



Ordinary Council

Business Paper

date of meeting: Wednesday 17 June 2020

location: Via Skype

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 17 June 2020

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

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

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

Due to the current COVID-19 health emergency, the Prayer will not be held as part of this meeting.

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 3 June 2020 be confirmed.

PRESENT

Members:

Councillor Peta Pinson (Mayor)
Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
Councillor Sharon Griffiths
Councillor Peter Alley
Councillor Justin Levido
Councillor Geoff Hawkins
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)
Group Manager Governance (Michael Ferguson)
Governance and Legal Officer (Kirsty Callander)
Governance Support Officer (Bronwyn Lyon)

This meeting was held remotely and electronically through Skype
and is live streamed on Council's YouTube channel.
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 online.

02 LOCAL GOVERNMENT PRAYER

The Mayor delivered the Local Government Prayer.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Alley/Turner

That the Minutes of the Ordinary Council Meeting held on 20 May 2020 be confirmed with the following amendment:

Item 13.04 - PLANNING PROPOSAL PP2017 - 4.1: LOT 516 DP1261705, CRESTWOOD DRIVE, PORT MACQUARIE

Amend resolution 2 (a)(i) to read:

Lot 516 from RU1 Primary Production to RE2 Private Recreation to facilitate recreation and tourism uses;

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

05 DISCLOSURES OF INTEREST

Councillor Levido declared a Non-Pecuniary, Less Than Significant Interest in Item 12.02 - Town Centre Master Plan Sub-Committee Charter Review, the reason being that Councillor Levido is the beneficiary of The Levido Family Trust which owns units in the Richmond Place Property Trust which owns commercial real estate at Lots 5, 8, 9 and 10/11 William Street, Port Macquarie and Lots 5 and 6 rear 15 Short Street, Port Macquarie. These properties lie within the area covered by the Port Macquarie Town Centre Master Plan.

Councillor Levido declared a Non-Pecuniary, Less Than Significant Interest in Item 13.03 - Disaster Recovery Procurement, the reason being that Councillor Levido is the principal of Levido Law and Property. The Firm acts for a principal of the engaged contractor.

Councillor Turner declared a Non-Pecuniary, Less Than Significant Interest in Item 12.02 - Town Centre Master Plan Sub-Committee Charter Review, the reason being that Councillor Turner is a director of Hort Property Unit Trust which owns property in the Port Macquarie CBD within the area covered by the Port Macquarie Town Centre Master Plan.

06.01 LOCAL GOVERNMENT ELECTIONS

MOTION

MOVED: Pinson

That Council:

1. Note that in March 2020 amendments were made to the Local Government Act by the NSW Government, postponing the September 2020 Local Government elections for 12 months, to September 2021.
2. Note that the decision by the NSW Government to make the amendments referred to in 1. above were as a result of the COVID-19 pandemic and in the interests of the health of voters and to provide communities with stability and continuity by their elected representatives.
3. Request the General Manager write to the Minister for Local Government, The Hon. Shelley Hancock MP seeking urgent consideration of granting permission for Port Macquarie-Hastings Council to hold their election at the earliest possible date due to the seriousness of the dysfunction of Council and the growing community dissatisfaction with the elected representatives of Council.

The Mayor tabled an email she sent to Councillors on 18 July 2019 titled "Request to Meet With The Minister for Local Government".

AMENDMENT

MOVED: Turner/Griffiths

That Council:

1. Note that in March 2020, amendments were made to the Local Government Act by the NSW Government, postponing the September 2020 Local Government elections for 12 months, to September 2021.
2. Note that the decision by the NSW Government to make the amendments referred to in 1. above were as a result of the COVID-19 pandemic and in the interests of the health of voters and to provide communities with stability and continuity by their elected representatives.
3. Request the General Manager provide access to appropriate external professional advice and support for Council's elected representatives, to ensure optimum performance in these extenuating and unexpected circumstances.

Councillor Turner tabled an email sent by the Mayor to Councillors on 6 May 2020 titled "Meeting Tonight".

CARRIED: 6/2
FOR: Alley, Dixon, Hawkins, Intemann, Levido and Turner
AGAINST: Griffiths and Pinson

THE AMENDMENT BECOMES THE MOTION

AMENDMENT

MOVED: Pinson/Griffiths

That Council:

1. Note that in March 2020, amendments were made to the Local Government Act by the NSW Government, postponing the September 2020 Local Government elections for 12 months, to September 2021.
2. Note that the decision by the NSW Government to make the amendments referred to in 1. above were as a result of the COVID-19 pandemic and in the interests of the health of voters and to provide communities with stability and continuity by their elected representatives.
3. Request the General Manager write to the Minister of Local Government, The Hon. Shelley Hancock MP, to provide advice to the Mayor and external professional advice and support to the Mayor and Councillors, to ensure optimum performance in these extenuating and unexpected circumstances.

THE AMENDMENT WAS PUT AND LOST

LOST: 3/5

FOR: Dixon, Griffiths and Pinson

AGAINST: Alley, Hawkins, Intemann, Levido and Turner

THE MOTION WAS PUT AND CARRIED

RESOLVED: Turner/Griffiths

That Council:

1. Note that in March 2020, amendments were made to the Local Government Act by the NSW Government, postponing the September 2020 Local Government elections for 12 months, to September 2021.
2. Note that the decision by the NSW Government to make the amendments referred to in 1. above were as a result of the COVID-19 pandemic and in the interests of the health of voters and to provide communities with stability and continuity by their elected representatives.
3. Request the General Manager provide access to appropriate external professional advice and support for Council's elected representatives, to ensure optimum performance in these extenuating and unexpected circumstances.

CARRIED: 6/2

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

AGAINST: Griffiths and Pinson

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Hawkins/Griffiths

That Council determine that the attachments to Item Numbers 13.03 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 8/0

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

AGAINST: Nil

08 PUBLIC FORUM – MATTERS NOT ON THE AGENDA

Due to the current COVID-19 health emergency, Public Forum - Matters Not On The Agenda were not held as part of this meeting.

09 PUBLIC FORUM – MATTERS ON THE AGENDA

Due to the current COVID-19 health emergency, Public Forum - Matters On The Agenda were not held as part of this meeting.

Council invited the public to submit comments in relation to matters on the agenda in writing which were provided to Councillors prior to the meeting for the consideration of the Councillors.

SUSPENSION OF STANDING ORDERS

RESOLVED: ALLEY/HAWKINS

That Standing Orders be suspended to allow Items 10.02, 10.03, 12.01, 12.02, 13.01, 13.03, 13.04 and 13.05 not in the block to be brought forward and considered next in this order.

CARRIED: 8/0

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

AGAINST: Nil

10.02 PAYMENT OF WATER FUND AND SEWER FUND DIVIDEND FOR THE YEAR 2018-2019

RESOLVED: Hawkins/Turner

That Council:

1. Note and congratulate staff on the achievement of substantial compliance with each of the best practice guidelines (NSW Best Practice Management Guidelines for Water Supply and Sewerage, August 2007) of:
 - (a) Strategic Business Planning
 - (b) Pricing
 - (c) Water Conservation
 - (d) Drought Management
 - (e) Performance Reporting
 - (f) Integrated Water Cycle Management
2. Authorise the application to the NSW Government for approval to pay a dividend of \$924,507 to the General Fund from the surplus in Water Supply operations for the 2018-2019 financial year.
3. Authorise the payment of \$102,723 for tax equivalents to the general fund from the Water Supply operations for the 2018-2019 financial year.
4. Authorise the application to the NSW Government for approval to pay a dividend of \$869,076 to the General Fund from the surplus in the Sewerage Fund for the 2018-2019 financial year.
5. Authorise the payment of \$96,564 for tax equivalents to the general fund from the Sewerage Fund for the 2018-2019 financial year.
6. Determine that if successful in its application, the dividend will be allocated as follows:
 - a) \$500,000 to fund the financial impacts arising from the COVID-19 pandemic in the 2020-2021 Operational Plan.
 - b) \$1,492,870 to a COVID-19 Relief reserve.

CARRIED: 5/3

FOR: Alley, Dixon, Hawkins, Levado and Turner

AGAINST: Griffiths, Intemann and Pinson

10.03 2017-2021 DELIVERY PROGRAM AND 2019-2020 OPERATIONAL PLAN - QUARTERLY PROGRESS REPORT AS AT 31 MARCH 2020

RESOLVED: Pinson/Intemann

That Council note the 2017-2021 Delivery Program and 2019-2020 Operational Plan Quarterly Progress Report as at 31 March 2020.

CARRIED: 8/0

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

AGAINST: Nil

12.01 ARTWALK 2020 - NEW EVENT FORMAT

RESOLVED: Griffiths/Dixon

That Council:

1. Note the proposed new event format for the delivery of the 2020 Artwalk Event.
2. Consider including parking locations and work with local business to assist with shuttle services.

CARRIED: 8/0

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

AGAINST: Nil

12.02 TOWN CENTRE MASTER PLAN SUB-COMMITTEE CHARTER REVIEW

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

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

RESOLVED: Hawkins/Griffiths

That Council:

1. Adopt the Town Centre Master Plan Sub-Committee Charter attached to this report.
2. Request the General Manager undertake an Expression of Interest process for members of the Town Centre Master Plan Sub-Committee.

CARRIED: 8/0

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

AGAINST: Nil

13.01 DEVELOPMENTS, PUBLIC PLACE & EVENTS WASTE MINIMISATION AND MANAGEMENT POLICY - POST EXHIBITION REVIEW

RESOLVED: Turner/Hawkins

That Council:

1. Adopt the Developments, Public Place & Events Waste Minimisation and Management Policy.
 2. Thank the community for the feedback received during the recent consultation period regarding the draft Waste Minimisation and Management Policy.
 3. Request the General Manager bring a report back to the May 2021 Ordinary Council Meeting that provides:
-

-
- a) An analysis of the policy's impact on developments, public place and events waste minimisation and management;
 - b) Potential adjustments to Council's fees and charges for the 2021/2022 financial year that could incentivise positive waste minimisation and management outcomes;
 - c) Feedback from event promoters on the ease of complying with the Developments, Public Place & Events Waste Minimisation and Management Policy.

CARRIED: 8/0

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

AGAINST: Nil

13.03 DISASTER RECOVERY PROCUREMENT

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

RESOLVED: Intemann/Griffiths

That Council:

1. Note that pursuant to section 170A of the Local Government (General) Regulations 2005, and for the purpose of section 55(3)(n)(i) of the Local Government Act 1993, an amount of \$500,000 is prescribed but only in the case of a contract that:
 - a) Is entered into between 17 January 2020 and 1 July 2020; and
 - b) Is primarily for the purpose of bush fire-related response and recovery and applied to assist Council with the procurement activity to reconstruct Kapearrow Bridge on Doyles River Road, Debenham.
2. Note that pursuant to section 170A of the Local Government (General) Regulations 2005, the Request for Quotation process for the bush-fire related project to reconstruct Kapearrow Bridge and the subsequent engagement of Eire Constructions Pty Ltd for the lump sum of \$332,438 (ex GST).
3. Maintain the confidentiality of the documents and considerations in regards to the engagement of Eire Constructions Pty Ltd to undertake the bush fire-related response to Kapearrow Bridge.

CARRIED: 8/0

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

AGAINST: Nil

13.04 QUESTION WITH NOTICE - OPENING OF LAKE CATHIE - MAY 2020

RESOLVED: Alley/Intemann

That Council note the Question With Notice from Councillor Alley regarding the recent opening of Lake Cathie as included in this report and that a written report be tabled at the 17 June 2020 Council Meeting.

CARRIED: 8/0

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

**13.05 NOTICE OF MOTION - KENWOOD DRIVE BRIDGE, LAKE CATHIE -
CONCEPT DESIGNS**

RESOLVED: Pinson/Turner

That Council:

1. Acknowledge community sentiment following the opening of Lake Cathie.
2. Request that the General Manager give consideration to commencing the development of concept designs for the Kenwood Drive Bridge, Lake Cathie as part of the 2020-2021 Operational Plan.
3. In light of Recommendation No. 2 above, request that the General Manager table a report at the Ordinary Council Meeting on 15 July 2020 detailing any impacts undertaking the concept designs for the Kenwood Drive Bridge will have on
 - a) existing priorities listed in the draft 2020-2021 Operational Plan,
 - b) priorities that arise from the COVID-19 Working Group's proposed infrastructure prioritisation matrix,as well as identifying a potential funding source for the concept design work to be undertaken during 2020-2021.
4. Request that the General Manager write to the Hon. Leslie Williams MP (Member for Port Macquarie) and Dr David Gillespie MP (Federal Member for Lyne), advising of these actions being taken by Council.

CARRIED: 8/0

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

14 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Intemann/Turner

That Items 10.01 and 13.02 be considered as a block resolution.

CARRIED: 8/0

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

RESOLVED: Intemann/Alley

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

CARRIED: 8/0

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

10.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Intemann/Alley

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

13.02 POST EXHIBITION REPORT - STAGE 1 REVIEW OF PORT MACQUARIE-HASTINGS DEVELOPMENT CONTROL PLAN 2013 - HOUSEKEEPING AMENDMENTS

BLOCK RESOLVED: Intemann/Alley

That Council:

1. Approve the exhibited draft Development Control Plan 2013 (Amendment No. 13) incorporating the changes referred to in the report and contained in Attachment 3, with the amendment to commence on 17 June 2020.
2. Within 28 days, publish a public notice of Council's decision to approve the Development Control Plan 2013 (Amendment No. 13) on Council's website, including the repeal of Development Control Plan 2011 (Part 5 – Area Based Provisions), in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000.
3. Delegate authority to the Director Development and Environment to make any minor amendments to any numerical, typographical, interpretation and formatting errors, if required, in preparation for the commencement of Development Control Plan 2013 (Amendment No. 13).
4. Notify all persons who lodged a submission of Council's decision.
5. Advise the local planning and development industry of the commencement of Development Control Plan 2013 (Amendment No. 13).

