



Ordinary Council

Business Paper

date of meeting: Wednesday 16 October 2019

location: Laurieton School of Arts Hall
Corner Bold and Laurie Streets
Laurieton

time: 5.30pm

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

- ★ Sustainability
- ★ Excellence in Service Delivery
- ★ Consultation and Communication
- ★ Openness and Accountability
- ★ Community Advocacy

Community Themes

- ★ Leadership and Governance
- ★ Your Community Life
- ★ Your Business and Industry
- ★ Your Natural and Built Environment

Ordinary Council Meeting

Wednesday 16 October 2019

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Item: 01**Subject: WELCOME TO COUNTRY**

A representative from the Bunyah Local Aboriginal Land Council will be invited to deliver the Welcome to Country.

Item: 02**Subject: LOCAL GOVERNMENT PRAYER**

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

Item: 03**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

Item: 04**Subject: CONFIRMATION OF PREVIOUS MINUTES**

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 18 September 2019 be confirmed.

PRESENT

Members:

Councillor Peta Pinson (Mayor)
Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
Councillor Michael Cusato
Councillor Sharon Griffiths
Councillor Peter Alley
Councillor Justin Levido
Councillor Lee Dixon

Other Attendees:

General Manager (Craig Swift-McNair)
Director Corporate Performance (Rebecca Olsen)
Director Development and Environment (Melissa Watkins)
Director Infrastructure (Dan Bylsma)
Director Strategy and Growth (Jeffery Sharp)
Governance Officer (Kirsty Callander)(part of meeting)
Governance Support Officer (Bronwyn Lyon)
Executive Assistant to the Mayor (Linda Kocis)
Communications Manager (Andy Roberts)

The meeting opened at 5:30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

Pastor Jeff Atherton from the People Builders Church delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Dixon/Turner

That the apology received from Councillor Hawkins' owing to approved leave be accepted.

04 CONFIRMATION OF MINUTES

RESOLVED: Alley/Dixon

That the Minutes of the Ordinary Council Meeting held on 21 August 2019 be confirmed.

CARRIED: 8/0
FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner
AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Alley declared a Pecuniary Interest in Item 11.11 - 2019-2020 Round 1 Community Grant Program for Endorsement, the reason being that Councillor Alley's wife is a member of one of the community organisations that has applied for the grants that are the subject of this report and it was my wife that prepared the grant application on behalf of that organisation.

Councillor Alley declared a Non-Pecuniary, Less Than Significant Interest in Item 13.10 - Bold Street Laurieton Pedestrian Crossing, the reason being that Councillor Alley serves as the Treasurer on the Parish Council of the Anglican Church of the Camden Haven. The Church operates a business in Laurieton – the Anglican Op Shop. However that business is not located in Bold Street and would not receive any benefit or loss as a consequence of any pedestrian crossing in any of the proposed locations and has no competing Op Shop that operates in this area that may be serviced by any of the proposed crossing locations.

Mayor Pinson declared a Pecuniary Interest in Item 15.02 - T-19-29 Dunbogan Flood Access Road - Stage 1A, the reason being that Mayor Pinson owns a company, Stabilcorp, which contracts from time to time with one of the tenderers.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 15.02 - T-19-29 Dunbogan Flood Access Road - Stage 1A, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for a principal of one of the tenderers, the subject of the report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 13.15 - Planning Proposal: 2019 Administrative Review of Port Macquarie - Hastings LEP

2011 (Amendment No 55) - Consideration of Submissions, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for the owner of one of the properties the subject of the report.

06 MAYORAL MINUTES

Nil.

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Griffiths/Cusato

That Council determine that the attachments to Item Numbers 11.11 and 12.02 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

08 PUBLIC FORUM – MATTERS NOT ON THE AGENDA

The Mayor advised of requests to speak in the Public Forum - Matters Not On The Agenda from:

1. Mr Peter Matthison, Midcoast Honey, regarding climate science presentation invitation.
2. Dr Sarah Mollard regarding health impacts of climate crisis on our community.
3. Ms Rachel Sheppard regarding climate change solutions for the Hastings.
4. Ms Susan East regarding reticulated water for Lake Cathie / Bonny Hills.

RESOLVED: Dixon/Griffiths

That the above requests to speak in the Public Forum - Matters Not On The Agenda be acceded to.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

08.01 CLIMATE SCIENCE PRESENTATION INVITATION

Mr Peter Matthison, Midcoast Honey, addressed Council regarding climate science presentation invitation and answered questions from Councillors.

08.02 HEALTH IMPACTS OF CLIMATE CRISIS ON OUR COMMUNITY

Dr Sarah Mollard addressed Council regarding health impacts of climate crisis on our community and answered questions from Councillors.

08.03 CLIMATE CHANGE SOLUTIONS FOR THE HASTINGS

Ms Rachel Sheppard addressed Council regarding climate change solutions for the Hastings.

08.04 RETICULATED WATER FOR LAKE CATHIE / BONNY HILLS

Ms Susan East addressed Council regarding reticulated water for Lake Cathie / Bonny Hills.

09 PUBLIC FORUM – MATTERS ON THE AGENDA

The Mayor advised of requests to speak in the Public Forum - Matters On The Agenda from:

Item 11.02 - Mr Roderick Mallinson in support of the recommendation.

Item 12.01 - Ms Susan Proust, Hastings Birdwatchers, in opposition of the recommendation.

Item 13.01 - Mr Tony Thorne, King and Campbell Pty Ltd, in opposition of the recommendation.

Item 13.02 - Ms June Le Pla, FAWNA (NSW) Inc., in opposition of the recommendation.

Item 13.03 - Mr Ken Monson, Hastings Birdwatchers, in opposition of the recommendation.

Item 13.04 - Mr Philip Lloyd in support of the recommendation.

Item 13.04 - Mr Tony Thorne, King and Campbell Pty Ltd, in support of the recommendation.

Item 13.10 - Mr John Saunders, Camden Haven Chamber of Commerce, in opposition of the recommendation.

RESOLVED: Alley/Dixon

That the above requests to speak in the Public Forum - Matters On The Agenda be acceded to.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Intemann/Griffiths

That Standing Orders be suspended to allow Items 11.02, 12.01, 13.01, 13.02, 13.03, 13.04 and 13.10 to be brought forward and considered next.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

11.02 PORT MACQUARIE AQUATIC FACILITY - SITE SELECTION

Mr Roderick Mallinson addressed Council in support of the recommendation.

RESOLVED: Turner/Alley

That Council:

1. Note the information contained in the Port Macquarie Aquatic Facility- Site Selection Report.
2. Acknowledge the community engagement that has been undertaken regarding a new Aquatic Facility in Port Macquarie and thank the community for their feedback on their preferred site.
3. Reconfirm Macquarie Park as the preferred site for a new Aquatic Facility in Port Macquarie.
4. Request the General Manager to proceed with the next stage of the project being detailed design and approvals; including development of a Strategic Concept Design.
5. Request the General Manager provide a future report to Council on the progress of detailed design and the Strategic Concept Plan in June 2020.
6. Request the General Manager provide a future report to Council on the outcome of discussions with the displaced user groups of Macquarie Park, being Port Macquarie Football Club & Port Macquarie Army Cadets to identify suitable alternative facilities in June 2020.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

12.01 HEALTH AND EDUCATION PRECINCT MASTER PLAN

Councillor Cusato left the meeting, the time being 6:22pm.

Councillor Cusato returned to the meeting, the time being 6:23pm.

Ms Susan Proust, Hastings Birdwatchers, addressed Council in opposition of the recommendation.

RESOLVED: Turner/Griffiths

That Council

1. Note the community engagement process and submissions received during the public exhibition period and subsequent workshops.
2. Adopt the Health and Education Precinct Master Plan.
3. Note the plans of stakeholders to establish a Consortium to assist in driving the development and implementation of a Health and Education Precinct.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

13.01 TRANSPORT NETWORK IMPROVEMENTS (INCLUDING THE PROPOSED ORBITAL ROAD PROJECT) - 19 JUNE 2019 COUNCIL RESOLUTION UPDATE REPORT

Mr Tony Thorne, King and Campbell Pty Ltd, representing J Newton Construction and St Agnes Care & Lifestyle, addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Intemann/Turner

That Council note the information included in the Transport Network Improvements (including the proposed Orbital Road Project) - 19 June 2019 Council Resolution Update Report, and confirm that:

1. The Transport Network Improvements - Strategic Business Case Scope of Works will consider all options put forward by the community.
2. Council staff will consider minimising impacts of the various options, for example by considering a two lane option where appropriate.
3. Public transport will be considered as part of the network modelling and initial transport planning.

CARRIED: 7/1

FOR: Alley, Cusato, Dixon, Intemann, Levido, Pinson and Turner

AGAINST: Griffiths

13.02 NOTICE OF MOTION - REVOCATION OF PART OF THE LAKE INNES NATURE RESERVE

Ms June Le Pla, FAWNA (NSW) Inc., addressed Council in opposition of the recommendation and answered questions from Councillors.

MOTION

MOVED: Pinson/Griffiths

That Council:

1. Note the correspondence from the NSW Minister for Energy & Environment, The Hon. Matt Kean MP.
2. Request the General Manager write to the NSW Minister for Energy & Environment, The Hon. Matt Kean MP, to seek clarification on whether Ministerial approval is likely to be granted for revocation of part of the Lake Innes Nature Reserve for the purpose of any future proposed Orbital Road link through the Nature Reserve.

AMENDMENT

MOVED: Turner/Alley

That Council:

1. Note correspondence from Council to Minister for the Environment, Local Government and Heritage, the Hon Gabrielle Upton, dated 23 July 2018, with regard to Road Corridor Interfaces with National Parks Land.
2. Note the response from Scot McDonald MLC on behalf of the Hon Gabrielle Upton, dated 10 September 2018.
3. Note correspondence received by the Member for Port Macquarie from the NSW Minister for Energy and Environment, the Hon Matt Kean MP, dated 8 August 2019, which was forwarded to Council on 22 August 2019.
4. Request the General Manager write to the NSW Minister for Energy and Environment, the Hon Matt Kean MP:
 - a) To clarify whether there is any update to the policy for revocation, recategorization and road adjustment in National Parks and Nature Reserves since the Department's correspondence to Council dated 10 September 2018.
 - b) Attach copies of the letter from Council, dated 23 July 2018; and the response received by Council, dated 10 September 2018, for the Minister's reference.

THE AMENDMENT WAS PUT AND CARRIED

MOVED: Turner/Alley

That Council:

1. Note correspondence from Council to Minister for the Environment, Local Government and Heritage, the Hon Gabrielle Upton, dated 23 July 2018, with regard to Road Corridor Interfaces with National Parks Land.

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2. Note the response from Scot McDonald MLC on behalf of the Hon Gabrielle Upton, dated 10 September 2018.
 3. Note correspondence received by the Member for Port Macquarie from the NSW Minister for Energy and Environment, the Hon Matt Kean MP, dated 8 August 2019, which was forwarded to Council on 22 August 2019.
 4. Request the General Manager write to the NSW Minister for Energy and Environment, the Hon Matt Kean MP:
 - a) To clarify whether there is any update to the policy for revocation, recategorization and road adjustment in National Parks and Nature Reserves since the Department's correspondence to Council dated 10 September 2018.
 - b) Attach copies of the letter from Council, dated 23 July 2018; and the response received by Council, dated 10 September 2018, for the Minister's reference.

CARRIED: 5/3

FOR: Alley, Cusato, Intemann, Levido and Turner

AGAINST: Dixon, Griffiths and Pinson

THE AMENDMENT BECOMES THE MOTION AND WAS PUT

MOVED: Turner/Alley

That Council:

1. Note correspondence from Council to Minister for the Environment, Local Government and Heritage, the Hon Gabrielle Upton, dated 23 July 2018, with regard to Road Corridor Interfaces with National Parks Land.
2. Note the response from Scot McDonald MLC on behalf of the Hon Gabrielle Upton, dated 10 September 2018.
3. Note correspondence received by the Member for Port Macquarie from the NSW Minister for Energy and Environment, the Hon Matt Kean MP, dated 8 August 2019, which was forwarded to Council on 22 August 2019.
4. Request the General Manager write to the NSW Minister for Energy and Environment, the Hon Matt Kean MP:
 - a) To clarify whether there is any update to the policy for revocation, recategorization and road adjustment in National Parks and Nature Reserves since the Department's correspondence to Council dated 10 September 2018.
 - b) Attach copies of the letter from Council, dated 23 July 2018; and the response received by Council, dated 10 September 2018, for the Minister's reference.

EQUAL: 4/4

FOR: Cusato, Intemann, Levido and Turner

AGAINST: Alley, Dixon, Griffiths and Pinson

CASTING VOTE: AGAINST

MOTION LOST

**13.03 NOTICE OF MOTION - SEEKING CLARIFICATION ON LAKE INNES
NATURE RESERVE FROM MEMBER FOR PORT MACQUARIE**

Mr Ken Monson, Hastings Birdwatchers, addressed Council in opposition of the recommendation and answered questions from Councillors.

MOVED: Alley/Turner

That Council:

1. Note the content quoted below from the Port Macquarie News website dated 19 March 2019 that the Member for Port Macquarie “supports Port Macquarie-Hastings Council’s vision for an orbital road”.
2. Note the content quoted below from the Port Macquarie News website dated 4 September 2019 that the Member for Port Macquarie does not support a change in an act of parliament to dissect the Lake Innes Nature Reserve.
3. Note that the Lake Innes Nature Reserve is continuous from Lake Road in Port Macquarie to Lake Cathie, therefore a new east-west road located anywhere between and including Lake Road and Lake Cathie will necessarily involve crossing Lake Innes Nature Reserve.
4. Note that Lake Innes Nature Reserve sits on low lying land and that any traverse of the Reserve will likely be on an elevated roadway, thereby reducing environmental impacts.
5. Note that Council has made no decision on any new road and, in accordance with the procedure for new infrastructure as set out by the NSW government, is presently conducting a Strategic Business Case that will consider all options and potential impacts, including on residents, businesses and the environment.
6. Request the General Manager write to the Member for Port Macquarie seeking clarification on her apparent support for an orbital road in principal but opposed to any crossing of the Lake Innes Nature Reserve.
7. Request the General Manager to table any correspondence received from the Member for Port Macquarie to a future Council Meeting.

EQUAL: 4/4

FOR: Alley, Intemann, Levido and Turner

AGAINST: Cusato, Dixon, Griffiths and Pinson

CASTING VOTE: AGAINST

MOTION LOST

13.04 NOTICE OF MOTION - PROPOSED ORBITAL ROAD INVESTIGATION AREA

Mr Philip Lloyd, representing the Alliance and Action Groups, addressed Council in support of the recommendation.

Councillor Dixon left the meeting, the time being 7:40pm.

Councillor Dixon returned to the meeting, the time being 7:43pm.

Mr Tony Thorne, King and Campbell Pty Ltd, representing J Newton Construction and St Agnes Care & Lifestyle, addressed Council in support of the recommendation.

RESOLVED: Cusato/Pinson

That Council:

1. Request the General Manager investigate the impact on the development of the upcoming Strategic Business Case (and possible future solutions for broader transport network improvements), of removing the current investigation area (with impact on residents, a school and retirement village etc) for the east-west Orbital Road from Ocean Drive to Oxley Highway that was the subject of detailed community engagement from November 2018 to April 2019.
2. Request the General Manager table a report to the November 2019 Council Meeting on the impact of removing this investigation area with the intention for Council to investigate alternative routes for the proposed orbital road project. Within this report also include any impacts on applications for funding and impacts on procedures to cross or encroach any nature reserves eg. revocation of such reserves.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

13.10 BOLD STREET LAURIETON PEDESTRIAN CROSSING

Councillor Alley declared a Non-Pecuniary, Less Than Significant Interest in this matter and remained in the room during the Council's consideration.

Mr John Saunders, Camden Haven Chamber of Commerce, representing the Community in the Future and the Camden Haven Chamber of Commerce, addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Pinson/Dixon

That Council:

1. Note the outcomes of the community engagement undertaken in response to the Council resolution from the Ordinary Council meeting of 17 July 2019.
2. Note the community engagement identified as Option 3 as the preferred location by the majority.
3. Note the earlier petition of over 600 signatures as tabled at 15 May 2019 Ordinary Council meeting.
4. Endorse the Bold Street Laurieton pedestrian crossing to be located at Option 3.
5. Request the General Manager write to the Local Member for Port Macquarie, Leslie Williams MP, providing a status update on the project and the proposed timeframe for delivery.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 8 AUGUST TO 4 SEPTEMBER 2019

RESOLVED: Pinson/Dixon

That Council note the allocations from the Mayoral Discretionary Fund for the period 8 August to 4 September 2019 inclusive.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

10.02 CREATION OF OFFICE OF DEPUTY MAYOR

RESOLVED: Cusato/Alley

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to be 18 September 2019 up until the 2020 Local Government Ordinary Election.
3. Elect the Deputy Mayor by way of open voting, if more than one nomination for Deputy Mayor is received.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

The General Manager, acting as Returning Officer, called for nominations for the Office of Deputy Mayor.

The Returning Officer, advised that a nomination for the Office of Deputy Mayor had been received for Councillor Lisa Intemann, nominated by two Councillors and accepted by Councillor Lisa Intemann.

The Returning Officer then called for a show of hands in favour of Councillor Intemann for Deputy Mayor.

*CARRIED: 7/1
FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido and Turner
AGAINST: Pinson*

The Returning Officer declared Councillor Intemann elected to the Office of Deputy Mayor for the ensuing period as resolved by Council.

The General Manager congratulated Councillor Intemann on her election to the Office of Deputy Mayor.

The Deputy Mayor thanked Councillors for their support.

10.03 DETERMINATION OF COUNCILLOR NUMBERS

RESOLVED: Griffiths/Cusato

That Council, in accordance with Section 224 of the Local Government Act 1993, resolve that it will comprise of nine councillors, including the Mayor, following the next ordinary Local Government election.

*CARRIED: 8/0
FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner
AGAINST: Nil*

10.04 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Griffiths/Alley

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

*CARRIED: 8/0
FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner
AGAINST: Nil*

10.05 COUNCIL MEETINGS DATES FOR 2020

RESOLVED: Intemann/Griffiths

That Council set the Ordinary Council Meeting dates for 2020 as the third Wednesday of each month (with the exception being no meeting scheduled in January, alternative dates for August and September due to the September Council election, and an earlier meeting in December due to the proximity of Christmas) being:

- 19 February
- 18 March (Taking the Council to the Community - Wauchope)
- 15 April
- 20 May
- 17 June
- 15 July
- 12 August
- 23 September
- 21 October (Taking the Council to the Community - Laurieton)
- 18 November
- 9 December

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

**10.06 NOTICE OF MOTION - PROFESSIONAL DEVELOPMENT UNDERTAKEN
BY THE MAYOR**

Councillor Cusato left the meeting, the time being 8:35pm.

RESOLVED: Pinson/Griffiths

That Council note the professional development undertaken by Mayor Pinson since her election to Council in 2017.

CARRIED: 4/3

FOR: Alley, Dixon, Griffiths and Pinson

AGAINST: Intemann, Levido and Turner

**10.07 RECOMMENDED ITEM FROM AUDIT, RISK & IMPROVEMENT
COMMITTEE - LEGISLATIVE COMPLIANCE 2018-2019**

RESOLVED: Intemann/Alley

The Council note the information contained in the Recommended Item from Audit, Risk & Improvement Committee - Legislative Compliance 2018-2019 report.

CARRIED: 7/0

FOR: Alley, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

**10.08 RECOMMENDED ITEM FROM AUDIT, RISK & IMPROVEMENT
COMMITTEE - AUDIT, RISK & IMPROVEMENT COMMITTEE ANNUAL
REPORT 2018-2019**

Councillor Cusato returned to the meeting, the time being 8:37pm.

RESOLVED: Intemann/Griffiths

That Council adopt the Audit, Risk & Improvement Committee Annual Report 2018-2019.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

10.09 FINANCIAL ASSISTANCE GRANTS

RESOLVED: Griffiths/Alley

That Council note the 2019/20 Grant calculations provided by the NSW Local Government Grants Commission for Port Macquarie-Hastings Council in relation to the Financial Assistance Grant calculations.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

10.10 MONTHLY BUDGET REVIEW - AUGUST 2019

RESOLVED: Alley/Griffiths

That Council:

1. Adopt the adjustments in the "August 2019 Adjustments" section of the Monthly Budget Review – August 2019.
2. Amend the 2019-2020 Operational Plan to include all budget adjustments approved in this report.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

10.11 INVESTMENTS - AUGUST 2019

RESOLVED: Griffiths/Alley

That Council note the Investment Report for the month of August 2019.

CARRIED: 7/1

FOR: Alley, Cusato, Dixon, Intemann, Levido, Pinson and Turner

AGAINST: Griffiths

10.12 DELIVERY PROGRAM (2017-2021) SIX MONTHLY PROGRESS REPORT (JANUARY TO JUNE 2019)

RESOLVED: Turner/Dixon

That the information in the Delivery Program (2017-2021) six monthly progress report (January to June 2019) be noted.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

10.13 ANNUAL REPORT OF THE ACTIVITIES FOR THE MAYOR'S SPORTING FUND 2018/2019

RESOLVED: Pinson/Alley

That Council note the information outlined in the Annual Report of the Activities for the Mayor's Sporting Fund 2018/2019.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

10.14 DRAFT COMMUNITY PARTICIPATION PLAN 2019

RESOLVED: Cusato/Griffiths

That Council:

1. Endorse the Draft Community Participation Plan 2019.
2. Place the Draft Community Participation Plan on public exhibition for 28 days from 23 September to 20 October 2019.
3. Request the General Manager provide a report to the November 2019 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

11.01 FLYNN'S BEACH MASTER PLAN COMMUNITY ENGAGEMENT FEEDBACK REPORT

RESOLVED: Intemann/Dixon

That Council:

1. Note the information contained within the Flynn's Beach Master Plan Community Engagement Feedback Report.
2. Recognise the community engagement that has been undertaken regarding Flynn's Beach Master Plan and thank the community for their feedback.
3. Adopt the Flynn's Beach Master Plan (Attachment 1), which includes minor amendments as outlined in this report.
4. Request the General Manager consider funding opportunities for implementation of Flynn's Beach Master Plan through development of future Operational Plans and relevant State and Federal government grant programs.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

Item - 11.02 Port Macquarie Aquatic Facility - Site Selection - has been moved to another part of the document.

11.03 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - AUGUST 2019

RESOLVED: Pinson/Dixon

That Council, pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Mayor's Sporting Fund as follows:

1. That Wauchope High School Girls Rugby Team receive \$350.00 to assist with the expenses incurred travelling to and competing at the NSWCHS Under 18's State Rugby Championships held in Sydney on 31st July 2019.
2. That Bradley Whitton receive \$350.00 to assist with the expenses incurred travelling to, and competing at the All Schools Australian Swimming Championships held in Melbourne from 27 July to 31 July 2019 inclusive.
3. That Morgan Jean receive \$350.00 to assist with the expenses incurred travelling to and competing at the All Schools Australian Swimming Championships held in Melbourne from 27 July to 31 July 2019 inclusive.
4. That Maddison Drewitt receive \$350.00 to assist with the expenses incurred traveling to and competing as a member of the Under 16's NSW Girls Hockey Team at the All Schools National Hockey Championships held in Newcastle from 1st August to 8th August 2019 inclusive.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

11.04 CULTURAL PLAN - PROGRESS REPORT

RESOLVED: Turner/Griffiths

That Council note the progress made on the 2018-2021 Cultural Plan actions.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

11.05 ARTWALK 2019 - POST EVENT

RESOLVED: Dixon/Turner

That Council:

1. Note the success of the ArtWalk 2019 event.
2. Support the growth of Artwalk to become one of Council's signature events in 2020 and beyond.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

**11.06 BICENTENARY PRIORITIES, ARTWALK RESOURCING AND TASTINGS
ON HASTINGS**

RESOLVED: Turner/Dixon

That Council:

1. Endorse the two-year temporary appointment of a Cultural Event Coordinator, to support the 2021 Bicentenary projects and the 2020 and 2021 Artwalk events.
2. Discontinue to run Tastings on Hastings as a Council event, but consider providing future support to an externally-run Tastings on Hastings event.
3. Recognise that Slice of Haven is likely to be the premier food and wine event in the Greater Port Macquarie area in 2020, and increase the budget for support of this event from \$5,000 to \$10,000 for 2020.
4. Continue to support events and activities that showcase local producers and produce, as guided by the 2019-2024 Port Macquarie-Hastings Events Plan.
5. Request the General Manager develop the 2021 Bicentenary event and 2020 and 2021 Artwalk events, to be signature Council-run events in line with the 2019-2024 Port Macquarie-Hastings Events Plan.
6. Endorse the reallocation of the existing 2019/20 Tastings on Hastings net budget \$36,200 to support the delivery of the Bicentenary and Artwalk events.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

11.07 DISABILITY INCLUSION ACTION PLAN ANNUAL PROGRESS REPORT

RESOLVED: Alley/Turner

That Council:

1. Note the information in the 2nd Year PMHC Annual Disability Inclusion Action Plan Report Card (Easy English).
2. Note the Disability Inclusion Action Plan 2018-2019 Annual Progress report.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

11.08 SERVICE LEVEL AGREEMENT WITH NSW JUSTICE - COMMUNITY CORRECTIONS

RESOLVED: Intemann/Griffiths

That Council:

1. Note the success of the trial with the NSW Justice - Community Corrections Partnership.
2. Endorse the Service Level Agreement for the formalisation of the NSW Justice - Community Corrections Partnership for a period of 3 years.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

11.09 RE-ESTABLISHMENT OF ALCOHOL FREE ZONE - PORT MACQUARIE CBD

RESOLVED: Cusato/Intemann

That Council:

1. Re-establish Alcohol Free Zones in the Port Macquarie CBD for a further four years from October 2019 to October 2023.
2. Request the General Manager write to Mid North Coast Local Area Commander, Superintendent Paul Fehon, to inform him of the public consumption of alcohol and antisocial behaviour at the Council managed Kooloonbung Creek Nature Park on Gordon Street, Port Macquarie. Also advising that this is discouraging local residents and families from entering this public space and Port Macquarie-Hastings Council requests that local Police act on this problem.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

11.10 LIBRARY STRATEGIC PLAN

RESOLVED: Alley/Dixon

That Council endorse the Port Macquarie-Hastings Library Strategic Plan 2019 - 2021, to help drive the library services.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

11.11 2019-2020 ROUND 1 COMMUNITY GRANT PROGRAM FOR ENDORSEMENT

Councillor Alley declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 9:07pm.

RESOLVED: Griffiths/Dixon

That Council pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2019-2020 Round 1 for the total amount of \$119,748 according to the following:

<u>Organisation Name</u>	<u>Project</u>	<u>Funding</u>
<u>General Community Grants:</u>		
Community Hair Project	Youth Week Activities	\$1150
Wauchope Show Society	Refurbished Floor	\$10000
International Women's Group	International Women's Group	\$2717
Rocking with Dave and Friends	Music Workshops	\$4300
St. Thomas's Soup Kitchen	Kitchen Upgrade	\$9378
Wauchope Chamber of Commerce	Community First Aid	\$4100
Wauchope Little Athletics Centre	Timing System	\$3000
Port Macquarie Astronomical Society	Telescope Mount	\$10,000
Kendall Men's Shed	Wood Sanders	\$3759
	<u>Sub-total</u>	<u>\$48,404</u>
<u>Place Making Grants:</u>		
Pappinbarra Progress Association	Photographic Exhibition	\$3516
Kendall Community Global Food Garden	Community Garden Expansion	\$2865
Liberty Domestic and Family Violence Specialist Service	Domestic Violence Walk	\$2500
	<u>Sub-total</u>	<u>\$8,881</u>
<u>Non-Council Owned Hall Grants:</u>		
Byabarra Hall and Recreational Reserve Trust	Pier Replacement	\$10,000
	<u>Sub-total</u>	<u>\$10,000</u>
<u>Band Grants:</u>		
Port Macquarie Hastings Municipal Band	Community Performances	\$10,000
Camden Haven Community Band	Community Performances	\$7100
Hastings Koalas Orchestra	Community Performances	\$5676
Hastings District Highland Pipe Band	Community Performances	\$7224
	<u>Sub-total</u>	<u>\$30,000</u>

Christmas and New Year's Eve Events:

Telegraph Point Community Assoc.	Christmas Celebration	\$1500
Camden Haven Chamber of Commerce	Christmas Celebration	\$5000
Beechwood Public School P&C	Christmas Celebration	\$3045
Wauchope Chamber of Commerce	Christmas Celebration	\$5000
Lake Cathie-Bonny Hills Lions Club	Christmas Celebration	\$2653
Long Flat Public School P&C	Christmas Celebration	\$450
Big Red Bus	Christmas Celebration	\$4815
	<u>Sub-total</u>	<u>\$22,463</u>

A further distribution of \$16,891 is recommended for Environmental grants as follows:

Environmental Grants:

Port Macquarie Landcare Group	Environmental Activities	\$10,000
Friends of Kooloonbung Creek	Environmental Activities	\$5,000
Hastings Landcare	Environmental Activities	\$1,891
	<u>Sub-total</u>	<u>\$16,891</u>

CARRIED: 7/0

FOR: Cusato, Dixon, Griffiths, Intemann, Levado, Pinson and Turner

AGAINST: Nil

Item - 12.01 Health and Education Precinct Master Plan - has been moved to another part of the document.

