre-lodgement meeting followed on the 4 October 2023. The proponent has consulted with Council to address the matters raised during the pre-lodgement phase and lodged a planning proposal on the 15 August 2024.

Thrumster Business Park was originally zoned as IN2 Light Industrial. This zoning was removed under the NSW Government’s Employment Land Reforms, and the estate was rezoned to E4 General Industrial as part of these changes. With the new Employment Zones now in place, there has been time to review them and assess how they align with the opportunities and employment demands for both this area and the broader North Coast region.

As a result of this review, Thrumster Business Park has proposed a change for an area of approximately five and a half hectares from the existing Zone E4 General Industrial to E3 Productivity Support. Within this proposed E3 area, a small number of lots identified as Precincts A and B have been designated for a Schedule 1 - Additional Land Use option, which would allow for shop-top housing and serviced apartments. The proponents have indicated that retaining a residential component within the E3 development presents several benefits, which will be discussed later in this report.



2. Strategic Merit and Assessment

The Guideline for Planning Proposals, issued under Section 3.33(3) of the Act, requires that the strategic merit of a proposal be assessed. Council must be satisfied that the planning proposal demonstrates both strategic merit and site-specific merit. This is determined through an evaluation of the proposal's consistency with the plans and strategies set forth by the NSW Government and Council. Relevant plans, policies, strategies, and planning directions are discussed below.

To establish strategic merit, Council must consider whether the proposal:

- Aligns with the Regional Plan.
- Is consistent with the Local Strategic Planning Statement (LSPS) or strategies endorsed by the department or required as part of a regional or district plan.
- Responds to changes in circumstances that the existing planning framework has not addressed.

It is assessed that the planning proposal aligns with the planning priorities of the North Coast Regional Plan 2041 and the Port Macquarie Regional City Action Plan 2036. The land is considered suitable for zone E3 Productivity Support and does not contradict the planning priorities outlined in the LSPS “Shaping Our Future 2041” or the Urban Growth Management Strategy 2018, particularly concerning employment and residential objectives.

To ascertain if the planning proposal has site-specific merit, Council is required to evaluate:

- The natural environment of the site and any other affected land.
- Existing, approved, and likely future land uses in the vicinity.
- The availability of services and infrastructure to cater to the demands arising from the proposal, along with any proposed financial arrangements for infrastructure provision.

Currently, the land is undergoing development for an approved industrial subdivision, with several lots recently released. The development of the subject land for permissible land uses within an industrial zoning has been previously assessed as part of a separate development approval for the industrial subdivision. The land is neither flood-prone nor contaminated and has undergone appropriate stormwater assessments as part of the industrial subdivision process.

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPP). It is also consistent with relevant ministerial directions, except for a minor inconsistency with Ministerial Direction 7.1 concerning Employment Zones. This inconsistency is addressed in the proponent provided Retail and Economic Impact Assessment and the E3 Employment Land and Economic Impact Assessment.

The additional permitted uses of shop-top housing and serviced apartments introduce residential land uses in addition to the permissible uses within the E3 Productivity Support Zone. While these residential land uses may lead to a slight reduction in the maximum potential employment gross floor area required by the ministerial direction, this is considered acceptable and consistent with Council's economic development priorities in the LSPS and UGMS.

The assessment of services and infrastructure has been completed. The zone change from E4 General Industrial to E3 Productivity Support does not generate additional demand for land use changes concerning infrastructure services. However, the inclusion of shop-top housing and serviced apartments does create further demand for services. Feedback from Council assets stakeholders has been considered.

The additional traffic generated by the potential residential uses does not necessitate road upgrades. Additionally, the approved industrial Development Application includes localised active transport infrastructure. The existing water infrastructure is deemed adequate to support the additional residential uses.

It should be noted that the proposed residential uses of shop-top housing and serviced apartments will increase the demand on the sewer network. In relation to this, the Council adopted a position on planning proposals at the Ordinary Council Meeting held on 18 August 2022, in consideration of a report regarding current issues with Wastewater Treatment Plant capacities across the Local Government Area. At that meeting, Council resolved to:

1. *Note the capacity issues of the Port Macquarie-Hastings Sewerage Schemes, as outlined in this report.*
2. *Note that a Process Capacity Review and Optimisation Study for the Port Macquarie Wastewater Treatment Plant has been commissioned.*
3. *Continue to implement Council's strategic planning program, including*
 - a) *Complete the higher order strategies that will be used to complement and inform the Blueprint;*
 - b) *Continue to progress the strategic land use planning actions identified in the Urban Growth Management Strategy – Background and Next Steps*
 - c) *Continue to progress the 33 Housing Actions, Economic Development Actions and Making It Happen Actions included in the Urban Growth Management Strategy.*
 - d) *Continue to progress those Planning Proposals reported to Council in Item 14.02 Update On Site Specific Planning Proposal Requests – Bi-Annual Report at the Ordinary Council meeting 16 June 2022;*
4. *Not proceed past Stage 6 Finalisation Stage of the Planning Proposal process for any existing or new Planning Proposals that will increase the loading to the Port Macquarie, Kew / Kendall and Wauchope Wastewater Treatment Plants until such time as all design work is complete and approvals are in place for the respective upgrades.*
5. *Request the Chief Executive Officer to investigate additional resources to support Council's strategic planning team in Implementation of the strategic planning program outlined above.*
6. *Request the Chief Executive Officer to provide a report to Council in November 2022 regarding Council's approach to Planning Proposal Assessment in response to the issues identified above and include in the report, details regarding the following;*
 - a) *How much vacant residential land can be developed under the current zoning(s)*
 - b) *Based on current (and past) growth, when is this projected to be exhausted*
 - c) *Reaffirm the trigger points at which rezoning applications could proceed*
7. *Request the Chief Executive Officer to provide a further report to Council regarding Council's approach to finalising Planning Proposals in the Port Macquarie/Thrumster Sewerage Scheme catchment once the outcomes identified in 2 (above) are known.*

The proponent has submitted a proposed utilities plan to address inconsistencies with the previously stated position. Additionally, an update to the Council's draft Development Servicing Plan(s) has been proposed, which includes an emergency

generator that may be required in the later years for servicing the development and development on surrounding land.