CONFIDENTIAL SESSION

RESOLVED: Alley/Intemann

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

Item 15.01 John Henry Taylor and Mildred Joy Taylor V. Port Macquarie-Hastings Council

This item is considered confidential under Section 10A(2)(e) of the Local Government Act 1993, as it contains information that would, if disclosed, prejudice the maintenance of law.

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

CARRIED: 8/0

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

AGAINST: Nil

15.01 JOHN HENRY TAYLOR AND MILDRED JOY TAYLOR V. PORT MACQUARIE-HASTINGS COUNCIL

RESOLVED: Hawkins/Turner

That Council:

1. Note the John Henry Taylor And Mildred Joy Taylor V. Port Macquarie-Hastings Council Report.
2. Report back to the 15 July 2020 Ordinary Council Meeting with the full costs incurred by Council in the matter of John Henry Taylor And Mildred Joy Taylor V. Port Macquarie-Hastings Council.
3. Refer this matter to the Audit, Risk & Improvement Committee for information, and for the Committee to consider the mechanisms in place to monitor the status of material ongoing matters which have potential future obligations to be provided by Council or to Council.

CARRIED: 8/0

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

AGAINST: Nil

RESOLVED: Alley/Griffiths

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

CARRIED: 8/0

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

AGAINST: Nil

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

The meeting closed at 8:14pm.

.....
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.

RECOMMENDATION

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

Item: 08

Subject: PUBLIC FORUM – MATTERS NOT ON THE AGENDA

Due to the current COVID-19 health emergency, Public Forum - Matters Not On The Agenda will not be held as part of this meeting.

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

Due to the current COVID-19 health emergency, Public Forum - Matters On The Agenda will not be held as part of this meeting.

However, residents may provide information in relation to matters on the agenda to Councillors by emailing councilmeeting@pmhc.nsw.gov.au or by contacting Councillors directly using the contact details found on Council's website. Any information provided will assist Councillors in their decision making capacity on those items on the agenda. All representations made to Councillors through the above email address must be received by Council no later than 4:30pm on the Monday prior to the meeting.

1 Leadership and Governance

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

- 1.1 Inform and engage with the community about what Council does using varied communication channels
- 1.2 Maintain strong partnerships between all stakeholders - local, state and federal — so that they are 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
Biodiversity Investigations Stewardship Sites	20/11/19 Item 13.15	Detailed analysis still being undertaking Deferred due to COVID-19	DDE	Mar-02 Apr-20 May-20	17/06/20
Update on Site Specific Planning Proposal Requests	11/12/2019 Item 13.10		DDE		17/06/20
2020-2021 IP&R Documents - post exhibition	18/03/20 Item 10.08		DCP		17/06/20
Port Macquarie Aquatic Facility - Progress of detailed design and Strategic Concept Plan	18/09/19 Item 11.02		DDE		17/06/20
Port Macquarie Aquatic Facility - Outcome discussions with displaced user groups of Macquarie Park	18/09/19 Item 11.02		DDE		17/06/20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
QON - Opening of Lake Cathie - May 2020	03/06/2020 Item 13.04		DDE		17/06/20
Planning Proposal Request PP2011 - 9.3: The Ruins Way and South Blackwood, Port Macquarie	19/06/19 Item 13.06	Revised PP lodged and under assessment	DDE	Aug-19 Sep-19 Nov-19 Feb-20 Apr-20 Jun-20	15/07/20
T-19-38 Supply and Delivery of Electrical Goods	16/10/2019 Item 15.01	Still negotiating	DI	Dec-19 Feb-20 May-20	15/07/20
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 Dec-19 Feb-20 May-20	15/07/20
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 Dec-19 Feb-20 May-20	15/07/20
Draft Glasshouse Plan 2020-2022 - post exhibition	11/12/2019 Item 10.10	Still considering submissions	DCP	Mar-20 Apr-20 May-20	15/07/20
Coast, Estuary and Floodplain Sub-Committee - Membership	11/12/2019 Item 13.07	Deferred due to COVID-19	DDE	Apr-20 Jun-20	15/07/20
Roadside Vegetation Management Policy - post exhibition	06/05/2020 Item 13.01		DI		15/07/20
Draft Coastal Management Program Scoping Plan - post exhibition	20/05/2020 Item 13.07		DDE		15/07/20
Kenwood Drive Bridge, Lake Cathie - Concept Designs	03/06/2020 Item 13.05		DI		15/07/20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Taylor v PMHC - full costs incurred	03/06/2020 Item 15.01		DCP		15/07/20
Fernbank Creek and Sancro Planning Investigation - Progress Report	18/03/20 Item 13.08		DSG		15/07/20
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
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-18 Feb-19 Mar-19 Apr-19 Jun-19 Jul-19 Aug-19 Oct-19 Feb-20 Apr-20 Jun-20	Aug-20
Land Acquisition Required as Part of the Long Flat Sewer Scheme - post exhibition	20/11/19 Item 13.13	Awaiting completion of required processes prior to exhibition.	DDE	Feb-20	Aug-20
Development Assessment Panel Charter Review - post exhibition	20/11/19 Item 13.10	Ongoing review of options underway	DDE	Mar-20 Apr-20 May-20 Jun-20	Aug-20
Water Supply Security Update Report	19/02/2020 Item 13.04		DI		Aug-20
Bushfire Recovery - Grant Funded Projects	19/02/2020 Item 10.21		DSG		Aug-20
Ocean Drive Duplication Project Update	20/05/2020 Item 13.02		DI		Aug-20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Planning Proposal – Lot 2 DP1091253 Beach Street Bonny Hills	19/04/16 Item 12.02	Post-exhibition report and revised Planning Proposal (potentially) and re-exhibition	DDE	Sep-19 Nov-19 Feb-20 Apr-20	Sep-20
Canal Maintenance	18/10/17 Item 12.04	Works delayed 18mths.	DI	FY2018/2019 Jun-20	Sep-20
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	1/12/2019 Feb-20	Sep-20
Climate Change Risk Assessment - Update	18/03/20 Item 13.06	Delayed due to COVID-19w	DDE		Sep-20
Draft s9.11 Airport Business Park Roads Contribution Plan	20/05/2020 Item 13.05		DDE		Oct-20
Future of Committees following establishment of Cultural Steering Group	19/04/17 Item 15.05	Priority item for the new CSG when adopted by Council following the EOI for membership Deferred due to COVID-19	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 Mar-20 Apr-20	Nov-20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/18 Item 14.05	On hold as per GM advice	DSG	Mar-20	Nov-20
Mid North Coast Joint Organisation - funding and related issues	06/05/2020 Item 10.01		GM		Nov-20
Markets Policy - Review	11/12/2019 Item 12.02		DSG		Dec-20
MOU - Norfolk Island Regional Council - income and expenditure administration.	20/03/19 Item 09.02		GM		Feb-21
Developments, Public Place & Events Waste Minimisation and Management Policy - impacts, fees, feedback	03/06/2020 Item 13.01		DGP		May-21
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowood 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)

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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 Jun-20	TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date
Mayoral Discretionary Fund Allocations	GM	Monthly	Every	17-Jun
Monthly Financial Update	DCP	Monthly	Every (except July)	17-Jun
Investments	DCP	Monthly	Every	17-Jun
Recommendations by the Mayor's Sporting Fund Sub-Committee	DSG	Monthly	Every	Deferred due to COVID-19
Legal Fees - Update Report (19/09/18 - Item 09.16)	DCP	Quarterly	Feb, May, Aug, Nov	
Development Activity and Assessment System Performance	DDE	Quarterly	May, Aug, Nov, Feb	
Port Macquarie Health and Education Precinct - Update Report (06/05/2020 - Item 13.03)	DSG	Quarterly	Aug, Nov, Feb, May	
Operational Plan – Quarterly Progress	DCP	Quarterly	Nov, Feb, May, Aug	
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	DDE	Biannual	Apr, Oct	April: deferred due to COVID-19
Management of Flying-Fox Colony in Kooloonbung Creek Nature Reserve - Biannual Progress Report (18/03/20 - Item 13.07)	DDE	Biannual	Jul, February	

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date
Local Strategic Planning Statement (19/02/2020 - Item 10.22)	DSG	Biannual	Aug, Feb	
Mayoral and Councillor Fees (Setting of)	GM	Annually	May	15-Jul
Long Term Energy Strategy – Progress	DDE	Biannual	May, Nov	
Economic Development Strategy - Progress (20/11/2013 - Item 10.03)	DSG	Biannual	May, Nov	
Port Macquarie-Hastings Destination Management Plan 2020-2024 (20/05/2020 - Item 12.01)	DSG	Annually	Jun-21	
Council Policy - Status	DCP	Annually	Jul	
Recreation Action Plan – Status	DDE	Annually	Jul	
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DSG	Annually	Jul	
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	
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	
Performance of Property Investment Portfolio 6-Monthly (20/11/19 - Item 10.17)	DSG	Annually	Nov	
Compliments and Complaints Annual Report	DSG	Annually	Dec	15-Jul
Code of Conduct Complaints Annual Report	DCP	Annually	Dec	

AGENDA

ORDINARY COUNCIL
17/06/2020

Attachments

Nil

LEADERSHIP AND
GOVERNANCE

Item: 10.02

Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 7 MAY TO 3 JUNE 2020

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 Mayoral Discretionary Fund allocations for the period 7 May to 3 June 2020 inclusive.

Executive Summary

To advise of the Mayoral Discretionary Fund allocations for the period 7 May to 3 June 2020 inclusive.

Discussion

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

Donation to Annual Red Shield Appeal	\$250.00
	\$250.00

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 budget.

Attachments

Nil

Item: 10.03

**Subject: NOTICE OF MOTION - RESIGNATION OF GENERAL MANAGER
CRAIG SWIFT-MCNAIR AND RECRUITMENT OF A NEW GENERAL
MANAGER**

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

RECOMMENDATION

That Council:

- 1. Note the resignation of Mr Craig Swift-McNair as Council's General Manager.**
- 2. Appoint one of the following Council Directors as Acting General Manager from 1 July 2020 until such time as a new General Manager is appointed (shown in alphabetical order):**
 - a) Director Corporate Performance**
 - b) Director Development & Environment**
 - c) Director Infrastructure**
 - d) Director Strategy & Growth**
- 3. Request the General Manager provide advice to Councillors as soon as possible (via email) on the proposed process for recruitment of a new General Manager, with a view to ensuring that all Councillors are involved at each key stage of the process. The advice is to include relevant actions and timelines of the following key stages:**
 - a) Engagement of a recruitment firm to undertake the General Manager recruitment.**
 - b) Development of the recruitment brief.**
 - c) Application process and short-listing of candidates.**
 - d) Interview process.**
 - e) Final decision & appointment of a new General Manager.**

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Item: 10.04

Subject: RESIGNATION OF COUNCILLOR JUSTIN LEVIDO

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 Justin Levido, in line with Section 294 (2) of the NSW Local Government Act 1993.

Executive Summary

Councillor Justin Levido resigned as a Councillor of Port Macquarie-Hastings Council on Thursday, 4 June 2020, 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 expected date for the next ordinary election of the Councillors of the area in September 2021, (noting that no date has yet been specified as a result of the current COVID-19 restrictions), 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 Justin Levido's resignation.

Discussion

As noted above, Councillor Justin Levido resigned as a Councillor of Port Macquarie-Hastings Council on Thursday, 4 June 2020, 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 Levido, the General Manager wrote to the above-mentioned officers on Tuesday 9 June 2020, 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 expected date for the next ordinary election of the Councillors, generally considered to be around September 2021 (noting that no date has yet been specified as a result of the current COVID-19 restrictions), 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.*

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

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.*

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, section 292 of the Act states that Council will be required to hold a by-election within 90 days of the date of the vacancy occurring. However, under the current circumstances surrounding the COVID-19 restrictions, there is no certainty that the by-election would be required to be held within 90 days and may be held at a later date.

Community Engagement & Internal Consultation

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

Internal consultation has taken place with the Group Manager Governance.

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.

The cost of such a by-election in 2020 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 2020, 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: 10.05

**Subject: NOTICE OF MOTION - RESIGNATION OF COUNCILLOR JUSTIN
LEVIDO**

Councillor R Turner has given notice of his intention to move the following motion:

RECOMMENDATION

That Council places on record, its deep gratitude to Justin Levido for his service to the Port Macquarie-Hastings Community as a Councillor for the period 8 September 2012 to 5 June 2020.

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Item: 10.06

Subject: INTEGRATED PLANNING AND REPORTING (IPR) DOCUMENTS

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.1.4 Provide easy to understand and accessible community reporting.

RECOMMENDATION

That Council:

- 1. Adopt the following Integrated Planning and Reporting (IPR) documents:**
 - a) Delivery Program 2017-2022 (Revised 2020); and**
 - b) Operational Plan 2020-2021**
- 2. Note the 2020-2021 budget position of a \$676,730 shortfall which will be reported to Council monthly during the financial year.**
- 3. Enter into total borrowings of \$1.5 million as outlined in the Financial Implications section of the report for the Hastings Regional Sporting Complex Construction.**
- 4. Enter into total borrowings of \$1.2 million as outlined in the Financial Implications section of the report for Timber Bridges - Renewals & Repairs.**

Executive Summary

It is a Local Government statutory requirement for NSW Councils to develop the Integrated Planning and Reporting (IPR) documents, and for them to be endorsed by Council, by 30 June in the year following a Council election. The election occurred in September 2016.