Councillor Alley returned to the meeting, the time being 9:09pm.

12.02 EVENT SPONSORSHIP PROGRAM ROUND 1, 2020

RESOLVED: Griffiths/Intemann

That Council pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Event Sponsorship Program Round 1, 2020 in the total amount of \$20,000 to:

Event Name & Ranking	Sponsorship \$ Recommended
1. Howling Moon Blues Festival	\$5,000
2. Fox Superflow MTB Event	\$5,000
3. Twilight Tastings Wauchope	\$2,500
4. Port Macquarie Bodyboarding Association Bodyboard Teams Event	\$2,500
5. Cycling NSW Junior Tour	\$2,500
6. Laurieton Multisport Challenge	\$2,500
Total allocated this round	\$20,000

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levado, Pinson and Turner

AGAINST: Nil

Item - 13.01 Transport Network Improvements (Including the Proposed Orbital Road Project) - 19 June 2019 Council Resolution Update Report - has been moved to another part of the document.

Item - 13.02 Notice of Motion - Revocation of Part of the Lake Innes Nature Reserve - has been moved to another part of the document.

Item - 13.03 Notice of Motion - Seeking Clarification on Lake Innes Nature Reserve from Member for Port Macquarie - has been moved to another part of the document.

Item - 13.04 Notice of Motion - Proposed Orbital Road Investigation Area - has been moved to another part of the document.

13.05 NOTICE OF MOTION - REQUEST FOR FUNDING TO SUPPLEMENT COUNCIL'S FERRY SERVICES

RESOLVED: Pinson/Griffiths

That Council request the General Manager write to State Member for Port Macquarie Leslie Williams to request her representation for a recurrent funding contribution to Council for the operation of the Settlement Point and Hibbard Ferry Services.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

13.06 NOTICE OF MOTION - WATER SECURITY

RESOLVED: Cusato/Pinson

That Council:

1. Request the General Manager Report to the December 2019 Council Meeting on water security and water availability for the Local Government Area. Within this report request the General Manager include:
 - a) Updates on investigations into water filtration systems.
 - b) Current plans (if any) to raise the dam walls.
 - c) Outline any investigations into building new water infrastructure.
2. Request the General Manager:
 - (a) Write to the NSW Minister for Water, Hon. Melinda Pavey MP, asking for information on any new funding opportunities for local government to upgrade water infrastructure.
 - (b) Write to the NSW Leader of the National Party, Hon. Member John Barilaro MP, and the NSW Member for Port Macquarie, Hon. Leslie Williams MP, to advise of Council's correspondence to the Minister attaching this report and the letter to the Minister.

CARRIED: 8/0
FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner
AGAINST: Nil

13.07 NOTICE OF MOTION - CLIMATE CHANGE POLICY / ACTION PLAN

MOTION

MOVED: Alley/Turner

That Council Request the General Manager:

1. Draft a scope for the development of a Climate Change Policy / Action Plan.
2. Consult with the Planning, Environment and Sustainability portfolio in the preparation of this draft scope for a Climate Change Policy / Action Plan.
3. Hold a Councillor briefing by February 2020 on the draft Climate Change Policy / Action Plan, once the policy / plan scope has been developed.

AMENDMENT

MOVED: Cusato/Griffiths

That Council defer the following motion:

“That Council Request the General Manager:

- 1. Draft a scope for the development of a Climate Change Policy / Action Plan.*
- 2. Consult with the Planning, Environment and Sustainability portfolio in the preparation of this draft scope for a Climate Change Policy / Action Plan.*
- 3. Hold a Councillor briefing on the draft Climate Change Policy / Action Plan, once the policy/plan scope has been developed.”*

Until it is a legislative requirement that Council is to have such strategies and action plans in place.

THE AMENDMENT WAS PUT AND CARRIED

MOVED: Cusato/Griffiths

That Council defer the following motion:

“That Council Request the General Manager:

- 1. Draft a scope for the development of a Climate Change Policy / Action Plan.*
- 2. Consult with the Planning, Environment and Sustainability portfolio in the preparation of this draft scope for a Climate Change Policy / Action Plan.*

-
3. *Hold a Councillor briefing on the draft Climate Change Policy / Action Plan, once the policy/plan scope has been developed."*

Until it is a legislative requirement that Council is to have such strategies and action plans in place.

EQUAL: 4/4
FOR: Cusato, Griffiths, Levido and Pinson
AGAINST: Alley, Dixon, Intemann and Turner
CASTING VOTE: FOR
MOTION CARRIED

THE AMENDMENT BECOMES THE MOTION:

RESOLVED: Cusato/Griffiths

That Council defer the following motion:

"That Council Request the General Manager:

- 1. Draft a scope for the development of a Climate Change Policy / Action Plan.*
- 2. Consult with the Planning, Environment and Sustainability portfolio in the preparation of this draft scope for a Climate Change Policy / Action Plan.*
- 3. Hold a Councillor briefing on the draft Climate Change Policy / Action Plan, once the policy/plan scope has been developed."*

Until it is a legislative requirement that Council is to have such strategies and action plans in place.

EQUAL: 4/4
FOR: Cusato, Griffiths, Levido and Pinson
AGAINST: Alley, Dixon, Intemann and Turner
CASTING VOTE: FOR
MOTION CARRIED

13.08 NOTICE OF MOTION - PROTECTION OF PUBLIC INFRASTRUCTURE BONDS FEE

RESOLVED: Pinson/Griffiths

That Council:

1. Request the General Manager review the Protection of Public Infrastructure Bonds fee as listed in the 2019-2020 Published Fees and Charges, including benchmarking of similar fees with neighbouring and other Group 5 Councils.
2. Request the General Manager table a report on the results of this review to the November 2019 Council meeting, noting that any subsequent change to this fee would require public exhibition.

CARRIED: 8/0
FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner
AGAINST: Nil

13.09 OCEAN DRIVE DUPLICATION PROJECT

Mayor Pinson left the meeting, the time being 9:40pm.

The Mayor vacated the Chair and the Deputy Mayor assumed the Chair.

RESOLVED: Levido/Cusato

That Council:

1. Note that the Roads & Maritime Services (RMS) - Regional Maintenance Delivery (RMD) is currently undertaking a review of the detailed designs and delivery methodology of the Ocean Drive Duplication with a view to delivering the project within the current confirmed available project funding of \$65.5M.
2. Withhold giving consideration to additional project funding sources until such time as the RMS/RMD have finalised their review of the Ocean Drive Duplication detailed design and delivery methodology, thereby providing Council with information around any funding gap.
3. Request the General Manager table a report to a future Council meeting as soon as practicable, detailing the outcomes of the RMD review for the Ocean Drive Duplication project and any likely funding impacts for Council.
4. That the General Manager forward a copy of this report and Council's recommendation to the Office of the State Member for Port Macquarie, Hon. Leslie Williams MP.

CARRIED: 7/0
FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido and Turner
AGAINST: Nil

Item - 13.10 Bold Street Laurieton Pedestrian Crossing - has been moved to another part of the document.

13.11 BIODIVERSITY STRATEGY: REPORT FOLLOWING CLOSE OF PUBLIC EXHIBITION PHASE

RESOLVED: Intemann/Turner

That Council:

1. Adopt the revised Biodiversity Management Strategy and mapping (Attachment 1).
 2. Advise those people who made a submission during the development of the Biodiversity Management Strategy of the outcome.
-

CARRIED: 7/0
FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido and Turner
AGAINST: Nil

13.12 KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT PLAN

RESOLVED: Cusato/Dixon

That Council note the information presented in the Kooloonbung Creek Flying Fox Camp Management Plan quarterly update report.

CARRIED: 7/0
FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido and Turner
AGAINST: Nil

13.13 THE BAGO TAVERN, 235 HIGH STREET, WAUCHOPE - INSPECTION REPORT RECEIVED FROM NSW FIRE & RESCUE

RESOLVED: Alley/Dixon

That Council:

1. Note the Fire Safety Inspection report, dated 5 August 2019, from NSW Fire and Rescue, as provided in Attachment 1 to this report.
2. Exercise the powers conferred on Council by the Environmental Planning and Assessment Act, 1979 (Division 9.3 and Schedule 5), to issue a Fire Safety Order to address the outstanding fire safety concerns at the premises 235 High Street, Wauchope.

CARRIED: 7/0
FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido and Turner
AGAINST: Nil

Mayor Pinson returned to the meeting, the time being 09:44pm.

The Deputy Mayor vacated the Chair and the Mayor assumed chair.

13.14 BONNY HILLS BEACH HOTEL, 1045 OCEAN DRIVE, BONNY HILLS - INSPECTION REPORT RECEIVED FROM NSW FIRE & RESCUE

RESOLVED: Cusato/Alley

That Council:

1. Note the Fire Safety Inspection report, dated 6 August 2019, from NSW Fire and Rescue, as provided in Attachment 1 to this report.
 2. Exercise the powers conferred on Council by the Environmental Planning and Assessment Act, 1979 (Division 9.3 and Schedule 5), to issue a Fire
-

Safety Order to address the outstanding fire safety concerns at the premises 1045 Ocean Drive, Bonny Hills.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

13.15 PLANNING PROPOSAL: 2019 ADMINISTRATIVE REVIEW OF PORT MACQUARIE - HASTINGS LEP 2011 (AMENDMENT NO 55) - CONSIDERATION OF SUBMISSIONS

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 9:45pm.

RESOLVED: Intemann/Griffiths

That Council:

1. Take the necessary steps under sections 3.35 and 3.36 of the Environmental Planning and Assessment Act 1979 (the Act) to finalise Port Macquarie-Hastings Council Local Environmental Plan 2011 (Amendment 55) as attached.
2. Delegate authority to the Director Strategy and Growth to make any minor amendments to the Planning Proposal in finalising the Local Environmental Plan.
3. Notify all persons who lodged submissions of the meeting outcome.

CARRIED: 7/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Pinson and Turner

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 9:45pm.

13.16 QUESTION WITH NOTICE - TREE LOPPING AND REMOVAL PROGRAM

RESOLVED: Cusato/Griffiths

That the General Manager be requested to provide a report to the October 2019 meeting of Council providing an update on the current program for public tree management in urban areas.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

13.17 QUESTION WITH NOTICE - FERAL DEER

RESOLVED: Cusato/Griffiths

That the response to the Question With Notice regarding Feral Deer be noted.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

14 ITEMS TO BE DEALT WITH BY EXCEPTION

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Dixon/Alley

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 Council in Confidential Committee of the Whole (Closed Session) on the basis that items to be considered are of a confidential nature.
2. That Council move into Confidential Committee of the Whole (Closed Session) to receive and consider the following items

Item 15.01 T-19-31 Supply and Delivery of Two (2) x 20 Tonne Track Mounted Excavators

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 15.02 T-19-29 Dunbogan Flood Access Road - Stage 1A

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 15.03 John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Council

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 15.04 General Manager's Contract, 2018-2019 Performance Review & 2019-2020 Performance Agreement

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

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

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

ADJOURN MEETING

RESOLVED: Dixon/Alley:

That the Ordinary Council Meeting adjourn at 9:48pm.

RESUME MEETING

RESOLVED: Dixon/Alley:

That the Ordinary Council Meeting resume at 10:23pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Alley/Griffiths

That the undermentioned recommendations from Confidential Committee of the Whole (Closed Session) be adopted.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

Item 15.01 T-19-31 Supply and Delivery of Two (2) x 20 Tonne Track Mounted Excavators

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.

RECOMMENDATION

That Council:

1. Accept the quotation, through Local Government Procurement, from Komatsu Australia Pty Ltd, for the purchase of two (2) 20 tonne track mounted excavators for \$577,181.00 (excl GST).
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-19-31.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

Item 15.02 T-19-29 Dunbogan Flood Access Road - Stage 1A

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.

RECOMMENDATION

That Council:

1. Accept the tender from Eire Constructions Pty Ltd for \$1,114,057.80 (exclusive of GST) for the Construction of Dunbogan Flood Access Upgrade - Stage 1A project.
2. Accept the Schedule of Rates from Eire Constructions Pty Ltd for the Construction of Dunbogan Flood Access Upgrade - Stage 1A project.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and consideration in respect of Tender T-19-29.

CARRIED: 6/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann and Turner

AGAINST: Ni

Item 15.03 John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Council

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.

RECOMMENDATION

That Council:

1. Note the legal advice provided in relation to the John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Council matter.
2. Delegate to the General Manager to negotiate settlement on Council's behalf based on the legal advice and accompanying objections following the costs assessment.

-
3. Request the General Manager to report back to Council when the matter is finalised.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

Item 15.04 General Manager's Contract, 2018-2019 Performance Review & 2019-2020 Performance Agreement

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

RECOMMENDATION

That Council:

1. Note the report from the General Manager's Performance Review Panel on the General Manager's performance in 2018-2019, which details better than satisfactory performance for the period under review.
2. Endorse the 2019-2020 Performance Agreement for the General Manager as presented by the General Manager's Performance Review Panel.
3. Accept General Manager's application for re-appointment in his letter of 3 June 2019:
 - a) That noting the high level of satisfaction with the performance of the General Manager as reflected in his 2018/19 performance review, and prior reviews, in accordance with clause 5.2 of the General Managers contract Council agrees to a new contract of employment for the General Manager, under the same terms and conditions as his current 4 year contract, for the term of 25 March 2020 to 24 March 2024, noting his current Total Remuneration Package of \$350,487.
 - b) That the Mayor be delegated authority to sign the new contract.

CARRIED: 6/2

FOR: Alley, Cusato, Dixon, Intemann, Levido and Turner

AGAINST: Griffiths and Pinson

The meeting closed at 10:24pm.

.....
Peta Pinson
Mayor

Item: 05
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, 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 general manager, 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 general manager, 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 general manager 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: 07

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

Presented by: General Manager, Craig Swift-McNair

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.

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

Item: 08**Subject: PUBLIC FORUM – MATTERS NOT ON THE AGENDA**

Residents can speak in the Public Forum - Matters Not On The Agenda of the Ordinary Council Meeting on any Council-related matter not listed on the agenda (except those items listed at clause 4.26 of the Council adopted Code of Meeting Practice).

A maximum of five speakers in the Public Forum - Matters Not On The Agenda is allowed at any one Council Meeting.

Each speaker has five minutes to address the meeting. Council has the opportunity to ask questions after each speaker has finished, but speakers cannot ask questions of Council.

If you wish to address Council in the Public Forum - Matters Not On The Agenda, you must apply to address that meeting **no later than 4.30pm on the day prior to the meeting** by completing the 'Request to Speak in Public Forum' form. This form is available at Council's offices or online at www.pmhc.nsw.gov.au.

Information for Speakers

- There is no automatic right under legislation for the public to participate in a Meeting of Council or a Committee of Council.
- For a member of the public to be considered to address Council in the Public Forum - Matters Not On The Agenda, they must agree to strictly adhere to all relevant adopted Council Codes, Policies and Procedures at all times.
- Addresses in the Public Forum - Matters Not On The Agenda will commence at 5:30pm.
- When your name is called, please proceed to the Council Table and address Council.
- Councillors may ask questions of a speaker following an address.
- Each answer, by the speaker, to a question is limited to two (2) minutes.
- A speaker cannot ask questions of Council.
- Council will not determine any matter raised in the Public Forum session, however Council may resolve to call for a future report.
- Each speaker will be allocated a maximum of five (5) minutes to address Council. This time is strictly enforced.
- If you have any documentation to support your presentation, provide 2 copies to Council by 4:30pm on the day before the Meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 4:30pm on the day before the Meeting.
- The following will **not** be considered in the public forum (in accordance with the Code of Meeting Practice, clause 4.26):
 - a submission on a proposed or pending planning proposal, development application, application to modify a development consent, application to review a determination or any related matter,
 - a submission by an applicant or objector in respect of development who made an oral submission at an on-site inspection,
 - a submission by a person on a matter on which they have made submissions at two (2) previous open forums in the same calendar year, unless otherwise approved in writing by the general manager,
 - a submission relating to a current or pending procurement, contract negotiation or dispute resolution involving the council,
 - a submission on any matter which the general manager or their delegate considers is inappropriate to be made at an open forum.
- Council accepts no responsibility for any defamatory statements made by speakers.
- Members of the public may quietly enter and leave the Meeting at any time.

Item: 09**Subject: PUBLIC FORUM – MATTERS ON THE AGENDA**

Residents can request to speak in the Public Forum of the Ordinary Council Meeting on any agenda item listed on the agenda as either:

- In support of the recommendation
- In opposition of the recommendation

A maximum of two speakers “in support of the recommendation” and two speakers “in opposition of the recommendation” are allowed on any one agenda item per Council Meeting.

Each speaker has five minutes to address the Council. Council has the opportunity to ask questions after each speaker has finished, but speakers cannot ask questions of Council.

If you wish to address Council in the Public Forum - Matters On The Agenda, you must apply to address that meeting **no later than 4.30pm on the day prior to the meeting** by completing the 'Request to Speak On Agenda Item' form. This form is available at Council's offices or online at www.pmhc.nsw.gov.au.

Information for Speakers

- There is no automatic right under legislation for the public to participate in a Meeting of Council or a Committee of Council.
- For a member of the public to be considered to address Council on an agenda item, they must agree to strictly adhere to all relevant adopted Council Codes, Policies and Procedures at all times.
- Consideration of items for which requests to address Council on an agenda item will follow the Public Forum - Matters Not On The Agenda.
- When your name is called, please proceed to the Council Table and address Council.
- Councillors may ask questions of a speaker following an address.
- Each answer, by the speaker, to a question is limited to two (2) minutes.
- A speaker cannot ask questions of Council.
- The item will then be debated by Council.
- Council will permit no more than two (2) speakers ‘in support of’ and two (2) speakers ‘in opposition of’ the recommendation on any one (1) agenda item.
- Each speaker will be allocated a maximum of five (5) minutes to address Council and this time is to be strictly enforced.
- If you have any documentation to support your presentation, please provide 2 copies to Council by 4:30pm on the day before the Meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 4:30pm on the day before the Meeting.
- Council accepts no responsibility for any defamatory statements made by speakers.
- Members of the public may quietly enter and leave the Meeting at any time.

1 Leadership and Governance

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

Item: 10.01**Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS****Presented by: Corporate Performance, Rebecca Olsen**

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

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Revive Lake Cathie Inc. Submission to PMHC 2019-2020 Operational Plan	15/05/2019 Item 09.01	Delayed due to stakeholder meetings.	DDE		Oct-19
Paragliding Activities at Bartlett's Beach - Review of Risk Management Controls	17/07/19 Item 12.01		DDE		Oct-19
Borrowing for Projects	21/08/19 Item 10.08		DCP		Oct-19
Parking Strategy Review	21/08/19 Item 13.02		DI		Oct-19
Tree Lopping and Removal Program	18/09/19 Item 13.16		DDE		Oct-19
T-19-09 Supply and Delivery of Ready Mix Concrete - post negotiations	19/06/19 Item 15.04	Still negotiating	DI	Aug-19 Oct-19	Nov-19
T-19-10 Supply and Delivery of Road Construction Materials - post negotiations	19/06/19 Item 15.05	Still negotiating	DI	Aug-19 Oct-19	Nov-19
Port Macquarie Transport Network Community Consultative Committee - Membership	21/08/19 Item 13.09	EOI to recruit members is underway	DSG	Oct-19	Nov-19
Coastal Koala Plan of Management	19/09/18 Item 12.04	Draft CKPoM under review and subject to peer review following legal advice from landowner	DSG	Oct-19	Nov-19

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Planning Proposal PP2016 – 11.1 Mission Terrace Lakewood – post exhibition	15/11/17 Item 12.06	Going back out on exhibition to public	DSG	Sep-19	Nov-19
PP: Bundaleer Aged Care - 67 High Street and 4-8 Johnstone Street, Wauchope - Gateway Determination	15/08/18 Item 12.04	Awaiting legal advice and owner's consent	DSG	Sep-18 Oct-18 Feb-19 Apr-19 May-19 Jul-19 Sep-19	Nov-19
Planning Proposal – Lot 2 DP1091253 Beach Street Bonny Hills	19/04/16 Item 12.02	Awaiting advice from proponent	DSG	Sep-19	Nov-19
Planning Proposal Request PP2011 - 9.3: The Ruins Way and South Blackwood, Port Macquarie	19/06/19 Item 13.06	Awaiting advice from proponent	DSG	Aug-19 Sep-19	Nov-19
Town Centre Master Plan Charter Review	20/06/18 Item 09.09	Still being discussed	DSG	Apr-19 May-19 Jun-19 Aug-19 Oct-19	Nov-19
Future of Committees following establishment of Cultural Steering Group	19/04/17 Item 15.05	Item is to be discussed at a future Cultural Steering Group meeting, following the adoption of the Cultural Plan	DSG	Jun-17 Jul-17 Sep-17 Oct-17 Feb-18 Apr-18 Jul-18 Sep-18 Feb-19 Apr-19 May-19	Nov-19
Proposed Orbital Road Investigation Area - impact of removing investigation area	18/09/19 Item 13.03		DI		Nov-19
Community Participation Plan 2019 - post exhibition	18/09/19 Item 10.14		DSG		Nov-19
Land Acquisition - 921 Hastings River Drive, Pembroke - Post Exhibition	12/12/18 Item 12.04	Valuation pending.	DDE	Jun-19 Aug-19 Oct-19	Dec-19
LGP EL0519 Supply of Electricity - Accepted Rates	17/07/19 Item 15.06	Local Government Procurement completing evaluations and pending Council notification.	DCP	Sep-19 Oct-19	Dec-19

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Protection of Public Infrastructure Bonds Fee	18/09/19 Item 13.08	Given the research required to prepare benchmarking of similar fees and the limited resources currently available within the Infrastructure Planning section, it is requested that this report be moved to December 2019.	DI	Nov-19	Dec-19
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/16 Item 06.02	Awaiting Catholic Parish advice	GM	Oct-18 Mar-19 Apr-19 Jul-19	Dec-19
Markets Policy and local markets	21/11/18 Item 11.03		DSG		Dec-19
Hay Street Forecourt Tuesday Real Food Market Compliance Report	20/02/19 Item 11.01		DSG		Dec-19
Council owned lots at North Shore - Progress of Sale	19/09/18 Item 09.24)	Council is currently in the process of obtaining DA's for the individual lots, prior to sale - this will provide assurance to future purchasers that the lots can be built on.	DSG		Dec-19
Proposed Primary Airport Access Road Intersection with Oxley Highway	21/08/19 Item 13.01		DI		Dec-19
Water Security	18/09/19 item 13.06		DI		Dec-19
Canal Maintenance	18/10/17 Item 12.04		DI		2018/2019 FY

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
QFPM - Enforcement of Unlawful Activity Policy - findings of review	18/07/18 Item 09.07	Policy being drafted. Awaiting further advice and discussions with Councillors.	DDE	Dec-19 Feb-19 Mar-19 Apr-19 Jun-19 Jul-19 Aug-19 Oct-19	Feb-20
2020 Ordinary Local Government Election	20/02/19 Item 09.07		DCP		Feb-20
Planning Proposal - Airport Business Park - post exhibition	17/07/19 Item 13.05	Awaiting additional information from the proponent to allow for the gateway determination to be issued.	DDE		Feb-20
Planning Proposal - Airport Business Park - draft DCP approval	17/07/19 Item 13.05	Awaiting additional information from the proponent to allow for the gateway determination to be issued.	DDE		Feb-20
JH Taylor & MJ Taylor vs PMHC - report when finalised	18/09/19 Item 15.03		DCP		Feb-20
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/18 Item 14.05		DSG		Mar-20
Port Macquarie Aquatic Facility - Progress of detailed design and Strategic Concept Plan	18/09/19 Item 11.02		DDE		Jun-20
Port Macquarie Aquatic Facility - Outcome discussions with displaced user groups of Macquarie Park	18/09/19 Item 11.02		DDE		Jun-20
Trialling Of Parklets In The Port Macquarie Town Centre	16/05/18 Item 10.02	Council is still working the relevant approvals	DSG		Aug-20
MOU - Norfolk Island Regional Council - income and expenditure administration.	20/03/19 Item 09.02		GM		Feb-21

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowwood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.	10/08/16 Item 12.01		DDE		2021 (estimate)
Ocean Drive Duplication - Outcomes of RMD Review	18/09/19 Item 13.09		DI		TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date
Mayoral Discretionary Fund Allocations	GM	Monthly	Every	
Monthly Financial Update	DCP	Monthly	Every (except July)	
Investments	DCP	Monthly	Every	
Recommendations by the Mayor's Sporting Fund Sub-Committee	DSG	Monthly	Every	
Development Activity and Assessment System Performance	DDE	Quarterly	May, Aug, Nov, Feb	
Operational Plan – Quarterly Progress	DCP	Quarterly	Nov, Feb, May, Aug	
Management of Flying-Fox Colony in Kooloonbung Creek Nature Reserve - Quarterly Progress Report (15/08/18 - Item 12.08)	DDE	Quarterly	Dec, Mar, June, Sep	
Legal Fees - Update Report (19/09/18 - Item 09.16)	DCP	Quarterly	Feb, May, Aug, Nov	
Grant Application Status Report (21/08/19 - Item 11.02)	DSG	Biannual	Feb, Aug	
Glasshouse Strategic Plan Update	DCP	Biannual	Feb, Aug	
Digital Technology Project Status (16/08/17 - Item 09.18)	DCP	Biannual	Feb, Aug	
Delivery Program – Six Monthly Progress	DCP	Biannual	Mar, Sep	
Update on Site Specific Planning Proposal Requests	DSG	Biannual	Apr, Oct	Nov-19
Mayoral and Councillor Fees (Setting of)	GM	Annually	May	
Long Term Energy Strategy – Progress	DDE	Biannual	May, Nov	
Economic Development Strategy - Progress (20/11/2013 - Item 10.03)	DSG	Biannual	May, Nov	
Performance of Property Investment Portfolio 6-Monthly (12/12/17 - Item 09.09)	DSG	Biannual	May, Nov	
Council Policy - Status	DCP	Annually	Jul	
Recreation Action Plan – Status	DDE	Annually	Jul	

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DSG	Annually	Jul	Apr-19
Local Preference Policy Outcomes	DCP	Annually	Aug	
Annual Report of the Activities of the Mayor's Sporting Fund	DSG	Annually	Sep	
Council Meeting Dates	GM	Annually	Sep	
Creation of Office - Deputy Mayor	GM	Annually	Sep	
Audit Committee Annual Report	DCP	Annually	Sep	
Annual Report of Disability Discrimination Act Action Plan	DSG	Annually	Sep	
Legislative Compliance Register	DCP	Annually	Sep	
Cultural Plan 2018 - 2021 - Implementation Progress Report (19/09/18 - Item 10.02)	DSG	Annually	Sep	
Koala Recovery Strategy Annual Report (19/09/18 - Item 12.05)	DDE	Annually	Sep	Oct-19
Annual Disclosure of Interest Returns	GM	Annually	Oct	
Council's Annual Report	DCP	Annually	Nov	
Update Report - Impact of cost shifting for the previous financial year including any additional categories of cost-shifting that have been identified (21/10/15 - Item 09.04)	DCP	Annually	Nov	
Compliments and Complaints Annual Report	DSG	Annually	Dec	

Attachments

Nil

Item: 10.02

Subject: RESIGNATION OF COUNCILLOR MIKE CUSATO

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

RECOMMENDATION

That Council request the General Manager write to the Minister for Local Government The Hon. Shelley Hancock MP, seeking application to dispense with a by-election to replace the casual vacancy left following the recent resignation of Councillor Mike Cusato, in line with Section 294 (2) of the NSW Local Government Act 1993,

Executive Summary

Councillor Mike Cusato resigned as a Councillor of Port Macquarie-Hastings Council on Monday 23 September 2019, effective immediately.