Utilities staff have reviewed the utilities plan and commented that it would help manage sewer ETs within the current land zone loading until the Thrumster Waste Water Treatment Plant is operational. However, the review also noted that it would create additional administrative burdens and risks for Council's utilities and development assessment staff, as they would need to monitor and manage the plan. Furthermore, this creates challenges for future owners and developers of any lots within the planning proposal area. Their developments would need to be assessed on a first-come, first-served basis, potentially leading to situations where some developments may be not supported due to the servicing arrangements outlined in this plan, which would not otherwise apply.

Concerns have also been raised by the Port Macquarie Airport regarding the location of proposed residential land uses in relation to the Airport's Australian Noise Exposure Forecast (ANEF) boundaries. Including residential and industrial uses on the same land is inconsistent with the objective of the PMHC LEP to minimize land use conflicts. Although the proponent has provided studies and examples of mixed employment and residential developments, these examples are from commercial and retail employment zones, not industrial ones. The E3 Productivity Support zone permits industrial land uses that are associated with noise and limited environmental impacts, which could lead to land use conflicts between industrial and residential areas.

While the proponent has sought to mitigate noise concerns by including a noise assessment and specifying building standards for future development assessments, there is a concern that the proposed affordable worker accommodation may face increased construction costs to meet these noise standards. It is crucial to consider the viability of affordability and particularly the proposal's ability to deliver its intended purpose of providing affordable worker accommodation.

The assessment of the Planning Proposal found that it generally aligns with the policies of the NSW Government and the Council. However, valid concerns have been raised regarding wastewater management and potential conflicts related to land use. The proponent has attempted to address these issues by creating a specific utility plan for the site and proposing amendments to the Council's Acoustic Controls Map. While these measures go some way to address the concerns, they do not eliminate the associated risks and may affect the desired outcomes and future development assessment.

Options

In accordance with legislative requirements, Council may take the following actions:

1. Proceed with the planning proposal as submitted and request a Gateway Determination.
2. Make modifications to the planning proposal as deemed necessary by the Council and then request a Gateway Determination.
3. Decide not to proceed with the planning proposal.
4. Request additional information.

If the Council resolves to progress the Planning Proposal. The proposal will be prepared accordingly by Council staff, and submitted to the NSW Government Department of Planning, Housing, and Industry for a Gateway determination.

Option 1 is the recommendation of this report.

Community Engagement and Internal Consultation

There has been significant internal consultation regarding the planning proposal at this stage with relevant stakeholders, including staff from:

- Utilities
 - Infrastructure
 - Natural Resource Management
 - the Airport
 - Economic Development.
- 1.
 2. External Government agencies have also been approached for their comments. At this stage of the planning process, broader community consultation has not been undertaken and is not required. If the proposal proceeds, community engagement will occur in accordance with the *Environmental Planning and Assessment Act 1979*. This Act mandates that community engagement takes place after the Gateway determination and that the proposal will be exhibited in line with the Council's Community Participation Plan 2019 and any additional requirements specified by the Gateway determination.

Planning and Policy Implications

The Environmental Planning and Assessment Act 1979, along with the *Environmental Planning and Assessment Regulations 2021*, establishes the framework for assessing Planning Proposals. These steps have and will be strictly followed throughout the process.

If Council resolve to not proceed with the Planning Proposal, it must inform the proponent that their request to submit to the Department for a Gateway Determination has not been supported. The Council has 90 days to notify the proponent of its decision. The proponent could then opt to undertake a 'pre-gateway review of the planning proposal' which would review and evaluate Council's decision.

Financial and Economic Implications

Should Council determine to proceed with the Planning Proposal, fees and charges consistent with Council's Fees and Charges Schedule will apply.

Attachments

1.  Planning Proposal - Thrumster Business Park

Item: 13.08

Subject: LAND ACQUISITION - KING CREEK ROAD, KING CREEK

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Proceed with the compulsory acquisition of a Crown Land lot in King Creek, more particularly described as Lot 1 DP 1311519, for the purpose of public road in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. Make an application to the Minister of Local Government and the Governor for approval to acquire Lot 1 DP 1311519, by compulsory process under section 177(2)(b) of the *Roads Act 1993*.
3. Pay compensation in the amount of \$2,500 (no GST payable) to the Department of Crown Lands for the acquisition of the land.

Executive Summary

This report recommends that Council proceed with the compulsory acquisition process with Crown Lands and the Department of Local Government to acquire part of the creek bed in King Creek from the Department of Crown Lands. This is to formalise the undergrounding of the Essential Energy power lines completed as part of the King Creek bridge replacement project.