Each year Council is required by legislation to review its four-year Delivery Program and create a 12 month Operational Plan. However, in response to COVID-19 pandemic, the Office of Local Government has provided NSW councils with flexibility to adjust to the rapidly shifting circumstances. A number of statutory deadlines have been modified, Office of Local Government Circular A700190 dated 1 May 2020 indicated that the existing Four Year Delivery Program 2017-2021 (Revised 2020) will apply for a further 12 months, maintaining the key themes and any activities not yet completed. Thus, the Delivery Program for June 2020 adoption has now been amended to Five Year Delivery Program 2017-2022 (Revised 2020).

Legislation (Section 404 and 405 of the Local Government Act (1993)) requires the IPR documents be placed on public exhibition annually for a minimum of 28 days before being endorsed by the Council. For the 2020-21 documents, the public exhibition period was from 19 March to 17 April 2020.

At the conclusion of the public exhibition period, a meeting was held with Senior Council staff and Councillors to review and consider all submissions, with a view to identifying changes required to the draft plans. The purpose of this report is to consider the community feedback received during the public exhibition period and evaluate the changes and alterations now proposed by staff in order to finalise the planning documents prior to the start of the new financial year.

Changes recommended to the documents are outlined in detail in the body of this report. The budget position has altered between March and June to allow for the budget to better align with planned works and importantly to take into account the impacts of the COVID-19 pandemic.

The budget statement now indicates a shortfall position of \$676,730.

Total expenditure, excluding depreciation, developer provided assets and loss on disposal of assets will be \$209.9m, with total revenues expected to be \$190.6m (excluding the developer provided assets contribution). The difference between the income and expenditure is funded by a combination of loans and money previously allocated to reserves for specific purposes. This results in a net cash shortfall position for 2020-2021 of \$677k. Further information relating to the 2020-2021 budget can be found under the Financial & Economic Implications section of this report, as well as the attached one year 2020-2021 Operational Plan.

The 2020-2021 financial year will see Council continue to deliver/commence some major infrastructure works such as the Kindee Bridge Replacement, Kew Main Street Upgrade, Timber Bridges Renewals, Bago Road Rehabilitation, The Ruins Way Reconstruction, Pappinbarra Bridge Replacement and Boundary Street Upgrade. Sporting and recreation works include work at Vince Imon Sporting Fields, delivering the Recreational Walkway Replacement program, the Sancrox / Thrumster Sporting Fields, the Hastings Regional Sporting Complex, the Port Macquarie Town Green West Reserve Upgrade, Rainbow Beach Sports Fields, and work on the Lake Cathie Foreshore Reserve Masterplan. Other projects include Finalisation of the Small Towns Sewerage Scheme, expansion of the Cairncross Waste Facility, Port Macquarie Pool Design finalisation and \$33.7m on Water and Sewer projects.

In addition to delivering some major projects, Council will continue to deliver other services such as water and sewer services, library services, cultural services and waste services. Council will also continue to maintain our \$2 billion of assets on behalf of the community.

Whilst there is a shortfall of \$676,730 for the 2020-2021 financial year the budget is considered representative of key priorities across the LGA. Ongoing financial diligence will occur and be reported to Council to address this position over the coming financial year.

Documents to be endorsed (as attached) are:

- Delivery Program 2017-2022 (Revised 2020); and
- Operational Plan 2020-2021.

The supplementary documents to the Operational Plan 2020-2021 are:

- Fees and Charges;
- Annual statement of Revenue Policy; and
- Rating Maps.

These documents have been included in a separate report tabled to this same Council meeting with subject: 'Making of Rates and Charges for 2020/2021, Adoption of the Fees and Charges and Revenue Policy for 2020/2021'.

Discussion

At the ordinary Council meeting on 18 March 2020 Council resolved to place the suite of Integrated Planning and Reporting documents for 2020-2021, listed above, on public exhibition for a period of 28 days from 19 March to 17 April 2020.

The Integrated Planning and Reporting framework, adopted by NSW Government in 2009, outlines the important relationship between Council's funding priorities, service levels and community expectations. To comply with legislation Port Macquarie-Hastings Council has completed the annual review and developed its suite of planning documents.

Port Macquarie-Hastings Council IPR documents consists of:

Draft Delivery Program 2017-2022 (Revised) and 2020-2021 Operational Plan

This combined document includes:

Five Year Delivery Program (DP) 2017-2022 (Revised)

Developed by Councillors for their four-year term the DP is Council's commitment to undertake principal activities under each of the community themes as established by the Community Strategic Plan (CSP) within the resources available under the Resourcing Strategy. However, Local Government Circular A700190 dated 1 May 2020 was issued indicating that the existing Four Year Delivery Program (Revised 2020) will apply for a further 12 months in response to the COVID-19 pandemic, maintaining the key themes and any activities not yet completed.

The DP includes the intended outcomes, how performance will be assessed and a four-year financial plan. The DP is aligned to the adopted *Towards 2030 Community Strategic Plan* that commits to the community vision of "A sustainable high quality of life for all", and also to the mission "Building the future together - people, place, health, education and technology".

One Year Operational Plan (OP) 2020-2021

Supporting the DP is the one-year OP which includes individual projects and actions which will be undertaken during the 2020-2021 financial year. This document is organised by the community themes that are consistent throughout the integrated council suite of documents.

The OP includes a budget snapshot providing an overview of key projects proposed across the region, a breakdown of major projects by area.

The proposed 2020-2021 Capital Works Program is included within the body of the Operational Plan according to Community Themes and totals \$84.89m.

The documents within the framework must align to the quadruple bottom line addressing civic leadership, social, environmental and economic issues in an integrated manner.

The Port Macquarie-Hastings CSP, DP and OP are structured under four community themes that align to the quadruple bottom line:

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

To strengthen Integrated Planning and Reporting, Council has achieved 'integration' across the suite of plans by:

- Clearly linking the goals in the CSP to the activities in the DP and OP, using colour coding and alpha/numeric referencing;
- Reflecting asset, financial, and workforce activities in the Resourcing Strategy in both the DP and OP; and
- Identifying activities in Workforce Plan and Asset Plans, which will have impact on the Financial Plans.

Some of the major commitments in capital works priorities for 2020-2021 include:

Across the region:

- Stormwater Renewal Program - \$650,000
- Water asset replacement and renewal programs for live water mains, water meters, renewals and minor works, pumps and switchboards - \$2,810,000
- Small Towns Sewerage Scheme Construction - Long Flat, Comboyne, Telegraph Point - \$5,000,000
- Footpath, Cycleway and Pedestrian works - \$500,000
- Local Roads Proactive Renewal Program - \$1,000,000
- Road resurfacing and rehabilitation works throughout the local government area - \$3,277,192
- Installation of new bus shelters - \$90,000

Laurieton/Camden Haven and surrounds:

- Vince Inmon Sporting Fields – Sports Facility Upgrade \$530,000
- Vince Inmon Sporting Fields – Amenities Upgrade -70,000
- Playground replacement - Bonny Hills Community Hall Reserve - \$84,103
- Lake Cathie Foreshore Reserve - Master Plan implementation - Construction of Skate Facility - \$290,000
- Rainbow Beach Sports Fields - Commencement of construction of District Facilities - \$700,000
- Rainbow Beach Reserve - Reserve Upgrade - \$30,620

- Undertake preparatory work for new stormwater system at Illaroo Road - \$150,000
- Continue design and construction for Black Swan Terrace - Stormwater detention facility - \$200,000
- Investigation, Design and Construction of Kew Sewer Treatment Plant (STP) Upgrade - \$400,000
- Camden Haven Waste Water Treatment Membrane Replacements - \$420,000
- Beach to Beach - shared path project at Camden Haven - \$600,000
- Lorne Road Sealing - Investigations and concept design - \$120,000
- School to Schools - shared pathway project - detailed design and planning approvals for highest priority sections - \$300,000
- Kew Main Street Upgrade - Construction - \$1,540,000

Port Macquarie:

- Finalise development planning for the Port Macquarie Airport Business and Technology Park \$100,000
- Undertake the Public Amenities program including Blair Reserve, Port Macquarie - Construct New Amenities - \$90,000
- Port Macquarie Regional Sports Stadium - upgrade - \$150,000
- Playground equipment replacement program including –John Dick Reserve, Port Macquarie - \$84,900
- Deliver Recreational Walkway Replacement Program across the local government area - Town Beach to Town Beach North - \$653,310
- Town Green West - Reserve Upgrade - \$2,000,000
- Port Macquarie Pool - Design Finalisation - \$1,233,000
- Port Macquarie Airport Parallel Taxiway Stage 1 and General Aviation (GA) pavement renewal – finalise detailed design - \$60,000
- Operate and maintain Port Macquarie Airport in accordance with regulatory, safety and security requirements - \$435,000
- Thrumster Recycled Water Interim Supply - Rising Main to Thrumster Reservoir /Booster Pumping Station and Interim Reservoir - undertake construction - \$7,800,000
- Inlet Works Replacement for Port Macquarie Sewerage Treatment Plant - \$700,000
- Commence construction of the Port Macquarie Sewer rising main (Sewer Pump Station 71) - \$1,700,000
- Preconstruction works for upgrade of Lake Innes Sewerage Pump Station #71 - \$100,000
- Pedestrian Refuge - Horton Street - Clarence Street and William Street - Detailed Design - \$ 60,000
- Gordon Street Upgrade - Road Resurfacing, Stormwater flood mitigation and water main renewal works - \$3,000,000
- Boundary Street Upgrade - Detailed design and Environmental Approvals - \$1,000,000
- Ocean Drive duplication - Matthew Flinders Drive to Greenmeadows - \$100,000

Wauchope, Rural and surrounds:

- Lank Bain Sports Ground - upgrade - \$76,550
- Playground replacement - Narran Park, King Creek - \$88,750

- Sancrox/Thrumster Sports Fields - Detailed design and approvals - \$600,000
- Hastings Regional Sporting Complex Commence Construction - \$2,000,000
- Cairncross Waste Management Facility (WMF) Expansion / Improvements - \$5,750,000
- Cairncross Recycling Industrial Zone Improvements - Concrete Processing Facility Establishment Stage 1 - \$100,000
- Construction of a water main between Sancrox Reservoir and Wauchope - \$4,000,000
- Continuation of Bago Road Rehabilitation Stage 2 (Milligan's Rd to Bluewater Cres) - \$1,400,000
- Pembroke Road, Stoney Creek Bridge Upgrade - Detailed Design - \$300,000
- Scrubby Creek Bridge Replacement - \$710,000
- Kindee Bridge Upgrade - Detailed Design - \$50,000
- Kindee Bridge Structural Repairs - \$861,176
- Bago Road Rehabilitation of Stage 3 - Bluewater Crescent to Cameron Street - \$2,700,000
- Thompsons Bridge Replacement - \$458,000
- Bril-Bril Road Sealing - Investigations and concept design - \$450,000
- Design and construction of the Pappinbarra Bridge Replacement - \$3,158,140

Exhibition Period and Submissions

The draft documents were placed on public exhibition from 19 March to 17 April 2020. The engagement activities undertaken are outlined in the Community Engagement and Internal Consultation section of this report. A number of submissions were received during this period and the details of these, and staff responses, are also outlined in the Community Engagement and Internal Consultation section of this report.

A workshop was also held between staff and Councillors to discuss the submissions and any potential changes to the budget and IPR documentation as a result of the submissions.

Post Exhibition Amendments to the Capital Works Program

The capital works program incorporated in the one-year Operational Plan 2020- 2021 that was placed on public exhibition was valued at \$64.72m. In the intervening weeks there have been a number of changes to the program. As a result of these changes the capital works program outlined in the Operational Plan 2020-2021 is now \$84.89m.

As part of the development of the 2020-2021 Operational Plan, a review of the 2019-2020 works program has been ongoing to ensure that the capital works program for each year is achievable and realistic. This review has focused on the current and projected status of projects in light of a variety of factors and the latest data has identified a number of projects, which need to be re-prioritised to the next financial year.

The delivery of some of these projects within the 2019-2020 Operational Plan has been delayed due to impacts associated with the North Coast bushfires and Water Supply Security (including Water Restrictions Activity), noting the bushfire activity in our LGA which commenced in July 2019 with the Lindfield Park fire, as well as the

impacts of the COVID-19 pandemic. Council staff's direct involvement in operational responses to fire and water security activity was necessary to support the immediate needs of the community in regards to these unprecedented unplanned events across our LGA in 2019-2020. This has impacted the timing of projects originally scheduled in 2019-2020.

The following table lists the specific changes to the program, with the reasons for adjustment relating to one of the following:

- **Deferral:** part or all of project deferred from 2019-2020 to 2020-2021, in line with the above details.
- **Work program review:** addition or removal of part or all of projects. This arises where the continuous review of work programs has highlighted a change in priorities or delivery requirements since the draft program.
- **Grant:** items added to allow for the delivery of grant funded projects where additional grant funding has been received in the intervening period.
- **Council resolution:** item added as a result of a Council resolution.
- **Public exhibition feedback:** items added as a result of feedback received during the public exhibition period.