In line with Section 294 of the NSW Local Government Act 1993 (the Act), as this resignation and resultant casual vacancy falls within 18 months before the date specified for the next ordinary election of the Councillors of the area, Council may apply to the Minister for Local Government to dispense with a by-election under these circumstances.

The purpose of this report is for Council to consider seeking application to the Minister for Local Government to dispense with a by-election as a result of Councillor Mike Cusato's resignation.

Discussion

As noted above, Councillor Mike Cusato resigned as a Councillor of Port Macquarie-Hastings Council on Monday 23 September 2019, effective immediately.

As per Section 285 (b) of the NSW Local Government (General) Regulation 2005 (the Regulation), when a civic office in an area becomes vacant, the General Manager of the Council of the area is to give notice of the vacancy within 7 days to the NSW Electoral Commissioner, the Chief Executive of the Office of Local Government (OLG) and the Chief Executive Officer of Local Government NSW.

Following the resignation of Councillor Cusato, the General Manager wrote to the above-mentioned officers on Tuesday 24 September 2019, to inform them of the vacancy in civic office.

Further to the above and in line with Section 294 of the Act, as this resignation and resultant casual vacancy falls within 18 months before the date specified for the next ordinary election of the Councillors of the area, Council may apply to the Minister for Local Government to dispense with a by-election under these circumstances. Section 294 of the Act is as follows:

LOCAL GOVERNMENT ACT 1993 - SECT 294

Dispensing with by-elections

294 Dispensing with by-elections

- 1) *This section applies if a casual vacancy occurs in the office of a councillor, including a mayor elected by the electors of an area, within 18 months before the date specified for the next ordinary election of the councillors for the area.*
- 2) *If such a casual vacancy occurs in the office of a councillor (but not the office of a mayor elected by the electors), the Minister may, on the application of the council:*
 - a. *Order that the vacancy not be filled, or*
 - b. *Order the holding on a stated day of a by-election to fill the vacancy and revoke any earlier order made under paragraph (a).*
- 3) *If such a casual vacancy occurs in the office of a mayor elected by the electors, the casual vacancy is to be filled by the Governor appointing to the vacant office a councillor nominated by the council.*
- 4) *If the council does not nominate a councillor for the purposes of subsection (3), the Governor may appoint one of the councillors to the vacant office.*

On Tuesday 24 September 2019, the General Manager wrote to the Minister for Local Government seeking application to dispense with a by-election due to the fact the resignation of Councillor Cusato was within 18 months of the next ordinary election. However, under Section 377 (s) of the Act (General power of the Council to delegate), the making of an application, or the giving of a notice, to the Governor or Minister is a non-delegable function of Council. This means that Council is required to resolve to request the General Manager seek application to the Minister to dispense with a by-election, hence the purpose of this report to Council.

If Council is required to hold a by-election, then reference is made to the following Council resolution from 12 December 2018 Council meeting, where Council resolved to use the services of the NSW Electoral Commission for all elections to Council:

09.07 2020 ORDINARY LOCAL GOVERNMENT ELECTION

RESOLVED: Turner/Intemann

That Council resolve that:

- 1) *Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.*
- 2) *Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.*
- 3) *Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.*
- 4) *Request the General Manager to submit a report to the February 2019 meeting of Council detailing:*

- a. *A cost estimate provided by the Electoral Commissioner for the administration of the 2020 Ordinary Local Government Election (as in 1. above).*
- b. *A cost estimate provided by the Electoral Commissioner for the administration of a constitutional referendum (as in 3. above) held in conjunction with the 2020 Ordinary Local Government Election.*

CARRIED: 8/0

FOR: Alley, Cusato, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil

Options

Council can resolve in line with the recommendation included in this report or resolve in some other manner.

Under these circumstances, if Council chooses not to resolve in line with the recommendation included in this report, Council will likely be required to hold a by-election within 90 days of the date of the vacancy occurring.

Community Engagement & Internal Consultation

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

Internal consultation has taken place with the Director Corporate Performance and the Governance Project Officer.

Planning & Policy Implications

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

Financial & Economic Implications

There are no financial and economic implications in relation to this report. However, if Council does not resolve to seek application to the Minister to dispense with a by-election for the casual vacancy, or if the Minister does not give permission to Council to dispense with a by-election, then Council will likely be required to fund a by-election within 90 days.

The cost of such a by-election in 2019 is unknown at the time of writing this report, but as an indication of what the potential cost of a by-election might be, the by-election held in 2017 for the Mayoral vacancy cost \$310,636, of which \$289,092 was paid to the NSW Electoral Commission.

At the time of writing this report, Council officers are aware that there have been significant cost increases from the NSW Electoral Commission, so it is likely that the cost of a by-election in 2019, would be considerably higher than the above-mentioned amount. An estimate of the cost of a by-election will only be sought from the NSW Electoral Commission if the Minister does not approve an application to dispense with a by-election.

Attachments

Nil

Item: 10.03

Subject: MID NORTH COAST JOINT ORGANISATION UPDATE

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information provided in this Mid North Coast Joint Organisation Update report.

Executive Summary

The purpose of this report is to provide an update on the operation of the Mid North Coast Joint Organisation (MNCJO).

Discussion

At the 21 March 2018 Council meeting, Council resolved to join the MNCJO as per the following resolution:

09.02 JOINT ORGANISATION OF MID NORTH COAST COUNCILS

RESOLVED: Turner/Intemann

In accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (Act), Port Macquarie-Hastings Council (Council) resolves:

- 1) That the Council inform the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation in accordance with this resolution.*
- 2) To approve the inclusion of the Port Macquarie-Hastings Council's area in the Joint Organisation's area.*
- 3) That the Joint Organisation be established to cover the Council's area and any one or more of the following Council areas:*
 - Kempsey Shire Council;*
 - Nambucca Shire Council;*
 - Bellingen Shire Council;*
 - Coffs Harbour City Council;*
 - Clarence Valley Council*
- 4) That, on the expiry of a period of 28 days from the making of this resolution, the General Manager provide the Minister:*
 - a) With a copy of this resolution including the date on which Council made this resolution; and*
 - b) Inform the Minister that this resolution has not been rescinded for the purpose of the Minister issuing a certificate under section 400P of the Act.*

- 5) *That Council will provide no financial guarantee to the Joint Organisation, nor will it accept any liability for decisions made and/or debts incurred.*
- 6) *To request the Joint Organisation consider the following points in the determination of its charter:*
 - a) *That decision making occurs via consensus and that a dispute resolution mechanism be included;*
 - b) *That a primary objective of any proposed Joint Organisation is to deliver cost-savings to the member councils, and therefore the JO should not entrench excessive ongoing expense or administrative burden;*
 - c) *That the purpose and core functions of the Joint Organisation be limited to the following functions, with all other functions to be decided on a case by-case basis:*
 - i) *Strategic planning and regional priority setting;*
 - ii) *Intergovernmental collaboration and*
 - iii) *Regional leadership and advocacy*
- 7) *That any requests for financial contribution to be decided by Council resolution.*
- 8) *That agendas for meetings of the Joint Organisation be provided to PMHC Councillors prior to the meetings, and that all official business of the Joint Organisation be reported to a subsequent Ordinary Meeting of Council, including agendas, reports, and minutes of meetings.*
- 9) *That Council's decision to participate in the Joint Organisation be reviewed against the stated goals of additional investment to the region, and substantial benefit and significant cost savings to Councils, within 24 months of the commencement of the Joint Organisation.*

CARRIED: 7/2

FOR: Alley, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Cusato and Hawkins

Subsequent to the above Council resolution, Joint Organisations (JOs) in NSW were proclaimed by the Governor of NSW on 9 May 2018. The MNCJO was proclaimed as including Port Macquarie-Hastings Council (PMHC), Kempsey Shire Council (KSC) and Bellingen Shire Council (BSC), with the first MNCJO Board meeting held on 13 June 2018.

This report deals specifically with Resolution 8 detailed above in relation to providing MNCJO Board agendas, reports and minutes of meetings to Council. To this end, a report was tabled at the 19 September 2018 Council meeting detailing amongst other things, the agenda and minutes of the 13 June 2018 and 17 August 2018 MNCJO Board meetings. It is acknowledged that since September 2018 regular reporting to Council on the agendas, reports and minutes of MNCJO Board meetings has not occurred on a regular basis as required by Resolution 8 listed above, however this report provides the following MNCJO Board meeting papers by way of update:

- MNCJO Board Agenda & Minutes - 5 October 2018
- MNCJO Board Agenda & Minutes - 5 December 2018
- MNCJO Board Agenda & Minutes - 24 January 2019
- MNCJO Board Agenda & Minutes - 1 February 2019
- MNCJO Board Agenda & Minutes - 5 April 2019
- MNCJO Board Agenda & Minutes - 12 June 2019
- MNCJO Board Agenda & Minutes - 9 August 2019

All of the above mentioned agendas and minutes are attached to this report for information.

It should also be noted that all MNCJO Board agenda's and minutes are loaded onto Councils electronic document management system that is accessible to all Councillors.

By way of summary, since the proclamation of the MNCJO, the member Councils of the MNCJO have worked hard in building collaborative networks with strategic partners, such as Destination NSW, the Office of Emergency Management and Transport for NSW, plus there has been a concerted effort to investigate opportunities for regional collaborations. Some of the key achievements to date are:

- Development of the MNCJO Statement of Strategic Regional Priorities (SSRP).
- Development of the MNCJO Timber Bridge Renewal Prospectus for the purpose of seeking just over \$10 million funding from the NSW government over 3 years, to be matched by the member Councils.

This is an important initiative due to the fact that the 3 x member Councils of the MNCJO have 15% of the States ageing timber bridges between them. If the above-mentioned funding can be achieved, then 91 timber bridges will be upgraded across the 3 x Councils, which represents 42% of the total number of timber bridges across the member Councils.

This project has caught the interest of the Minister for Regional Roads & Transport, the Hon. Paul Toole MP and a meeting was recently held with senior representatives from Transport for NSW and the MNCJO in relation to this project.

- A works program workshop was recently held between all three member Councils, with General Managers, relevant Directors and Managers present to discuss and explore possible synergies and opportunities for collaborative efforts on Water, Sewerage and Road projects.
- The establishment of a network of Environmental staff across the MNCJO membership who are working towards identifying collaborative sustainability initiatives.
- The commissioning of the Centre for Local Government (CLG) at the University of Technology Sydney to design and conduct social research across the Mid-North Coast Region to find out what matters most to our individual communities, and equally, what matters across the region. This project was known as Why Local Government Matters and was reported to the 17 July 2019 Council meeting. The information gathered through this research is now being used by the member Councils to inform community planning and the suite of documents related to the integrated planning and reporting framework.
- The establishment of the Koala Recovery Partnership which seeks to improve koala conservation across the Hastings-Macleay Region by engaging with landholders, the community, research groups and government sectors to achieve better on-ground outcomes and on-going viability for the iconic and important koala species. The Partnership is a joint venture under the MNCJO,

with \$450,000 in funding from the NSW Government's Saving Our Species Program, along with funding from the Port Macquarie Koala Hospital and Port Macquarie-Hastings and Kempsey Councils. The Partnership conducts a variety of educational, scientific and on-ground projects that will contribute to protecting koalas and their habitat across the Hastings-Macleay Region. Importantly, the Partnership includes the funding of a Koala Recovery Ecologist to deliver the program over the next three years, with the Ecologist being a fixed term employee of the MNCJO.

- Discussions are continuing with the Office of Emergency Management in relation to a Regional Disaster Preparedness program, which will see a Regional Disaster Preparedness Officer place on the north coast for two years, along with a level of project funding for disaster preparedness related projects. This initiative will likely be driven by the MNCJO and include other Councils along the mid and north coasts of NSW. Final plans are currently being put in place in relation to this project, noting that this aligns with a key project in the MNCJO SSRP, around developing programs relating to community resilience.
- An MNCJO web site has now been established, which includes copies of all business papers relating to the MNCJO, all of which are available to the public.
- Following the PMHC General Manager acting as the MNCJO Executive Officer from October 2018 to June 2019, a new part time Executive Officer was appointed in April 2019, with commencement in mid-June 2019.
- Active involvement with a range of State agencies as part of the Department of Planning, Industry & Environment (DPIE) Regional Leadership Executive Meetings.
- Planning is currently underway for a Mid North Coast and Northern Rivers Joint Organisation expo to take place in Parliament House, Sydney in early 2020. This is likely to showcase local food and businesses, however plans are still in their infancy.

As demonstrated above, there have been a range of key initiatives undertaken and commenced since the proclamation of the MNCJO, however the issue of ongoing operational funding for all JO's is a topic of much conversation across NSW. Apart from the initial funding of \$300,000 granted to each JO for the initial set up etc, there has been no other ongoing operational funding made available to the JO's from the NSW government.

Having said the above, the NSW government recently announced project funding of \$150,000 per JO for projects that can demonstrate the ongoing capacity and financial sustainability of each JO. Details of which project the MNCJO will put forward under this funding program are still to be finalised and will be presented to the October 2019 MNCJO Board meeting for consideration. Whilst this funding is not ongoing operational funding, it is considered a positive step by the government in relation to assisting the JOs to become more financially viable.

The other issue of interest is that the MNJCO has continued to advocate for there to be no more JO's proclaimed along the mid north coast. This is on the back of the fact that Coffs Harbour City Council, Nambucca Shire Council and Clarence Valley Council have chosen not to join the MNCJO, but rather have been advocating to form

a new northern mid north coast JO. The position of the MNCJO has always been that a JO of 6 x member Councils as opposed to the current 3 x member Councils, would be more financially sustainable and viable into the future.

In a recent letter from the NSW Minister for Local Government, the Hon. Shelley Hancock MP, the Minister stated that there will be no more JO's formed on the mid north coast of NSW and encouraged Councils interested in forming a JO to consider joining the MNCJO. A copy of the Ministers letter is attached for information.

The MNCJO continues to work through a range of issues, projects and initiatives in an effort to bring value to the member Councils. As per the above-mentioned Council resolution from the 21 March 2018 Council meeting (in particular Resolution 9), a review of the MNCJO against the stated goals of the JO will be undertaken within 24 months of the commencement of the MNCJO. As the MNCJO commenced in June 2018, this review will take place in the first half of calendar year 2020.

Options

Council can resolve in line with the recommendation included in this report or resolve in some other manner.

Community Engagement & Internal Consultation

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

Planning & Policy Implications

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

Financial & Economic Implications

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

For interest, from 9 May 2018 to 30 June 2019 (with 9 May being the proclamation of the MNCJO), the net operating result for the MNCJO is \$319,057, noting that this is a draft result with audit for the 2018-2019 financial year yet to be finalised. For your interest and information, an extract of the draft financial statements is included in the attachment titled *MNCJO - 2018-2019 DRAFT Financials Extract*.

Attachments

- 1[View](#). MNCJO Board Agenda & Minutes - 5 October 2018
- 2[View](#). MNCJO Board Agenda & Minutes - 5 December 2018
- 3[View](#). MNCJO Board Agenda & Minutes - 1 February 2019
- 4[View](#). MNCJO Board Agenda & Minutes - 24 January 2019
- 5[View](#). MNCJO Board Agenda & Minutes - 5 April 2019
- 6[View](#). MNCJO Board Agenda & Minutes - 12 June 2019
- 7[View](#). MNCJO Board Agenda & Minutes - 9 August 2019
- 8[View](#). Letter - Minister Hancock to the MNCJO - 19 September 2019
- 9[View](#). MNCJO - 2018-2019 DRAFT Financials Extract

Item: 10.04

**Subject: NOTICE OF MOTION - FUNDING FOR THE ENVIRONMENTAL
IMPACT STATEMENT FOR THE BEACH TO BEACH SHARED
PATHWAY**

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

RECOMMENDATION

That Council request the General Manager table a report to the December 2019 Council meeting, detailing a plan to fund the Environmental Impact Statement required to progress the Beach to Beach shared pathway.

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Item: 10.05

**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 5
SEPTEMBER TO 2 OCTOBER 2019**

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the allocations from the Mayoral Discretionary Fund for the period 5 September to 2 October 2019 inclusive.

Executive Summary

To advise of the allocations made by the Mayor from the Mayoral Discretionary Fund for the period 5 September to 2 October 2019 inclusive.

Discussion

The Mayor made the following allocations from the Mayoral Discretionary Fund in the past month:

Adjustment to Donation of Glasshouse Voucher to Rollands Plains Upper Public School Photography Exhibition Fundraiser	\$50.00
Floral Wreath for September 11 Memorial Service	\$65.00
Donation of Glasshouse Vouchers to Wauchope Hockey Club fundraising raffle	\$200.00
	\$315.00

Options

This report is for noting only.

Community Engagement & Internal Consultation

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

Planning & Policy Implications

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

Financial & Economic Implications

There are no economic implications in relation to this report.

The allocations made during this reporting period are funded from the Mayoral Discretionary Fund as included in the 2019-2020 Operational Plan.

Attachments

Nil

Item: 10.06

Subject: REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR ALLEY

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.4.4 Promote the visibility and profile of Councillors through improved access by the community.

RECOMMENDATION

That Council grant leave of absence for Councillor Alley for the period 18 October 2019 to 19 November 2019.

Executive Summary

Council has received a request for leave of absence from Councillor Alley for the period 18 October 2019 to 19 November 2019.

Discussion

Council has received a request for leave of absence from Councillor Alley. The Councillor's request conforms with clause 235A of *Local Government (General) Regulation 2005*.

Councillor Alley has requested leave of absence for the period 18 October 2019 to 19 November 2019. The reason for the Councillor's request is that he will be outside of the local government area and unable to attend to official Council duties during this time.

Options

Council can:

1. Adopt the recommendation.
2. Refuse leave of absence.

Community Engagement & Internal Consultation

Internal Consultation

- General Manager.
- Director Corporate Performance.

Planning & Policy Implications

The Councillor's request conforms with clause 235A of *Local Government (General) Regulation 2005*.

Financial & Economic Implications

Nil.

Attachments

Nil

Item: 10.07

Subject: DISCLOSURES REGISTER - ANNUAL RETURNS 2018-2019

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the information in the Disclosure Register for 2018-2019.**
- 2. Determine that the following positions become a Designated Person pursuant to the provisions of Clause 4.8 of Council's Code of Conduct:**
 - a) Senior Project Manager.**
 - b) Project Manager.**

Executive Summary

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

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

Discussion

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

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

A review of Designated Persons has been completed and all disclosure returns for the period 1 July 2018 to 30 June 2019 have been lodged and will be tabled, by the General Manager, when this report is dealt with by Council.

The disclosure returns will be held in the Disclosure Register in the Governance Section of Council and, as required by Section 6 of the *Government Information (Public Access) Act 2009*, are available for public inspection, by appointment.

New Positions and Changes to Position Titles and Responsibilities

As new positions are established or position titles and responsibilities change, it is necessary to review the list of Council positions which are Designated Persons.

The following new positions should be added to the existing list of Designated Persons:

- a) Senior Project Manager.
- b) Project Manager.

Options

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

Community Engagement & Internal Consultation**Internal Consultation**

- Councillors.
- General Manager and Directors.
- Designated Persons.

Planning & Policy Implications

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

Financial & Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 10.08**Subject: BORROWING FOR PROJECTS****Presented by: Corporate Performance, Rebecca Olsen**

Alignment with Delivery Program

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

RECOMMENDATION

That the information in the Borrowing for Projects report be noted.

Executive Summary

This report details a proposal, including implications, for Council to forthwith borrow, on commercial terms, or otherwise, and raise the sum of \$25,000,000 on the basis that the funds be utilised and allocated for various capital projects for commencement during the first quarter of 2020.

There are a number of advantages to proceeding with the borrowings/projects, including taking advantage of current low interest rates and the potential positive impact on economic stimulation. However, there are also a number of financial implications which need to be carefully considered, including considerations around borrowing capacity and the impact of borrowings of Council's future cash flows and financial sustainability.

The report will outline the implications of borrowing, and provide analysis around the financial impacts. It is not the intent of this report to examine the benefits of the individual projects identified. The report will demonstrate that it is possible to borrow \$25,000,000 for the projects outlined on commercial terms and outline options to mitigate the financial impacts.

Discussion**Background**

At the Ordinary Council Meeting held on 21 August 2019, Council resolved the following:

10.08 NOTICE OF MOTION - BORROWING FOR PROJECTS

RESOLVED: *Levido/Intemann*

That the General Manager bring back a Report to Council's October 2019 meeting detailing an actual proposal, including implications, for Council to forthwith borrow, on commercial terms, or otherwise, raise the sum of \$25,000,000.00 on the basis that the loan funds so borrowed be utilised and allocated for the following project purposes on the basis that all will see commencement (being commencement of design and/or other preconstruction requirements) during the first quarter of 2020, namely:

- 1. Carry out the upgrade of Boundary Street, Port Macquarie from its intersection with Hastings River Drive to the Port Macquarie Airport entry based on current investigations and planning in an amount of \$15,000,000.00.*
- 2. Carry out upgrade works to Bril Bril Road, Rollands Plains based on prior discussions and investigations with the local community in an amount of \$6,000,000.00.*
- 3. Carry out upgrade works to The Hatch, Blackmans Point based on prior discussions and investigations with the local community in an amount of \$1,200,000.00.*
- 4. Carry out further works with respect to the "Schools to Schools" project from Kendall Public School, Kendall to Laurieton Public School, Laurieton, with reference to the existing Strategic Alignment Study and in consultation with the School to School local committee, in an amount of \$900,000.00.*
- 5. Carry out further works with respect to the "Beach 2 Beach" project from North Haven to Dunbogan, with reference to the proposed Strategic Alignment Study and in consultation with the Beach 2 Beach local committee, in an amount of \$900,000.00.*
- 6. Utilise \$1,000,000.00 with respect to undertaking investigative and/or construction works as to tidal improvements to that part of the Lake Innes and Lake Cathie Estuarine System from the Ocean Drive bridge in a westerly direction.*

CARRIED: 7/2

FOR: *Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*

AGAINST: *Griffiths and Pinson*

This report addresses the above recommendation.

Advantages of prioritising and funding capital projects

There are a range of advantages in prioritising and funding capital projects with some of these outlined below. It should be noted that these are general comments without focussing on the specific benefits of each of the listed projects.

Economic Stimulation

Delivering the abovementioned projects may provide economic stimulation. For example, during construction phases, materials and labour are required, which increases local employment and has the opportunity to assist local business in the purchase of goods and services. Such investment supports jobs growth, connects

people to their jobs, homes and communities, and supports the efficient movement of people and products in and around our region. All of this adds to growing our economy and improving the liveability of our region.

Low interest rates

Borrowing funds in the current interest rate environment would allow Council to take advantage of historically low interest rates to deliver the projects identified. Securing debt funding in a low interest market, as opposed to potentially borrowing in the future, would mean that Council could potentially avoid higher future costs of borrowing. In addition, securing low interest rate funds now may mean that existing cash reserves can be preserved in investments which are attracting a higher rate of return than the interest cost of debt.

Should borrowing be staged, (not drawn up front), in line with project delivery, future interest rates may increase. It is noted that where works are scheduled to be delivered on a staged approach, should borrowings be drawn up front, the funds will remain in reserve until required to fund the works. This means that there will be a period where the funds are not technically required, but where interest is being incurred on the borrowings. This cost will be offset to an extent by the investment revenue earned on the reserves. However unlike existing investments, new investments are likely to be made at a lower rate than the current cost of borrowing. The risk of the net cost to council would therefore need to be considered against the risk of potentially higher interest rates should the borrowings be drawn on a stages approach in the future.

Intergenerational equity principles

Intergenerational equity is the concept of fairness between generations and includes consideration of the financial impacts of decisions on future generations, as well as ensuring that the cost of services / assets provided are funded by those generations receiving the benefits of those services / assets.

Utilising debt to fund infrastructure projects and aligning repayments with the life of these assets supports the concept of intergenerational equity as in effect the generations 'paying' for the assets are those utilising and therefore gaining benefit from the assets.

Benefits of the Individual Projects

Each of the projects listed have benefits for stakeholders and the community. It is not within the scope of this report to expand on these benefits, or to comment on whether these are priority projects for Council, as this is a matter for Council to determine.

Implications of funding the projects

Notwithstanding the above-mentioned benefits, no decisions are without implications. The implications for consideration are as follows:

Capacity to borrow

Capacity to borrow refers to the amount of money available for Council to borrow based on its current financial status. Ultimately were Council to proceed with the

borrowings, the capacity to borrow would be determined by the lenders, the outcome of which would determine whether Council could borrow the proposed funds.

The debt service cover ratio (which measures the affordability of debt), may however provide an indicator of capacity to borrow. Council's long term financial planning currently projects debt service cover ratios above the Office of Local Government's benchmark of 2x on both a consolidated and general fund basis and would still be projected to remain above benchmark on a consolidated and general fund basis with the additional borrowings taken into account.

Commercial Terms

Council has approached TCorp and a local commercial bank to obtain indicative loan interest rates for the proposed borrowings, with a range of durations and at both fixed and variable rates. Council has also consulted with its investment advisors to determine what likely interest rates would be in the current market.

These approaches have indicated that Council could borrow the funds on commercial terms, with likely interest rates in an approximate range of 2% - 3.5%.

Cash flow to repay borrowings (and budget position)

Funding the projects through borrowings will impact future cash flows with additional interest and principal repayments which are currently not included in Council's long term financial planning. A borrowing of \$25,000,000 over a 20-year loan term with bi-annual repayments would incur the following approximate repayments over the next 10 years:

Interest Rate	Annual Principal Repayments	Interest Repayments 2020/21	Interest Repayments 2028/29
2%	\$1.25m	\$495k	\$295k
3.5%	\$1.25m	\$865k	\$515k

The above means that approximate annual repayments and therefore additional cash flow requirements would be:

Interest Rate	2020/21	2028/29
2%	\$1.7m	\$1.5m
3.5%	\$2.1m	\$1.8m

Council's long term financial planning, (excluding the proposed loan repayments), is currently projecting budget deficit positions up to 2022/23, returning to surplus in 2023/24 with a projected surplus of \$9.5m in 2028/29. This is due largely to existing loans reaching the end of their term and therefore a reduction in loan repayments.

The impact of the above additional cash flow requirements will result in projected budget deficit positions for the next 5 years, with a return to surplus in 2025/26. The following table outlines the major impacts:

Interest Rate	Cumulative Deficits over Next Five Years	Projected Surplus in 2028/29
2%	\$11.1m	\$7.9m
3.5%	\$12.8m	\$8.0m

The above means that additional loan repayments would result in placing additional short term pressure on future cash flows. This would need mitigation over this period.

Financial Sustainability and Impact on Ratios

In addition to the budget position noted above, an important consideration in determining the appropriateness of debt funding is the affordability of the borrowings and the impact on future financial sustainability. This can be measured through a number of key financial indicators as follows:

- *Operating Performance Ratio*: measures Council's ability to contain operating expenditure within operating revenue. This is considered to be a key measure of financial sustainability.
- *Debt Service Cover Ratio*: measures the affordability of debt held by Council.
- *Unrestricted Current Ratio*: measures Council's ability to meet short-term financial obligations as they fall due.

Council's long term financial planning is currently projecting debt service cover and unrestricted current ratios above the Office of Local Government's benchmarks, (> 2x and >1.5x respectively), on both a consolidated and general fund basis. Whilst additional interest and principal repayments will adversely impact these ratios, they are still projected to remain above benchmark.

The consolidated operating performance ratio is projected to be positive and whilst additional interest repayments will reduce this ratio, it is still projected to remain above benchmark, (>0%). The general fund is however projecting annual negative operating performance ratios moving forward and additional interest repayments will place further pressure on this position.