Discussion

As part of the King Creek bridge replacement project the existing overhead electricity was required to be undergrounded through the creek bed in King Creek. The general location of the bridge is shown on the aerial map - Attachment 1.

As the existing overhead power line was located directly above the location of the new bridge, the construction of the bridge was unable to be safely completed with the existing overhead power in place.

Temporary or permanent overhead relocations of the power were unable to be constructed due to existing vegetation and the need to acquire easements from adjacent private properties.

Power relocations to underground via the under boring of King Creek adjacent to the new bridge were designed and subsequently approved by Essential Energy, on the

basis that the new underground service was to be located fully within the Council Road reserve area.

The ownership of the creek bed in King Creek is split into two lots, either side of the middle of the creek. The ownership of the two creek bed Lots is shown on Attachment 1. Council owns the lot on the western side of the middle of the creek and Crown Lands owns the eastern lot.

To progress the bridge replacement Essential Energy approved the relocation of the overhead power underground on the basis that Council's acquisition of the Crown land lot would be completed prior to 25 September 2025. Council entered into a Deed with Essential Energy for this undertaking, including taking out a Bank Guarantee. The overhead power relocation was completed in July 2024 and the construction of King Creek Bridge completed in October 2024, meeting the grant funding milestones.

The Council owned western lot in the creek bed was gazetted as a public road on 31 December 1906. Council is now in the process of lodging a Plan of Dedication at Land Registry Services, to have this portion dedicated as Council public road, completing the full process for creation of a public road.

Crown Lands issued Council a Licence enabling Council to complete the bridge replacement, whilst commencing the process to acquire the lot owned by Crown Lands. The acquisition process of Crown land must proceed via formal compulsory acquisition with Crown Lands and the Office of Local Government NSW. Both Departments are supportive of Council's acquisition.

Council completed a survey of the creek bed to enable a Plan of Acquisition to be registered. The new title for the Crown lot is Lot 1 DP 1311519 shown on the Plan - Attachment 2.

Council obtained an independent valuation of the compensation payable to Crown Lands for the acquisition. Having regard to s63 of the *Just Terms (Land Acquisition Compensation) Act 1991*, the valuation has been assessed at \$2,500 (no GST payable). The compensation amount has been accepted by Crown Lands, subject to a Council resolution.

The next step in the compulsory acquisition process is for Council to proceed to apply to the Office of Local Government for approval to issue a Proposed Acquisition Notice (PAN). This is published in the NSW Government Gazette. Following publication, the compensation is required to be paid to Crown Lands.

Upon completion of the compulsory acquisition process and dedication of the lot as a public road, Council will apply to Essential Energy for the creation of an easement through the 2 Council road lots to formalise the undergrounded electricity connection.

Options

There are no other options open to Council.

If Council fails to complete the acquisition from Crown Lands in the requisite time, Essential Energy will commence the compulsory acquisition of Crown Land themselves at Council's cost.

Community Engagement and Internal Consultation

The bridge replacement project was widely communicated to the community in December 2023. 1200 notification letters were sent to residents and 177 notification letters were sent to industrial estate stakeholders. Local schools were notified of changes to bus routes via email and VMS boards were used throughout the project to advise visitors and non-residents of the road closure. The project website and social media posts were used to keep the community updated throughout the process. The bridge was opened to traffic on 10 October 2024.

There has been ongoing consultation with Crown Lands during the King Creek bridge replacement project. Crown Lands and the Department of Local Government have provided advice regarding the compulsory acquisition process. Both Departments are supportive of Council's acquisition.

Planning and Policy Implications

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

Financial and Economic Implications

The compulsory acquisition of Lot 1 DP 1311519 entitles the landowner, the Department of Crown Lands, to the payment of compensation. Having regard to the provisions of the *Just Terms (Land Acquisition Compensation) Act 1991*, compensation has been assessed by Council's Consulting Valuer at \$2,500 (no GST payable).



The offer of compensation has been made to the Department of Crown Lands who have provided written acceptance of the offer, subject to Council resolution. Council is also required to execute an Agreement with Crown Lands agreeing to the payment of the compensation.

With the acceptance of the offer, the acquisition is now reported to Council to enable the land acquisition to be completed.

Council entered a Customer Deed with Essential Energy to enable the undergrounding of the electricity during the bridge replacement works. As part of the requirements of the Deed Council has taken out a bank guarantee for \$56,000. This will be refunded upon the creation of the easement.

There is funding in the project budget to meet all land acquisition and conveyancing costs.

Attachments

1.  Location Plan - King Creek Bridge King Creek Road
2.  Plan of Acquisition - King Creek - Lot 1 DP 1311519

Item: 13.09

Subject: LAND ACQUISITION - BRIL BRIL-BELANGRY ROAD ROLLANDS PLAINS

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Pay compensation in the amount of \$2,000 (ex GST) to the owner of Lot 77 DP 754406, PD McLaren, 511 Bril Bril-Bellangry Road Rollands Plains, for an acquisition more particularly described in the plan of acquisition as Lot 2 DP 1311134.
2. Pursuant to *Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991*, pay the landowner's property and conveyancing costs.
3. Pursuant to *Section 10 of the Roads Act 1993*, dedicate Lot 2 DP 1311134 as public road.

Executive Summary

This report recommends that Council proceed with the acquisition of part of 511 Bril Bril-Bellangry Road Rollands Plains, to formalise the realignment and safety improvements undertaken as part of the Bril Bril-Bellangry Road Safety, Conditions and Drainage Improvements Project.