Item	Reason for adjustment	Amount
Hastings Regional Sporting Complex	Deferral	\$1,500,000
Wauchope WTP Augmentation	Deferral	\$3,600,000
Water Supply Emergency Actions	Deferral	\$150,000
Kingfisher Waste Depot Upgrade	Deferral	\$300,000
Bago Road Pavement Rehab	Deferral	\$428,000
Kew Main Street Upgrade – Stage 3	Deferral	\$100,000
Scrubby Creek Bridge	Deferral	\$260,000
The Ruins Way Upgrade	Deferral	\$1,412,000
Rainbow Beach Sporting Fields	Deferral	\$200,000
Sewer DNP3 Roll Out	Deferral	\$125,000
Thrumster Recycled Interim Reservoir & Connections	Work program review	\$2,300,000
Disabled Access – Buildings / Recreation Facilities	Work program review	\$109,000
Small Towns Sewerage Scheme	Work program review	\$800,000
New Works Depot	Work program review	(\$340,000)
Thompsons Creek Bridge	Work program review	(\$342,000)
John Oxley Drive Upgrade	Work program review	(\$100,000)
Lorne Road	Work program review	(\$80,000)
Cairncross Waste Expansion	Work program review	\$2,100,000
Aquatic Centre	Work program review	\$793,000

Item	Reason for adjustment	Amount
Timber Bridges	Work program review	\$1,200,000
Port Macquarie Airport Parallel Taxiway	Work program review	(\$90,000)
Install Solar Energy System at Port Macquarie Airport	Work program review	(\$150,000)
Design of Rock Ramp at Koree Island Pumping Station	Work program review	\$50,000
Water Security Project	Work program review	\$1,300,000
Installation of Baffles within Reservoirs	Work program review	\$300,000
Annual Energy Efficiency Initiatives Allocation	Work program review	\$150,000
Preconstruction Works for Upgrade of Port Macquarie Sewerage Pump Station #18	Work program review	\$50,000
Preconstruction Works for Upgrade / Relocation of Port Macquarie Sewerage Pump Station #1	Work program review	\$150,000
Sewer Critical Infrastructure Site Security Upgrades	Work program review	\$250,000
Water Critical Infrastructure Site Security Upgrades	Work program review	(\$250,000)
Bonny Hills Waste Water Treatment Plant Aerator Replacements	Work program review	(\$70,000)
Port Macquarie Sewer Pump Station 21 Refurbishment	Work program review	(\$55,000)
Camden Haven Sewer Pump Station 2 Refurbishment	Work program review	(\$215,000)
Pappinbarra Bridge Replacement	Grant	\$3,158,000
Owen & Home Street PM – Install Roundabout	Grant	\$200,000
Kings Creek Road – Shoulder Sealing and Safety Barrier Installation	Grant	\$250,000
Lord & Herschell Street PM – Install Roundabout	Grant	\$250,000
Nancy Bird Walton Drive / Kendall Rd / Ocean Drive, Kew – Install Roundabout	Grant	\$200,000
Jabiru Reserve Fish Cleaning Table	Grant	\$16,000
Solar Panels at PM STP	Council resolution	\$60,000
Solar Panels at Wauchope WTP	Council resolution	\$70,000
Accessible Ramp – Tacking Point Lighthouse	Public Exhibition feedback	\$35,000
Total		\$20,174,000

Post Exhibition Amendments to the Operational Budgets

The following amendments were made to the operational budgets:

Item	Amount
Aboriginal Cultural Heritage Study	\$30,000
Yippin Creek Planning	(\$67,000)
Minor Salaries & Wages Amendments	\$92,000
Decrease in Emergency Services Levy	(\$22,000)
Hastings Regional Sporting Complex - Deferral of Loan Repayments	(\$178,000)
Total	(\$145,000)

In addition to the above, the operational budgets and associated funding were amended to reflect the estimated impacts of the COVID-19 pandemic. These are further detailed below in the Financial & Economic Implications section.

Options

It is a Local Government statutory requirement for NSW Councils to develop the Integrated Planning and Reporting (IP&R) suite of documents, and for them to be endorsed by Council, by 30 June each year, noting that due to COVID-19, an extension has been provided to 31 July 2020.

Council could seek additional information or make other amendments to the documentation.

Community Engagement and Internal Consultation

The draft documents were placed on public exhibition from 19 March to 17 April 2020. Due to the COVID-19 pandemic engagement could not take place as usual with restrictions placed on face to face engagement and the closure of libraries and customer service centres impacting the ability to display the documents for review. Instead, this year, the engagement focused online through the Have Your Say site, and for the first time a Facebook Q&A forum, which proved very successful. 3,434 people saw this live feed in their Facebook news feed. 1,300 people viewed the video, and the peak viewership hit 93 at the 13 minute 19 second mark.

The "Have Your Say" online portal activity during the exhibition period was as follows:

- Total visits - 1,000
- Max visitors per day - 129
- Engaged visitors (submissions) - 51
- Informed visitors (downloaded documents) - 334
- Aware visitors (read through documents without downloading) - 825

Overall, 173 submissions were received via letter, e-mail, on-line, and Q&A engagements and related to a broad range of Council Services including the Roads, Bridges and Transport, Economic Development, Financial Management, Natural Resource Management, Sports and Recreation, Waste Management, Water Supply,

Strategic Land Use Planning, Development Assessment, and Leadership and Governance.

The following table provides a summary of the number of submissions by theme.

Submission theme	Number of submissions received
Economic Development	8
Roads Bridges & Transport	61
Financial Management	12
Stormwater/Drainage/Canal Maintenance	1
Natural Resources Management	20
Parks & Recreation	27
Waste Management	3
Water Supply	6
Business Improvement & Integrated Planning & Reporting	2
Community	4
Strategic Land Use Planning	3
Building Maintenance	1
Development Assessment	3
Communications	2
Cultural Events	1
Customer Experience	1
Leadership & Governance	17
Trees	1
TOTAL	173

A summary of submissions and the Council responses to submissions are provided in Attachment 2 of this report. A full copy of all submissions has been provided to the Mayor and Councillors separately in advance of the Council meeting.

Internal Consultation

The following levels of staff have reviewed, assessed and considered the draft documents throughout the public exhibition period:

- Councillors
- Executive
- Senior Leadership Team
- Integrated Planning and Reporting Development Officer
- Planning and Reporting Officer

- Staff

Planning & Policy Implications

This report is aligned with Council's legislative obligations under the requirements of the NSW Integrated Planning and Reporting Framework.

Financial & Economic Implications

The 2020-2021 Budget

Within the one-year Operational Plan is an overview of how the proposed activities included in the plan will be funded, including the budget statement and capital works program.

The 2020-2021 budget forecasts a budget shortfall, (excluding the non-cash components of depreciation and loss on disposal of assets), of \$676,730. This compares to the \$975,198 shortfall in the previous (2019-2020) budget.

Budget Summary

	2020-2021 Budget
Operating Budget	
Operating Income	190,638,107
Developer Provided Asset Contributions	6,500,000
Operating Expenses (excluding depreciation, loss on disposal of assets and interest expense)	(111,994,477)
Interest Expense	(2,512,415)
Net Operating Budget	82,631,215
Capital Items	
Net Transfers from Reserves	15,854,180
New Loans	2,700,000
Purchase of Assets	(84,892,227)
Developer Provided Assets	(6,500,000)
Loan Principal Repayments	(10,469,898)
Net Capital Result	(83,307,945)
Budget Result Surplus/(Shortfall)	(676,730)

Council's projected expenditure for 2020-2021 is \$216.4m which includes the following:

	2020-2021 Budget
Ongoing Operational Costs (excluding depreciation, loss on disposal of assets and interest expense)	111,994,477
Capital Works Projects	84,892,227
Developer Provided Assets	6,500,000
Debt Servicing Costs	12,982,313
	216,369,017

Council's projected income for 2020-2021 is \$197.1m which includes the following:

	2020-2021 Budget
Rates and Annual Charges	105,087,839
User Charges and Fees (for services such as water, waste management, building and planning, animal registration, crematorium, airport and library)	36,934,971
Interest Income	6,490,126
Grants and Contributions (made up primarily of state and federal government grants and developer contributions)	38,016,605
Developer Provided Asset Contributions	6,500,000
Other Revenue (such waste management income, rental of Council facilities and fines)	4,108,566
	197,138,107

To provide for the future needs of our community, Council borrows money to fund infrastructure and community assets, which cannot be funded out of normal revenue sources.

Total borrowings for 2020-2021 will be \$2.7m. This includes proposed new borrowings as shown below:

New Borrowings by Project	Amount
Hastings Regional Sporting Facility	1,500,000
Timber Bridges - Renewals & Repairs	1,200,000
	2,700,000

In addition to a budget shortfall position of \$677k, the 2020-2021 budget forecasts an operating surplus of \$340k on a consolidated basis and an operating deficit of \$11,787k for Council's general fund. Whilst the consolidated operating result is satisfactory, the general fund operating result is forecast to be negative, however it is noted that there are a number of factors impacting this result including:

- A number of new and/or non-recurrent expenditures, which have been prioritised and included in the budget to meet longer-term strategic goals. Although contributing to a negative operating result in 2020-2021, these items may be one-off in nature and generally will not impact the operating result going forward. These include planning for the Health & Education Precinct, actions coming from Community Plans, Yippen Creek planning investigations, and Greater Port Macquarie Brand Review;
- Cyclical expenditure items which are forecast to occur in 2020-2021, which however do not impact every financial year;
- Impact of cost shifting from other levels of government. In 2018-2019, the impact was estimated to be \$16.3m, noting that there may be other impacts which cannot be fully quantified at this stage. Cost shifting impacts Council's available funds to deliver quality services and infrastructure, and its operating performance. It represents a significant financial impost on Council and highlights a significant level of funding which could otherwise be utilised on, for example, service delivery, new infrastructure works, increased maintenance / asset renewal expenditure, and/or improve Council's operating position. As a standalone item, without the impact of cost shifting, the operating performance ratio for General Fund would be well and truly met. It is further noted that in

2018-2019 Council received \$25.7m in grant funding from other levels of government, with \$9.3m of this being untied (that is, not required to be spent on specific projects).

Of particular note is that the budget position and operating results have been significantly impacted by COVID-19 which as of 11 March 2020 has been declared a worldwide pandemic. Council resolved at the Council meeting held on 15 April 2020 to implement a number of local financial relief measures to support members of the community and local businesses who are being impacted by COVID-19. These direct assistance measures will inevitably have an impact on Council's financial position, largely in the form of forgone revenue. In addition to this, Council is also susceptible to the impacts of COVID-19 as with any other business. Therefore, there are further financial impacts due to business interruption where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity. Council also has and continues to incur additional expenditure to implement precautionary health measures, such as increased cleaning costs and increased technological costs to facilitate social distancing via remote working.

The impacts of COVID-19 have been assessed. Whilst the overall financial impact may still vary depending on a number of factors which are still in some cases unknown at this point in time, e.g. how long Federal and State health precautionary measures will be in place for, analysis to date has indicated that there will be a significant financial impact in relation to the above factors in 2020-2021. These impacts have been quantified below, noting that as they become clearer in this evolving situation, any further adjustments required to the budget will be dealt with through future Monthly Financial Update reports to Council:

Item	2020-2021 Estimated Impact (\$'000)
<i>Operating Result Impacts</i>	
Council Business Units - reduced activity / closure	(3,301)
Council Operations - reduced activity / closure	(790)
Relief Measures	(734)
Interest on Investments*	(1,779)
Total Operating Result Impacts	(6,604)
Works Program Items No Longer Able to be Funded by Reserve	(380)
Above Impacts Funded from Reserves	3,494
NET IMPACT (Shortfall)	(3,490)

*Approx. \$760k is COVID-19 driven, \$829k is general economic factors, \$190k from works program changes.

The above impacts on the 2020-2021 budget position have been mitigated by the following funding measures:

Item	2020-2021 Estimated Impact (\$'000)
Utilisation of a portion of the 19/20 Water / Sewer dividend*	500
Re-prioritisation of reserves	1,856
Reduction of services operationally (direct expenditure)	1,252
TOTAL	3,608

**Subject to NSW Government approval of payment of the dividend*

Although a negative operating result is manageable in the short-term in light of the above factors and in light of Council's overall financial position, accepting that in particular the impacts of COVID-19 are unprecedented, the importance of ensuring Council's ongoing financial sustainability is recognised. On this basis, Council will continue to focus on improving the general fund operating result, with the following focus areas noted:

- Focus on Council's integrated planning and reporting to drive the operational plan. Throughout the course of 2020-2021, Council will engage with the community to understand our future vision and the expectations of our changing community, to develop the new 10-year Community Strategic Plan (CSP). The CSP is the highest level plan that Council prepares and identifies the community's priorities and aspirations for the future and plans strategies for achieving those goals. The completion of the CSP and understanding the community's needs and priorities in relation to service levels and delivery will help drive the delivery programs and operational plans of the coming periods;
- Continued focus on ensuring Council's fees and charges structure is appropriate;
- Continued review of depreciation and appropriateness of underlying assumptions.

It should be noted that the 2020-2021 budget includes grant funding from the Federal Government in the form of a Financial Assistance Grant, (\$9.4m). The budget has assumed a small uplift from the 2019-2020 levels. Any reduction to this funding could impact upon Council's ability to deliver services.

It should also be noted that the Federal Government has in recent years made advance payments of the annual allocation of the Financial Assistance Grant. Council is required to bring these revenues to account in the year in which they are received as opposed to the year to which they relate. The 2020-2021 revenue budget in effect includes the second half of the 2020-2021 annual allocation and the first half of the 2021-2022 annual allocation (assuming the latter, which will be held in restricted cash until 2021-2022, is paid in advance). Should the Federal Government cease payment in advance, this will have a significant impact on the monies actually received in 2020-2021 and therefore on the operating result for this period. It is noted however that this is a timing issue only and overall monies received across the 2 years will not be impacted.