The following tables summarise the impacts on these financial indicators on both a consolidated and general fund basis:

With an interest rate of 2%

Fund	Ratio	2020/21		2028/29	
		Current Projection	Projection with Additional Borrowings	Current Projection	Projection with Additional Borrowings
Consolidated	Operating Performance Ratio	3.43%	3.15%	12.02%	11.89%
	Debt Service Cover Ratio	4.97	4.35	468.02	52.4
	Unrestricted Current Ratio	2.30	2.20	3.76	3.58

Fund	Ratio	2020/21		2028/29	
		Current Projection	Projection with Additional Borrowings	Current Projection	Projection with Additional Borrowings
General Fund	Operating Performance Ratio	-4.78%	-5.22%	-3.29%	-3.48%
	Debt Service Cover Ratio	3.16	2.63	215.49	24.13
	Unrestricted Current Ratio	2.11	2.02	3.50	3.34

With an interest rate of 3.5%

Fund	Ratio	2020/21		2028/29	
		Current Projection	Projection with Additional Borrowings	Current Projection	Projection with Additional Borrowings
Consolidated	Operating Performance Ratio	3.43%	2.94%	12.02%	11.80%
	Debt Service Cover Ratio	4.97	4.24	468.02	46.51
	Unrestricted Current Ratio	2.30	2.20	3.76	3.58
General Fund	Operating Performance Ratio	-4.78%	-5.55%	-3.29%	-3.62%
	Debt Service Cover Ratio	3.16	2.54	215.49	21.41
	Unrestricted Current Ratio	2.11	2.02	3.50	3.34

Potential future strategic projects

Council's forward planning has identified a number of significant strategic projects in the coming years, which may require some level of funding from borrowings. These projects include the following:

- Port Macquarie Aquatic Facility
- Hastings Regional Sporting Complex
- Thrumster Sewerage Treatment Plant
- Cowarra Dam Water Treatment / Filtration Plant

It is noted that the above projects have previously been identified as future priorities by resolutions of Council.

The above projects are significant in cost and may require borrowings. Whether borrowings are used to fund these future strategic projects or the projects identified as part of this report, there are similar considerations in relation to the impacts on future cash flows and financial sustainability. However, should these future strategic projects require borrowings on top of the \$25m for the projects identified in this

report, the cash flow requirements from these borrowings would further adversely impact the financial indicators above. Cash flow requirements could be mitigated through reprioritising expenditure and/or increasing revenue.

In addition, Council's future capacity to borrow may be limited by funding \$25m through borrowings now, although this would depend on the quantum. Should this occur, there could be a greater need to find alternate funding sources for the above future strategic projects such as grants.

Integrated Planning & Reporting

The Integrated Planning and Reporting framework recognises that council plans and policies should not exist in isolation - that they are interconnected. The framework allows NSW councils to draw their various plans together, understand how they interact and get the maximum leverage from their efforts by planning holistically and sustainably for the future.

As noted above, the priorities of Council are for Council to determine. However, should these projects be prioritised out of the Integrated Planning and Reporting annual process, then it is possible that other projects that otherwise would have been priorities for Council, will now have to be deferred. Consideration would need to be given as to whether a re-exhibition of the 2019/20 Operational Plan would be required.

Project Delivery

The projects identified have a range of delivery timeframes as outlined in the table below, noting that a reallocation of priorities could bring forward more of the programs into the current financial year:

Project	Identified Sum	FY 19/20	FY 20/21	Outer Years
Boundary Street	\$15 million	\$0 Go out to tender for detailed design in Q4.	\$500k - Commence Detailed Design	21/22 - 24/25 Complete detailed design, EIS, Acquisitions, construction planning and construction
Bril Bril Road	\$6 million	\$0	\$300k to commence design	21/22 - 24/25 Finalise design and commence construction planning inclusive of any property acquisitions, service realignments, bridges etc
The Hatch	\$1.2 million	Underway - Aiming to commence construction pre-30 June with informed design on costings	Complete Construction	N/A
Schools to Schools	\$0.9 million	\$0, noting that there is \$1.1m in the current Operational Plan	\$200k to commence detailed design on High priority areas.	21/22 - 23/24 \$200k to complete detailed design and \$500k to commence construction

Project	Identified Sum	FY 19/20	FY 20/21	Outer Years
Beach 2 Beach	\$0.9 million	\$200k could be spent on EIS and commencing Detailed Design for Remaining sections	\$300k to complete detailed design and commence construction	21/22 - construction using remaining funding/possible grants
Lake Cathie Estuarine System	\$1.0 million	Part progress - refer below		

In terms of the Lake Cathie Estuarine System, it is envisaged that the following would be undertaken, noting that this is indicative only at this stage:

- a. Develop a Coastal Management Program (CMP) for the Lake Innes/Lake Cathie Estuarine System - **\$50,000**. *This would commence in 19/20 but not completed.*
- b. Council's 50% to commence initial background studies in order to undertake the Lake Innes/Lake Cathie Estuarine System CMP as follows:
 - A digestion model of the Acid Sulphate Soil (ASS) recently uncovered as a result of a study commissioned by Council & NPWS in May 2019 - \$185,000
 - A review of 2013 Lake Innes Reversion Study - \$50,000
 - An ecological condition assessment of the saltmarsh community within Lake Innes - \$10,000.
 - Review of possible short term emergency ASS containment works - \$50,000.

The above actions are estimated to cost \$295,000. Funding can be applied for at any time with 50/50 (i.e. NSW government/other) funding available through the CMP process (i.e. NSW Coastal and Estuary Grants Program). Accordingly, Council's 50% contribution would be **\$147,500**. *This could be completed in 19/20.*

- c. Employment of an Environmental Projects Officer to undertake the Lake Innes/Lake Cathie Estuarine System CMP for a fixed term of 24 months - **\$235,000** *This would commence in the current financial year but will take 2 years to complete.*
- d. Undertake identified mitigation works **\$332,500** *This is contingent on Point 1 and Government approval.*

As can be seen from this table, most of the \$25 million total capital cost would not be required in this financial year, and would be spread across to 2023/2024. Hence, there would be two options for borrowing:

1. Borrow now and place the unspent loans in reserve pending cash flow needs. This would increase reserve balances, but lock in lower interest rates.

2. Phase borrowings in line with cash flow requirements.

Council already has an adopted capital works program of \$85.6m (excluding developer provided assets), in addition to carryover projects from the 2018-2019 financial year of \$24.8m. The actual spend on the capital works program over the last 5 years is as follows:

Year	Total Capital Spend* (\$'m)
2014/15	42.1
2015/16	70.0
2016/17	65.0
2017/18	51.8
2018/19	58.1

**Noting the above excludes developer provider assets*

Hence, based on historical capital delivery levels, the current year is already an ambitious program and adding further projects could result in a deferral of projects in the current year, and in the forward works program.

Options for Funding \$25 million in Loan Repayments

Noting the requirement for any borrowings to be repaid, and the current and projected cash flow deficit, there are a range of options for Council to consider to be able to repay the loan:

1. In recent times, service levels have been maintained. An option to fund the loan repayments would be to reduce existing services by an amount to cover the loan repayments. This would entail undertaking detailed engagement with the community to understand priorities around service type and quality of service, in order to be able to determine appropriate service levels moving forward. Resourcing of this exercise would require a re-prioritisation of current OP priorities, as the current OP does not include provisions for this work.
2. As well as maintaining service levels, funding in a number of areas has been increased over the last several years, for example footpath renewals, road maintenance, stormwater renewals, and tree maintenance. An option to fund the loan repayments would be to reduce funding in one or more of these areas, on either a temporary or permanent basis.
3. Reduction of existing budgets across the organisation which will have the effect of constraining delivery across the organisation as opposed to a single targeted service.
4. Increasing revenue, e.g. via a special rate variation.

Alternative Funding Options for the Projects

As an alternative to borrowing (whether in relation to these projects or future strategic projects), Council may consider some alternatives to borrowing to fund the projects which can reduce the cash requirement to fund the loan repayments. These may include:

1. Developer contribution funding*: an initial review has been performed on the potential availability of developer contribution funding for the abovementioned

projects. This review indicates that whilst some funding may be available, in particular for the “Schools to Schools” and “Beach 2 Beach” projects, this is not likely to be significant.

2. Reserve funding**: an initial review has been performed of the potential availability of reserve funding for the abovementioned projects. This review has indicated that significant reserve funding is not available unless Council elects to modify the priorities and commitments currently allocated to the reserves.
3. Sale of assets: Council may consider using proceeds from, for example, the sale of the Crematorium, Thrumster subdivision or general asset sales to fund the loan repayments.

**Developer contributions are a funding mechanism that permits the levying of funds from developers to provide certain public amenities or services. Council adopts contribution plans which detail how these funds will be spent. It is noted that there are a range of legislative restrictions on how these funds may be spent.*

***Council holds cash and investments in a number of reserves which ensure that funds are set aside for future projects. These reserves may have external legislative restrictions placed on them which mean that they are not available for general use. They may also have internal restrictions placed on them whereby they are held by Council for specific future purposes as determined by Council*

Proposal

Approaches to commercial lenders have indicated that Council could borrow the funds on commercial terms, with exact terms not known until finalisation of an application process.

Council would be able to borrow the funds, on commercial terms, on an upfront basis or staged approach, with terms of up to 20 years and current interest rates likely to fall within a range of approximately 2% to 3.5%. The borrowings would have a number of implications which would need to be considered.

Analysis indicates that loan repayments would result in placing short term pressure on cash flows, and longer term increased pressure on Council's operating results and future financial sustainability. These impacts could be mitigated by other measures, such as a reduction in existing budgeted expenditure, a re-prioritisation of existing services / projects and associated funding and/or an increase in revenue. Whilst the impacts are not significant for the current financial year, measures would need to be considered during the 2020/2021 operational plan development and implemented to address the impact on cash flow and operating performance.

Options

1. To proceed to borrow for the projects in the original Council resolution either:
 - a. On an upfront basis, placing unspent loan funds in reserve pending cash flow requirements or
 - b. Borrow over multiple years on a staged approach in line with project timeframes
2. Consider these projects (and associated funding) as part of the 2020/2021 Operational Plan (OP) development where all projects can be considered and

prioritised. This would entail delaying a decision now to borrow so that this could be considered in the development of the 2020/2021 OP.

Community Engagement & Internal Consultation

Consultation has taken place with the following:

- General Manager
- Executive Team
- Acting Group Manager Financial Services
- Infrastructure Division
- TCorp and a local commercial bank

Planning & Policy Implications

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

Financial & Economic Implications

The financial and economic implications in relation to this report have been detailed in the above analysis.

Attachments

Nil

Item: 10.09

Subject: LOCAL GOVERNMENT ACT AMENDMENTS - PRESCRIBED
TENDERING THRESHOLD

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Note the amendments to the *Local Government Act 1993* prescribed tendering threshold.
2. Adopt the amended Purchasing Policy, to reflect the legislative changes and administrative updates.
3. Reclassify the amended Purchasing Procedure and Tendering Procedure as internal procedures.
3. Note the staged approach for reviewing in detail and amending Council's procurement policy, and related procedures and practices.

Executive Summary

The purpose of this report is to provide a summary of the recent amendments to the *Local Government Act 1993*, in particular the increase to the prescribed tendering threshold and Council's proposed staged approach for reviewing and amending Council's procurement policy and procedures.

The amendment to the *Local Government Act 1993*, as well as research, feedback and developments in best practice provides an opportunity for council to review its procurement related policy and procedures. This will support the Council's strategic procurement objectives and aligns with Council's focus to deliver best value in the delivery of goods and services to the community.

Discussion

The *Local Government Act 1993* (LG Act) was assented to on 24 June 2019 and a number of provisions came into effect on 25 June 2019. The amendments to the LG Act include:

- The prescribed tendering threshold, below which councils do not have to undertake a competitive tendering process, has been increased from \$150,000 to \$250,000
- The threshold for contracts involving services provided by council employees at the time of entering the contract remains at \$150,000

- Councils can procure the services of pre-qualified disability employment organisations approved under the *Public Works and Procurement Act 1912*, without having to go to tender

The increased tendering threshold benefits Council by needing to conduct and manage fewer tenders and allows council to engage the supplier market much faster. It also allows greater delegation from management to procurement professionals and buyers across council.

In the last financial year, there were three tender processes that resulted in contracts awarded for values between the \$150,000 to \$250,000 threshold. In addition, there were two select tender process between this threshold and a RFQ process through an LGP panel arrangement.

Whilst providing benefits, there are some considerations which will require review into the future. These include:

- Deciding if and how Council would to make changes to financial delegations to address how to manage spend between \$150k and \$250k
- Reviewing of current procurement policies and all associated documents, then decide what changes will or will not be required to support the new tendering threshold
- Providing Council staff with further guidance and procurement training to make sure appropriate practice is being applied to higher value purchases that no longer require a tender process
- Aligning with audit reporting obligations of Council's procurement and contract management practices

To ensure that the benefits of the increased tendering threshold are realised as soon as possible, whilst managing the above considerations, a staged review and implementation of Council's procurement policy and related procedures is proposed.

It should be noted that the Purchasing Procedure and Tendering Procedures are currently Council adopted procedures. These are operational and detailed documents which should be reclassified as internal procedures. Details for tenderers are published as part of the tendering documentation. A Policy is a concise statement of governing principles, intentions and values that mandate or constrain the performance of activities undertaken to achieve Council's objectives.

The staged approach involves four broad phases as follows:

- Stage 1 - Establishing intent and increasing prescribed tender threshold
- Stage 2 - Review procurement policy, procedures and practices
- Stage 3 - Draft new procurement policy and procedures
- Stage 4 - Roll out an education process across Council

The first stage is focused on:

- Initial amendments to the Procurement Policy, Purchasing Procedure and Tendering Procedure to reflect the legislative changes; and to reclassify the procedures as internal procedures.

- Developing an internal circular to provide staff with guidance on applying the changes
- Reviewing the provision of services being provided by employees of Council for the purpose of having a clearer understanding of the impact of sect 55(30)(n)(ii) of the LG Act.

The primary purpose of this report is to seek approval to amendments made to the Procurement Policy, Purchasing Procedure and the Tendering Procedure, which are as follows, (refer also attached documents):

- an initial amendment to the tendering threshold to raise the current prescribed tendering threshold of \$150,000 to:
 - \$250,000; or
 - \$150,000 for contracts involving the provision of services where those services are at the time of entering the contract, being provided by employees of council.
- an initial amendment to the roles and responsibilities to reflect the current organisation structure
- reformatting of Procurement Policy to new template
- addition of reference to Local Preference Policy to Procurement Policy
- removal of reference to State Contracts Control Board (Smartbuy) from Purchasing Procedure

All other terms and conditions contained within the policy and procedures will remain unchanged, pending the outcomes of a detailed review. Given that the amendments to the Procurement Policy are legislative, reflect other adopted Policy provisions, or administrative amendments, it is not deemed necessary to place the Policy on public exhibition as the broad intent of the Policy has not changed.

Options

Council can resolve to adopt the amendments to the procurement policy and related procedures and note the stage approach for reviewing and amending Council's procurement policy and procedures or choose not to resolve in favour of both.

Community Engagement & Internal Consultation

Internal consultation has been undertaken with the following:

- General Manager
- Director, Corporate Performance
- Director, Development & Environment
- Director, Infrastructure
- Director, Strategy & Growth
- Acting Group Manager, Financial Services
- Strategic Procurement Manager
- Procurement Steering Group

Planning & Policy Implications

This report proposes amendments to existing procurement policies and related procedures, including:

- Procurement Policy adopted 15 May 2013 (amended by the General Manager 03 June 2014)
- Purchasing Procedure adopted 15 May 2013 (amended by the General Manager 03 June 2014)
- Tendering Procedure adopted 15 May 2013 (amended by the General Manager 03 June 2014)

Financial & Economic Implications

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

Attachments

1[View](#). Procurement Policy - Revised

2[View](#). Purchasing Procedure - Revised

3[View](#). Tendering Procedure - Revised

Item: 10.10**Subject: MONTHLY BUDGET REVIEW - SEPTEMBER 2019****Presented by: Corporate Performance, Rebecca Olsen**

Alignment with Delivery Program

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

RECOMMENDATION**That Council:**

1. **Adopt the adjustments in the "September 2019 Adjustments" section of the Monthly Budget Review – September 2019.**
2. **Amend the 2019-2020 Operational Plan to include all budget adjustments approved in this report.**

Executive Summary

This report details monthly budget adjustments recommended to be made for the month of September 2019.

The Council adopted 2019/20 budget position as at 31 August 2019 was a shortfall of \$849,721. The budget adjustments contained in this report will reduce this shortfall to \$834,938. This month's shortfall reduction is the result of a decrease in the expected Financial Assistance Grant compared to budget of \$24,217 which is offset by the removal of a project from this year's program impacting the budget favourably by \$39,000.

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 original adopted 2019-2020 budget position along with the proposed movement of funds to accommodate any changes.

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

Monthly Budget Review Summary

Original Budget as at 1 July 2019	Shortfall	(\$975,198)
Plus adjustments:		
July Review	Balanced	\$0
August Review	Surplus	\$125,477
September Review	Surplus	\$14,783
Forecast Budget Position for 30 June 2020	Shortfall	(\$834,938)

September 2019 Adjustments

The following adjustments reflect the budget adjustments included in this report that impact Council's budget position:

Item	Surplus/ Shortfall	Amount	Comment
Local Government Grants Commission, Financial Assistance Grant.	Surplus	(\$24,217)	Council received notification from the Local Government Grants Commission of the expected Financial Assistance Grant amounts for 2019/20, resulting in an unfavourable budget variance.
Hastings Hockey Fields Project	Surplus	\$39,000	Removal of funding already provided for in budget.
Total	Surplus	\$14,783	

The following adjustments reflect budget movements as a result of grant funding received, contributions, movement between projects and budget variation requests which have no impact on the budget position (for example additional income has an associated expenditure budget):

Description	Notes	Funding Source	Amount
Grant Funding	1	Grants	\$745,387
S7.11 Contributions	2	Reserve	\$3,191
Movements between Projects	3	Revenue	\$75,000
Budget Variance Requests	4	Revenue	\$661,264
Total			\$1,484,842

1. Grant Funding

Council Project	Grant Provider	Grant Funding	Other Funding*	Comment
Shared Pathway Ocean Drive (Brotherglen Drive - Pacific Hwy)	RMS	\$400,000	\$400,000	RMS funding for the construction of a shared path on Ocean Drive
Construction of Pedestrian Refuges on Ocean Drive	RMS	\$150,000	\$150,000	Grant to provide pedestrian refuges as part of Walking Communities Infrastructure
Construction of Pedestrian Refuges on the Intersection of Lake & Seymour St	RMS	\$100,000	\$100,000	Grant for the construction of pedestrian refuges, kerb extensions and kerb ramps.
Pedestrian Refuges - Gordon & Hollingworth Streets and Hayward St	RMS	\$125,000	\$125,000	Grant for the construction of pedestrian refuges, kerb extensions and kerb ramps.
Construct 17 Kerb Ramps in Port Macquarie & Wauchope	RMS	\$30,000	\$30,000	Grant to provide kerb ramps as part of Walking Communities Infrastructure
Pembroke Rd Safety Improvements	RMS	\$45,000		Additional funding under the NSW Safer Rds Program
Wauchope CBD Pedestrian Facilities	RMS	\$120,000		40km/hr Pedestrian Activity Area works as part of the Australian Govt Black Spot Program
Bago Rd Rehabilitation	RMS	\$200,000		Grant for the installation of profile edge and centre line as part of the Australian Govt Black Spot Program
Hastings Hockey Fields	DOI	(\$186,973)		Removal of funding already provided for in budget
Port Macquarie Regional Stadium	DOI	(\$237,640)		Removal of funding already provided for in budget
Total Grant Funding		\$745,387	\$805,000	

* Other funding already contained within existing budgets

2. S7.11 Contributions

Council Project	Contributions From	Amount	Other Funding	Comment
Lakeside Woods Environmental Management	S7.11	\$3,191	\$0	Adjustment to cover costs associated with the maintenance of Lakeside Woods. (funds collected under VPA)
S7.11 Contributions		\$3,191	\$0	

3. Transfer Between Projects

Transfer from	Transfer To	Amount	Comments
Airport Bio-certification strategy	Airport Bio-bank Management Actions	\$75,000	Transfer of OP action 4.2.1.06 to a separate project for ease of cost tracking.
Total Transfers Between Projects		\$75,000	

4. Budget Variation Requests (approved by Executive)

Project Name	Funding Source	Amount	Comments
Kendall Trunk Main	Reserve	\$461,026	Following design completion and pricing in September, the emergency works for the Kendall Trunk Main requires a budget adjustment. To be funded from the budget for Live Water Mains Renewals.
Wauchope Depot Clean up	Reserve	\$25,000	Additional Scope.
The Hatch Rd Upgrade	Revenue	\$50,000	Adjustment required to complete site investigations and design.
Beechwood Water Supply Upgrade	Reserve	\$125,238	Additional costs to complete Hastings River underbore and connection changes at Rosewood Reservoir.
Total Approved Budget Variations		\$661,264	

Options

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

Community Engagement & Internal Consultation

Not applicable.

Planning & Policy Implications

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

Financial & Economic Implications

The Attachment to this report contains information of each individual budget adjustment by Division and Section. The budget movements within this report decrease the budget position to a shortfall of \$834,938.

Statement by Responsible Accounting Officer

"The adopted original budget result for 2019-2020 was a shortfall of \$975,198. As of 30 September 2019, this shortfall position has decreased to a shortfall of \$834,938. This position is considered an unsatisfactory result for the year. As such, all budgets will need to be closely monitored with the view to reduce this shortfall position".

Attachments

1 [View](#). September 2019 Monthly Budget Review

Item: 10.11**Subject: INVESTMENTS - SEPTEMBER 2019****Presented by: Corporate Performance, Rebecca Olsen**

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 Report for the month of September 2019.

Executive Summary

- Total funds invested as at 30 September equals \$296,873,552.
- Interest for the month of September was \$699,364.
- The year-to-date investment income of \$2,068,924 represents 25% of the total annual investment income budget of \$8,395,000.
- Council's total investment portfolio performance for the financial year to date was 1.75% above the benchmark (2.90% against 1.15%), benchmark being the Bank Bill reference rate as at 30 September 2020.

The following outlines the significant points outlined in the attached Monthly Report as provided by Council's investment advisors:

- Council's portfolio has met compliance requirements and outperformed benchmarks during the month.
- Council introduced a Floating Rate Note (FRN) with Bendigo-Adelaide during the month.
- Further interest rate cuts are on the horizon over the next 6-12 months.
- At the end of August, AMP bank was downgraded from A- to BBB+ by ratings agency S&P. This downgrade was due to the sale of AMP's life insurance arm and the potential impacts on the group's profits going forward. There are currently no issues with Council's exposure to AMP and there is minimal risk of any Authorised Deposit-Taking Institution, (ADI), defaulting on their deposits going forward.

Discussion

Council has engaged Imperium Markets to provide both an investment management platform and investment advisory service. This decision was based on the need to provide more rigour and transparency around investment choices and to provide a sound framework to support the need for increased financial sustainability into the future.

The attached investment report and portfolio provides detailed information on the performance of council's investment portfolio.

Overview

Councils (including Port Macquarie-Hastings Council) provide a broad range of services and associated infrastructure to their communities. These services include (but are not limited to) the following:

- Water and Sewer services;
- Waste services;
- Port Macquarie Airport;
- Cemeteries;
- Roads and Bridges;
- Various Recreation and Cultural facilities.

The Port Macquarie-Hastings area is a high growth centre of the North Coast region and is expected to accommodate a significant proportion of regional growth over the next two decades. As a consequence of this growth, Council must not only provide services to the existing community and maintain existing assets, but Council must also plan for future maintenance and capital expenditure on the infrastructure that will be needed to support the community, business and visitors to the area into the future.

An independent analysis was conducted on Council's financial reserves. The review found:

- The Port Macquarie-Hastings local government area has experienced an unprecedented level of development activity. Whilst this has increased the level of reserves held through developer contributions, councils experiencing a high level of development activity require relatively high levels of reserves in order to adequately cope with the required levels of infrastructure spending.
- Council's reserve levels to be broadly appropriate and reasonable in light of Council's circumstances. In particular, that Council has successfully maintained a prudent buffer to prepare against potential financial risks associated with the predicted high development activity.

The full report is available on Council's website:

<http://www.pmhc.nsw.gov.au/About-Us/What-Council-Does/Corporate-Planning-Reporting-Budgets/Financial-Reports?BestBetMatch=financial%20reserves|cddb291-68a4-4d81-8aee-b3733958e5ca|bd0cff62-3134-4e81-9f7e-de4e65feb428|en-AU>

Current Investments

Council is required to undertake investments in accordance with section 625 of the Local Government Act 1993. This report provides details of Council's investments, and certifies that all funds that Council has invested as at 30 September 2019, comply with this Act.

All investments have been made in accordance with the Act and Regulations, and Council's Investment Policy.

As at 30 September 2019, the investments held by Council totalled \$296,873,552 and were attributed to the following funds:

General Fund	121,801,280
Waste Fund	17,702,570
Water Fund	102,700,437
Sewer Fund	53,178,959
Sanctuary Springs Fund	38,594
Broadwater	1,451,712
	<hr/>
	296,873,552

Whilst the current level of investments remains high, these largely relate to funds which have legal restrictions (for example water and sewer), or for funds held for specific purposes.

These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

Council adopted a revised investment policy in February 2019 which widened the scope of permissible investments to include Floating Rate Notes, (FRN). During the month, Council entered into a \$3m FRN with Bendigo & Adelaide Bank. As interest rates on term deposits continue to fall in a low interest rate environment, this is an important step in diversifying Council's investment portfolio. As well as providing a measure of liquidity in the investment portfolio, this will allow Council to benefit from future interest rate rises across the 5-year term.

In relation to the above, it is noted that there is a minor variance between the total investments held as per this report, (\$296,873,552), and total investments held as per Imperium's attached monthly report (\$296,873,477). This is due to the fact that Council's accounting policy treatment means that FRNs are held at amortised cost, whereas they are included at fair value in Imperium's report. This variance is not expected to be material.

Options

This is an information report.

Community Engagement & Internal Consultation

Council uses the services of an independent financial advisor, on an ongoing basis with investments. The investments placed this month were term deposits and one floating rate note (FRN). At least three quotes were obtained from financial institutions in line with Council's Investment Policy. Council obtains regular updates regarding market activities positions from various institutions.

Planning & Policy Implications

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

Financial & Economic Implications

Benchmark and budget levels have been met on a year to date basis. On an annual basis, if benchmark levels are not reached, then this may result in budget cuts in other areas to fund the shortfall.

Council's total investment portfolio performance for the financial year to date is 1.75% above the benchmark (2.90% against 1.15%) and year to-date income is 25% of the total annual budget.

It should be noted that investment income is noted as a gross amount. Section 97(5) of the Local Government Act 1993 indicates that any security deposit held with Council must be repaid with interest accrued. These security deposits will only relate to bonds held for security to make good damage done to works.

The overall investment income will be adjusted at financial year end by the total interest refunded on repayment of bonds. As Council constantly receives and refunds bonds, it is difficult to accurately determine the quantum of these refunds.

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 2005 and Council's Investment Policy.

Nicole Spencer
Responsible Accounting Officer

Attachments

1[View](#). Port Macquarie-Hastings Council Monthly Report - September 2019

2[View](#). Port Macquarie-Hastings Council Portfolio as at 30 September 2019

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: RESPONSE TO LAKE CATHIE COMMUNITY CONCERNS

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information contained in this Response to Lake Cathie Community Concerns report.

Executive Summary

At the 18 September 2019 Council Meeting, Ms Susan East addressed Council regarding reticulated water for Lake Cathie / Bonny Hills as part of the Public Forum - Matters Not on the Agenda. The address by Ms East also included a range of other issues in addition to the reticulated water issue.

At the request of Deputy Mayor Lisa Intemann, this report is tabled to present an update on the issues raised by Ms East at the September public forum address.

Discussion

As noted above, at the 18 September 2019 Council Meeting, Ms Susan East addressed Council regarding reticulated water for Lake Cathie / Bonny Hills as part of the Public Forum - Matters Not on the Agenda. The address also included a range of other issues in addition to the reticulated water issue. The address to Council was provided in writing to Council by Ms East following the Council meeting and it is that document that forms the basis for the responses included in this report. It should be noted that further to the above-mentioned address to Council, emails were received by Councillors from Ms Sue East following the 18 September 2019 Council meeting. Some of the issues raised in those emails are also addressed in this report.