Discussion

The Bril Bril-Bellangry Road Safety, Conditions and Drainage Improvements Project was adopted under the 2023/2024 Operational Plan. \$414,000 of General Funds were committed to make safety improvements to the road.

The property owner agreed to the works being undertaken, pending the finalisation of the area required for the land acquisition and the payment of compensation.

The Project works were undertaken by Council's construction team in June - July 2024. The works included: culvert extensions, drainage improvements, road realignment, minor sealing works, vegetation removal and road widening.

A land acquisition was necessary due large embankment works which re-aligned and widened the road in the works area. This involved cutting back the embankment to improve the line of sight and installing indicator signage to warn vehicles of the upcoming corner.

Council obtained an independent valuation on the compensation payable to the property owner for the acquisition. Having regard to the provisions of the *Just Terms (Land Acquisition Compensation) Act 1991* the valuation for compensation has been assessed as \$2,000 ex GST.

The offer of compensation has been made to and accepted by Mr McLaren. The acquisition is now reported to Council to enable the land acquisition to be completed.

Options

There are no other options available to Council. Council is obliged to pay the property owner compensation for the land acquisition, which is to be formalised in the Council Road reserve.

Community Engagement and Internal Consultation

66 residents were sent notifications of the works to be completed. The project page on the Council website was kept up to date during the work period. Council's social media and the "What's on in Rolland Plains" Facebook page both updated the community throughout the project.

Planning and Policy Implications

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



Financial and Economic Implications

Council obtained an independent valuation on the compensation payable to the property owner for the acquisition. Having regard to the provisions of the *Just Terms (Land Acquisition Compensation) Act 1991* the valuation for compensation has been assessed as \$2,000 ex GST.

The offer of compensation has been made to and accepted by Mr McLaren. The acquisition is now reported to Council to enable the land acquisition to be completed.

There is funding in the project budget to meet the land acquisition and conveyancing costs.

Attachments

1.  Location Plan - Land Acquisition - Bril Bril-Bellangry Road
2.  Plan of Acquisition - Bril Bril-Bellangry Road - Lot 2 DP 1311134

Item: 13.10

Subject: ROAD CLOSURE - LORNE ROAD COMBOYNE

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Pursuant to Section 38D of the *Roads Act 1993* publish a Notice in the *NSW Government Gazette* to close that part of Lorne Road described as Lot 12 Deposited Plan 1305509.**
- 2. Upon closure vest Lot 12 Deposited Plan 1305509 in Council as operational land.**
- 3. Transfer Lot 12 Deposited Plan 1305509 to Philip Borham.**
- 4. Pay the legal costs incurred by Philip Borham attributable to the land transfer.**

Executive Summary

The purpose of this report is to consider the closure of part of Lorne Road and its transfer to the adjoining landowner arising from the recent land acquisitions along Lorne Road as part of the Stage 1 Upgrade.

Discussion

Council at its Ordinary Meeting of 15 August 2024 at Item 13.10 considered a report on the acquisition of land required as part of the upgrading of Lorne Road. Council was advised that a section of Lorne Road was recommended to be closed and the land transferred to Philip Borham, to rectify an anomaly of the location of the road carriageway. The location of the proposed road closure is shown on the plan in Attachment 1.

The extent of the anomaly, being 15m², was surveyed and is shown bounded by coloured as Lot 12 in Deposited Plan 1305509 in Attachment 2.

Council resolved as follows:

13.10 LAND ACQUISITIONS - LORNE ROAD COMBOYNE

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.*

Options

Given the resolution of Council at its 15 August 2024 Ordinary Meeting it is considered the only option is to proceed to close that part of Lorne Road being Lot 12 DP1305509 and transfer it to Philip Borham as recommended.

Community Engagement and Internal Consultation

As required by the *Roads Act 1993*, the proposal to close part of Lorne Road was published on Council website and notification sent to the mandated Statutory Authorities. Comments on the proposed closure were invited for a period of 28 days.

At the conclusion of the notification period, no objections to the proposed closure were received.



Planning and Policy Implications

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

Financial and Economic Implications

Legal fees incurred to transfer the closed road to the adjoining landowner are estimated at \$3,000 (GST Inclusive). There is funding within the project budget to meet the estimated legal fees.

Attachments

1.  Location of Proposed Road Closure - Lorne Road
2.  Plan of Road Closure - Lorne Road

Item: 13.11

Subject: ANNUAL DRINKING WATER AND RECYCLED WATER REPORTS
2023-2024

Presented by: Community Utilities, Robert Fish

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information contained within this report regarding the quality performance of drinking and recycled water supplied to the community for the reporting period 1 July 2023 to 30 June 2024.

Executive Summary

Port Macquarie-Hastings Council manages five (5) water supply systems - Port Macquarie-Camden Haven, Wauchope, Comboyne, Telegraph Point and Long Flat areas, which supply potable water to the majority of residents. Council manages the Port Macquarie Recycled Water Supply system, supplying highly treated recycled water to open spaces, sporting facilities and some businesses within Port Macquarie. Council also provides recycled effluent from a number of our Wastewater Treatment Plants for irrigation purposes.

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

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

The Report has been prepared to address the guideline requirements for continuous evaluation and review of Council's Water Management Systems and provides an annual review of the performance of its water and recycled water supply systems, for the reporting period 1 July 2023 to 30 June 2024.

The Annual Reports for both the drinking water systems and Port Macquarie Recycled Water system for the reporting period 1 July 2023 to 30 June 2024 are attached for information, with operational staff's names having been redacted.