As part of the development of the 2020-2021 Operational Plan, a significant review of both the 2019-2020 and 2020-2021 works programs has been conducted, with a

focus on deliverability and maximising reserve funding where possible. This has included a detailed review of the phasing of expenditure in relation to multi-year projects and has identified a number of projects which will be delivered over a number of years. Where this occurs, only the portions of expenditure which relate to 2020-2021 have been included in the works program. The expenditure relating to subsequent years has been reallocated to those years in order to better align projected expenditure with the timing of works. The above approach has been designed to ensure that the proposed capital works program is achievable and realistic.

Attachments

1. Attachment 1: 2017-2022 Delivery Program (Revised) and 2020-2021 Operational Plan
2. Attachment 2 - Have your Say - Summary of Submissions/Responses on Operational Plan 2020-21

Item: 10.07

Subject: MAKING OF RATES AND CHARGES FOR 2020-2021, ADOPTION OF THE FEES AND CHARGES AND REVENUE POLICY FOR 2020-2021

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. Make an Ordinary Rate – Residential, pursuant to Section 494 of the Local Government Act, for 2020-2021 of (0.24678 cents) in the dollar with a Base Amount of \$614.30 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Residential Defined Urban Centres'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 49.53%.
2. Make an Ordinary Rate – Residential, pursuant to Section 494 of the Local Government Act, for 2020-2021 of (0.27600 cents) in the dollar with a Base Amount of \$514.30 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Residential Other'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 39.52%.
3. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2020-2021 of (0.53477 cents) in the dollar with a Base Amount of \$614.30 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Business Defined Urban Centres'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 20.07%.
4. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2020-2021 of (2.36132 cents) in the dollar with a Base Amount of \$614.30 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Business Port Macquarie CBD'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 5.20%.
5. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2020-2021 of (0.46687 cents) in the dollar with a Base Amount of \$514.30 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Business Other'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 30.3%.
6. Make an Ordinary Rate – Farmland, pursuant to Section 494 of the Local Government Act, for 2020-2021 of (0.27527 cents) in the dollar

with a Base Amount of \$634.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Farmland'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 30.64%.

7. **Make a Special Rate – Residential, pursuant to Section 495 of the Local Government Act, for 2020-2021 of (0.06154 cents) in the dollar for all rateable land within the Broadwater Special Rate area outlined in the attached rating maps.**
8. **Make a Special Rate – Residential, pursuant to Section 495 of the Local Government Act, for 2020-2021 of (0.13120 cents) in the dollar for all rateable land within the Sanctuary Springs Special Rate area outlined in the attached rating maps.**
9. **Make an Annual Charge for Waste Management Services – Domestic, pursuant to Section 496 of the Local Government Act, for 2020-2021 on all rateable land, categorised as Residential or Farmland, to which a domestic waste service is (or able to be) provided. The Domestic Waste Annual Charge will be based on the type of service received:**

Type of Service	Charge for 2020/21
Standard service – 240 litre fortnightly general waste	\$459.00
Minimiser service – 140 litre fortnightly general waste	\$402.00
Excess service – 240 litre weekly general waste	\$678.00
Half standard service – 240 litre fortnightly general waste (multi-unit dwellings only)	\$252.00
Half excess service – 240 litre weekly general waste (multi-unit dwellings only)	\$363.00
Half minimiser service - 140 litre fortnightly general waste (multi-unit dwellings only)	\$225.00
Half special weekly service (multi-unit dwellings only)	\$308.00
Availability charge on vacant land	\$79.00
Availability charge on land not receiving full charge (multi-unit dwellings only)	\$143.00
Additional recycling service – 240 litre fortnightly	\$67.00
Additional organics service – 240 litre weekly	\$98.00
Additional weekly garbage service – 240 litre general waste	\$356.00
Additional weekly garbage service – 140 litre general waste (multi-unit dwellings only)	\$271.00
On application only special weekly service – 140 litre weekly general waste	\$567.00
Minimum waste charge – single dwellings	\$402.00

10. **Make an Annual Charge for Waste Management Services – Other, pursuant to Section 501 of the Local Government Act, for 2020-2021 on all rateable land, categorised as Business, to which a waste service is**

(or able to be) provided. The Other Waste Annual Charge will be based on the type of service received:

Type of Service	Charge for 2020/21
Commercial weekly service – 140 litre general waste	\$567.00
Commercial excess service – 240 litre weekly general waste	\$678.00
Commercial half weekly service – 140 litre fortnightly general waste (shared)	\$308.00
Commercial half excess service – 240 litre weekly general waste (shared)	\$363.00
Availability charge on vacant land – business properties	\$79.00
Commercial availability charge on land not receiving full charge	\$79.00
Commercial additional recycling service – 240 litre fortnightly	\$67.00
Commercial additional organics service – 240 litre weekly	\$98.00
Commercial additional weekly garbage service – 240 litre general waste	\$356.00
Commercial additional weekly garbage service – 140 litre general waste	\$271.00
Waste management access charge	\$31.00

11. **Make an Annual Charge for Water Availability and a charge per kilolitre for Water Usage, pursuant to Section 501 and 502 of the Local Government Act, for 2020-2021 on all rateable land, to which a water service is (or able to be) provided. The Water Annual Charge will be based on water meter size:**

Size of water meter connection	Charge for 2020/21
20 mm including vacant properties and equivalent tenants	\$178.00
25 mm	\$283.00
32 mm	\$473.00
40 mm	\$745.00
50 mm	\$1,173.00
80 mm	\$3,013.00
100 mm	\$4,711.00
150 mm	\$10,623.00
200 mm	\$18,888.00
Fire service - 32mm	\$236.50
Fire service - 40mm	\$372.50
Fire service – 50 mm	\$586.50
Fire service – 80 mm	\$1,506.50
Fire service – 100 mm	\$2,355.50
Fire service – 150 mm	\$5,311.50
Fire service – 200 mm	\$9,444.00
Step 1 usage charges – per kilolitre	\$3.31

Step 2 usage charges – per kilolitre	\$6.62
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12. **Make an Annual Charge for Sewer Availability, pursuant to Section 501 of the Local Government Act, for 2020-2021 on all rateable land, to which a sewer service is (or able to be) provided. Make a usage charge for sewerage usage, pursuant to Section 502 of the Local Government Act, for 2020-2021 on Caravan Parks, Retirement Homes, Motels, Clubs, Hotels, Schools, Backpacker Hostels, Flats, Major Regional Shopping Centres. The Sewer charges are as follows:**

Service	Charge for 2020/21
Pressure Sewer	\$875.60
Connected or available (excluding churches and halls)	\$905.60
Non-rateable (other than churches & halls S555)	\$721.00
Non-rateable (S556)	\$905.60
Unconnected (S548a)	\$581.20
Non-rateable (churches & halls S555)	\$581.20
Usage Charge - per kilolitre	\$1.35

13. **Make an Annual Charge for Reclaimed Water Availability, pursuant to Section 501 of the Local Government Act, for 2020-2021 on Port Macquarie urban area business/commercial/council facilities where a reclaimed water service is provided. Make a usage charge for reclaimed water usage, pursuant to Section 502 of the Local Government Act, for 2020-2021 where a reclaimed water service is provided. The reclaimed water annual charges are based on meter size:**

Reclaimed Metre size	Charge for 2020/21
20 mm	\$89.00
25 mm	\$141.50
32 mm	\$236.50
40 mm	\$372.50
50 mm	\$586.50
80 mm	\$1,506.50
100 mm	\$2,355.50
150 mm	\$5,311.50
200 mm	\$9,444.00
Usage Charge - per kilolitre	\$1.66

14. **Make an Annual Charge for Stormwater Management Services, pursuant to Section 496A of the Local Government Act, for 2020-2021 on each parcel of rateable land for which the service is available. The stormwater annual charges are as follows:**

Service	Charge for 2020/21
Residential	\$25.00
Residential - Strata	\$12.50

Business - Strata	\$12.50
Business – 0m2 to 350m2	\$25.00
Business – 351m2 to 700m2	\$50.00
Business – 701m2 to 1,000m2	\$75.00
Business – 1,001m2 to 1,400m2	\$100.00
Business – 1,401m2 to 1,750m2	\$125.00
Business – 1,751m2 to 2,100m2	\$150.00
Business – 2,101m2 to 2,450m2	\$175.00
Business – 2,451m2 to 2,800m2	\$200.00
Business – 2,801m2 to 3,200m2	\$225.00
Business – 3,201m2 to 3,500m2	\$250.00
Business – 3,501m2 to 3,850m2	\$275.00
Business – 3,851m2 to 4,200m2	\$300.00
Business – 4,201m2 to 4,600m2	\$325.00
Business – 4,601m2 to 4,900m2	\$350.00
Business – 4,901m2 to 5,200m2	\$375.00
Business – 5,201m2 to 5,600m2	\$400.00
Business – 5,601m2 to 5,950m2	\$425.00
Business – 5,951m2 to 6,300m2	\$450.00
Business – 6,301m2 to 6,600m2	\$475.00
Business > 6,600m2	\$500.00

15. **Make an Annual Charge for Onsite Effluent Services, pursuant to Section 501 of the Local Government Act, for 2020-2021 on each parcel of rateable land for which the service is provided. The Onsite Effluent annual charge are based on the risk of the system:**

System	Charge for 2020/21
Low risk system	\$39.00
Medium risk system	\$77.00
High risk system	\$110.00
Small commercial	\$220.00
Large commercial	\$274.00

16. **Adopt the following Integrated Planning and Reporting (IPR) documents:**
- a) **Fees & Charges 2020-2021**
 - b) **Revenue Policy 2020-2021**
 - c) **Rating Maps 2020-2021**
17. **Set the interest rate on overdue rates and charges at 0% from 1 July 2020 to 31 December 2020 and 7.0% from 1 January 2021 to 30 June 2021 in accordance with the Office of Local Government directive.**

Executive Summary

The rates and annual charges for 2020-2021 have to be formally 'made' by Council resolution under Section 535 of the Local Government Act 1993. This report encompasses the rates and annual charges along with the fees and charges that are included in the 2020-2021 Revenue Policy that require formal adoption by Council.

The full listing of rates, fees and charges, relevant statutory regulations and the proposed income generated is contained in the Revenue Policy and the Fees and Charges documents as attached to this report.

Discussion

The Fees and Charges document and Revenue Policy are an integral part of the Integrated Planning and Reporting (IPR) suite of documents. These documents outline Council's rating structure and the fees and charges to be applied to the 2020-2021 financial year.

Rates and Annual Charges

The Ordinary Rate structure detailed in the recommendation to this report incorporates an increase in Council's General Rating Income of 2.6% for 2020-2021, which is the rate peg increase approved by IPART. The same increase (2.6%) has been applied to all the annual charges (excluding stormwater). The base stormwater annual charge has remained unchanged since its inception in 2006/2007. The rates and annual charges structure has remained unchanged from the Draft Revenue policy that was placed on exhibition.

Fees and Charges

Some minor amendments have been made to the Fees and Charges since the draft Fees and Charges document was placed on exhibition as follows:

Rates & Annual Charges:

Council has received advice, post exhibition, from the Office of Local Government (OLG) that the statutory Section 603 certificate fee will be \$85.00 in 2020-2021, which is consistent with 2019/2020. In addition, the Interest Rate on Overdue Rates & Charges which is determined by the OLG has been set at 0% for the 6 months commencing 1st July 2020 and 7% for the 6 months commencing 1st January 2021.

Waste Depot Charges:

A new fee for the sale of crushed concrete from Cairncross Waste Depot to external customers has been introduced.

Council's Waste Strategy 2017-2024 includes actions for resource recovery of construction and demolition waste. As such, Council has been operating a processing trial of clean bricks and concrete waste at the Cairncross Waste Management Facility since 2016. The processed / crushed material complies with the NSW Environment Protection Authority (EPA) Recovered Aggregate Resource Recovery Order 2014 and typical specification requirements for "select fill".

During the trial, the processed material has been provided for use on a range of Council projects and programs. An external market exists for this recovered aggregate product, and it is proposed to develop that market through the sale of the crushed concrete to local customers including private contractors and the general public, while ensuring the continued use of some of the material on Council projects and programs. The new fee aligns with OP action 1.5.4.1 Review current revenue sources and investigate the commercial viability of identified new revenue sources, as well as the NSW Waste Avoidance and Resource Recovery Strategy 2014-2021

which aims to encourage resource recovery and prevent unnecessary waste to landfill.

The Hub Pop-Up Business and Co-Working Space:

Closed office hire fees have been introduced: \$99 per day, \$199 per week and \$299 per month.

Environment and Regulatory:

A number of fees have been added / amended in this space to reflect newly introduced legislative requirements, document statutory fees currently being charged and facilitate the ability to add services which are not currently provided. Some additional explanatory information has also been included. The fee changes include:

- As per the statutory scale of fees:
 - 28-day late fee for animal registrations: \$15
 - CA Act dangerous enclosure compliance certificate: \$150
 - Annual permit - cat not desexed: \$80
 - Annual permit - dangerous dog: \$195
 - Annual Permit - restricted dog: \$195
 - Issue of Environmental Protection Notices: \$577
 - Weed notices / expenses certificates issued under the Biosecurity Act: \$200
- Fees for Microchipping:
 - Microchipping: \$36
 - Microchipping - promotion: \$20
 - Microchipping - microchipping day: No charge
- Animal Pound and Impounding fees:
 - Animal pound - vet costs: Cost + 10%
 - Animal pound - merchandise: Cost + 10%
 - Impounding - other articles - conveyance fee: Cost + 10%
 - Impounding - other articles - lost or damaged fee: Cost + 10%
- Other
 - Clearing of overgrown land by a contractor: Cost + 10%

Options

Whilst an extension has been granted this year due to Covid (to 31 July 2020), it is normally a statutory requirement that Council adopt its Integrated Planning and Reporting suite of documents by 30 June 2020.