A copy of the address from Ms East is attached to this report for information and context. This report generally lists the individual issues raised by Ms East (shown in italics) and then provides a response.

The Lake Cathie Bonny Hills Area 14 has been in council for in excess of 15 years, and in recent years the green light was given on the Area 14 development, why has the council taken so long in completing their responsibility with reticulated water for Area 14. Q. When was Area 14 first planned and what are the timelines around this?

At its Ordinary Meeting on 5 November 2007 Council resolved to adopt an Integrated Water Cycle Management (IWCM) approach for the Area 14 development that included the following aspects:

- Supply of **reclaimed water** to dwellings for outdoor use, toilet flushing and laundry cold water (via dual reticulation);
- Irrigation of public open space with **reclaimed water**;
- Water sensitive urban design for stormwater management.

Following the Council resolution in 2007, the Bonny Hills Wastewater Treatment Plant underwent a \$17m augmentation to improve the levels of treatment and provide a fit for purpose recycled water. This plant was commissioned in 2009.

The purple or lilac pipe was laid along the Cathie straight for the grey water to go back into the community for watering lawns, gardens, etc. although PMHC has made it compulsory for all new houses in Area 14 to have the inclusion of grey water drainage and usage, it has still not been delivered to homes in Area 14. Q. Is this compulsory and were people given a choice at the time as to whether they catered for reclaimed water or not?

Following a period of development downturn, a further Council report was tabled at the October 2015 Council Meeting where Council resolved to continue with dual reticulation.

Council obtained approval (NSW Department) for recycled water to be supplied from the Bonny Hills Wastewater treatment plant through a dual reticulation system for new residences to meet their BASIX requirements in lieu of a rainwater tank. Newly built houses therefore had the option of whether to connect to the dual reticulation system or installing a rainwater tank, noting that there are costs associated with both options i.e. if recycled water was not available residents would be required to pay for a rainwater tank, pump and plumbing.

Further to the above, provision is made for reclaimed infrastructure to be provided at the subdivision stage, however the connection to the reclaimed network is optional at the dwelling construction phase. Clause 9 of the BASIX SEPP specifically outlines that a Development Control Plan cannot override the BASIX commitments, therefore a proponent can choose a rainwater tank if they wish and many do.

Are councillors aware that these new homes, at a cost to the owners, who are community members have had to include the plumbing for the grey water collection, at a real cost to the price of their homes by approximately \$8,000.00 to \$10,000.00, but the council have not completed their responsibility to release this water to the community, however, I believe the council is nearing completion to release the grey water, but only to the Lake Cathie playing fields and the privately owned by members Port Macquarie Golf Course. Q. Have we been charging people for years for something we have not been able to deliver, plus, why is reclaimed water only going to the Lake Cathie playing fields and the PMQ golf course?

As reclaimed water was not available for initial developments, a bridging connection between the newly installed purple pipes and Councils drinking water supply was put in place. Residents have continued to be charged for the use of potable water in line

with Councils fees and charges. The future cost of reclaimed water once it is available is yet to be determined.

Council need to have this water licence! The purple/lilac water pipes were laid 15 years ago. How long does it take to get that licence. Which section of council should have applied for this when Area 14 was opened for sale? Q. What is the hold up in getting the S60 licence; when did we first apply for the licence; does it normally take this long and why have we not make representations to the local member about this?

Initial consultation with the NSW Department of Planning, Industry and Environment (DPIE) for what is known as a Section 60 approval for dual reticulation commenced in 2015 with Council submitting the documentation for the scheme. Following a number of stakeholder workshops and risk assessments with the Department, an action plan was established which outlined various requirements relating to treatment levels, infrastructure and operating methodology. The following table (from 2017) provides a summary of these actions, with the table also including an update on the status of each item:

Section	Works required	Time frame	Updated Timeframe
Treatment	Log Reduction Verification program	Completed	Completed
	Connection of HEMS line to treatment works and relay of pipe to create separate low pressure pumping system to High pressure pumps	Completed	Completed
	Purchase, installation and commissioning of new low pressure pumps	Completed	Completed
	Enhancement of Chlorine Dosing System	In Progress – December 2017	Completed
	Test and optimisation of high pressure Pumps	May 2019	Completed
Supply	Design of inlet/outlet pipes to the reservoir	Tender closed – Completion May 2018	Completed
	Construction of inlet/outlet pipe to reservoir	May 2019	May 2020 - this project was delayed due to issues with the easement and the discovery of naturally occurring asbestos which required redesign and further environmental assessment
	Reservoir Refurbishment	May 2019	Underway - connections to be made following completion of inlet/outlet mains
	Commissioning- Trial	June 2019	June 2020
Licensing	Log reduction assessment report	Completed	Completed
	3 months monitoring/ verification sampling	May 2018	Completed
	Risk Assessment Workshop	June 2018	Completed (revised workshop undertaken August 2019)
	Preparation of RW Management Plan and Submission to DPI Water	September 2018	Ongoing following the revised workshop held in August 2019. Scheduled for December 2019

Section	Works required	Time frame	Updated Timeframe
	First Review of Management Plan	Dependent on DPIE	Dependent on DPIE
	Initial Scheme Audit	Dependent on DPIE	Dependent on DPIE
	Final Scheme Audit	Dependent on DPIE	Following commissioning of infrastructure

The items in the table provided above were completed from 2015 onwards in liaison with NSW DPIE and the identified requirements of the system.

To date Council has not received approval for recycled water use, however this is anticipated to be received for irrigation in October 2019 and for dual reticulation in June 2020. While the approval process has proven to be lengthy and very risk averse, the reality is that the infrastructure (pipelines etc.) has not been available to supply the sites with recycled water.

Reclaimed water will be able to be delivered to the Lake Cathie Sporting Fields and Port Macquarie Golf Course initially (October 2019) via pressure pumps located at the Bonny Hills Wastewater Treatment Plant.

The residential supply for dual reticulation to Area 14 will not be able to be supplied via pressure pumps due to the potential of blackouts and mechanical failure that would lead to direct loss of water supply and as such will require a gravity supply. Recycled water supply to Area 14 requires the construction of water mains and conversion of Grants Head reservoir from a drinking water reservoir to a recycled water reservoir. This is scheduled for commissioning in June 2020. Once the infrastructure has been completed a final audit of the scheme will allow Section 60 approval to be granted for dual reticulation and supply can then commence.

Also, during the elections earlier this year, this council was complacent in pushing for funding from either State or Federal Government, always referring to the fact that NO project is shovel ready.... WHY NOT.

Council is unable to verify that the above statement is factually based. Council prepared lists of projects suitable for election commitments at a State and Federal level back in 2018 and these were provided to the sitting members of Parliament, with several conversations being had prior to the State and Federal elections around such funding opportunities.

One of the issues every Council needs to manage when it comes to election commitment funding or grant funding in general is that the majority of funding that is made available to Councils is for projects that are shovel-ready - which means the projects have to be close to being able to be commenced. This presents enormous financial challenges for Councils as it means that Councils (meaning ratepayers) often need to fund all up front investigations and pre-construction works including concept designs and detailed designs etc, with little or no grant funding available for these critical phases of a project. These costs can be into the hundreds of thousands of dollars for one project, let alone a suite of projects such as Council delivers on an annual basis. This also assumes that the priorities for funding from the State & Federal government aligns with Council priorities and those of the local community as determined annually through the development of the annual Operational Plan.

What about the revetment wall. Why hasn't the revetment wall at Lake Cathie been started and completed. How long ago was it that council made a decision to cut the facilities from the homes on Illaroo Drive, only to find out council were outside of their jurisdiction to do this. Just build the revetment wall for crying out loud

In relation to the homes in Illaroo Drive, Council is not aware of the cutting of any facilities and therefore cannot respond more fully to this claim.

With regard to the revetment wall, the main component of the Lake Cathie Coastal Zone Management Plan (2016) is the construction of a revetment wall with beach nourishment adjacent to Illaroo Road. A detailed design of a rock revetment wall was completed in 2015 with an estimated construction cost of \$8.1M. The NSW Minister for the Environment certified the Lake Cathie Coastal Zone Management Plan in January 2017 and requested that a 'workable Funding Model' be completed and in 2017, Council commenced work on a Funding Model.

In early 2018 it became apparent the 2015 Cost Benefit Analysis prepared by the NSW Office of Environment and Heritage (OEH) was not suitable and a new Cost Benefit Analysis was commissioned in mid-2018. A draft Cost Benefit Analysis is currently being reviewed by the OEH (their Economics team) with a final Cost Benefit Analysis expected in late 2019. Work on the Funding Model can then proceed with a draft Funding Model expected in the first half of 2020.

It should be noted that there are no construction timelines around the revetment wall at this stage.

Recently 2 of our councillors attended a conference to inform them the best way to have a happy community was to listen to them, so where is it going so wrong in this LGA, who isn't listening, or who isn't speaking up for our community.

At the time of writing this report, we are unable to confirm what the above statement is referring to. Most recently, Councillors Hawkins and Turner attended a Smart Cities conference in Melbourne at the end of May 2019. A report on attendance at this conference was tabled at the 17 July 2019 Council meeting.

Do the councillors know that Lake Cathie has some of the highest rates in the PMHC LGA!, possibly in NSW, our footpaths, gutter and drainage leave a lot to be desired, let alone anything to do with our poor lake system. The rate payers that live on the lake pay over \$1000.00 per annum more than one street back, which is due to our beautiful lake views, well at the moment we only have sand flats and swamp to look at so why hasn't the council decreased the rates for resident around the lake until such time as this is rectified?????

Properties fronting Lake Cathie do pay higher rates. The base rate and rate in the dollar component of their total rates are consistent with those of the area. The higher rates are driven specifically by higher land values which are calculated by the NSW Valuer General, noting that Council has no control over this. The Valuer General's calculation of land value takes into account a number of factors and may include specific views or if the land is on coastal frontage.

As our elected councillors can't you see why the community are feed up and frustrated when the staff come up with new projects like the skate park in Lake Cathie, the orbital road in Port when they haven't delivered projects like the

revetment wall in Cathie, the reticulated water for Area 14 that commenced well over 12 years ago, and I haven't even discussed Sovereign Hills/Thrupster area, let alone a pedestrian crossing in Laurieton going where the staff recommend.

There appears to be some confusion as to how projects are approved to proceed. All projects mentioned above and in fact all key projects of Council are the subject of formal Council resolutions. It is the resolutions of Council that the General Manager and in turn the Council staff must implement. In relation to the Lake Cathie skate park, please see the following comments:

The Skate Park was adopted by Council as part of the Lake Cathie Master Plan at the February 2018 Council Meeting. Prior to the adoption of the Master Plan, extensive community engagement was undertaken on the Master Plan, which included the skate park, noting that there were several steps aimed at maximising the opportunities for the public to participate and engage with the proposals and comment on the plans. Following is a snapshot of the engagement undertaken in relation to the Master Plan:

Stage	Action	Date
Stage 1	Postcard Campaign	21 Aug – 14 Sept 2017
Stage 2	Community Think Tank Team (Community Forum)	18 Sept – 21 Oct 2017
Stage 3	Master Plan Development and whole community engagement	25 Sept – 2 Nov 2017
Stage 4	Refine the Master Plan based on community feedback	Nov 2017 - Feb 2018
Stage 5	Final Draft – Public Exhibition	Feb - Mar 2018

A total of 1082 submissions were received through Stages 1 to 4 as follows:

Stage	Submissions
1	392
2	19 community representatives
3	295 dot-ocracy participants 1000 visits on the day of the engagement
4	376 submissions including 64 submissions and 312 across various petitions

The proposed Orbital Road has been the subject of several Council reports and Council resolutions previously and is not discussed further in this report, other than to say that the proposed Orbital Road forms part of Council's future transport network planning and as a project, it is not undertaken in competition with other current projects, but in addition to them.

For information relating to the revetment wall and reticulated water, please refer to the earlier discussions in this report. The Bold St Laurieton pedestrian crossing was

recently the subject of several reports to Council, with Council resolving on a location for the crossing at the 18 September 2019 Council meeting.

Further to the above, it is important to explain what the role of a Councillor is in NSW local government. Section 232 of the NSW Local Government Act (the Act) states the following:

232 The role of a councillor

- (1) The role of a councillor is as follows:
 - (a) to be an active and contributing member of the governing body,
 - (b) to make considered and well informed decisions as a member of the governing body,
 - (c) to participate in the development of the integrated planning and reporting framework,
 - (d) to represent the collective interests of residents, ratepayers and the local community,
 - (e) to facilitate communication between the local community and the governing body,
 - (f) to uphold and represent accurately the policies and decisions of the governing body,
 - (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- (2) A councillor is accountable to the local community for the performance of the council.

In line with the above, Councillors make decisions via formal resolutions of Council, based on a range of information before them. As stated in the Act. Councillors need to balance the collective interests of residents when undertaking their role and for a growing regional centre such as the Port Macquarie-Hastings (with some 87 townships across the local government area), balancing the interests and priorities of the entire community is a constant challenge. There is always pressure on Council resources e.g. financial and human, to be able to achieve everything the Councillors and the community want to achieve. However, we continue to encourage residents to participate in the development of the annual Operational Plan, which is the key plan that Councillors consider and adopt each year that includes projects, actions and priorities that Council is wishing to achieve in any given financial year.

It is also important to note that one of the key legislative roles of the General Manager is to implement lawful resolutions of Council. This means that if Council has resolved to undertake a particular project or action, then it is the General Managers role to implement that in as timely a manner as possible, noting that some projects take several years to come to fruition.

Options

As this report is for noting only, Council can resolve in line with the recommendation included in this report, or resolve in some other manner.

Community Engagement & Internal Consultation

There has been no community engagement in relation to the drafting of this report. Internal consultation took place with the General Manager and Directors.

Planning & Policy Implications

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

Financial & Economic Implications

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

Attachments

- 1 [View](#). Address by Ms Sue East - PMHC Meeting re Reticulated Water etc
18.09.2019

Item: 11.02

Subject: RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND
SUB-COMMITTEE - SEPTEMBER 2019

Presented by: Strategy and Growth, Jeffery Sharp

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, pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Mayor's Sporting Fund as follows:

1. That Madelaine Goodridge receive \$350.00 to assist with the expenses she will have incurred travelling to and competing at the NSW Combined High Schools Track and Field Championships at Sydney Olympic Park from 4 - 6 September inclusive.

Executive Summary

The Mayor's Sporting Fund Sub-Committee met on 19 September 2019, reached consensus on Item 08 (attached), and submits the above recommendation for Council's approval.

Attachments

- 1 [View](#). Extract - MSF Meeting Minutes - September 2019

Item: 11.03

Subject: BONNY HILLS COMMUNITY PLAN

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Endorse the Bonny Hills Community Plan.**
- 2. Note the information contained within the Developing a Community Plan for Bonny Hills Engagement Report.**
- 3. Note the goals and actions identified for the Bonny Hills community as outlined in the Action Plan, for consideration in future Operational Plans.**

Executive Summary

Port Macquarie-Hastings Council (PMHC) initiated the Community Planning process in mid-2018 with a clear mandate to work collaboratively with our communities to develop and deliver community plans with a focus on improving the liveability, service provision and economic development for towns and villages across the LGA.

Council's Community Plans, along with the Urban Growth Management Strategy (UGMS) and Local Strategic Planning Statement (under development) will be critical to Council's ability to plan for growth in new and existing communities whilst recognising and enhancing local character ensuring that the places we plan today become the much-loved places of the future.

The Community Plans are designed to identify each community's vision, priorities and actions to achieve positive change, whilst recognising the unique qualities of each community and the challenges posed by significant forecast growth. The Plans will enable Council to better assess these priorities across the entire LGA and assist communities to deliver projects that they have identified as priorities for their community.

Bonny Hills was initially identified as a 'pilot project' owing to its manageable size, the number of community-based projects under discussion and the good working relationship between Council and the Bonny Hills Progress Association.

The Bonny Hills Community Plan is the first Community Plan (in the revised format) to be put before Council for endorsement. Community Plans for an additional three communities are currently available for input from the community and will be presented to Council in November.

DiscussionBackground

Community Plans are a concept of community-based strategic visioning and capacity building that have been around in various forms for decades. Local governments across NSW and Australia are increasingly embarking on a community planning process to:

- capture the priorities a community has identified as important to their strong and sustainable future;
- promote sustainable communities and neighbourhoods;
- better align community projects and vision with government processes and vice-versa.

Additionally, community planning fosters community resilience and capacity building; and enhances a community's capacity to coordinate service delivery, maintain their spaces, and invest in revitalisation initiatives that are of importance to them.

The community planning process also reflects recent changes in the Environmental Planning and Assessment Amendment Act that fosters greater community participation in the planning process, particularly around how communities and urban environments might change over time.

By leveraging place-based and design-led approaches, these changes seek to build on the valued characteristics of existing neighbourhoods and places. They also recognise and champion the important role communities play in defining existing character and shaping a desired future character for their local area. Community planning also helps communities to better familiarise themselves with and understand Council and government processes and helps to align community projects and expectations with broader government initiatives.

Four Tranches have been identified for the Community Planning Process as follows:

Tranche 1	Tranche 2	Tranche 3	Tranche 4 *
Bonny Hills	Lake Cathie	Wauchope	PMQ CBD Town Beach Eastport
North Shore	Rollands Plains Telegraph Pt	Huntingdon Long Flat	New Canals Settlement Pt
Laurieton Dunbogan	Pappinbarra Hollisdale	Beechwood Pembroke	Old Canals Hastings River Dr Westport Clifton
Kew Kendall Lorne			Central Spine incl. Hastings Hill St Granite St Kennedy Drive Lake Road

Tranche 1	Tranche 2	Tranche 3	Tranche 4 *
Comboyne Byabarra			Lighthouse Transit Hill Emerald Downs
			Innes Lake Thrumster
			Flynn's Beach Shelley Beach

* The table shows current community allocations for Tranche 4. These may change and be conducted in parallel with the Community Strategic Plan engagement.

Community Planning consists of 4 stages for each tranche:

- Planning
- Community Engagement (Community Think Tanks)
- Plan Development (Implementation of CCATs)
- Delivery of Actions (Ongoing)

The Bonny Hills Community Plan has been developed as a result of former community engagements over the period November 2017 (as part of ECWOC Workshops) - September 2019 (Community Planning implementation).

Over the past 12 months, the Bonny Hills Community-Council Action Team (CCAT) further refined and redeveloped the original Draft Community Plan which was presented in August 2018 endorsed by Council in September 2018 with the Council resolution being as follows:

Ordinary Council Meeting 15 August 2018:

10.02 BONNY HILLS COMMUNITY PLAN

RESOLVED: *Intemann/Griffiths*

That Council:

1. *Defer consideration of this item.*
2. *In view of the involvement of the Bonny Hills Progress Association to date, request the General Manager undertake further engagement with the Association on the draft plan and improvements to the community plan process.*
3. *Receive a further report to consider the draft plan at the September 2018 Council Meeting.*

CARRIED: 8/0

FOR: *Alley, Cusato, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner*

AGAINST: *Nil*

Ordinary Council Meeting 19 September 2018:

09.22 BONNY HILLS COMMUNITY PLAN

Mr John Drinan, Bonny Hills Progress Association, addressed Council in support of the recommendation.

RESOLVED: *Dixon/Alley*

That Council:

1. *Note the information contained within the Bonny Hills Community Plan – Results of Community Engagement Report.*

2. *Endorse the Draft Bonny Hills Community Plan and establish a Community-Council Action Team to drive the development of the plan.*
3. *Note the future approach to Community Plans.*

Outcomes

The Bonny Hills Community Plan identifies the key assets in the community including open spaces, community groups and events, and natural landscapes. It also identifies the current character and aesthetic of the village.

At the initial engagement workshops, the Bonny Hills community members were asked to develop a series of themes and actions that they saw as important to their community. Throughout the engagement process and together with the CCAT these actions have been refined and prioritised as detailed below and in the Community Plan (attached):

Goal 1: Maintain and enhance village character

OBJECTIVE 1.1: TO REVIEW AND UPDATE 2012 RESERVES MASTER PLAN, INCLUDING ALL RESERVES AND LINKAGES BETWEEN THEM	
Action 1	Identify methods, resources and deliver an updated Master Plan with final recommendations following community consultation (Target May 2020)
Action 2	Execute recommendations from the Master Plan according to the timetable, including annual review of progress over an agreed timetable
OBJECTIVE 1.2: TO IDENTIFY AND UNDERTAKE ADDITIONAL WORKS TO ENHANCE THE VILLAGE CHARACTER OF BONNY HILLS	
Action 1	Specify the deficiencies in the Gateway entrances to Bonny Hills including gravel stockpiles, and explore possible solutions for discussion with Council and inclusion of remedial actions in 2020/21 and subsequent Operational Plans (Target February 2020)
Action 2	Upgrade the viewing area around Grants Head Reservoir off Skyline Place
Action 3	Install a mural on the Rainbow Beach Reserve amenities block as part of an initiative to promote better artwork and minimise graffiti tagging by October 2019
Action 4	Identify initiatives that will maintain and enhance the integrity of the beaches in Bonny Hills in the face of the increasing pressures from nature and man (Target June 2020)

Goal 2: Maintain the natural environment

TO UNDERTAKE ENVIRONMENTAL ASSESSMENTS OF THE AREA WEST OF OCEAN DRIVE, AND THE NATURE RESERVES AROUND BONNY HILLS, AND SALTWATER CREEK AND DUCHESS CREEK RIPERIAN ZONES TO DETERMINE OWNERSHIP, BIODIVERSITY STATUS, NEEDS FOR CONSERVATION AND REMEDIATION AND THE INTEGRITY OF WILDLIFE CORRIDORS	
Action 1	Utilise existing biodiversity maps [basis of Council's Biodiversity Strategy] and local expertise and knowledge as a 'first pass' assessment of the status of Bonny Hills' native flora and fauna resources (Target March 2020)
Action 2	Make recommendations about areas warranting conservation or remediation and the likely resources required to execute proposed actions (Target March 2020)
Action 3	Examine the current hazard reduction burning regime for bushland around Bonny Hills with the aims of determining its adequacy for safety purposes and its appropriateness for maintaining flora and fauna (Target June 2020)

Goal 3: Ensure safe access and movement of people around and through the community

OBJECTIVE 3.1: TO ENSURE SAFE PEDESTRIAN AND CYCLE LINKS THROUGHOUT BONNY HILLS AND TO NEIGHBOURING COMMUNITIES	
Action 1	Conduct a preliminary audit of pathways within Bonny Hills and identify priorities for consideration in Council's 2020/21 Operational Plan
Action 2	Revisit and refine the preliminary audit of internal pathways (both walking and cycling), including adequacy of lighting and signage accessibility, and identify the order of priorities for consideration in subsequent Operational Plans (Target November 2019)
Action 3	Repair pathway and install signage on the Bonny Hills to North Haven walking track (Target June 2020)
Action 4	Investigate the opportunity to construct a new walkway and cycleway connecting the communities Lake Cathie, Bonny Hills and North Haven
OBJECTIVE 3.2: TO ENSURE SAFE ROADWAYS THROUGHOUT BONNY HILLS FOR PEOPLE AND WILDLIFE (NOTE THAT OCEAN DRIVE ELEMENTS SHOULD BE CONSIDERED AS PART OF THE OCEAN DRIVE CORRIDOR PLAN MR600/MR538)	
Action 1	Continue to develop the Ocean Drive Corridor Plan (Project MR 600/MR 538: Providing an Ocean Drive Upgrade Design)
Action 2	Sequence the priorities identified in Action 1 for inclusion in subsequent Operational Plans

Action 3	Identify solutions to traffic and parking issues in Jungarra Cr relating to patronage of the medical centre (Target November 2019)
Action 4	Identify and prioritise secondary road issues in Bonny Hills for presentation to Council (Target June 2020)
Action 5	Settle the issue raised by community members of a Bonny Hills bypass by requesting information on the assessed need/feasibility/cost and from this the likelihood and estimated time frame for implementation (Target June 2021)

Goal 4: Manage future growth to ensure that the inclusive nature of the community is not lost

OBJECTIVE 4.1: TO ENSURE FUTURE GROWTH IS ALIGNED WITH THE NATURAL AND BUILT ENVIRONMENTS	
Action 1	Examine Council's Urban Growth Management Strategy and other relevant documents to identify possible issues regarding Council's plans for future growth in and around Bonny Hills (Target December 2020)
Action 2	Light industry location and management - request immediate participation by CCAT in Council's current planning for this facility
Action 3	Options for future use of the quarry site beyond its current life to be explored [following confirmation of expected lifespan] (Target March 2021)
Action 4	Assess the adequacy of meeting and performance room facilities in and around Bonny Hills and the options to remedy deficiencies with recommendations identified (Target May 2020)
Action 5	Council to investigate modes of communication that better inform the community about issues of importance to them including existing practice, rules, regulations, progress of actions and what lies outside of Council control (Target June 2020)
Action 6	Determine the extent of NBN and mobile blackspots around Bonny Hills and if necessary, advocate for remedial action (Target November 2019)
Action 7	Identify opportunities to reduce Bonny Hills carbon footprint by leveraging Council, State and Community initiatives, initially by 31 March 2020 and ongoing thereafter

Options

Council can resolve in line with the recommendation included in this report or resolve in some other manner.

Community Engagement & Internal Consultation

The Bonny Hills Community Plan has been developed following extensive community consultation including:

- Three Council-coordinated workshops, attended by a total of over 100 community members, to identify and prioritise values, issues and opportunities;
- Interim meetings between Bonny Hills Progress Association executive members and Council officers to advance the process;
- A Family Day at Rainbow Beach Reserve to seek wider views, sponsored by Council;
- An online survey on Council's Have Your Say website;
- Production of a DRAFT Community Plan for endorsement by Councillors in September 2018;
- Formation of a Bonny Hills Community-Council Action Team (CCAT) in December 2018;
- Bonny Hills CCAT monthly meetings to further develop the Community Plan.
- Feedback sought from the wider Bonny Hills Community during a 28-day public exhibition period from 26 August 2019 until 15 September 2019.

Below is a summary of the submissions and a response/comment following consideration by the CCAT. Further details of the submissions are contained in the Engagement Report (attached).

Submission		Issue
1.	Sue Beiboer	Encouraged by the Plan particularly the protection of native flora and fauna. Asked for consideration of community gardens in the area to help address social isolation and mental health issues.
	Response/Comment:	Noted. The establishment of community garden/(s) has been added to the list of identified actions for consideration in the Bonny Hills Reserves Master Plan review.
2.	Anonymous	Better management of cats to protect flora and fauna. Bike path/lane between Lake Cathie and North Haven. Planting of endemic trees.
	Response/Comment:	Noted. Investigation of better connections between neighbouring villages has been included as an additional action (Action 4 under Objective 3.1). Native planting to be considered in the Bonny Hills Reserves Master Plan review.
3.	John & Elizabeth O'Rafferty	Support of the Plan particularly with respect to maintaining the character of the area. Request for consideration of an aquatic facility in Bonny Hills.
	Response/Comment:	Noted. Port Macquarie-Hastings Council is committed to providing a new aquatic facility to meet the needs of the whole community for the next 50 years. At the 18 September Council Meeting, Macquarie Park was confirmed as the preferred site for the new aquatic facility. A Strategic Concept will be developed over the coming months, followed by Detailed Design, with further community engagement to take place at each stage of the project.

Submission		Issue
4.	Bill Shelley	Submission providing feedback concerning signage, playground and footpath safety, seating.
	Response/ Comment:	Noted. Comments submitted have been added to the list of identified actions for consideration in the Bonny Hills Reserves Master Plan review.
5.	Nicole Marchment	Submission provided suggestion of bike track connection to Laurieton, playground upgrade and amenities upgrades.
	Response/ Comment:	Noted. Investigation of better connections between neighbouring villages has been included as an additional action (Action 4 under Objective 3.1). Suggested improvement to amenities have been added to the list of identified actions for consideration in of the Bonny Hills Master Plan review.
6.	Greg & Tammy Hickey	Important to preserve Bonny Hills as a village in its own right. Importance of addressing cycleways and footpaths. Development of industrial area not to be intrusive. Links to Lake Cathie important. Pedestrian access crossing Panorama Drive. Improvement in maintenance schedule of parks and gardens. Plan to create a central village hub. Improvements to amenities in reserves.
	Response/ Comment:	Noted. Investigation of better connections between neighbouring villages has been included as an additional action (Action 4 under Objective 3.1). Suggested improvement to amenities have been added to the list of identified actions for consideration in of the Bonny Hills Master Plan review. Pedestrian movements and safe across Ocean Drive to be considered under Action 1, Objectives 3.2 (Ocean Drive Corridor Review).