Discussion

Drinking Water:

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

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

Supply System	Volume of Water Supplied (ML) and the percentage it accounts for in the entire Council supply system	CCP Exceedances	ADWG Exceedances
Port Macquarie-Camden Haven	5514 (79%)	6	23
Wauchope	1373 (20%)	8	1
Comboyne	15 (0.22%)	0	2
Long Flat	11 (0.16%)	0	0
Telegraph Point	46 (0.66%)	0	0

The ADWG exceedances in the Port Macquarie-Camden Haven system were due to high pH (13 exceedances) and the detection of Total Coliforms (10 exceedances). The single exceedance in the Wauchope system was also due to the detection of Total Coliforms.

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

The pH exceedances in the Port Macquarie-Camden Haven system were due to high pH levels that exceeded the ADWG limit of 8.5. These high pH's were generally detected at endpoints in the reticulation or areas of low use. The water in Herons Creek had the majority of the pH exceedances and this is due to the long retention times of the water as it travels down to the Camden Haven area. The pH increases as the water ages and also due to the extraction of calcium from cement lined pipework and reservoirs as it travels.

High pH is managed through flushing of the mains to increase the turnover in these areas. The new Southern Arm Trunk Main has been constructed to reduce the travel time for the drinking water to the Camden Haven area, and this will reduce the likelihood of these pH exceedances. The construction has been completed and is due to be online in early 2025, pending the proposed construction program for the new Cowarra Water Treatment Plant.



The two exceedances in Comboyne were due to one pH of 6.4, which is below the limit of 6.5 and a chlorine level of 0.16 mg/L, detected just below the ADWG limit of 0.2 mg/L. These non-compliances in Comboyne water supply were only just outside the ADWG guidelines and there are no evident trends to indicate any concerns with the performance of this water supply system.

The CCP exceedances for the Port Macquarie-Camden Haven system were due to high turbidity readings and continuous low fluoride readings in the reticulation. As an unfiltered supply any significant change in water velocities within the reticulation pipes can cause elevated turbidity readings. Main causes of high turbidity incidents within the reporting period were water main breaks, operations work, such as ‘ice pigging’ and construction works that shut down and re-commission mains. The fluoride levels in the Port Macquarie - Camden Haven supply system reached the minimum reportable level of 0.9mg/L as of 27 July 2023 and remained above the reportable level until 20 March 2024. When the Port Macquarie Dam is filled directly from the Hasting River it can build up the levels of fluoride at a quicker rate as the raw water is directly dosed with fluoride. There are times when we must transfer water from Cowarra Dam (which has a much lower fluoride level) to Port Macquarie Dam, when the river conditions do not allow extraction. Between February and May 2024 Council transferred water from Cowarra Dam to Port Macquarie Dam, which diluted the fluoride levels, with the level sitting at 0.83mg/L at the end of this reporting period.

The CCP exceedances for the Wauchope system were due to some high turbidity readings in the reticulation and low free chlorine reads. The turbidity reads were due to a faulty field meter and when re-checked they were confirmed to be compliant. The low chlorine reads were due to water age in the Beechwood reservoir. At no time was there zero chlorine detected, however levels were detected below 0.2 mg/L. Council has made some improvements to the reservoir to enable manual chlorine dosing in this reservoir.

Another key aspect of water quality performance monitoring is customer feedback. For the drinking water supply systems Council received 137 complaints as outlined in the below table within the reporting period, this is down from the previous reporting period of 192.

Supply System	Dirty	Air or Cloudy	Taste & Odour	Illness	Leaks	Loss of supply	other	Annual Total
Port Macquarie/Camden Haven	27	3	73	0	1	7	22	133
Wauchope	1	0	2	0	0	1	0	4
Comboyne	0	0	0	0	0	0	0	0
Telegraph Point	0	0	0	0	0	0	0	0
Long Flats	0	0	0	0	0	0	0	0

The majority of the complaints were for taste and odour in the Port Macquarie - Camden Haven scheme, between December 2023 and February 2024. During this period, Council experienced increased growth of algae in the Port Macquarie Dam, and a resulting significant increase in Methyl-Isoborneol (MIB), being over 3 times the guideline value in the ADWG. MIB is a compound that is produced by the micro-organisms that are produced during algae blooms in our catchments. These



compounds are non-toxic, and present aesthetic changes only to the way water tastes and smells. MIB has a distinct earthy or musty odour, which some people can easily smell at relatively low concentrations.

While the direct cause of the significant increase in MIB over this period is not known, several operational factors that differed from previous years may have been contributing factors. River flows in the Hastings River over the period June 2023 to mid-September 2023 were very low with water extraction continuing to transfer to Port Macquarie Dam and at this time the bulk chlorine dosing facility was off-line for upgrades. These factors combined with high summer temperatures (including minimal difference between night and day temperatures) could have resulted in higher than usual algae activity in Port Macquarie Dam and hence significant MIB production. These same factors have not been present this year in the lead up to summer, therefore there is a lower likelihood the same very high level of MIB will be present.

Operationally it is difficult for Council to respond to an algae bloom in Port Macquarie Dam as there is no means to bypass the dam, given the system is an unfiltered supply no treatment process is available to remove the MIB compound. Toxin monitoring and taste and odour monitoring are key to the management of algae blooms, with the ability to notify our customers of the issues when required. Additional sampling was undertaken during this period, including algae toxins. These results were provided to the NCPHU who were satisfied that the drinking supply was safe and continued to meet the strict health guidelines set out in the ADWG. Council also developed a comprehensive customer engagement process to educate the community on the issue.