Community Engagement & Internal Consultation

The draft revenue policy and fees and charges documents were placed on public exhibition from 19 March 2020 to 17 April 2020. The consultation process undertaken is outlined in the "Integrated Planning and Reporting (IPR) Suite of Documents" report included in this meeting.

Planning & Policy Implications

This report is aligned with Council's legislative obligations under the requirements of the NSW Integrated Planning and Reporting Framework.

Financial & Economic Implications

The making of the rate and adoption of the fees and charges will allow Council to raise the income that is required to undertake the works included in the 2020-2021 Operational Plan.

Attachments

1. 2020-2021 Fees and Charges
2. 2020-2021 Revenue Policy
3. 2020-2021 Rating Maps

Item: 10.08

Subject: INVESTMENTS - MAY 2020

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 May 2020.

Executive Summary

- Total funds invested as at 31 May equals \$305,996,874.
- Interest for the month of May was \$623,781.
- The year-to-date investment income of \$7,253,998 represents 90% of the revised annual investment income budget of \$8,070,000.
- Council's total investment portfolio performance for the financial year to date was 1.79% above the benchmark (2.70% against 0.91%), benchmark being the Bank Bill reference rate as at 31 May 2020.

The following outlines the significant points outlined in the attached Monthly Report (Attachment 1), as provided by Council's investment advisors:

- Council's portfolio has met compliance requirements and outperformed benchmarks during the month.
- Over the past 12 months, the portfolio has returned +2.73% p.a., outperforming bank bills by 1.76% p.a. and nearly 4 times the official cash rate. This has been very strong given deposit rates reached their all-time lows and margins have generally contracted over the past 3 years.
- The RBA's stance on the official cash rate is that it will remain unchanged at its emergency level of 0.25% until its objectives of full employment and inflation are reached, with rates to be low for a very long period of time.
- The RBA also noted that there have not been any signs of stress in the financial system from the COVID-19 crisis because, unlike during the Global Financial Crisis, the banks have cash and are well capitalised.
- Given the above, the biggest risk to Council's portfolio is decreasing interest income as interest rates drop significantly, as opposed to loss of capital.
- With official interest rates now at the RBA's effective zero bound, the priority should be to lock in any attractive medium-longer dated fixed deposits that may still be available.
- It is recommended to consider increasing the allocation to liquid senior floating rate notes.

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 (Attachment 2) 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>

Many of the funds held in Council reserves (and consequently Council investments) are the subject of a separate report in this agenda titled *Ministerial Directions - Local Infrastructure Contributions*.

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 31 May 2020, comply with this Act.

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

As at 31 May 2020, the investments held by Council totalled \$305,996,874 and were attributed to the following funds:

General Fund	114,629,489
Waste Fund	19,892,857
Water Fund	117,557,878
Sewer Fund	52,264,266
Sanctuary Springs Fund	42,840
Broadwater	1,609,544
	<hr/>
	305,996,874

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.

It is noted that there is a minor variance between the total investments held as per this report, (\$305,996,874), and total investments held as per Imperium's attached monthly report (\$305,977,203). This is due to the fact that Council's accounting policy treatment means that floating rate notes (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 and Internal Consultation

Council uses the services of an independent financial advisor, on an ongoing basis with investments. The investments placed this month were into the cash

management account. Council obtains regular updates regarding market activities positions from various institutions.

Planning and Policy Implications

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

Financial and Economic Implications

Benchmark levels have been met on a year to date basis, however the actual investment income is tracking slightly under budget due to lower than budgeted interest rates resulting from the impacts of the COVID-19 pandemic. An adjustment to the budgeted investment income will be proposed through the monthly finance report to Council.

Council's total investment portfolio performance for the financial year to date is 1.79% above the benchmark (2.70% against 0.91%) and year to-date income is 90% 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. Port Macquarie-Hastings Council Monthly Report - May 2020
2. Port Macquarie-Hastings Council Portfolio as at 31 May 2020

Item: 10.09**Subject: MONTHLY BUDGET REVIEW - MAY 2020****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 "May 2020 Adjustments" section of the Monthly Budget Review – May 2020.**
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 May 2020.

The Council adopted 2019-2020 budget position at the commencement of the financial year was a shortfall of \$975,198. At the commencement of May 2020 the surplus was \$30,191. The budget adjustments contained in this report take into account the impacts of COVID-19 and move the budget position to a shortfall of \$419,855 as at the end of May 2020.

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
October Review	Balanced	\$0
November Review	Balanced	\$0
December Review	Balanced	\$0
January Review	Surplus	\$229,245
February Review	Surplus	\$70,000
March Review	Balanced*	\$0
April Review	Surplus	\$565,884
May Review	Shortfall	(\$450,046)
Forecast Budget Position for 30 June 2020	Shortfall	\$419,855

**Due to the impact of the COVID-19 pandemic, a report was not submitted to Council for the March review period.*

May 2020 Adjustments

On 11 March 2020 Covid-19 was declared a worldwide pandemic. Council resolved at the Council meeting held on 15 April 2020 to implement a number of local financial relief measures to support members of the community and local businesses who are being impacted by COVID-19. These direct assistance measures have had an impact on Council's financial position, largely in the form of forgone revenue. In addition to this, Council is also susceptible to the impacts of COVID-19 as with any other business. Further, Council has and continues to incur additional expenditure to implement precautionary health measures, such as increased cleaning costs and increased technological costs to facilitate social distancing via remote working.

The impacts of COVID-19 have been assessed. Whilst the overall financial impact may still vary depending on a number of factors which are still in some cases unknown at this point in time, e.g. how long Federal and State health precautionary measures will be in place for, analysis to date has indicated that there will be a significant financial impact in relation to the above factors in 2019-2020. These impacts have been quantified below as per current estimates, however as the situation changes rapidly the end of year position may vary.

The following items reflect the budget adjustments included in this report that impact Council's budget position. It is noted that the impacts of COVID-19 have only been able to be partially offset by any operational savings:

Item	Surplus/ Shortfall	Amount	Comment
Rental of Reserves	Shortfall	\$72,298	COVID-19 Impact
Community Halls Income	Shortfall	\$20,634	COVID-19 Impact
Buildings Income	Shortfall	\$47,809	COVID-19 Impact
Commercial Leases	Shortfall	\$17,584	COVID-19 Impact
Fines	Shortfall	\$100,258	COVID-19 Impact
Animal Control Income	Shortfall	\$10,434	COVID-19 Impact
S68 Income	Shortfall	\$9,798	COVID-19 Impact
Inspections - Food Shops	Shortfall	\$16,861	COVID-19 Impact
Roadside Lease Income	Shortfall	\$5,127	COVID-19 Impact
Bus Shelter Advertising	Shortfall	\$10,000	COVID-19 Impact
Interest & Fees	Shortfall	\$53,752	COVID-19 Impact
Glasshouse Impact	Shortfall	\$317,371	COVID-19 Impact
Salaries & Wages	Surplus	(\$231,880)	Savings have been found through vacancies
Total	Shortfall	\$450,046	

It is noted that in addition to the COVID-19 impacts above, there were further reductions in revenue for the airport and investment income allocated to water, sewer and waste. The reductions will not impact the budget position as they have been able to be contained within reserve funding, however they will be brought to account at the end of the financial year, once final positions are fully ascertained.

The following adjustments reflect budget movements as a result of movements between projects, budget variance requests and a review of the 2019-2020 and

2020-2021 Works Program which have no impact on the budget position (for example additional income has an associated expenditure budget):

Description	Notes	Funding Source	Amount
Grants	1	Grants	\$147,800
Movement Between Projects	1	Revenue	\$669,419
Budget Variation Requests	2	Reserve/Revenue	\$551,418
2019/20 Works Program Review	3	Reserve	\$67,000
Total			\$1,435,637

1. Grant Funding

Council Project	Grant Provider	Grant Funding	Other Funding*	Comment
Multi Dwelling Organics Recovery Project	NSW Enviro Trust	\$126,800	\$0	Council will receive \$126,800 for the Multi Dwelling Organics Recovery Project
Lake Cathie Master Plan	North Coast Primary Health Network	\$21,000	\$112,988	Council Received \$21,000 from the North Coast Primary Health Network
Total Grant Funding		\$147,800		

2. Movement between Projects

Transfer from	Transfer To	Amount	Comments
Sealed Roads - Patching Heavy	Port Macquarie Industrial Area Asphalt Resurfacing	\$639,419	Accounting entry for capitalisation
Disabled Access	Town Beach Playground	\$30,000	Transfer to fund accessible picnic furniture at Town Beach
Total Movements between Projects		\$669,419	

3. Budget Variation Requests (approved by Executive)

Project Name	Funding Source	Amount	Comments
Cairncross Landfill Expansion	Reserve	\$170,000	Budget variance for the design and construction of three new landfill cells
Rodley Street Flood Mitigation	Reserve	\$212,364	Budget variance for the upgrade of existing stormwater network

Project Name	Funding Source	Amount	Comments
Library Carpet	Revenue	\$73,000	Budget variance for the installation of new carpet during the enforced COVID-19 closure of the library
Airport Parallel Taxiway	Reserve	\$44,298	Budget Variance for the Airport Parallel Taxiway and other works
Port Macquarie Council Headquarters Reconfiguration	Reserve	\$51,756	Budget variance for the reconfiguration of Council Headquarters
Total Approved Budget Variations		\$551,418	

4. 2019/20 Works Program Review

As part of the development of the 2020-2021 Operational Plan, a review of the 2019-2020 works program has been ongoing. This review has focused on the current and projected status of projects in light of a variety of factors. From this month's review one additional project has been identified to be brought forward into 2019-2020.

For both the current 2019-2020 Operational Plan, and the development of the 2020-2021 Operational Plan, the approach has been to ensure that in consideration with the above factors, that the works program for each year is achievable and realistic.

Project Name	Funding Source	Amount
Yippen Creek Investigations	Reserve	\$67,000
Total		\$67,000

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

Attachment 1 to this report contains information of each individual budget adjustment by Division and Section. The budget movements within this report move the budget position to a shortfall of \$419,855 due largely to the impacts of COVID-19.

This is the final Monthly Finance Report for this financial year, with the 2019/2020 position being reported through the annual financial statement later this year

calendar after audit. Should there not be savings at end of year to fund this shortfall, then funds will need to be sourced through reserves.

Statement by Responsible Accounting Officer

“The adopted original budget result for 2019-2020 was a shortfall of \$975,198. As at 31 May 2020, the projected full year budget position is a shortfall of \$419,855. This position is considered an unsatisfactory result for the year, however it is noted that this is due largely to the unprecedented impacts of the COVID-19 pandemic, with the budget being in a surplus position prior to this assessment. All budgets will be closely monitored in the remaining period of the financial year to identify mechanisms to further reduce this shortfall position”.

Attachments

1. May 2020 Budget Review

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: NOTICE OF MOTION - LOCAL GOVERNMENT AND CONSERVATION
AND LAND MANAGEMENT ECONOMIC STIMULUS**

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

RECOMMENDATION

That Council:

- 1. Notes that:**
 - (a) In light of the current and anticipated impacts of COVID-19 across every sector of society, it is clear that decisive action and unprecedented investment is needed to temper the worst social and economic impacts of this crisis.**
 - (b) Over 70 farming and conservation groups around Australia, including Landcare, the National Farmers Federation, NRM Regions Australia, the Australian Land Conservation Alliance and the Australian Association of Bush Regenerators, have come together to call on the State and Federal Governments to invest in a jobs-rich conservation and land management stimulus package as part of the economic response to COVID-19.**
 - (c) Such a program presents important opportunities for safe, meaningful and socially beneficial work as part of the 'bridge to recovery', while leaving enduring benefits for the environment, tourism and farm businesses.**
 - (d) Local Governments play a pivotal role in delivering conservation and land management work, such as controlling weeds, protecting and restoring habitat, and managing public land and are ideally placed to manage a surge in effort for on ground conservation work, provided that it is appropriately resourced to do so by other levels of government.**
- 2. Express its support for State and Federal Government investment in a jobs-rich conservation and land management stimulus package as part of the economic response to COVID-19.**
- 3. Request the General Manager write to our local Federal and State Members of Parliament expressing our support for this proposal and urging them to support it.**

Comments by Mayor Pinson (if provided)

Recently, Mr Jack Gough, National Pastoral Conservation Manager from the Pew Charitable Trusts, wrote to me and many other Mayors, on behalf of over 70 conservation, farming and land management organisations to seek Council's support for a proposal for a jobs-rich investment in conservation and land management across Australia, as part of broader economic stimulus measures in the wake of COVID-19.

According to the information provided by Mr Gough, supporters of this proposal include Local Government NSW, Landcare, the National Farmers Federation, NRM Regions Australia, the Australian Land Conservation Alliance, the Australian Conservation Foundation and the Australian Association of Bush Regenerators.

Such a program presents important opportunities for safe, meaningful and socially beneficial work as part of the 'bridge to recovery', while leaving enduring benefits for the environment, tourism and farm businesses. According to Mr Gough, these programs can be delivered effectively in both metropolitan and regional areas and the practical and labour intensive nature of this work makes it highly suited as an economic stimulus and for young people or repurposing existing workforces which are under pressure.

Attached to this report, is a copy of a letter to the Prime Minister regarding this proposal and the associated two-page briefing note.

The request from Mr Gough is that Council support this proposal by passing a motion of support and by writing to our State and Federal Members of Parliament noting our support for such a stimulus package.

It is understood that discussions are being had regarding this proposal with Ministers and key bureaucrats in the State and Federal Governments.

Councils play a pivotal role in delivering conservation and land management work, such as controlling weeds, protecting and restoring habitat, and managing public land. If this proposal is successful, then Councils could stand to directly benefit as one of the main sectors that can manage a surge in employment and deliver on ground conservation work through upscaling existing programs or bringing forward planned projects.