Planning & Policy Implications

Community Planning has actions in the 19/20 Operational Plan:

- 1.1.2.2 – Work with the community to write and implement place-based community plans
- 1.1.2.3 – Deliver the Community Planning Program.

Outcomes from the Bonny Hills Community Plan will need to be considered for inclusion in future Delivery & Operational Plans through the inclusion in draft plans exhibited or via submissions and support tot Community Plan projects from the Bonny Hills CCAT or community members.

Financial & Economic Implications

The following actions outlined in the Bonny Hills Community Plan have been included in the 2019/20 Operational Plan:

- Review of the Bonny Hills Reserves Master Plan
- North Haven Beach Reserve – Upgrade of North Haven to Bonny Hills walkway - allocated budget \$104,000
- Stormwater Remediation Panorama Drive Bonny Hills – Detailed Designs of remedial options - allocated budget \$95,000
- Investigate the capacity of land at the intersection of Ocean Drive with Houston Mitchell Drive for light industrial use and at the intersection of Ocean Drive with Bonny View Drive for light industrial development or for use as a school

No further funding to-date has been allocated to deliver the actions identified in the Community Plan.

With the development of this and future Community Plans, it is important to highlight the shared responsibility and opportunity to develop projects within the plans either via Council's future Operational Plans or via community groups seeking funding or community groups completing projects on a volunteered basis.

Attachments

[1View](#). Bonny Hills Community Plan

[2View](#). Community Views - Appendix to Bonny Hills Community Plan

[3View](#). Engagement Report - Developing a Community Plan for Bonny Hills

Item: 11.04

Subject: RECREATION ACTION PLAN 2017-2025 UPDATE

Presented by: Development 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. **Note progress achieved to date in implementing the Recreation Action Plan 2017-2025.**
2. **Endorse the updated Recreation Action Plan 2019-2025 for implementation.**
3. **Request the General Manager to publically notify the community of the updated Recreation Action Plan 2019-2025.**

Executive Summary

The original Recreation Action Plan was developed using information from the Recreation Needs Study (produced by ROSS Planning in 2014), as well as consultation with the community, land managers, government agencies and other organisations with an interest in sport and recreation.

The purpose of the Plan was to outline sport and recreation project priorities for future implementation. These were determined over a ten year annual program to ensure the current and future needs of sport and recreation in the Port Macquarie - Hastings were met. Projects that remain outstanding have been integrated into an updated Plan.

The purpose of this report is to inform Council of key actions within the Recreation Action Plan that have commenced or been completed since July 2017, and to present an updated Recreation Action Plan to Council for consideration.

Discussion

A significant number of Recreation Action Plan 2017-2025 (**Attachment 1**) Priority Actions have commenced or been completed, as outlined in the table below:

Facility	Project Detail	Project Status	Recreation Action Plan 2017-2025 Priority
Camden Haven River Recreational Boating Improvements	Dunbogan Reserve Boat Ramp upgrade – Construction	Complete	Immediate Priority (2017/18)
	Bruce Porter Reserve Boat Ramp Upgrade – Detailed design and construction	Complete	
Foreshore Reserve, Lake Cathie	Develop Master Plan	Complete	Immediate Priority (2017/18)
Flynn's Beach, Port Macquarie	Develop Master Plan	Complete	Immediate Priority (2017/18)
Lank Bain Sports Complex, Wauchope	Provide new sports field flood lighting	Complete	Immediate Priority (2017/18)
Oxley Oval, Port Macquarie	Provide new sports field flood lighting	Complete	Immediate Priority (2017/18)
Port Macquarie Coastal Walk	Complete Master Plan	Complete	Immediate Priority (2017/18)
	Commence upgrade of prioritised sections of the walk	Commenced	
Rocks Ferry Reserve, Wauchope	River bank revetment wall – Construction	Complete - Stage 1 works included the extension of the rock revetment wall upstream to address significant erosion issues.	Immediate Priority (2017/18)
		Commenced - Stage 2 works, being topping up of the existing rock revetment wall, will be completed this financial year.	

Facility	Project Detail	Project Status	Recreation Action Plan 2017-2025 Priority
Rocks Ferry Reserve, Wauchope	Install floating recreational boating pontoon	Complete	Immediate Priority (2017/18)
Wauchope Pool Upgrade	Stage 2 Construction	Complete	Immediate Priority (2017/18)
Westport Park, Port Macquarie	Riverwall and Promenade upgrade – design and construct	Complete	Immediate Priority (2017/18)
Port Macquarie Pool upgrade	Develop a strategic concept plan for Port Macquarie Pool including the site selection process	Site selection process complete. Commenced - Detailed design process, including development of strategic concept plan, is underway.	Immediate Priority (2017/18)
Hastings Regional Sports Fields, Wauchope	Detailed design and commence construction	Commenced - Detailed design nearing 80% completion.	Immediate Priority (2017/18)
Thrumster Sports Fields	Detailed design and approvals	Commenced - Detailed design process underway.	Immediate Priority (2017/18)
Hastings River, Port Macquarie - new recreational boating facility	Detailed design and approvals	Commenced - Detailed design process underway.	Immediate Priority (2017/18)
Hastings Regional Sports Fields, Wauchope	Continue construction	Service relocation is scheduled to commence during 2020.	Short Term (2018/19 – 2019/20)
Stuart Park, Port Macquarie	Install sub-soil drainage to sports fields	Commenced - This project forms part of a \$4 million upgrade of the Stuart Park precinct.	Short Term (2018/19 – 2019/20)

Facility	Project Detail	Project Status	Recreation Action Plan 2017-2025 Priority
Woods Street Sports Fields, Port Macquarie	Provide new sports field flood lighting	Commenced - This project forms part of a \$4 million upgrade of the Stuart Park precinct. Lighting works will be complete December 2019.	Short Term (2018/19 – 2019/20)
Port Macquarie Leash Free Dog Exercise Park	Design and construction	Complete - This project forms part of a \$4 million upgrade of the Stuart Park precinct.	Short Term (2018/19 – 2019/20)
Stuart Park, Port Macquarie	Facility upgrade (amenities renewal; provision of additional shade and seating)	Commenced - This project forms part of a \$4 million upgrade of the Stuart Park precinct.	Short and Medium Term (2020/21 – 2024/25)

The Revised Plan - Recreation Action Plan 2019-2025

The Plan has been revised to reflect:

- Finalisation and adoption of the Port Macquarie-Hastings Open Space Contribution Plan
- Changing community, Council and state government priorities
- Opportunities to reduce overall project cost and minimise impact on user groups by aligning project stages where appropriate
- Condition based asset information, providing clarity as to when assets need to be replaced
- Likely availability of funding sources
- A desire to optimise the use of existing open spaces.

The updated Plan, identifies three timelines for delivery of priority projects:

Immediate	2019-2020
Short term	2020-2021 to 2021-2022
Medium term	2022-2023 to 2024-2025

The following priority actions have not been carried forward in the revised Plan for the reasons outlined below:

Recreation Action Plan 2017-2025 Priority	Facility	Project Detail	Project Status
Short Term (2018/19 – 2019/20)	Macquarie Park, Port Macquarie	Provide new sports field flood lighting	Not progressing due to this site being identified as the preferred location for a new aquatic facility.
Medium Term (2020/21 – 2024/25)	Macquarie Park, Port Macquarie	Upgrade amenities	Not progressing due to this site being identified as the preferred location for a new aquatic facility.
Short Term (2018/19 – 2019/20)	Settlement Point Reserve - provide water craft storage facility	Design and construction	Project not proceeding. This project was initiated by Port Macquarie Dragon Boat Club. However, the club have subsequently advised Council that they do not wish to progress with relocation from existing premises at Port Marina.

Grant funded sport and recreation outcomes

In recent years, the state government has rolled out a number of grant programs that have allowed Council to significantly improve the quality of sport and recreational facilities across the Port Macquarie-Hastings area. Examples include:

Grant Program	Facility	Project Scope	Grant Amount	Project Status
Stronger Country Communities Fund Rd 1	Port Macquarie Hastings Hockey Facility	Install lighting to Field 2	\$237,640	Complete
	Port Macquarie Regional Stadium	Construct new training field and provide field lighting	\$186,973	Commenced
Stronger Country Communities Fund Rd 2	Foreshore Reserve, Lake Cathie	Implement master plan - Stage 1 works	\$222,696	Complete
	Andrews Park, Wauchope	Provision of training lighting	\$200,543	Commenced
	Charlie Watt Sports Complex, Telegraph Point	Provision of field lighting; drainage upgrades	\$242,941	Commenced
	Oxley Oval, Port Macquarie	Upgrade field lighting to 300 lux	\$152,854	Commenced
	Lake Cathie Sports Field	Install irrigation and improve playing surface	\$207,550	Commenced

Grant Program	Facility	Project Scope	Grant Amount	Project Status
	Laurieton Sports Complex	Upgrade lighting to netball courts; refurbish amenities	\$239,200	Commenced
	Kew Community Park	Construct new children's play space	\$151,662	Commenced
Regional Growth Environment and Tourism Fund	Port Macquarie Coastal Walk Upgrade	Upgrades to Westport Park, Town Beach to Flagstaff Hill, Doctor's Walk and Kenny Walk segments	\$1,762,000	Commenced
Regional Sport Infrastructure Fund	Stuart Park Regional Sporting Precinct	Children's playground; dog off-leash park; sports field lighting to additional fields; improved spectator facilities; upgrading Wood Street including formalisation of parking; upgrading of existing amenities; provision of new amenities; walking/running track.	\$4,000,000	Commenced

The injection of these grant funds provides a range of benefits for the community including:

- Provision of new community infrastructure to support increased use of existing open spaces
- Improving useability and capacity of existing facilities to support increased use of existing open spaces
- Provision of opportunities to accommodate increased demand associated with forecast population growth.
- Improved mental and physical health within our community through increased participation in physical activity
- Providing a more diverse range of sport and recreation opportunities for our community to choose from
- Economic benefits associated with provision of quality sport and recreation facilities which creates tourism visitation to our region
- Improved social cohesion by providing sport and recreation facilities that bring communities together.

The revised Plan (**Attachment 2**) has been amended to reflect these grant funded projects as Immediate Priority Projects.

Options

Council may choose to:

- Adopt the updated Recreation Action Plan 2019-2025 as recommended.
- Adopt the updated Recreation Action Plan 2019-2025 with additional changes.

Community Engagement and Internal Consultation

Consultation occurred with the community, land managers, government agencies, Council staff, and other organisations with an interest in sport and recreation at the time of the implementation of the original Recreation Action Plan 2015-2015.

The updated Plan reflects a range of community engagement process outcomes undertaken to date. Examples include:

- Progression of design and approvals for Port Macquarie Aquatic Facility following confirmation of Macquarie Park as the community preferred site
- Further implementation of the Coastal Walk Master Plan, which was adopted following an extensive community engagement process.
- Engagement with sporting user groups associated with provision of new or upgraded sporting facilities such as Wauchope Regional Sports Fields, Rainbow Beach Sports Fields, Laurieton Sports Complex, Stuart Park in Port Macquarie, Andrews Park in Wauchope, and Kendall Railway Street Grounds.

No further engagement was considered necessary given the nature of the updates to the plan reflect the current Operational Plan and Port Macquarie-Hastings Open Space Contribution Plan, both of which were adopted following an extensive community engagement process.

Planning and Policy Implications

The priority projects identified in the Plan are aligned with other Council and State Government Strategic Planning documents including but not limited to:

- *Hastings Regional Crown Reserve - Precinct A Plan of Management 2014* (Department of Primary Industries – Lands & Forestry)
- *Hastings River Recreational Boating Needs Investigation 2017* (Roads and Maritime Services)
- *Her Sport Her Way 2019-2023* (NSW Office of Sport)
- *Flynns Beach Master Plan 2019* (Port Macquarie – Hastings Council)
- *Laurieton Sports Complex Master Plan 2019* (Port Macquarie – Hastings Council)
- *Mid North Coast Regional Boating Plan 2015* (Transport for NSW)

- *Port Macquarie Coastal Walk Master Plan 2018* (Port Macquarie – Hastings Council)
- *Port Macquarie-Hastings Bike Plan 2015* (Port Macquarie – Hastings Council)
- *Port Macquarie-Hastings Recreation Needs Study 2015* (Port Macquarie – Hastings Council)
- *Wauchope Regional Sports Fields Landscape Plan 2019* (Port Macquarie – Hastings Council)
- *Wayne Richards Park Master Plan 2014* (Port Macquarie – Hastings Council)
- *Westport Park Plan of Management 2013* (Department of Primary Industries – Lands & Forestry)

Financial and Economic Implications

Projects identified within the revised Recreation Action Plan 2019-2025 for delivery in 2019-2020 are included with the adopted 2019-2020 Operational Plan.

Projects identified for delivery from 2020-2021 onward are subject to budget endorsement through subsequent Operational Plan development.

The planning and delivery of high-quality recreational and sporting assets is expected to provide a positive economic impact for the Port Macquarie-Hastings LGA by contributing to the area being a great place to live.

Attachments

1[View](#). Attachment 1 - Recreation Action Plan 2017-2025

2[View](#). Attachment 2 - Recreation Action Plan 2019-2025 - Update

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: ADEQUACY OF EXISTING RISK MANAGEMENT CONTROLS
ASSOCIATED WITH PARAGLIDING ACTIVITIES**

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information contained within the Adequacy of Existing Risk Management Controls Associated with Paragliding report.

Executive Summary

At the Ordinary Council meeting held on 17 July 2019, it was resolved that Council:

1. *Note the feedback received during the recent exhibition and review of the Commercial Activities on Council Managed Land.*
2. *Agree the Policy remain in place unchanged, noting that implementation will have a greater focus on compliance activities.*
3. *Note that concerns raised relating to paragliding activities since Council's 2017 review and implementation of risk management improvements relate to Bartlett's Beach and not the broader Local Government Area.*
4. *Request the General Manager undertake a review of the adequacy of existing risk management controls associated with paragliding activities at Bartlett's Beach, and that a report outlining the findings of this review be presented to the October 2019 Ordinary Council Meeting.*
5. *Acknowledge the submissions received and advise submitters of the outcome of Council's consideration of this matter.*

This report seeks to address resolution 4 from the above and recommends that the information provided be noted.

Discussion

The Commercial Activities on Council-managed Land Policy was adopted by Council on 16 December 2015 and came into effect on 1 July 2016. The purpose of the Policy was to support and encourage the sustainable use of Council-managed land for commercial purposes with the aim of balancing the interests of local business, the community and Council.

The Policy, together with Council's Paragliding Licence Conditions and Site Rules, provide the framework under which local hang gliding, paragliding and paramotoring activities are allowed.

At the Ordinary Council meeting held on 17 July 2019, a report was tabled which provided an overview of a recent review of the Policy which was conducted between May - June 2019. The report did not recommend any changes to the Policy given the feedback received during the public exhibition period on the performance of the policy. However, the ongoing concerns of some community members relating to paragliding activities at Bartlett's Beach was acknowledged and it was recommended that the General Manager undertake a review of the adequacy of risk management controls associated with paragliding activities at this location, which was subsequently adopted by Council.

As a result of the above resolution, Statewide Mutual (Council's Insurance provider) were engaged to conduct a review of the risk management controls associated with paragliding activities. To support their review, they were provided with the Risk Management Plan originally provided by Mid North Coast Flyers (who operate their activities at Bartlett's Beach) along with the executed commercial operator's licence between Council and Mid North Coast Flyers which contains additional conditions that Council has imposed on the operators. Upon finalising their review, Statewide Mutual's Regional Risk Manager concluded that all of the major hazards and risks have been considered (refer to Attachment 1).

It was also noted by Statewide Mutual that they have had previous experience with the governing bodies for paragliding and hang gliding, and club level organisations under these bodies and that they have found that they 'have always been professional and staunch advocates for the safe practice of their sports and very mindful of their interactions with the public and environment'.

In addition to the review undertaken by Statewide Mutual, Council staff also engaged with the Sports Aviation Federation of Australia (SAFA), the governing body that administrates hang gliding, paragliding and weight shift microlights in Australia under regulations laid down by Civil Aviation Safety Authority (CASA). SAFA's Safety Officer specified that it is of paramount importance to their organisation and their Club's that their activities are operated within a safe and appropriate environment. It was noted that site specific safety reviews are conducted by individual Club's prior to activities being undertaken and that each Club has dedicated Safety Officers who are responsible for this to be undertaken. It was confirmed by SAFA that Mid North Coast Flyers has six Safety officers and a Senior Safety Officer.

Given the information provided and the advice from Statewide Mutual no further actions are proposed.

Options

Council may choose to:

1. Adopt the recommendations contained within this report;
2. Request that paragliding activities cease at Bartlett's Beach;
3. Request further information in regards to the adequacy of existing risk management controls associated with paragliding activities at Bartlett's Beach.

Community Engagement and Internal Consultation

Internal consultation in developing this report has involved the following Council staff:

- Director Development and Environment
- Group Manager Recreation, Property and Buildings
- Group Manager Economic and Cultural Development
- Insurance Coordinator
- Recreation and Facilities Manager

External consultation was undertaken with the following stakeholders:

- Regional Risk Manager, Statewide Mutual
- Safety Officer, Sports Aviation Federation of Australia

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1 [View](#). Attachment 1 - Risk Advice Statewide Mutual

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: NOTICE OF MOTION - SUSTAINABILITY INITIATIVES AND
PROGRAMS**

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

RECOMMENDATION

That Council request the General Manager provide a report to the December 2019 meeting of Council providing details of the significant sustainability initiatives and programs that Council is currently engaged in, including how each might relate to climate change mitigation and/or adaptation.

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Item: 13.02**Subject: QUESTION WITH NOTICE - DUNBOGAN BRIDGE REHABILITATION -
UPDATE****Presented by: Corporate Performance, Rebecca Olsen**

RECOMMENDATION**That Council note the Dunbogan Bridge Rehabilitation - Update report.****Question from Councillor Alley**

Resolution 15.12 of the 19 June 2019 Ordinary Council meeting and resolution 14.03 of the 17 April 2019 Ordinary Council meeting accepted tenders and schedule of rates for the Dunbogan Bridge rehabilitation. Can you please provide an update on the progress of the Dunbogan Bridge rehabilitation including an expected time of completion of these works.

Comments by Councillor (if provided)

Nil.

Response

Work is underway on the Dunbogan Bridge rehabilitation however the contractor has identified an issue with the grout jackets resulting in the loss of some grout at two pile locations. A number of jackets have therefore been returned to the manufacturer for repair. The first of the jackets are expected back to site early this week with grouting to resume this Wednesday. Whilst this has cost the contractor approximately 4 weeks on their program it is anticipated this time will be won back through additional hours and having already completed the majority of the preparatory works. There are no time or cost implications on Council resultant from these early grouting issues. Completion of works is scheduled for February 2020.

Attachments

Nil

Item: 13.03**Subject: QUESTION WITH NOTICE - DUNBOGAN FLOOD ACCESS UPGRADE
AND BEACH TO BEACH PATHWAY****Presented by: Corporate Performance, Rebecca Olsen**

RECOMMENDATION

That Council note the Dunbogan Flood Access Upgrade and Beach to Beach Pathway report.

Question from Councillor Alley

Resolution 15.02 of the 18 September 2019 Ordinary Council Meeting accepted a tender from EIRE Constructions Pty Ltd for the construction of the Dunbogan Flood Access Upgrade. Can you please confirm whether the scope of works includes the Beach to Beach Pathway from the Dunbogan Bridge to the existing Beach to Beach Pathway on The Boulevarde between Diamond Head Road and the Tip Road? Can you please provide a timetable of the likely start and completion of these works?

Comments by Councillor (if provided)

Nil.

Response

As part of the Dunbogan Flood Access Stage 1A project, a 2.0m wide shared path will be constructed linking the end of the existing B2B path on the western side of The Boulevarde near the Tip Road through to the Dunbogan Bridge totalling approx. 260m.

Early works involving sewer relocation, tree clearing and culvert works are proposed for December 2019, prior to Eire Construction's scheduled commencement of contract works on 6 January 2020. Eire's dry weather program has them being completed on the contract works by end March 2020.

Attachments

Nil

Item: 13.04

**Subject: UNSEALED ROADS MAINTENANCE PRACTICES -
INVESTIGATION UPDATE**

Presented by: Infrastructure, Dan Bylsma

Alignment with Delivery Program

4.4.2 Develop and implement annual maintenance and renewal programs for transport assets.

RECOMMENDATION

That Council:

- 1. Note the report on the Unsealed Roads Policy and current work practices completed by Australian Road Research Board (ARRB).**
- 2. Give consideration to the recommendations from ARRB in respect to funding and resources for unsealed roads during the development of the 2020-2021 Operational Plan.**
- 3. Note the commitment to undertake community stakeholder meetings in the first half of 2020 to present and discuss the outcomes of the ARRB review, including discussions around service levels.**

Executive Summary

The purpose of this report is to provide an update on the investigation of opportunities for improving Council's current Unsealed Road maintenance practices following the resolution of Council from the 15 August 2018 Council meeting.

This report provides an update on each of the six elements under point 3 that formed part of the 15 August 2018 Council resolution.

Discussion

At the 15 August 2018 Ordinary Council meeting, Council resolved as follows:

12.02 COUNCIL POLICY – DRAFT UNSEALED ROADS POLICY

RESOLVED: Griffiths/Turner

That Council:

1. Place on public exhibition the Unsealed Roads Policy commencing from 17 August 2018 for a minimum of 28 days.
2. Note that a further report is planned to be tabled at the October 2018 meeting of Council, detailing the submissions received from the public during the exhibition period.
3. Request the General Manager investigate opportunities for improving Council's current unsealed road maintenance practices including:
 - a) A review of these practices by the Australian Road Research Board (ARRB);
 - b) Supplementing gravel supply with crushed concrete;
 - c) Education and signage for improved community awareness;
 - d) Partnering with the community to undertake some works;
 - e) Sale of local roads (as appropriate) to the land owners to create private roads;
 - f) Workshops with the community regarding service levels as they relate to unsealed roads maintenance (gravel & grading), vegetation management required budget allocation.
4. Request the General Manager present a report back to Council at its August 2019 meeting in relation to outcomes of the review detailed in No. 3 above.

CARRIED: 8/0

FOR: Alley, Cusato, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil

- a) A review of these practices by the Australian Road Research Board (ARRB)

In May 2019, Council engaged ARRB to review and provide recommendations on the following:

- a. Current work practices performed by Council during unsealed roads maintenance activities, including scheduled maintenance grading and gravel resheeting works.
- b. The suitability and application of the Unsealed Roads Policy with regard to the limitations of Council's funding and resources.

A copy of the ARRB Unsealed Roads review is included as Attachment 1 of this report.

Key findings from the unsealed roads review include:

- Good practices are implemented with minimal deterioration and good techniques employed by staff.
- Policy and practice is adequate for now but could be difficult to maintain in the medium to long term as traffic volumes increase and road conditions worsen through low rates of gravel resheeting.
- The placement of unblended crushed concrete on higher trafficked roads is likely to result in poor performance and worsened road conditions.

Key recommendations from this review include consideration of:

- A budget increase of \$400,000 per annum in the gravel resheeting budget could provide significant benefits in asset management.

- Undertaking a proactive assessment of funding needs on 4WD Access Tracks, Unformed Roads and Unsealed Car Parks at a maximum interval of 5-years to better estimate funding needs rather than adopt a fully reactive strategy.
- Further trialling of blended crushed concrete to increase performance when applied to unsealed roads.
- Undertake a network condition survey (estimated by Council at up to \$75,000 per annum), to assist in projecting funding requirements to maintain the unsealed road network in a serviceable condition.

b) Supplementing gravel supply with crushed concrete

Over the last two years, Council has trialled the use of recycled crushed concrete as a road gravel supplement for resheeting unsealed roads. Recycled crushed concrete was placed on The Hatch Road, Farrawells Road and Tower Road. As outlined in the ARRB review, the material showed signs of poor performance and the recommendation is to look at blending the recycled crushed concrete with finer materials with a higher plasticity (like clays) for a higher quality product.

While the use of a straight recycled crushed concrete product identified performance issues, the blending process suggested by ARRB is still likely to be financially advantageous against commercial quarry products. Further trials, which are currently in the planning stage, are required to identify the extent of this advantage.

c) Education and signage for improved community awareness

Council has progressively undertaken a programme of works that involved the installation of additional warning signage on higher traffic roads or known trouble spots. These warning signs display “Gravel Roads, Drive to the Conditions” advice. The signs are generally located at the interface between sealed and unsealed roads to warn drivers of the variable nature of the road conditions and the need to alter driver behaviour accordingly. Further signage will be progressively installed on lower trafficked roads on a case-by-case basis.

Additional education is required and will be undertaken during the Community Workshop’s as outlined at point f) below consistent with the outcomes of the ARRB review into Unsealed Roads and Vegetation Management practices.

d) Partnering with the community to undertake some works

Council, as a Road Authority, has a duty to manage risks on all Council road reserves. There may be opportunities to enter into an extended maintenance agreement in certain circumstances however, the following minimum requirements need to be met by any person(s) or group(s) that propose to undertake maintenance works:

- \$20M Public Liability insurance
- Worker’s compensation insurance
- Legislation - Work Health and Safety, Environmental and Civil Liability
- Appropriate Traffic Control measures

Despite this collaborative initiative offering a possible solution to improving maintenance practices, the strict workplace requirements and exhaustive compliance

checks necessary are likely to counter any desired productivity advantage in the short-term assessment of this opportunity.

e) Sale of local roads (as appropriate) to the land owners to create private roads

Since the Unsealed Roads Policy was adopted in November 2018, only one resident has been offered the option to acquire a local road from Council. The property owner declined Council's offer.

The sale of roads, particularly no-through roads for single property use, is a pragmatic and positive outcome when it serves both parties interests. This will continue to be explored on a case-by-case basis and may offer an alternative to the complexities of partnering on maintenance presented in point d) above.

f) Workshops with the community regarding service levels as they relate to unsealed roads maintenance (gravel & grading), vegetation management required budget allocation

Community consultation workshops regarding service levels as they relate to unsealed roads maintenance (gravel & grading), vegetation management and required budget allocation are planned for the first half of 2020. Planning for these sessions has commenced and this engagement will form part of our engagement on the upcoming Community Strategic Plan.

A report will be presented to Council in the coming months regarding the Vegetation Management Policy and ARRB Review of Vegetation Management Practices. Outcomes of this report will inform community consultation.

Options

Council can resolve in line with the recommendation included in this report or resolve in some other manner.

Community Engagement & Internal Consultation

As outlined in this report, community consultation workshops will be undertaken in the first half of 2020 and will form part of our engagement on the upcoming Community Strategic Plan.

Internal consultation for this report has occurred with the following:

- General Manager
- Director Strategy and Growth
- Director Infrastructure
- Group Manager Transport and Stormwater Network (now Infrastructure Planning)
- Group Manager Community Place (now Community Engagement)
- Transport and Stormwater Network Operations Manager

Planning & Policy Implications

The Unsealed Roads Policy represents current work practices, which upon review by ARRB, was considered effective for Council's current circumstances.

ARRB made a number of Unsealed Roads Policy recommendations to assist in business improvement, which, if adopted will have a planning implication, including:

- A proactive assessment of 4WD Access Tracks, Unformed Roads and Unsealed Car Parks at a maximum interval of 5 years
- An annual network condition survey (estimated by Council at up to \$75,000 per annum), to assist in planning future network requirements to maintain the unsealed roads in a serviceable condition.

The review and incorporation of these comments into the Unsealed Roads Policy will occur in the first half of 2020. Once incorporated, the Unsealed Roads Policy will be presented to Council and the Community for consideration.

Financial & Economic Implications

The current 2019-20 budget for unsealed roads is \$2,764,700. The associated financial implications of adopting all of the ARRB recommendations in respect of unsealed roads is approximately \$475,000 per annum.