Council experienced a total of 27 complaints for dirty water during the reporting period. Investigations were carried out for every complaint. Out of all the complaints for dirty water, most were due to reasons unknown, and the issue seems to resolve itself after a period of flushing of the mains. Some of the dirty water complaints were also due to internal plumbing, scheduled maintenance issues and following the mains cleaning program (ice pigging).

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

The construction and commissioning of the bulk water filtration water treatment plant at Cowarra Dam, which is on schedule to be completed in 2027, will result in the Port Macquarie-Camden Haven supply becoming a filtered supply. This will significantly improve the quality of water supplied and mitigate the build-up of sediment in the mains over time. The filtration plant will also include processes to reduce taste and odour when algae blooms occur in our catchments.

While outside the reporting period that is the subject of this report, water quality testing for per- and polyfluoroalkyl (PFAS) compounds were undertaken in October 2024 following a recommendation by NSW Health for all water authorities in NSW to undertake PFAS testing. This testing was organised and funded by the NSW Government. The testing performed by Sydney Water's accredited laboratory has confirmed that all supplied water remains safe and well below current and proposed reduced limits for PFAS set by the ADWG. All test results across the five water

supply schemes returned results either below or at the minimum detectable limit (referred to as the limit of reporting) for the compounds tested. The details around this testing will be included in the next annual report for the 2024 - 2025 reporting period.

Recycled Water:

Recycled water quality is measured as performance against the Australian Guidelines for Recycled Water (AGWR) which incorporate a “Fit for Purpose” approach and is focused on performance against Critical Control Points (CCP). There are no specific guidelines which specifies the recycled water quality in the reticulation network like there is under the ADWG for drinking water. However, Council has implemented the following targets for the Port Macquarie Recycled Water Scheme (PM RWS):

Summary of Recycled Water Quality Targets for PM RWS:

Parameter	Specifically	Targets
Bacteria	E. coli	<1 per 100 mL
	Total Coliforms	<1 per 100 mL
Indicator for Cryptosporidium	Clostridial Spores	<1 per 100 mL
Indicator for Virus	Somatic coliphage	<1 per 100 mL
Virus	Adenovirus	<1.1 per 100 mL
Turbidity	NTU	<2 NTU
Acidity/Alkalinity	pH	6.5 – 8.5
Disinfection	Free Chlorine	Between 0.2 –5 mg/L at point of use (in reticulation)

Council recorded a total of 20 high pH and 12 low free chlorine exceedances for the PM RWS. These high pH’s were generally detected in at endpoints in the reticulation that were also areas of low use. During periods of rainfall, recycled water use is low for our irrigation schemes, and this allows the water to age while it sits in the mains un-used. There were no exceedances of any of these water quality parameters in the Treated Recycled Water before it is distributed.

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

Detailed quality performance information for the Drinking Water Supply systems and the Port Macquarie Recycled Water system for the 2023-2024 reporting period are included in the attached reports, with operational staff’s names having been redacted.

Overall, the reports indicate that Council supplied safe and good-quality drinking water and recycled water to our community throughout the reporting period.

Options

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

Community Engagement and Internal Consultation

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

Council staff held a workshop discussion with NSW Health, North Coast Public Health District staff on the final water quality Annual Reports.



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.  PMHC Drinking Water Management System Annual Report 2023 - 2024
2.  PMHC Recycled Water Management System Annual Report 2023 - 2024

Item: 13.12

Subject: POLICY REVIEW - STORMWATER MANAGEMENT POLICY - POST PUBLIC EXHIBITION

Presented by: Community Infrastructure, Robert Fish

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the draft Stormwater Management Policy

Executive Summary

At the Ordinary Council Meeting held on 15 August 2024, Council resolved to place the draft Stormwater Management Policy on public exhibition.

The Policy was subsequently placed on public exhibition from 11 September 2024 to 10 October 2024. During the exhibition period, Council received 6 submissions on the Policy. Following review of the community feedback received, which is included in the attached engagement plan and is summarised below, the final Stormwater Management Policy is attached for Council adoption.

Background

The draft Stormwater Management Policy is a new Policy which seeks to define the way Council manages its wide range of public stormwater infrastructure. The Policy seeks to:

- Clearly identify the range of Council's stormwater assets.
- Provide clarity around roles and responsibilities.
- Clarify how Council intends to manage stormwater systems and assets within available resourcing.
- Align Council's service delivery with relevant legislation, Council's asset management and infrastructure strategies and community expectations.
- Articulate Council's obligations to services and the members of the community.

The draft Stormwater Management Policy was reported to Council on 15 August 2024, with Council resolving the following:

That Council:

1. Place the draft Stormwater Management Policy on public exhibition for 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.*

Public Exhibition

Following the above Council resolution, the draft Policy was placed on public exhibition between 11 September 2024 and 10 October 2024. During the exhibition period there were 70 page visits to Council's engagement website.

Of those 70 visits:

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

Community Engagement and Internal Consultation

There were 6 submissions received regarding the draft Stormwater Management Policy, with detailed commentary and individual responses to each contained within the attached engagement report.