Having said the above, Council would not be able to take on any additional tasks, works or programs, without adequate funding coming from the State and or Federal government.

Following is a list of potential conservation activities that could be undertaken across public and private land. As stated above, none of this work would be able to be undertaken by Council until there was adequate and specific funding for these activities to take place and such activities were considered as part of Council's annual Operational Plan. Much of this work is beyond the role of Council or would involve activities on private land or government land, so that would also need to be taken into consideration if such a stimulus package does become available.

Possible conservation activities could be:

- a surge in weed control efforts, focussed on containment and preventing cross-tenure spread;
- river and wetland restoration, including fencing, revegetation and erosion control;
- national park infrastructure, track maintenance and park management (fire, weeds, feral animals);

- bushfire recovery and resilience activities, including infrastructure repairs and habitat restoration;
- invasive animal control, including deer and pigs which impact on farming and threatened species;
- tree planting and habitat restoration in metropolitan, suburban, peri-urban and rural areas;
- funding for private land conservation, putting money in the hands of farmers and other land managers;
- coastal habitat restoration and monitoring, in partnership with the fishing industry and local communities;
- plastics and marine debris clean up, including research to inform future policy decisions; and
- funding for Indigenous rangers to deliver jobs directly to vulnerable communities using a proven model.

According to Mr Gough, this investment would be low risk and would allow people who are newly unemployed or underemployed to have meaningful and secure employment for at least 12 months, giving an immediate boost to economy confidence and security. In addition, this investment would:

- provide much needed income and economic confidence for bulldozer and other machine operators, weed-sprayers, shooting and trapping contractors, fencers, nursery growers, hardware suppliers, local and Indigenous land managers and bush regenerators;
- have significant economic multipliers, with work generated for local suppliers and hospitality businesses; and
- capitalise on existing organisational and land management capabilities across the non-profit sector, private sector and Local, State and Federal Government.

Attachments

1. Supporting Documentation - Covid-19 Stimulus Measures in Conservation and Land Management

Item: 12.02

Subject: PORT MACQUARIE AQUATIC FACILITY 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 the information contained within the Port Macquarie Aquatic Facility Update Report.**
- 2. Recognise the proposed relocation options for the displaced user groups currently utilising Macquarie Park.**
- 3. Note that a future report will be tabled to Council for the appointment of a consultant to undertake design works for the Port Macquarie Aquatic Facility.**

Executive Summary

At the Ordinary Council Meeting held on 18 September 2019, it was resolved in relation to the Port Macquarie Aquatic Facility Project:

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

This report provides an update on the progress of the Port Macquarie Aquatic Facility Project, specifically addressing resolutions 5 and 6 from the above.

Discussion

The Port Macquarie Aquatic Facility project has been a long-standing item for Council. It has been identified that the construction of a new aquatic facility would address several challenges including ageing infrastructure issues at the current pool that are presenting issues for operations and management, and to meet future community health and recreational requirements with the region's rapidly expanding population forecast to reach more than 100,000 by 2030.

The project has been discussed with the community on several occasions over the past 20 years with the latest community engagement resulting in a report to the September 2019 Council meeting outlining significant consultation regarding site selection. It was resolved to reconfirm Macquarie Park as the preferred site for the new aquatic facility and to proceed to the next stage of the project being facility design and approvals. Upon commencement of this phase of the project under Council's Project Management Framework, the formation of a Steering Group was identified as the most suitable level of governance for the project, with Council resolving at the 20 November 2019 meeting to appoint members to the Group and endorse the Port Macquarie Aquatic Facility Steering Group Charter. Since this time, the project focus has centred on three key areas, being relocation options for existing user groups of Macquarie Park, the formation of the Port Macquarie Aquatic Facility Steering Group and progression of the project under the guidance of this Group.

Relocation of Existing User Groups

The primary existing user group of Macquarie Park that will be impacted by development of Port Macquarie Aquatic Facility at this site is Port Macquarie Football Club (Port FC), who utilise this venue as their home ground for training and matches. Consultation with the Club was initially undertaken at the time of community engagement being conducted as part of the site selection process for the aquatic facility. Following Macquarie Park being reaffirmed as the preferred site for the aquatic facility, ongoing conversations have taken place between Council Officers, Port FC's President and the General Manager from their governing body, Football Mid North Coast. It has been confirmed that the most suitable option for the Club's relocation from Macquarie Park will be to utilise Wayne Richards Park as their home ground.

In planning for the above, this outcome is dependent upon the planned Thrumster Sporting Complex being constructed to allow for Football Mid North Coast's high-performance program to vacate Wayne Richards Park, thus creating the opportunity for Port FC to take up this space. Thrumster Sporting Complex is a short-medium term priority within the Council adopted Open Space Contribution Plan and is soon to progress to tender for detailed design and approvals for the facility. Currently, the planning associated with the Thrumster facility is further advanced than the aquatic facility project. Council Officers are mindful of this and will continue to monitor the construction timeframes associated with the Thrumster facility in planning for an alignment between the projects to will allow for an effective relocation for both Football Mid North Coast's high-performance program to Thrumster and Port FC to undertake occupancy at Wayne Richards Park.

Council Officers also acknowledge the use of Macquarie Park by the Port Macquarie Army Cadets. Although this usage is on a smaller scale to that of Port FC and therefore it is anticipated that their relocation will have lower impact, staff are committed to identifying a suitable relocation alternative in supporting this user group as discussed with the group during the aquatic facility site selection process. It is recognised that multiple Council facilities across the LGA may meet the needs of this group and an agreed relocation is proposed closer to construction commencing on the aquatic facility at Macquarie Park and having regard for an understanding of the group's membership numbers and current requirements at that time.

Port Macquarie Aquatic Facility Steering Group

Following the appointment of Steering Group members and endorsement by Council of the Steering Group's Project Charter, an inaugural meeting was held on 6 December 2019 and has been followed by subsequent meetings on 6 March and 15 May 2020.

The Group's discussion and prioritisation of tasks in progressing the project has predominantly centred on the development of a draft Detailed Project Plan for the Port Macquarie Aquatic Facility including consideration of the pre-construction activities and methodology required for the next phase of the project.

Comments from Steering Group members on the draft Detailed Project Plan were tabled at the Group's most recent meeting. The feedback received is being incorporated into the draft Detailed Project Plan with the Steering Group scheduled to meet again in July to endorse progression of the project to Phase 1.

Progression of Project

Upon endorsement of the Detailed Project Plan anticipated to occur at the Steering Group's July meeting, the aquatic facility project will progress to Phase 1. This phase of the project as currently outlined in the Detailed Project Plan encompasses strategic concept design and business case development, and will consist of:

- Initial site assessments and investigations
- Procurement of designer
- Strategic Concept Design (including strategic concept design and strategic business case which will include the delivery philosophy).

From the above, it is anticipated that a tender process for strategic concept design services for the Port Macquarie Aquatic facility will be undertaken in the first half of the new financial year with a report to be tabled to a future Council meeting for the awarding of this tender.

It has been noted by the Steering Group that in progressing to the strategic concept design stage of the project further community engagement will be undertaken to involve the community in the design for their new aquatic facility.

Options

Council has the following options:

- Adopt the recommendations within this report;
- Request further information on the progress of this project.

Community Engagement and Internal Consultation

External consultation has been undertaken with the following community-formed group consisting of potential future users of the facility and local groups who hold an interest in the project:

- Mr. Greg Freeman, Independent Member - Port Macquarie Aquatic Facility Steering Group
- Port Macquarie Football Club
- Football Mid North Coast
- Port Macquarie Army Cadets

Internal consultation has involved:

- Councillor Levido, Chair of Port Macquarie Aquatic Facility Steering Group
- General Manager
- Director Development and Environment
- Group Manager Recreation, Property and Buildings
- Group Manager Project Delivery
- Group Manager Community Engagement
- Senior Project Manager, Project Delivery
- Project Manager, Project Delivery
- Recreation, Property and Facilities Manager

Planning and Policy Implications

There are a range of planning implications associated with this project which are being confirmed through the development of the Detailed Project Plan. Ultimately, the facility will be subject to statutory approvals process in accordance with the Environmental Planning and Assessment Act 1979.

Financial and Economic Implications

Likely costs associated with Phase 1 of the Port Macquarie Aquatic Facility Project are being determined through development of the Detailed Project Plan. External project costs will be clarified through the engagement of a consultant to deliver Phase 1 of the project, which will be managed through an open Request for Tender process which will be reported to Council later in 2020.

Attachments

Nil

4 Your Natural and Built Environment

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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



Item: 13.01

**Subject: NOTICE OF MOTION - LORNE ROAD AND MARIA RIVER ROAD
PROJECTS**

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

RECOMMENDATION

That Council request the General Manager provide a report to the 15 July 2020 Ordinary Council Meeting for the following:

- 1. What stage are designs up to regarding the sealing of Lorne Road and what are the broad timelines for this project?**
- 2. Timelines around the funding for and the subsequent commencement of works for the upgrade to Maria River Road.**

Comments by Mayor (if provided)

Nil.

Attachments

Nil

Item: 13.02

Subject: MINISTERIAL DIRECTIONS - LOCAL INFRASTRUCTURE
CONTRIBUTIONS

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

4.5.2 Plan for infrastructure that supports population growth.

RECOMMENDATION

That Council:

1. Note the Ministerial Directions issued to Port Macquarie-Hastings Council regarding Local Infrastructure Contributions;
2. Note that an internal working party has been established to respond to the Directions by the requested date of 3 July 2020;
3. Note that the information provided will include identification of priority projects for the Local Government Area (LGA), to be delivered over the next 12-18 months.
4. Note that Councillors will be provided with an update of the requested information at a future Councillor briefing.

Executive Summary

In response to the economic downturn resulting from the COVID-19 pandemic, the Minister for Planning and Public Spaces has issued two new directions to Port Macquarie-Hastings Council under section 7.17 of the Environmental Planning & Assessment Act relating to development contributions. Both directions took effect on Friday 22 May 2020.

Pooling of Contributions

The *Environmental Planning and Assessment (Local Infrastructure Contributions - Pooling of Contributions) Direction 2020* has been given to all local councils. The Direction provides that if a council holds monetary contributions, including under more than one contributions plan, the council is to endeavour to pool those contributions, in order to facilitate the provision of the public amenities and public services to which any of those contributions plans relate. (Clause 4). This applies to contributions under section 7.11 (formerly s94) and levies under Section 7.12 (formerly s94A).

Information Direction

The *Environmental Planning and Assessment (Local Infrastructure Contributions - Information) Direction 2020* directs 16 Council across NSW, including Port Macquarie-Hastings Council, to provide the Minister with information relating to the delivery of projects identified in all contributions plans applying to the local government area. The information is only required for projects where the timing for delivery in the plan has already been passed.

Council is also required to develop a capital works program for the next 12-18 months for priority projects to be funded at least partially by development contributions.

The information is to be provided to the Minister within 6 weeks, by Friday 3 July 2020.

Council has established an internal working party to develop a response to the Ministerial Directions by the due date of 3 July 2020.

Discussion

A key part of the NSW Government's response to the COVID-19 pandemic has been to ensure that the planning system is *"doing all that it can to keep the economy moving, to support our communities and create jobs"*. The timely use of development contributions has been identified as a key part of this planning response.

Collectively across the state, councils hold more than \$3 billion in unspent funds. The Department of Planning, Industry & Environment (DPIE) is looking to help spur the economic recovery by working with councils to bring key local infrastructure projects forward using development contributions reserves.

The Minister for Planning and Public Spaces has recently issued two directions to Port Macquarie-Hastings Council under the Environmental Planning and Assessment Act 1979.

Pooling of Contributions

The first direction, under section 7.17 allows all councils to pool local infrastructure contributions both within plans and between plans, despite any restrictions in a contributions plan. It is designed to give councils greater flexibility in the way that development contributions funding is allocated with the aim of facilitating the delivery of job-creating public amenities and services.

Currently, PMHC pools **within** contribution plans but does not pool **between** contribution plans.

Information Direction

Sixteen local councils (of which Port Macquarie-Hastings Council is one) have been identified as having large unspent infrastructure balances.

A local council to whom this Direction is given is to provide the Minister with information relating to the delivery of public amenities and public services specified in any contributions plan applying to land in the local government area concerned, including the staging of works to provide those amenities or services, as indicated in the following table:

Information Required	Description
Project	Project name, and a description of the relevant public amenity or public service in the contributions plan
Project Type	Describe the project type using one of the following descriptions: <ul style="list-style-type: none"> • land and facilities for open space (for example, parks and sporting facilities); • land and facilities for community services (for example, childcare centres and libraries); • land and facilities for transport (for example, road works, traffic management, car parking and pedestrian and cyclist facilities • land and facilities for stormwater management • other
Contributions Plan	Name of contributions plan
Contributions Plan ID	Contributions plan item unique identifier listed in works schedule (or equivalent) in the plan
Description of works	Description of works associated with the project (outlined in the contributions plan) and description of its role in supporting new development, including the extent to which it will allow new development to occur
Delivery year	The year that council plans to deliver the project
Percentage of contributions held by council for the project	Percentage of monetary contributions or levies received for the project
If the project has been delayed for more than one year, the reason for the delay	Provide the main reason for the delay, including any financing issues.
Planned expenditure on project	Planned expenditure in FY2020/21
	Planned expenditure in FY2021/22
	Planned expenditure in FY2022/23
	Planned expenditure in FY2023/24

The above information needs to be provided only in relation to a public amenity or public service specified in any contributions plan if the works schedule in the plan (as referred to in clause 27 of the *Environmental Planning and Assessment Regulation 2000*) indicates that the date or threshold for the provision of that

amenity or service has already been passed at the date this direction takes effect (22 May 2020).