Consideration should be given to funding these additional ARRB recommendations as part of Council's 2020/21 Operational Planning process.

Attachments

1 [View](#). Report - PMHC Unsealed road practice review - ARRB Final - 20190812

Item: 13.05

Subject: PARKING STRATEGY REVIEW

Presented by: Infrastructure, Dan Bylsma

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 note the information contained in the Parking Strategy Review report.

Executive Summary

Council's approach to parking management seeks to utilise parking spaces efficiently and equitably to support the needs of businesses, tenants, tourists, workers, residents and the community in general. The approach seeks to strike an appropriate balance between the demands of these different user groups.

Council adopted the current Parking Policy and Parking Strategy in July 2011 and since this time, continued growth in population and development across the LGA has provided reason to ensure these documents remain relevant.

The Parking Strategy Review is identified in the 2019/20 Operational Plan under item 4.4.1.02 - Develop a Regional Integrated Transport Strategy (multi-year project), and will focus on the urban town centres and the Lake Road Industrial area.

The Parking Strategy Review project will take approximately 12 months to draft report stage and is expected to commence in the first half of 2020.

Discussion

At the 21 August 2019 Council Meeting it was resolved:

RESOLVED: Hawkins/Alley

That the General Manager bring back a report to Council's October 2019 meeting detailing the timing and scope of the proposed review of the Parking Strategy.

CARRIED: 9/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil

The current Parking Strategy outlines proposed short, medium and long-term activities to address parking supply and demand, primarily across the urban town centres of Port Macquarie, Wauchope, Laurieton and North Haven over a 20-year

period from 2011. The Policy provides the framework for effective parking management, which supports Council's strategic objectives for integrated land use and transport planning.

The ever-increasing demands on our transportation system means that most transport strategies become less relevant after five years. It is therefore timely, considering the growth of the local area, to undertake a review of the 2011 Strategy. The Parking Strategy will feed into the Regional Integrated Transport Strategy (RTIS) currently under development and influence the NSW Government's Future Transport 2056 & Movement and Place Framework.

The Parking Strategy Review is identified in the 2019/20 Operational Plan under item 4.4.1.02 - Develop a Regional Integrated Transport Strategy (multi-year project).

The project scope will draw on various best practice guidelines related to parking policy including Austroads, *Guide to Traffic Management Part 11: Parking* including:

- Principle 1: Parking Supply and Demand
- Principle 2: Occupancy or Utilisation
- Principle 3: Duration and Turnover
- Principle 4: Enforcement
- Principle 5: Partnership
- Principle 6: Education and Information

The Parking Strategy Review will provide direction on how Council oversees current parking supply and manages future parking provisions. It is limited to a review of parking management within the town centres of Port Macquarie, Wauchope, Laurieton and North Haven with one extension from the existing strategy to include the Lake Road Industrial area in Port Macquarie, following community concerns regarding increased congestion.

The Parking Strategy Review will challenge the current approach to parking through consideration of appropriate parking management approaches and systems to adopt a more holistic response to the transport challenge of parking. The review will commence in the first half of 2020 and take approximately 12 months and will include:

1. Review of 2011 Parking Strategy
2. Collection of parking inventory data
3. Collection of current parking usage data
4. Community engagement with key stakeholders and the broader community
5. Assessment of future parking demand - based on existing usage and land use forecasts.
6. Assessment of future parking supply and management
7. Report to Council regarding outcomes of the Review
8. Public exhibition of revised Policy and Strategy
9. Report to Council for adoption of revised Policy and Strategy
10. Implementation of any associated actions

It is anticipated that a draft report will be presented to Council in the first quarter of 2021. The draft report will then be presented to the community via public exhibition for comment, with Councillors also being briefed during this period. A final report is

expected to be presented back to Council addressing any community issues highlighted within four months of the exhibition period.

Options

Council can resolve in line with the recommendation included in this report or resolve in some other manner.

Community Engagement & Internal Consultation

Community engagement with key stakeholders and the broader community will be undertaken as this review progresses in line with the above outlined approach.

Internal consultation will occur throughout the project.

Planning & Policy Implications

At this stage, there are currently no planning and policy implications in relation to this report.

Financial & Economic Implications

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

Funding for this Review is included in the 2019/20 Operational Plan under item 4.4.1.02 - Develop a Regional Integrated Transport Strategy, noting this is a multi-year project to commence in 2020.

Attachments

Nil

Item: 13.06

Subject: DRAFT PLANNING PROPOSAL POLICY

Presented by: Strategy and Growth, Jeffery Sharp

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 Policy for placing on public exhibition for 28 days from 23 October to 20 November 2019.**
- 2. Request the General Manager provide a report to the December 2019 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.**

Executive Summary

Council has prepared a new Draft Planning Proposal Policy to inform and educate the community regarding the process and requirements for the submission of Planning Proposals to amend the Council's Local Environmental Plan (LEP).

A Planning Proposal is a document that explains the intended effect of a proposed LEP or amendment to the LEP, and sets out the justification for making that plan or amendment. Council, as a Planning Proposal Authority under the NSW *Environmental Planning and Assessment Act 1979*, is required to assess and prepare planning proposals to amend the LEP.

The Draft Planning Proposal Policy aims to improve efficiencies and provide consistency in the components of the plan-making process that are within the control of Council, noting that the NSW Department of Planning, Industry and Environment (DPIE) play a key role in the Planning Proposal and LEP process, as well as public authorities.

Significantly, the content of the Draft Policy cannot be inconsistent with the planning legislation and the Department's key guideline documents for preparing planning proposals and local environmental plans.

The Draft Policy has been prepared following research of other councils' policies and guidelines, engagement with local planning consultants and Council staff.

It is recommended that the Draft Planning Proposal Policy as provided attached to this report in Attachment 1, be endorsed by Council and placed on public exhibition for a minimum period of 28 days.

Discussion

Background

The Port Macquarie-Hastings LEP 2011 (LEP 2011) guides planning decisions on development and land use within Port Macquarie-Hastings. It does this through zoning land and development controls, which set out what can and cannot be undertaken on land. It is made up of a written document and a series of maps.

LEP 2011 is one of Council's core documents and is key to delivering on the long term strategic planning for the local government area. It supports the implementation of Council's *Toward 2030 Community Strategic Plan* and the *Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036* by implementing those actions which are influenced through land use planning.

The statutory process for amending a LEP is through the preparation of a Planning Proposal. A Planning Proposal is a written document, which explains the intended effect of a proposed amendment to a LEP and sets out the justification for making that plan or amendment. A Planning Proposal can request an amendment to the LEP in relation to many different matters such as Land Use Zone, Building Height, Floor Space Ratio, Lot Size, Heritage Listing, Permitted Land Uses, reclassification of public land and LEP clauses.

The DPIE determines the statutory process for amending LEPs through the *NSW Environmental Planning and Assessment (EP&A) Act 1979* and the structure and information to be included in a Planning Proposal through the preparation of guideline documents and directions.

Department of Planning, Infrastructure & Environment guideline documents

The DPIE has prepared two (2) key guideline documents:

- *A guide to preparing planning proposals* - (<https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/guide-to-preparing-planning-proposals-2019-02-05.pdf>)
- *A guide to preparing local environmental plans* - (<https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/guide-to-preparing-local-environmental-plans-2019-07.pdf>) ,

both documents are focused on the content of a Planning Proposal, and outline the statutory process in terms of who can initiate an amendment to the LEP, and the process once a Planning Proposal has been forwarded to the Department.

However, the DPIE's guidelines do not cover matters such as the form in which a Planning Proposal is submitted to Council, how the review and assessment of Planning Proposals will be undertaken and any fees and charges or other local procedures that apply. The Draft Planning Proposal Policy therefore aims to supplement the DPIE's guidelines for the preparation of planning proposals at the local level.

Draft Planning Proposal Policy

Currently, Council has no policy or guideline documents in place to guide the preparation and submission of Planning Proposal requests to amend the LEP.

The Draft Policy has been prepared following research of other NSW council's policies and guidelines, discussions with external planning consultants and Council staff.

The Draft Policy aims to inform and educate the community about the Planning Proposal process, guide proponents in the submission of Planning Proposal applications, and improve the quality and efficiency of assessment. Specifically, the objectives of the Draft Planning Proposal Policy are to:

- *“Establish Council's process and the requirements for the submission of Planning Proposal applications to amend the LEP,*
- *Clearly articulate the respective roles and responsibilities of the Proponent and Council in the process,*
- *Identify how the review and assessment of Planning Proposal applications will be undertaken so that Council can be consistent in its approach,*
- *Provide early advice as to the likely timeframes for processing a Planning Proposal Application, and*
- *Provide timely review of Planning Proposal applications and advice as to the likely issues to be addressed, and information that will be required to support a Planning Proposal Application.”*

A copy of the Draft Planning Proposal Policy is included at **Attachment 1** of this report.

The key elements of the Draft Policy are highlighted below:

- The Policy applies to all Planning Proposal applications made to amend the LEP, whether made by private property owners, developers, Council (acting as developer) or public authorities;
- Introduces a definition of *Planning Proposal Application* at clause 3.5, which comprises:
 - “A completed Planning Proposal Application Form,
 - A Planning Proposal document prepared in accordance with the Department's *A guide to preparing planning proposals*,
 - Any other supporting technical studies and/or documentation including information identified at a formal Pre-Lodgement meeting, and
 - Payment of the prescribed fees.”
- Requires a mandatory Pre-Lodgement Meeting to be held with Council staff prior to the lodgement of a Planning Proposal Application;
- Identifies the circumstances where Planning Proposal applications will be prioritised in order to maximise public benefit for the Port-Macquarie Hastings community;
- Specifies the format of a Planning Proposal and the information to be lodged with a Planning Proposal Application;

- Proposes that an initial assessment of a Planning Proposal Application will be undertaken within 60 calendar days of the lodgement date;
- Provides an option for the Proponent to withdraw a Planning Proposal Application where the application does not meet the Strategic Merit Test in the Department's guidelines;
- Includes a Flowchart of the Planning Proposal Application Process which identifies the responsibilities of the Proponent, Council and the Department in the process; and
- Contains provisions relating to the lodgement of Planning Proposal Applications on Council land where Council is the land developer, and also in relation to applications lodged by Council staff or Councillors and/or their relatives.

Planning Proposal Application Form

Council currently does not have a form which proponents are required to complete when a Planning Proposal is submitted to Council.

A Planning Proposal Application Form has been prepared to support implementation of the Policy (Refer **Attachment 2**) and contains a checklist that proponents will be required to complete to ensure that all required information and studies are submitted at the time of lodgement.

The Planning Proposal Application Form does not form part of the Draft Policy; however, it will be placed on public exhibition with the Draft Policy as supporting information.

Options

Council's options are:

1. Resolve to endorse the Draft Planning Proposal Policy as outlined in this report and place it on public exhibition.
2. Resolve to undertake further amendments to the Draft Planning Proposal Policy and then place it on public exhibition.
3. Not adopt the Draft Planning Proposal Policy for public exhibition.

Option 1 is recommended as it will inform and educate the community about the Planning Proposal process and guide proponents in the submission of Planning Proposal Applications to amend the LEP.

Community Engagement and Internal Consultation

The Draft Planning Proposal Policy was prepared in consultation with staff from Council's Strategy and Growth and Development and Environment divisions. The Draft Policy was reviewed by the Governance Officer and has been endorsed by Council's Executive Group prior to the matter being reported to Council.

A Councillor Briefing has also been held.

As part of the policy preparation, Council staff also held informal meetings with local planning consultants who regularly submit Planning Proposals.

The Draft Policy will be placed on public exhibition for a minimum of 28 days in accordance with Council's Draft Community Participation Plan (currently on public exhibition). As part of the exhibition, consultation will be promoted through:

- Information on Council's online community engagement hub - *Have Your Say*
- Public Exhibition Notice in local newspapers
- Hard copies of exhibition material and information on how to comment will be available at Council's Laurieton, Port Macquarie and Wauchope Customer Service Centres
- Referral of the Draft Policy to the following stakeholders:
 - Local Planning consultants who submit planning proposals to Council,
 - NSW Department of Planning, Industry and Environment,
 - Public agencies Council is required to consult as part of the Gateway process (such as Office of Environment and Heritage, Rural Fire Service, Roads and Maritime Services etc.)

Following conclusion of the public exhibition period, the outcome of the exhibition and any submissions received will be reported back to Council, together with any changes to the draft Policy (if required) for final consideration.

Planning & Policy Implications

Once the Planning Proposal Policy is approved by Council following public exhibition, the requirements of the Policy will need to be considered by proponents in the preparation and lodgement of a Planning Proposal Application requesting changes to the LEP.

Council staff will refer to relevant sections of the Policy in preparing assessment reports to Council on Planning Proposal applications.

Financial & Economic Implications

The resources required to exhibit and finalise this Policy are available within the Strategy & Growth Division budget.

The Policy is likely to have a positive impact on Council's budget in the longer term as it will establish more certainty around Council's processes for the submission, assessment and preparation of planning proposals.

Attachments

[1View](#). DRAFT Planning Proposal Policy - October 2019

[2View](#). DRAFT Form - Planning Proposal Application - October 2019

Item: 13.07

Subject: DA2018 - 507.1 3 LOT SUBDIVISION INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.1 (MINIMUM LOT SIZE) OF PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 41 AND LOT 42 DP 75403 AND LOT 8 DP 114360, NO. 434 AND 440 HERONS CREEK ROAD, HERONS CREEK

Report Author: Director Development and Environment, Melissa Watkins

Applicant: J R & K M McCarron C/- Beukers and Ritter Consulting
Owner: J R & K M McCarron
Estimated Cost: \$0
Parcel no: 61934, 16853, 30230

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2018 - 507 for 3 Lot Subdivision including a clause 4.6 variation of clause 4.1 (minimum lot size) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lots 41 & 42 DP 754403 and Lot 8 DP 114360, No. 434 & 440 Herons Creek Rd, Herons Creek, be determined by granting consent subject to the recommended conditions included in Attachment 1.

Executive Summary

This report considers a development application for a 3 Lot Subdivision including a clause 4.6 variation of clause 4.1 (minimum lot size) of the Port Macquarie Hastings Local Environmental Plan 2011 (LEP) at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979. The proposed variation seeks a 62% and 35% variation to the 2000m² lot size standard applying to the site. As this variation is greater than 10% of the Development Standard under the LEP the matter must be determined by the Council in accordance with Planning Circular PS 18-003.

Following exhibition of the application, no submissions were received.

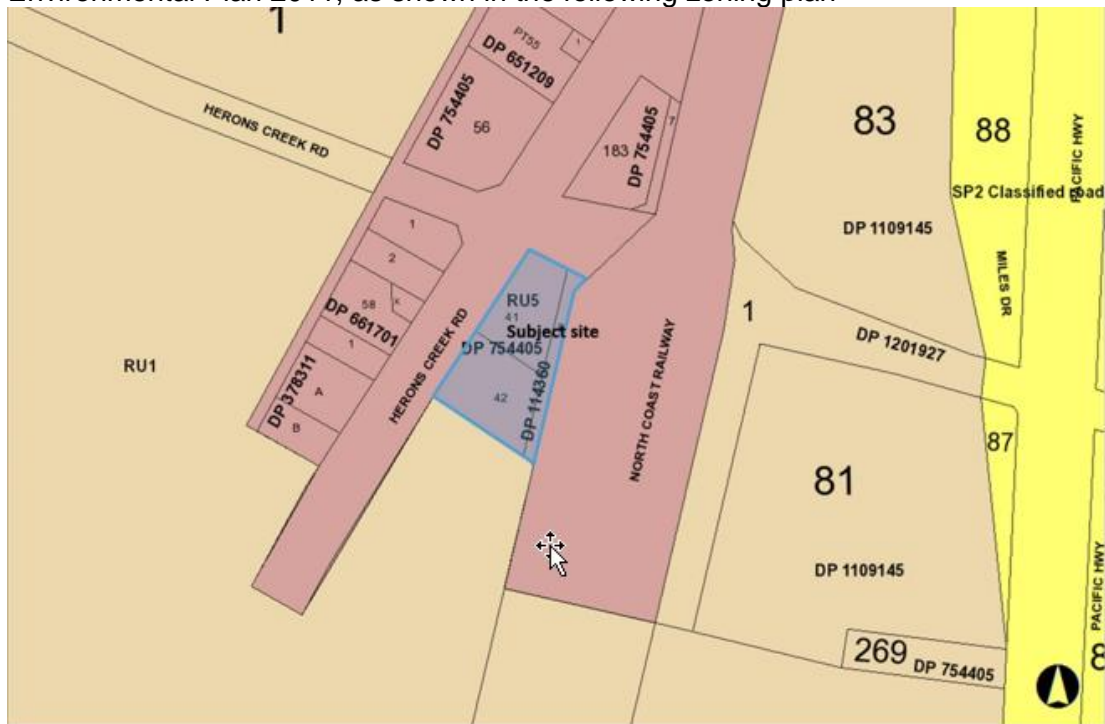
The proposal was considered by Council's Development Assessment Panel on 11 September 2019 and was endorsed by the Panel subject to the conditions attached and recommended to Council for approval. This report recommends that the application be approved subject to the conditions included here as **Attachment 1**.

1. BACKGROUND**Existing Sites Features and Surrounding Development**

The site has a total area of 4,223m².

The site contains three existing approved dwellings and multiple ancillary structures.

The site is zoned RU5 Village in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Subdivision of existing 3 lots into 3 Lots so as to result in each of the existing dwellings being located on a separate lot
- Demolition of existing shed
- Council records indicate that all existing dwellings are lawfully established
- No new dwellings are proposed

Plans and Details of the proposed development are included in **Attachment 2** of this report.

Application Chronology

- 16/7/2018 - Application Received
- 18/7/2018 - Request for additional information regarding Clause 4.6 variation, additional plans for alterations to buildings on proposed Lot 3.
- 20/7/2018 to 2/8/2018 - Public Notification
- 24/7/2018 - Bushfire Hazard Assessment received
- 26/9/2018 - Update request regarding additional information requested
- 17/10/2018 - Comments and conditions received from the NSW Rural Fire Service
- 17/7/2019 - Clause 4.6 variation report and revised plans received
- 23/7/2019 to 5/8/2019 - Public Re-notification
- 11/9/2019 - Endorsed by the Development Assessment Panel subject to the conditions included attached and recommended to Council for approval

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

(a) The provisions (where applicable) of:**(i) Any Environmental Planning Instrument****State Environmental Planning Policy No. 44 - Koala Habitat Protection**

With reference to clauses 6 and 7, the subject land has is greater than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP must be considered.

The Department of Planning and Infrastructure's Circular No. B35, Section 1.5 states that "In relation to affected development applications it is the intention of the policy that investigations for 'potential' and 'core' koala habitats be limited to those areas in which it is proposed to disturb habitat".

The application has demonstrated that no habitat will be removed or modified therefore the application satisfies that no potential koala habitat will be impacted.

State Environmental Planning Policy No. 55 – Remediation of Land

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2 - The subject site is zoned RU5 Village.
- Clause 2.3(1) and the RU5 zone landuse table - The residential subdivision is a permissible landuse with consent.

The objectives of the RU5 zone are as follows:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
 - To permit development that is appropriate in scale and type with the characteristics of a rural village.
 - To minimise conflict between land uses within the zone and land uses within adjoining zones.
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regards to the following;
 - The proposal is for subdivision of existing landuses on the site with no landuse conflicts identified. The existing uses and subdivision pattern is consistent and compatible with the village of Heron's Creek.

- Clause 2.7 - The demolition of the existing shed requires consent as it does not meet the provisions of SEPP (Exempt and Complying Codes) 2008. Relevant consent conditions relating to the demolition have been recommended.
- Clause 4.1 - The lot sizes within the proposed subdivision are 756m², 1298m² and 2242m². The minimum lot size applying to the land is 2000m² therefore two of the proposed lots do not comply with the development standard and represent a 62% and 35% variation to the 2000m² lot size standard - Refer to Clause 4.6 comments below.
- Clause 4.2B - The development is within the specified zoning and cannot be subdivided by strata or community titled. (NB: Clause prevents strata and community title subdivisions of rural, large lot residential, rural residential and environmental zones that do not meet the minimum lot size).
- Clause 4.4 - No floor space ratio applies to the site. The dwellings are existing.
- Clause 4.6 – Consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the Applicant that justifies the variation by showing that the subject standard is unreasonable and/or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard without compromising the public interest.

In accordance with Clause 4.6, the Applicant submitted a Clause 4.6 variation (**Attachment 4**) for the lot size standard (ie Clause 4.1). The Applicant's reasoning for varying Clause 4.1 is as follows:

- The proposal does not result in any additional dwellings within the village and therefore no additional loading on existing public or private infrastructure.
- The proposal does not involve any tree removal or other change to existing vegetation on any of the lots.
- Minor alterations are proposed to one of the dwellings in order to located fully on the private land which results in an improvement over the existing situation
- The proposal does not require any changes to the existing access to each of the proposed lots.
- The proposal is generally consistent with the development pattern of dwellings within the village area, including the variety of lots size in the immediately vicinity of the site.

The objectives of the minimum lot size standard are as follows:

- a) to ensure that lot sizes are compatible with local environmental values and constraints,
- b) to facilitate efficient use of land resources for residential and other human purposes,
- c) to minimise the fragmentation of rural land suitable for sustainable primary production,
- d) to protect high ecological, scientific, cultural or aesthetic values of land in environment protection zones.

Having considered the application and Clause 4.6 variation to Clause 4.1, the proposal is considered acceptable and will have no significant impact on the environment as per the reasons identified by the applicant above. In addition, it is considered that:

- The character of the locality will not be adversely impacted given the dwellings on the proposed allotments already exist.
- The proposed lot layout is consistent with other residential lots adjoining the site. As there are numerous lots within the immediate locality with existing dwellings which are below the 2000m² minimum lot size.
- The minor building works do not impact adjoining lots and the structures currently overhanging the boundaries are to be modified to comply with the boundary lines.
- The development is consistent with the zone objectives and is unlikely to have any implications on State related issues or the broader public interest.

As per the Planning Circular PS 18-003, Council can assume the Director's Concurrence for variations to lot size in the RU5 zone, however, the determination cannot be made by a Council officer due to the subject variation being greater than 10% of the development standard. Accordingly, this report is submitted to Council for determination.

- Clause 5.10 – The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

(ii) Any proposed instrument that is or has been placed on exhibition

No draft instruments apply to the site.

(iii) Any DCP in force

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Chapter 3.6 - Subdivision			
DCP Objective	Development Provisions	Proposed	Complies
3.6.3.1	<p>A site analysis is required for all development and shall illustrate:</p> <ul style="list-style-type: none"> • microclimate; • lot dimensions; • north point; • existing contours and levels to AHD; • flood affected areas; • overland flow patterns, drainage and services; • any contaminated soils or filled areas, or areas of unstable land; 	<p>A 3 lot subdivision, in an area that is bushfire prone.</p> <p>The proposed lots have existing dwellings.</p> <p>The proposed subdivision plan shows satisfactory site analysis details.</p>	Yes

DCP 2013: Chapter 3.6 - Subdivision			
DCP Objective	Development Provisions	Proposed	Complies
	<ul style="list-style-type: none"> • easements and/or connections for drainage and utility services; • identification of any existing trees and other significant vegetation; • any existing buildings and other structures, including their setback distances; • heritage and archaeological features; • fences; • existing and proposed road network, including connectivity and access for all adjoining land parcels; • pedestrian and vehicle access; • views to and from the site; • overshadowing by neighbouring structures; and • any other notable features or characteristics of the site. 		
3.6.3.2	Torrens title lots minimum width of 15m when measured at a distance of 5.5m from front property boundary.	The lots have a frontages of 20.4m, 30.1m, 40.45m addressing Herons Creek Road	Yes
	Minimum width of 7m when boundaries are extended to kerb line.	Minimum width is 20m	Yes
	Minimum depth of 25m.	Minimum depth of 37m	Yes
	For lots where average slope of the site is equal to, or exceeds 16%, indicative road and driveway grades are required demonstrating satisfactory access.	The slope is less than 16%.	Yes
	Subdivision of dual occupancy development or multi dwelling housing where permissible in the LEP may create allotments smaller than 450m ² if: <ul style="list-style-type: none"> • Each lot to be created is part of a community or strata title scheme, or 	No lots smaller than 450m ²	N/A

DCP 2013: Chapter 3.6 - Subdivision			
DCP Objective	Development Provisions	Proposed	Complies
	<ul style="list-style-type: none"> Is part of an integrated Torrens title housing development. 		
3.6.3.6	Kerb and guttering, associated street drainage, pavement construction and foot paving across the street frontages should be constructed as part of the subdivision works where these do not exist (may be varied subject to criteria in this clause)	<p>Existing kerb and guttering along frontage.</p> <p>There are no pedestrian paths along Herons Creek Road or the adjoining lots</p>	Yes
3.6.3.7	Subdivisions close to urban centres or along arterial roads serviced by public transport achieve yield of >35 dwellings per hectare.	The subdivision is within an RU5 Village zone and has access to existing public transport.	Acceptable
3.6.3.20	Water supply to meet Council's design specifications.	Existing dwellings are connected to water.	Yes
3.6.3.21	All lots connected to reclaimed water if available.	No reclaimed water available	N/A
3.6.3.24	Separate sewer junction provided for each lot.	Existing dwellings are connected to village sewer	Yes
3.6.3.27	Erosion and sediment control plan to be provided.	Standard conditions recommended, however, no works proposed	Yes
3.6.3.34	All service infrastructure should be underground unless otherwise approved by Council.	No requirement deemed necessary to require underground services given existing dwellings on the lots (no specific conditions considered necessary). The Applicant will need to obtain satisfactory arrangements certification from the appropriate electricity and telecommunications providers prior to the issue of a Subdivision Certificate.	Yes - acceptable
	All service infrastructure should be installed in a common trench.	N/A	

DCP 2013: Chapter 3.6 - Subdivision			
DCP Objective	Development Provisions	Proposed	Complies
	Conduits for the main technology network system should be provided in all streets.	N/A	
	Conduits are to be installed in accordance with the National Broadband Network Company Limited's <i>'Guidelines for Fibre to the Premises Underground Deployment'</i> .	N/A	
	Access pits are to be installed at appropriate intervals along all streets.	N/A	

In addition to the above it is noted that each of the existing dwellings on the proposed lots contain a sufficient private open space and off street parking area (i.e, effectively, there is no significant change to the existing on ground situation or use of the land).

(iia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No planning agreement has been offered or entered into relating to the site.

(iv) Any matters prescribed by the Regulation

Demolition of buildings AS 2601 – Clause 92

Demolition of the existing building on the site is capable of compliance with this Australian Standard, an appropriate conditioned is recommended and included in Attachment 1.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality

The site fronts to Herons Creek Road to the west. Adjoining the site to the east is the north coast railway line. Adjoining the site to the south is multi residential ("worker's cottages") and a Timber Mill. Adjoining the site to the west are a number of similar undersized RU5 residential lots.

The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain. The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area.

The proposal does not have a significant adverse impact on existing view sharing.

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts. Adequate building separation is exists.

There are no adverse overshadowing impacts.

Roads

The site has road frontage to Herons Creek Road, a sealed public road under the care and control of Council. Due to there being no increase in the number of dwellings, there will be no additional traffic or impact of the road or adjoining intersections.

Traffic and Transport

Changes in traffic associated with the development will not have any adverse impacts to the existing road network within the immediate locality.

Water Supply Connection

Council records indicate that Lot 41 is unmetered and Lot 8 and 42 have 20mm serviced water meter from the 100mm AC main on the same side of Herons Creek Rd. A water supply reticulation plan is required to show all existing and proposed water services to the lot - refer to relevant conditions of consent (**Attachment 1**).

Sewer Connection

Council records indicate that each individual proposed lot has a separate sewer connection to Councils main. There are no conditions of consent required for Sewer.

Stormwater

- Each proposed lot has an existing dwelling and the subdivision will follow the existing fence lines. Each lot slopes towards the street frontage and towards the rear of the site - refer to relevant conditions of consent (**Attachment 1**).

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

Following a site inspection (and a search of Council/AHIMS records), no known items of Aboriginal or European heritage significance exist on the property. No adverse impacts are anticipated.

Other land resources

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

Soils

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction (**Attachment 1**).

Air and microclimate

The construction and/or operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition is recommended (**Attachment 1**).