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

- Submission: Stormwater Drain Issues at Sylvan Grove:
 - Resident feedback identified that the open stormwater drain at Sylvan Grove has reportedly not been adequately maintained by Council over a 10-year period.
 - Maintenance has been limited to clearing the mouth of the drain, leading to dangerous conditions due to silt buildup.
 - Concerns about child safety and environmental degradation (e.g., dying lilies) have been raised, with Council indicating the issue isn't urgent and dependent on funding.
- Submission: Lagoon maintenance concerns in Sanctuary Springs:
 - Residents expressed frustration over the neglect of a lagoon that is crucial for managing water flow, with neither the Sanctuary Springs private maintenance team nor Council taking responsibility for its upkeep.
 - Weeds have accumulated, prompting residents to remove them to prevent flooding, there is a demand for Council to take regular action.
- Submission: General Stormwater Management:
 - There is a call for clearer communication regarding the maintenance responsibilities for stormwater systems, particularly for runoff from new developments.
 - Increased education is requested for the community about their responsibilities in maintaining stormwater areas.
- Submission: Need for Flood Mitigation:

- Residents from the North Shore and Riverside are concerned about nuisance and flood water management, especially given their lack of connection to town water systems.
- Rainwater runoff from roads is entering properties without adequate management or infrastructure in place.
- Submission: Community Involvement and Responsibilities:
 - There is a desire for more proactive involvement from Council in maintaining local waterways and ensuring that residents' efforts to beautify areas are supported rather than met with resistance.

Responses to each of the 6 submissions received have been prepared and are included within the attached engagement report.

On the basis that the submissions received relate to either existing planning or operational matters, there are no changes being made to the policy between draft and final version.

Options

Council has the option to amend the draft Stormwater Management Policy identified within this report prior to adoption.



Planning and Policy Implications

By adopting this Policy, Council will be creating a new Policy.

Financial and Economic Implications

There are no direct costs associated with this report, however there are financial implications for the funding and provision of management of Council's stormwater network. It is noted that the draft Policy has been undertaken without a comprehensive review of current maintenance and management practices and service levels.

Attachments

1.  Draft Stormwater Management Policy Engagement Summary Report
2.  Final Draft - Stormwater Management Policy

Item: 13.13

Subject: POLICY REVIEW - ROADS POLICY SUITE - POST PUBLIC EXHIBITION

Presented by: Community Infrastructure, Robert Fish

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Adopt the draft Road Policy Suite which includes the Road Reserve and Public Roads Management Policy, Sealed Roads Policy, Roadside Vegetation Management Policy, and Bridge and Culverts Policy.**
2. **Rescind the following existing policies:**
 - **Road Reserve Management Policy 2022**
 - **Roadside Vegetation Management Policy 2021**

Executive Summary

At the Ordinary Council Meeting held on 15 August 2024, Council resolved to place the draft Road Policy Suite on public exhibition (individual policies listed below).

- Road Reserve and Public Roads Management Policy
- Sealed Roads Policy
- Roadside Vegetation Management Policy
- Bridges and Culverts Policy

These policies were subsequently placed on public exhibition from 11 September 2024 to 10 October 2024. During the exhibition period, 8 submissions provided feedback on various topics relating to the draft Road Policy Suite.

Discussion

Council considered a report on the draft Road Policy Suite at the Ordinary Council meeting in August 2024. Council resolved as follows:

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.*

Following that time, the draft Road Policy Suite was placed on public exhibition from 11 September 2024 to 10 October 2024.

The draft Roads Policy Suite has been developed with the following considerations:

- To make clear the categories and management as well as Council obligations and position related to the management of roads within the PMHC LGA. This includes the sealed roads network, bridges and culverts, and road reserves within the bounds of Council's available resourcing.
- Align relevant legislation, Council's asset management, funding strategies and community expectations.

Public Exhibition

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

The exhibition period saw a total of 158 page visits to Council's engagement website during the exhibition period. Of those 158 visits:

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

Community Engagement and Internal Consultation

There were 8 submissions received regarding this Policy Suite, with detailed commentary and individual responses to each contained within the attached engagement report. A summary of the key issues/submissions is provided below for reference:

Lack of Guidance for verge gardens:

- Property owners face unclear policies on developing verge gardens, which could enhance local biodiversity and aesthetics.
- Current regulations place the burden of risk on landowners without clear definitions or guidance, particularly regarding the term "significant planting."

Potential benefits of verge gardens:

- Well-designed verge gardens can support local wildlife, improve soil health, manage stormwater, and enhance urban cooling.
- Other councils successfully promote verge gardens, aligning with environmental goals stated in local strategies.

Criticism of traffic and road management:

- Recent Council decisions regarding road improvements, particularly at the Gordon and Horton Streets intersection, are viewed as politically motivated rather than focused on traffic safety.
- There is frustration over the state of local roads, with calls for urgent repairs, especially in the CBD and key thoroughfares.

Concerns about road maintenance:

- Poor maintenance practices, such as leaving loose materials after patching and the use of harmful herbicides, have raised environmental concerns.

- Complaints highlight a lack of cleanliness and upkeep, contributing to a negative image for Port Macquarie.

Funding and prioritisation issues:

- There is a call for increased funding and prioritisation of road maintenance over beautification projects.
- Specific problem areas have been identified, including unsealed roads and dangerous intersections.

Call for serious intervention in road management practices:

- The community expresses a need for serious intervention in local governance and road management practices to address ongoing issues and restore quality infrastructure.