Flora and fauna

Construction of the proposed development will not require any removal/clearing of any significant vegetation.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated. Standard precautionary site management condition is recommended (**Attachment 1**).

Noise and vibration

No adverse impacts anticipated. A condition has been recommended to restrict demolition/construction to standard construction hours (**Attachment 1**).

Bushfire

The site is identified as being bushfire prone.

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes. As a result, the applicant has submitted a bushfire report prepared by a Certified Consultant. The report was forwarded to the NSW Rural Fire Service who have since issued a Bushfire Safety Authority, which have been recommended to be incorporated into the conditions of consent (**Attachment 1**).

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.

Social impacts in the locality

Given the nature of the proposed development and its' location the proposal is unlikely to result in any adverse social impacts.

Economic impact in the locality

No adverse impacts likely.

Site design and internal design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

Cumulative impacts

The proposed development will not have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

(c) The suitability of the site for the development

The proposal fits into the locality and the site attributes are conducive to the proposed development.

Site constraints have been adequately addressed and appropriate conditions of consent recommended (**Attachment 1**).

(d) Any submissions made in accordance with this Act or the Regulations:

No written submissions have been received following public exhibition of the application.

(e) The Public Interest

The proposed development satisfies relevant planning controls and will not adversely impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Contribution credits are applied to the existing dwellings. However, as one of the proposed lots is now over 2000m², additional contributions are applicable in accordance with Council's Contributions Assessment Policy:

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

The contributions estimate is provided in **Attachment 3**.

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result in a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in **Attachment 1**.

Attachments

1 [View](#). DA 2018 - 507.1 Recommended Conditions

2 [View](#). DA2018 - 507.1 Plans

3 [View](#). DA2018 - 507.1 Contributions Estimate

4 [View](#). DA2018 - 507.1 Clause 4.6 Variation to Clause 4.1 (Minimum Lot Size) of Port Macquarie Hastings Local Environmental Plan 2011

Item: 13.08

**Subject: CLASSIFICATION OF LAND CONTAINING SEWER
INFRASTRUCTURE**

Presented by: Development and Environment, Melissa Watkins

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 classify Lot 29 Deposited Plan 1192366 (land situated on Glenview Drive, Yippin Creek) as operational land.

Executive Summary

A report to resolve the classification of land that contains a sewer pumping station built by the developer to service an approved residential subdivision at Yippin Creek.

Discussion

Council at its meeting of 18 February 2015 considered a report on the transfer of land containing sewer infrastructure. Council resolved:

RESOLVED: Levido/Griffiths

That Council:

- 1. Pursuant to section 377 of the Local Government Act 1993, the General Manager be given delegated authority to sign the Land and Property Information Transfer Forms.*
- 2. On transfer to Council of Lot 170 Deposited Plan 1201505 and Lot 29 Deposited Plan 1192366, Council advertise the draft resolution, "It is intended to classify Lot 170 Deposited Plan 1201505 (land situated on Philip Charley Drive, Port Macquarie) and Lot 29 Deposited Plan 1192366 (land situated on Glenview Drive, Yippin Creek) as operational land."*

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

Lot 29 Deposited Plan 1192366 transferred to Council ownership on 6 August 2019. Section 31 of the *Local Government Act 1993* provides a period of three months from the date of land transfer for Council to classify the land.

Public exhibition of the proposed land classification has occurred with no submissions being received on the proposed land classification.

Options

Nil - the land is required to be classified as required by the *Local Government Act 1993*. As the land contains sewer infrastructure (a pumping station) an “operational” land classification is appropriate.

Community Engagement and Internal Consultation

The proposed land classification has been publicly exhibited. At the conclusion of the exhibition period, no submissions were received.

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

Nil

Item: 13.09

Subject: LAKE INNES/LAKE CATHIE ESTUARY SYSTEM UPDATE REPORT

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

4.8.2 Increase community awareness and enable access to the natural environment.

RECOMMENDATION

That Council:

1. Note the information provided in the Lake Innes/Lake Cathie Estuary System Update Report.
2. Request the General Manager to seek 50% Coastal Management Program funding to undertake the initial background studies as outlined, for input to the Lake Innes/Lake Cathie Coastal Management Program being \$147,500.

Executive Summary

At the 15 May 2019 Ordinary meeting, Council resolved as follows:

09.01 NOTICE OF MOTION - SUBMISSION FROM REVIVE LAKE CATHIE INC.TO PMHC 2019-2020 OPERATIONAL PLAN

Ms Danielle Maltman addressed Council in support of the recommendation and responded to questions from Councillors.

RESOLVED: *Hawkins/Griffiths*

That Council:

1. *Thank the Revive Lake Cathie group for its submission on Lake Cathie.*
2. *Note that Lake Cathie is an asset of the Crown and management of the Lake Cathie system is the responsibility of a number of stakeholders including:*
 - a) *Council;*
 - b) *National Parks and Wildlife Service (NPWS);*
 - c) *Office of the Environment and Heritage (OEH); and*
 - d) *NSW Fisheries and Department of Industry (Lands),**in accordance with the NSW Coastal Management Act 2016 and the Lake Cathie Opening Strategy*
3. *Request the General Manager to forward a copy of the Revive Lake Cathie Group's submission to:*
 - a) *National Parks and Wildlife Service;*
 - b) *Office of the Environment and Heritage (OEH);*

-
- c) *NSW Fisheries and Department of Industry (Lands);*
 - d) *NSW Minister for Water, Property and Housing;*
 - e) *NSW Local Member (and local resident) Leslie Williams;*
 - f) *Premier Gladys Berejiklian;*
 - g) *Deputy Premier John Barilaro;*
 - h) *Newly elected Federal Members for Lyne and Cowper;*
 - i) *Newly appointed Federal Environment Minister.*
- 4. *Request the General Manager to seek advice from the NSW Government referred to in 3 above as to whether, as a result of the Revive Lake Cathie submission, the existing Lake Cathie Opening Strategy should be reviewed.*
 - 5. *Request the General Manager to make a further request of the NSW Government that if it deems a review of the Lake Cathie Opening Strategy is required, that the necessary resources to undertake such a review be provided, along with any resources required for associated capital works that may be prescribed by an updated strategy or management plan.*
 - 6. *Give consideration to including an allocation in the 2019/20 Operational Budget to support the initial work required.*
 - 7. *Request the General Manager submit an update report to the September, 2019 meeting of council.*

CARRIED: 8/0

FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil

At the 19 June 2019 Ordinary meeting of Council, in response to consideration of the 2019-2020 OP and budget, Council subsequently resolved as follows:

10.04 INTEGRATED PLANNING AND REPORTING (IPR) DOCUMENTS*RESOLVED: Alley/Hawkins**That Council:*

1. *Adopt the following Integrated Planning and Reporting (IPR) documents:*
 - a) *Delivery Program 2017-2021 (Revised 2019); and*
 - b) *Operational Plan 2019-2020*
2. *Not opt into the new parking fine concession fee scheme.*
3. *Undertake a review of the existing Lake Cathie Opening Strategy in consultation with the National Parks and Wildlife Services (NPWS); the Office of Environment and Heritage (OEH); NSW Fisheries and Department of Industry (DPI - Lands); and the community including the Revive Lake Cathie community group.*
4. *Note the 2019-2020 budget position of a \$975,198 shortfall which will be reported to Council monthly during the financial year.*
5. *Should adequate savings to address the shortfall position not be achieved during the financial year, that the shortfall be funded from the Strategic Priorities reserve.*
6. *Enter into total borrowings of \$1.5 million as outlined in the Financial Implications section of the report for playing fields at Wauchope.*

*CARRIED: 9/0**FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner**AGAINST: Nil*

The June resolution came before responses had been received in respect to the current resolution from the 15 May 2019 Ordinary meeting.

This report provides an update on the actions to date in addressing the resolutions from 15 May 2019 (Item 09.01) in accordance with point 7 of the resolution, and point 3 from 19 June 2019 regarding a review of the *Lake Cathie Opening Strategy* (Item 10.04).

Discussion

The management of the Lake Cathie/Lake Innes estuary system is complex and is the responsibility of a number of stakeholders. It is not one for Council alone to resolve.

The table below lists the items within the resolution from May 2019, the progress made to date and if further action is required.

Action Item	Progress to date	Further Action Required
1. Thank the Revive Lake Cathie group for its submission on Lake Cathie.	Complete	Nil

Action Item	Progress to date	Further Action Required
<p>2. Note that Lake Cathie is an asset of the Crown and management of the Lake Cathie system is the responsibility of a number of stakeholders including:</p> <p>a) Council;</p> <p>b) National Parks and Wildlife Service (NPWS);</p> <p>c) Office of the Environment and Heritage (OEH); and</p> <p>d) NSW Fisheries and Department of Industry (Lands),</p> <p>in accordance with the NSW Coastal Management Act 2016 and the Lake Cathie Opening Strategy</p>	<p>Complete</p> <p>NB: following a NSW government restructure all of these agencies now fall under a 'super' department called the Department of Environment, Industry and Planning (DPIE).</p>	<p>Nil</p>
<p>3. Request the General Manager to forward a copy of the Revive Lake Cathie Group's submission to:</p> <p>a) National Parks and Wildlife Service;</p> <p>b) Office of the Environment and Heritage (OEH);</p> <p>c) NSW Fisheries and Department of Industry (Lands);</p> <p>d) NSW Minister for Water, Property and Housing;</p> <p>e) NSW Local Member (and local resident) Leslie Williams;</p> <p>f) Premier Gladys Berejiklian;</p> <p>g) Deputy Premier John Barilaro;</p> <p>h) Newly elected Federal Members for Lyne and Cowper;</p>	<p>Complete</p> <p>Letters were sent to all parties listed on 3 July 2019.</p> <p>Responses received are attached to this report as Attachment 1 and 2.</p> <p>Responses were received from:</p> <p>Mark Taylor on behalf of the Hon Sussan Ley, Federal Minister for the Environment.</p> <p>Dimitri Young on behalf of DPIE (encompassing NPWS, OEH & NSW Fisheries & Lands).</p> <p>Responses are discussed below in <i>Community Engagement & Internal Consultation</i>.</p>	<p>Nil</p>

Action Item	Progress to date	Further Action Required
i) Newly appointed Federal Environment Minister.		
4. Request the General Manager to seek advice from the NSW Government referred to in 3 above as to whether, as a result of the Revive Lake Cathie submission, the existing <i>Lake Cathie Opening Strategy</i> should be reviewed.	<p>Complete</p> <p>Letters were sent to all parties listed on 3 July 2019.</p> <p>At the 19 June 2019, Council subsequently resolved to review the <i>Lake Cathie Opening Strategy</i> independent of the advice received from the state government.</p>	The Lake Cathie Opening Strategy review is yet to commence.
5. Request the General Manager to make a further request of the NSW Government that if it deems a review of the <i>Lake Cathie Opening Strategy</i> is required, that the necessary resources to undertake such a review be provided, along with any resources required for associated capital works that may be prescribed by an updated strategy or management plan.	<p>Complete</p> <p>Letters were sent to all parties listed on 3 July 2019.</p> <p>At the 19 June 2019, Council subsequently resolved to review the <i>Lake Cathie Opening Strategy</i> independent of the advice received from the state government.</p>	The Lake Cathie Opening Strategy review is yet to commence.
6. Give consideration to including an allocation in the 2019/20 Operational Budget to support the initial work required.	<p>Complete</p> <p>An allocation to complete various studies required under the Coastal Management Program (CMP) has been provided in the 2019/20 budget.</p> <p>The Lake Cathie Opening Strategy review will be funded through this allocation.</p>	<p>The Lake Cathie Opening Strategy review is yet to commence.</p> <p>The initial Scoping Study required by the CMP process is underway.</p>
7. Request the General Manager submit an update report to the September, 2019 meeting of council.	<p>Complete</p> <p>This report has been prepared to respond to the notice of motion. The report was delayed pending a meeting with community stakeholders</p>	

Action Item	Progress to date	Further Action Required
	held on 4 September 2019 and agency stakeholders held on 16 September 2019.	

Since the resolutions in May and June 2019, Council staff have held three meetings with the key government agencies involved in the management of the Lake Cathie and Lake Innes estuary system. These stakeholders include, National Park and Wildlife Services (NPWS), Department of Primary Industries - Fisheries (DPI Fisheries), Department of Primary Industries - Crown lands (DPI Crown Land). Soil Conservation Services (SCS) was also involved in the meetings.

Council staff also met with key Community Stakeholders including Revive Lake Cathie, the Lake Cathie Progress Association, and the Camden Haven Chamber of Commerce on 4 September 2019.

Following these meetings Council staff and government agencies have agreed on a way forward that revolves around the NSW governments' Coastal Management Program (CMP) framework which Council is obliged to complete in order to manage Coast and Estuarine matters and to receive funding for projects.

However, in order to commence with development a CMP the following initial background studies have been identified by the stakeholders:

1. A digestion model of the Acid Sulfate Soil (ASS) recently uncovered as a result of a study commissioned by Council & NPWS in May 2019 - \$185,000
2. A review of 2013 Lake Inness Reversion Study - \$50,000
3. An ecological condition assessment of the saltmarsh community within Lake Innes - \$10,000. **NB:** The Australian Government has listed *Subtropical and Temperate Coastal Saltmarsh* as **vulnerable** in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
4. Review of possible short term emergency ASS containment works - \$50,000.

The above actions are estimated to cost \$295,000.

While it is appropriate that Council take the lead in developing the CMP, given that Lake Innes and much of Lake Cathie is National Park and under the tenure of the NSW government it cannot be Council alone that takes responsibility for the cost of these studies and the development of the CMP for the Lake Innes/Lake Cathie Estuary System.

Funding can be applied for at any time with 50/50 (ie. NSW government/other) funding available through the CMP process (ie. NSW Coastal and Estuary Grants Program).

There may be an expectation that the NSW government should fund most if not all the above work. However, recent advice from NPWS and NSW Fisheries is that they cannot contribute funding to the above actions. For the actions to proceed, Council

may accordingly need to approach the Minister for the Environment to seek 100% of the funding in the absence of any contribution from other agencies (eg. NPWS, Fisheries, etc) or consider some other option(s) for funding.

Options

Council may choose to:

1. Seek 100% (\$295,000) grant funding for the necessary activities (ie. No funding by council) via the Minister for the Environment.
2. Allocate 50% (\$147,500) funding for the necessary activities on the basis of 50% grant funding is provided by the NSW government.
3. Allocate 25% (\$73,750) funding for the necessary activities as Council's contribution on the basis that a part contribution of 75% is provided by DPIE being a contribution from NPWS, NSW Fisheries and through the NSW Coastal and Estuary Grants Program.

Community Engagement & Internal Consultation

The following table details the responses received in response to the two Council resolutions:

Name	Response/Comment:
Mark Taylor on behalf of the Hon Sussan Ley, Federal Minister for the Environment.	Letter will be passed to the Department of Environment and Energy for a reply. NB: No response received.
	Australian Government has a role in the RAMSAR Convention but no role in Lake Cathie-Innes.
	Commends Council for stakeholder engagement.
	Funding is available for RLC or council through the Australian Governments Communities Environment Program - up to \$150,000 for each electorate. Closing 10 October 2019. https://www.environment.gov.au/cep https://www.business.gov.au/assistance/communities-environment-program
	The Communities Environment Program is being delivered by the AusIndustry Business Grants Hub on behalf of the Department of the Environment and Energy.
	Interested community members and organisations need to contact their local federal Member of Parliament to discuss local environmental priorities and/or their potential projects. Federal Members of Parliament who choose to participate in the program play a key role in the program's roll out, as they are responsible for

Name	Response/Comment:
	identifying and nominating suitable projects, as well as the organisations that are to deliver them, to the AusIndustry Business Grants Hub. It is those organisations who will then be invited to apply.
	Contact regional staff at DPIE for advice on management measures.
Dimitri Young on behalf of DPIE (encompassing NPWS, OEH & NSW Fisheries & Lands).	The Biodiversity and Conservation Division was formally the Office of Environment and Heritage (OEH) but now is part of DPIE.
	Waters, floodplains and coast team are best placed to provide comment on behalf of the department (DPIE).
	Notes the inter-agency consultation initiated by council.

Planning & Policy Implications

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

The review of the *Lake Cathie Opening Strategy* may generate planning and policy implications, however the review will be presented to Council in a future report.

Financial & Economic Implications

There may be financial and economic implications in relation to this report depending on the final grant funding sought and provided.

The review of the *Lake Cathie Opening Strategy* may generate financial and economic implications, however the review will be presented to Council in a future report, in the interim funding has been included in the 2019/20 OP for the review.

Attachments

[1View](#). Attachment 1 - Response from the Hon Sussan Ley MP

[2View](#). Attachment 2 - Response from OEH/DPIE

Item: 13.10

Subject: UPDATE ON PUBLIC TREE MANAGEMENT IN URBAN AREAS

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

4.6.1 Develop and implement a range of programs for the environmental management of lands within the local government area.

RECOMMENDATION

That Council note the information contained within the Update on Public Tree Management in Urban Areas report.

Executive Summary

At the September 2019 meeting of Council in response to a Question on Notice from Councillor Cusato, Council resolved as follows:

"That the General manager be requested to provide a report to the October 2019 meeting of Council providing an update on the current program for public tree management in urban areas.

CARRIED: 8/0
FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner
AGAINST: Nil"

This report seeks to provide Council with an overview of the current status of this service area of Council since a report was last presented to Council on this matter in October 2018.

Since this time, significant weather events have impacted on the number of tasks listed within Council's tree works list and further increased the works required to be scheduled by Council's Tree Management team.

Discussion

Public tree management in public areas continues to be a highly visible and critical Council deliverable for the community. Council's Tree Management team, which comprises of 1 senior arborist, 1 arborist, 1 operational team leader and 2 tree workers (with the second tree worker being permanently appointed in August 2019), carry out visual tree assessments to identify trees which require works. These works are allocated a priority rating from 1 - 6 to identify their risk to the community and to determine the order of works to be actioned. Works are then undertaken by Council staff and external contractors appointed as preferred suppliers on Council's Tree Maintenance and Management Services tender panel.

Council previously recognised the need to increase financial resources allocated to addressing the tree list backlog and an additional \$96,000 was allocated during the 2017/18 and 2018/19 financial years to allow for more high risk tree works to be completed.

There are currently 824 tasks listed for works to be undertaken by Council within the LGA. A breakdown of the current tree works task list is as follows:

Priority Rating	Number of tasks listed as at 1/07/17	Number of tasks listed as at 1/07/18	Number of tasks listed as at 1/10/18	Number of tasks listed as at 1/10/19
1	66	24	2	5
2	341	305	280	330
3/4	523	474	461	458
5/6	36	34	40	31
Total	966	837	783	824

Although the continued investment by Council in managing public trees in urban areas had a significant impact in 2017/18, a total of 489 tasks were added to the works list during 2018/19 which resulted in an increase in the number of outstanding tasks compared to 12 months ago. From these tasks, 299 listings were a direct result of storm events and a further 190 tasks were identified as priority listings. It is important to note, however, that the number of tasks listed as a priority 1 has continued to be maintained at a minimal level which has ensured a reduced risk to the community and Council.

Options

Council can opt to:

1. Adopt the recommendation contained within this report; or
2. Request further information in regards to Tree Management practices and the current status and resourcing of this Council service area.

Community Engagement and Internal Consultation

Internal consultation in developing this status report has involved the following Council staff:

- Group Manager Recreation, Property and Buildings
- Senior Arborist
- Parks Management Officer
- Recreation and Facilities Manager
- Director Development and Environment.

Planning and Policy Implications

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

Financial and Economic Implications

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

AGENDA

ORDINARY COUNCIL
16/10/2019

Attachments

Nil

YOUR NATURAL AND
BUILT ENVIRONMENT

Item: 13.11

Subject: KOALA RECOVERY STRATEGY ANNUAL UPDATE REPORT

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

4.6.1 Develop and implement a range of programs for the environmental management of lands within the local government area.

RECOMMENDATION

That Council note the information presented in the Koala Recovery Strategy Annual Update report.

Executive Summary

The Port Macquarie-Hastings Local Government Area (LGA) is home to one of the largest populations of koalas on the east coast of New South Wales (NSW). This nationally significant population, located mostly in the coastal strip east of the Pacific Highway is estimated to be worth up to \$50 million to the local economy per annum through tourism. However, although culturally, ecologically and economically significant to the region, research conducted by Council indicates that the local koala population is in decline, at a similar rate to that reported by the NSW Koala Strategy (ie 26%).

The PMHC Koala Recovery Strategy 2018 was adopted by Council in September 2018. The strategy is to provide guidance on how to manage the long-term sustainability and recovery of these vulnerable species. It identifies the key threats negatively impacting the local population and provides actions and guidelines to aid and support population recovery.

Actions outlined in *Table 1: Recovery Actions* in the PMHC Koala Strategy have now been commenced. This report provides an update of the progress of these actions in Table 1 below.

Discussion

At the September 2018 Council meeting the Koala Recovery Strategy was adopted by Council and work began on implementation.

At the September 2018 meeting, Council resolved as follows:

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12.05 KOALA STRATEGY

Mr Les Mitchell, Friends of Kooloonbung Creek Nature Park, addressed Council in support of the recommendation.

RESOLVED: Alley/Turner

That Council:

1. As a result of the consideration of public submissions, adopt the amended draft Koala Recovery Strategy as included in Attachment 1 and detailed in this report;
2. Give consideration to funding the programs and actions included in the Koala Recovery Strategy as part of development of the 2019-2020 Operational Plan and forward budgets and Delivery Program;
3. Give consideration to delivering items from the Koala Recovery Strategy through a partnership model to increase financial and human resource capacity; and
4. Receive further reports on the success or otherwise of the funded programs of the Koala Recovery Strategy on an annual basis to ensure an adaptive management approach is maintained and outcomes are achieved.

CARRIED: 8/0

FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil

Shortly after the adoption of the plan an opportunity presented itself to create the Koala Ecologist role within the Joint Organisation enabling Council to deliver key actions in the PMHC Koala Recovery Strategy. The ecologist works to deliver the Koala Recovery Partnership Project. The project is funded by the NSW Government, Saving Our Species Iconic Koala Program, the Port Macquarie Koala Hospital and Port Macquarie-Hastings and Kempsey Shire Councils. With governance of the role is undertaken by the Mid North Coast Joint Organisation Executive Officer.

The project which seeks to improve koala conservation across the Hastings-Macleay Region by engaging with landholders, the community, research groups and government sectors to achieve better on-ground outcomes and on-going viability of the Koala. It is a three-year project and works to achieve regional and local objectives on Koala conservation. The relevance of this ecologist to the Koala Recovery Strategy is that a number of actions as outlined in *Table 1: Recovery Actions* in the PMHC Koala Strategy are delivered by the Koala Ecologist, as outlined in Table 1 below.

<u>Actions</u>	<u>Expected timeline</u>	<u>Progress to date</u>
Habitat degradation and fragmentation		
Completion and adoption of the Coastal Koala Plan of Management (CKPoM) and update provisions in the Development Control Plan	September 2018	The CKPoM has not yet been adopted by Council. Additional questions raised by Council warranted further investigation and subsequent changes to the CKPoM. The CKPoM is to be presented to Council in late 2019.
Request an update of the NSW Biodiversity Values Map to include core koala habitat on home range information as per the approved CKPoM	Upon approval of CKPoM	Not yet commenced as CKPoM is not yet adopted.
Update the NSW Koala likelihood model based on updated data on home range information and koala habitat mapping.	Upon completion of habitat mapping and home range analysis.	Habitat Study to be undertaken as part of the MNCJO Koala Recovery Partnership Project. Due to commence in January 2020.
Expand Comprehensive Koala Plan of Management to include the entire LGA	2018 - 2020	Not yet commenced
Repopulate unoccupied koala habitat	2020-2026	Not yet commenced
Part 5 internal procedure for managing koala habitat	Upon approval of CKPoM	Currently Part 5 (Review of Environmental Factors (REF)) internal applications take into consideration the DCP requirements.
Road Strike		
Design and trial an "urban-friendly" koala road grid solution to be used on urban road intersections together with fit for purpose koala proof fencing at high risk sites	2017-2018	Trial completed with no viable model. Further investigation with Roads and Maritime Service to be conducted.
Install 28.8 km of koala proof fencing and koala grids at major intersections on Ocean Drive, from Koala Street to the Lake Innes Fire trail.	Upgrade of Ocean Drive or external funding.	Not yet commenced as Ocean Drive upgrade not yet commenced.

<u>Actions</u>	<u>Expected timeline</u>	<u>Progress to date</u>
Investigate solutions to reduce road strike on: <ul style="list-style-type: none"> - Lake Road between Blackbutt Road and Hill Street - Oxley Highway between Morton Street and Widderson Avenue. 	2019 -2020	To be commenced this financial year. Alternative sites have been identified and actioned through vegetation clearing on the roadside and placement of VMS board on Ocean Drive between Elkhorn Grove and Matthew Flinders Drive.
Advocate for installation on koala proof fencing on the Pacific Highway and Kew interchanges.	2019 -2020	To be commenced this financial year.
Dog Attack		
Council to work with willing landowners with problem dogs in areas supporting koalas. This would be achieved by Council paying to retrofit fences to ensure koala exclusion on properties.	2018 onwards	Currently under investigation - contingent on external funding source.
Fire		
Complete Hastings-Macleay Koala Fire Plan	2017 -2019	Work being undertaken by MNCJO Koala Ecologist. Finalisation of report Fire and Biodiversity Consortium Report scheduled for April 2020. Training programs to be delivered between April 2020 and January 2021.
Research		
Undertake fine scale detailed koala habitat mapping is as required for land west of the Pacific Highway.	2018 -2020	Yet to be commenced
Koala home range analysis	2017 -2019	Koala home range study requires data from the habitat study which is to be undertaken as part of the MNCJO Koala Recovery Partnership Project. Due to commence in January 2020.
Assessment of koala presence of habitat previously considered to be "Unoccupied" habitat.	2020 onwards	Yet to be commenced

<u>Actions</u>	<u>Expected timeline</u>	<u>Progress to date</u>
Education		
Dog desensitisation training app and brochures	2019-2020	Yet to be commenced
Citizen Science koala location app	2019 -2020	App has been developed by Department of Planning, Industry and Environment.
Annual school education program.	2019 -2020	Koala Ecologist for MNCJO has commenced this program which includes schools and community education.
Monitoring		
Koala population assessment	2018 and every 3 years thereafter.	To be commenced by MNCJO across the Kempsey and PMHC areas in October 2019.

Options

Council may opt to accept the recommendation or choose to resolve in some other manner.

Community Engagement & Internal Consultation

No community engagement or internal consultation was undertaken as part of this report.

Planning & Policy Implications

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

Financial & Economic Implications

Funding for the implementation of actions in the Koala Recovery Strategy (detailed action plan in Table 1) have been incorporated into the 2019/20 Operational Plan and have funded 1 year of the 3-year partnership with the MNCJO Koala Recovery Partnership project. Specific actions to be delivered under the 2019/20 Operational Plan will include investigation of locations to reduce road strike, alleviate dog attacks and also work on completion of the CKPoM.

Attachments

1 [View](#). Koala Recovery Strategy

Subject: CONFIDENTIAL COMMITTEE OF THE WHOLE

RECOMMENDATION

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

Item 15.01 T-19-38 Supply and Delivery of Electrical Goods

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 15.02 T-19-40 Provision of Building Maintenance Services

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 15.03 T-19-41 Provision of Plumbing Services

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 15.04 Design of Rainbow Beach Sporting Fields & Construction of School to School Shared Pathway

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

- 2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole on the basis that the items to be considered are of a confidential nature.**
- 3. That the recommendations made in Confidential Committee of the Whole be made public as soon as practicable.**

**Subject: ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL
COMMITTEE OF THE WHOLE**

RECOMMENDATION

That the undermentioned recommendations from Confidential Committee of the Whole be adopted:

Item 15.01 T-19-38 Supply and Delivery of Electrical Goods

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.

RECOMMENDATION

Item 15.02 T-19-40 Provision of Building Maintenance Services

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.

RECOMMENDATION

Item 15.03 T-19-41 Provision of Plumbing Services

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.

RECOMMENDATION

Item 15.04 Design of Rainbow Beach Sporting Fields & Construction of School to School Shared Pathway

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.

RECOMMENDATION