As noted above, responses to each of the 8 submissions are included within the attached engagement report and have been considered. 1 submission has resulted in a word clarification in regard to verge gardens in the Road Reserve and Public Roads Management Policy. None of the other submissions resulted in changes being made to the Policy between draft and final version. This is on the basis that the submissions primarily related to either planning or operational matters.

Options

Council has the option to amend or not to amend the draft Roads Policy Suite or singular policies prior to adoption.






Planning and Policy Implications

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

Financial and Economic Implications

There are no direct costs associated with this report, however there are financial implications for the current funding and provision of management of Council's road network. This Policy has been updated to provide balanced outcomes for the community, noting review or changes to the current maintenance and management practices and currently provided service levels may have financial implications.

Attachments

1.  Engagement Summary Report
2.  Draft Road Reserve and Public Roads Management Policy
3.  Draft Sealed Roads Policy
4.  Draft Roadside Vegetation Management Policy
5.  Draft Bridges and Culverts Policy

Item: 13.14

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

Presented by: Community Infrastructure, Robert Fish

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Place on public exhibition the following draft policies for a period of not less than 28 days.**
 - **Electric Vehicle Road Management and Infrastructure Policy**
 - **Public Transport Infrastructure Policy**
 - **Stormwater Overland Flow Policy**
 - **Kerbside Use and Parking Management Policy**
 - **Active Transport Crossing, Paths, and Walkways in Public Road Reserve Policy**
2. **Note that a further report will be provided by the March 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.**

Executive Summary

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

This report provides a summary of the following new policies which have been developed for consideration by Council:

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

The above policies have been reviewed, created, and updated for consideration by Council for the purposes of public exhibition.

Discussion

The past 12 months has seen the Community Infrastructure Planning and Design Unit working towards the review, update, and creation of a number of key policies relating to the provision of community infrastructure and related services.

In 2024, the following road reserve management related policies have been endorsed for public exhibition and/or adopted by Council:

- Road Reserve and Public Roads Management Policy
- Sealed Roads Policy
- Unsealed Roads Policy
- Roadside Vegetation Management Policy
- Bridges and Culverts Policy

A further suite of Policies has now been developed to clearly define the way Council and the community utilise our road reserves and support and encourage the use of Electric Vehicles, Active Transport, and Public Transport. Additionally, staff have identified a new policy defining the way we identify, map, and manage risks associated with stormwater overland flows.

The following new/updated policies are attached and are presented to Council for endorsement to place on public exhibition:

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

Copies of each draft policy are as attached, with a summary of each below for information:

Electric Vehicle (EV) Road Management and Infrastructure Policy

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

Public Transport Policy:

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

Stormwater Overland Flow Policy

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

Kerbside Use and Parking Management Policy

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

Active Transport Crossing, Footpaths and Walkways in Public Road Reserves

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

Community Engagement and Internal Consultation

Community Engagement

Following endorsement of this report by Council, public exhibition for a period of 28 days will occur.

Internal Consultation

Internal consultation has occurred with relevant Council units including Organisational Project Delivery, Development Assessment, Strategy, and Liveable Communities.






Planning and Policy Implications

By adopting these policies following exhibition, Council will be putting in place new external policy and/or updating an external policy and recognising the amendments.

Financial and Economic Implications

As these updates have been undertaken without a comprehensive review to current maintenance and management practices, there are no identified financial or economic implications associated with this update.

Attachments

1.  Electric Vehicle Road Management and Infrastructure Policy
2.  Public Transport Infrastructure Policy
3.  Stormwater Overland Flow Policy
4.  Kerbside Use and Parking Management Policy
5.  Active Transport Crossings, Paths and Walkways in Public Road Reserve Policy

Item: 13.15

Subject: POLICY REVIEW - LIQUID TRADE WASTE POLICY

Presented by: Community Utilities, Robert Fish

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Publicly exhibit the draft Liquid Trade Waste Policy for a period of not less than 28 days.
2. Note that a further report will be tabled at the March 2025 meeting of Council, detailing the submissions received from the public during the exhibition period.

Executive Summary

The Liquid Trade Waste Policy 2023 has been reviewed in line with the adopted review period timeframe. This review has not resulted in any content changes or updates. The only amendments made since the last adoption are those to formatting and the updating of organisational/departmental names.

In line with standard practice and to support the policy review, it is recommended that the policy is placed on public exhibition for at least 28 days to give the community an opportunity to make submission on the current policy.

Discussion

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

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

The Liquid Trade Waste Policy has been reviewed and no changes have been made other than formatting and minor corrections, such as updating organisational/departmental names. The updated policy is attached for review and it is recommended the policy to be placed on public exhibition, after which time the Policy will be submitted to DCCEEW for concurrence as required. Once these steps have occurred, the Policy (with any amendments made and detailed in a report) will be brought back to Council for adoption.

Options

Council has the option to request further information on the Liquid Trade Waste Policy prior to placing it on public exhibition.

Community Engagement and Internal Consultation

Internal Consultation has been undertaken with the following staff:

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

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1.  Draft Liquid Trade Waste Policy

Subject: CONFIDENTIAL SESSION

RECOMMENDATION

1. That Council move into Confidential Session to receive and consider the following items:
 - Item 14.01 Evaluation and Recommendation for Divestment of Council Land

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - Item 14.02 Strategic Land Purchase for Future Infrastructure Provision

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - Item 14.03 Confidential Legal Matter Advice

This item is considered confidential under Section 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Confidential Session of Council on the basis that the items to be considered are of a confidential nature.
3. That the resolutions made by Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.