The PMHC Contributions Plans which are captured in this review are detailed in Attachment C.

Councils are also required to prepare a capital works program detailing how Council are intending to draw down on this balance over the next 12-18 months.

Notes:

- The development contributions reserves only apply to S7.11 and S7.12 (previously s94 and s94A contributions).
- It does not apply to contributions levied under S64 development servicing plans for water supply and sewerage.
- Council's current contributions balance for S7.11 and S7.12, as at 30 May 2020 is \$46,785,419.

Options

Council is required under the EP&A Act to comply with the Ministerial Direction.

Community Engagement and Internal Consultation

Internal Engagement:

The following staff members are on the working party tasked with preparing a response to the Minister's Directions:

- Director Strategy & Growth
- Director Development & Environment
- Group Manager Strategy
- Group Manager Infrastructure Planning
- Group Manager, Recreation, Property & Buildings
- Group Manager, Financial Services
- Financial Accounting Manager
- Development Contributions Coordinator
- Strategic Projects Manager

Planning and Policy Implications

Council's 2020/21 Operational Plan may require amendment as a result of the Priority Projects which are identified in the response to the Ministerial Direction.

Financial and Economic Implications

The review of projects and the resulting capital works program will identify the apportionment of Council's contribution and development contributions to the overall project delivery costs.

The NSW Government has indicated that they have a range of support measures to assist councils in the investment of the development contributions funds, including low cost loans, grant funding and other support for strategic planning and capital works.

Council will be working with State Government to explore all options to assist in the delivery of the priority projects which are identified.

Attachments

1. Correspondence from DPIE to PMHC 21.05.2020
2. Minister's Direction - Local Pooling of Contributions
3. Minister's Direction - Information Request - Development Contributions
4. Development Contributions Plan Details

Item: 13.03

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

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the current status of site specific Planning Proposal requests as described in this report.**
- 2. In relation to the Planning Proposal (PP2016-10.1) for Beach Street, Bonny Hills, advise the Proponent that:**
 - a) Additional information is to be submitted to Council by 21 August 2020 to finalise their position on the Planning Proposal, in order that the matter can be reported to Council, and**
 - b) If the timeframe referred to in 2 a) is not met, the Planning Proposal, as exhibited in late 2017, be reported to Council at its September 2020 Ordinary meeting for determination.**
- 3. In relation to the Planning Proposal (PP2017-11.1) for The Chimneys, Homedale Road, Kew advise the Proponent that:**
 - a) A revised Planning Proposal and supporting information is to be submitted to Council by 21 August 2020, and**
 - b) If a revised Planning Proposal is not submitted to Council within the timeframe referred to in 3 a) above, the Planning Proposal as lodged, be reported to Council at its September 2020 Ordinary meeting with a recommendation that it not be supported.**
- 4. Note that given regular updates on the Le Clos Sancrox Planning Proposal are now provided within progress reports to Council on the Sancrox and Fernbank Creek Planning Investigation area that these updates will no longer be included in the bi-annual Site Specific LEP Amendments Update Report.**
- 5. Receive a further update report in six months regarding the progress of site specific Planning Proposal requests.**

Executive Summary

The purpose of this report is to provide Council with an update on the current status of site specific Planning Proposal requests and to determine whether to progress all of these requests in the context of the Council's Land Use Planning Program and priorities.

Council at its Ordinary Meeting on 11 December 2019, considered a report on the status of twelve (12) site specific Planning Proposal requests (Item 13.10) and resolved to continue assessing all of these requests, except the Bundaleer Aged Care Planning Proposal. This proposal was withdrawn by the Proponent and the Minister for Planning and Public Spaces, the Hon. Rob Stokes issued a revised Gateway determination for the Planning Proposal to not proceed in February 2020.

Since the December 2019 Council report, two (2) major Planning Proposals have been lodged. These relate to land known as 'Le Clos Sancrox' and for land within Council's adopted Health and Education Precinct Master Plan (Highfields Circuit, Kulai Place and Kingfisher Road). Further details of these proposals are contained in the body of this report.

It is recommended that Council continue to assess all the Planning Proposal requests to amend the *Port Macquarie-Hastings Local Environmental Plan 2011* as outlined in this report. More specifically, in relation to the Planning Proposals for Beach Street, Bonny Hills (PP2016-10.1) and 'The Chimneys', Homedale Road, Kew (PP2017-11.1) it is recommended the proponents be given until 21 August 2020 to submit additional information to Council, which has been outstanding for some time. If this timeframe is not met, it is proposed that these Planning Proposals be presented to Council for a decision in September 2020.

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

Discussion

A number of projects within the Strategy and Land Use Planning work programs are directed and based on the priorities and actions identified in the *North Coast Regional Plan 2036*, Council's *Operational Plans 2019-20 and 2020-21* and the *Port Macquarie Hastings Urban Growth Management Strategy 2017-2036 (UGMS)*. The UGMS was adopted by Council in June 2018 and approved as the local planning strategy by the NSW Department of Planning, Industry & Environment in November 2018.

Projects currently being prioritised in the broader Strategy and Land Use Planning programs include:

- Yippin Creek Urban Release Area, includes:
 - Strategic studies
 - Planning Proposal
 - Development Control Plan
 - Development Contribution Plan amendments
- Implementation of the Port Macquarie Health and Education Precinct Master Plan, includes:
 - Strategic studies/ investigations
 - Planning Proposal
 - Development Control Plan
 - New Development Contributions Plan
- Comprehensive review of Council's Development Control Plans
- Preparation of Local Housing Strategy to promote housing choice

- Outline Plan for Fernbank Creek and Sancrox planning investigation areas
- Airport Business Park Precinct - Planning Proposal/LEP and DCP
- Investigate the capacity of land at the intersection of Ocean Drive with Houston Mitchell Drive for light industrial purposes - Planning Proposal/LEP and DCP amendment
- Policy updates of *Port Macquarie-Hastings LEP 2011*
- Local Strategic Planning Statement (Statutory requirement due July 2020)
- Responding to major planning reforms and monitoring legislative changes
- Review of Major Roads Contributions Plan
- Review of the Port Macquarie-Hastings Heritage Inventory (Operational Plan 2020-21)

In addition to the above projects, the review, assessment and reporting of Planning Proposal requests to amend the LEP 2011 are undertaken by Council's Land Use Planning staff. These Planning Proposals are predominately initiated by proponents (being land owners, developers and/or their representatives) and seek to amend the planning controls applying to their land (for e.g. land use zone, height of buildings, floor space ratio or minimum lot size).

Having regard to the number of major projects being undertaken by the Strategy and Land Use Planning teams, there is a need to balance and prioritise the amount of staff resources allocated to progress site specific Planning Proposals, against the need to progress the major strategic land use planning projects. These projects have alignment with endorsed State and local planning strategies and are important to deliver coordinated community, economic, social and environmental outcomes to the wider Port Macquarie-Hastings community.

Since the time of the last update report in December 2019, Council adopted a Planning Proposal Policy which commenced on 6 February 2020. The Policy provides the framework, together with the planning legislation and the Department's '*A guide to the preparation of planning proposals*', for the consideration and prioritisation of planning proposal requests in the Port Macquarie-Hastings LGA.

Site Specific Planning Proposal requests

Council, at its meeting on 11 December 2019, considered a report on the status of twelve (12) site specific Planning Proposal requests (Item 13.10) and resolved:

RESOLVED: Turner/Hawkins

That Council:

1. *Note the current status of site specific Planning Proposal requests as described in this report.*
2. *Having regard to the deferral of the assessment report on the Planning Proposal Request for Ruins Way, Port Macquarie (PP2011-9.3) at the June 2019 Ordinary Council meeting, advise the Proponent that:*
 - a. *A revised Planning Proposal and supporting information describing proposed modifications to the proposal to achieve positive environmental outcomes is to be submitted to Council by 28 February 2020, and*
 - b. *If a revised Planning Proposal is not submitted to Council within the timeframe referred to in a.) above, the Council report (June 2019) recommending the proposal not be supported, be presented to Council for a decision in March 2020.*

3. *Request the General Manager write to the Minister for Planning and Open Spaces, in relation to the Planning Proposal for Bundaleer Aged Care, Wauchope (PP2017-6.1) requesting that pursuant to Section 3.35(4) of the Environmental Planning & Assessment Act 1979, the Planning Proposal not proceed.*
4. *Receive a further update report in six months regarding the progress of site specific Planning Proposal requests.*

CARRIED: 5/0

FOR: Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

This report provides an update on twelve (12) current Site Specific Planning Proposal requests as listed below:

1. Part Lot 245 DP 1227796 and Part Lot 399 DP1241278, Ruins Way, Port Macquarie
2. Nos. 11 and 33 Mumford Street, Port Macquarie
3. Part Lot 500, DP 1237901, Crestwood Drive, Port Macquarie
4. Part Lot 1 DP 1087368, Partridge Creek, Thrumster
5. Bundaleer Aged Care, 4-8 Johnstone Street and 67 High Street, Wauchope
6. Lot 37 and Part Lot 39 DP 1191701, Frogs Road and Benjamin Close, Sancrox
7. Lot 2 DP 1091253, Beach Street, Bonny Hills
8. Lot 10 DP 615755, Houston Mitchell Drive, Bonny Hills
9. The Chimneys, Lot 1 DP1161722, Homedale Road, Kew
10. Lot 2 DP 771931, Mission Terrace, Lakewood
11. Proposed urban development area, Le Clos Sancrox Road, Sancrox
12. (NEW) Proposed mixed-use Medical and Education Campus: 8 Highfields Circuit, 3-5 Kulai Place and 9-11 Kingfisher Road, Port Macquarie.

Since the December 2019 Council report, the Planning Proposal for Mission Terrace, Lakewood has been finalised, and the Minister for Planning and Public Spaces, the Hon. Rob Stokes, has issued a revised Gateway determination on 3 February 2020 for the Bundaleer Aged Care Planning Proposal to not proceed, in accordance with Council's resolution. Council also considered an assessment report on the Crestwood Drive Planning Proposal at its Ordinary Meeting on 20 May 2020.

On 25 May 2020, a new Planning Proposal Application was lodged for a proposed Medical and Education Campus at 8 Highfields Circuit, 3-5 Kulai Place and 9-11 Kingfisher Road, Port Macquarie, within the adopted Health and Education Precinct (HEP) Master Plan area.

Table 1 below provides a summary, by locality, of the status of each site specific Planning Proposal request to amend the LEP 2011. Please note that a key to the Status Category is provided in Table 2 below.

Table 1: Status of Site Specific Planning Proposal requests (June 2020)

File No.	Property	Summary of requested amendments to LEP 2011	Status Category (Dec 2019)	Status Category (June 2020)	Fees Paid
Port Macquarie					
PP2011-9.3	Lot 245 DP 1227796 and Part Lot 399 DP1241278 Ruins Way, Port Macquarie	Rezone land from RU1 Primary Production to R1 General Residential	6	6 Under assessment/ negotiation. Proponent to submit revised PP	Yes Stage 1: 2011 Fees & Charges
PP2014-10.1	Nos 11 and 33 Mumford Street, Port Macquarie	Rezone land from R1 General Residential and part E2 Environmental Conservation to Business Zone	5	5 Under assessment/ negotiation	Yes (Stage 1)
PP2017-4.1	Part Lot 500, DP 1237901 Crestwood Drive, Port Macquarie	Rezone land from RU1 Primary Production to B2 Local Centre and include 'Storage premises' as an additional permitted land use in the zone (Revised request)	5	6	Yes (Stage 1)
PP2020-3.1	<ul style="list-style-type: none"> Mixed use health and education precinct: 8 Highfields Circuit, 3-5 Kulai Place and 9-11 Kingfisher Road, Port Macquarie 	<ul style="list-style-type: none"> Rezone land from part R1 General Residential and part R2 Low Density Residential to B4 Mixed Use and associated changes to building height and FSR 	-	5 Lodged 25 May 2020 - under assessment	Yes (Stage 1)
Thrumster					
PP2019-7.1	Part Lot 1 DP 1087368,	Amend location,	5	5	Yes (Stage 1)

File No.	Property	Summary of requested amendments to LEP 2011	Status Category (Dec 2019)	Status Category (June 2020)	Fees Paid
	Partridge Creek, Thrumster <i>Council-owned land</i>	rezone land and reduce the size of the current B1 Neighbourhood Centre zoned land to provide an improved location for neighbourhood centre.		Under assessment/ negotiation.	
Wauchope					
PP2017-6.1	Bundaleer Aged Care, Nos 4-8 Johnstone Street and No 67 High Street, Wauchope	Increase maximum building height from 8.5m to 14.5m and increase floor space ratio from 0:65:1 to 1:1.4 to enable redevelopment of the site for aged care development and a new Sub-Acute Care Centre	8	15 Not proceeding - no further action.	Yes (Stage 1)
Sancrox					
PP2017-3.1	Lot 37 and Part Lot 39 DP 1191701, Frogs Road and Benjamin Close, Sancrox	Rezone land from RU1 Primary Production to IN1 General Industrial for employment purposes	5	5 (Pending consideration of draft CKPoM and planning process for Sancrox)	Yes (Stage 1)
PP2019-2.1	Le Clos, Sancrox Lots 1, 3-12, 14-48 and 50-52 in DP 776681	Rezone land from RU1 Primary Production to enable future urban development	- Lodged 11 Dec 2019.	5 (To be considered as part of the broader planning process for Sancrox/ Fernbank Creek)	Yes (Stage 1)

File No.	Property	Summary of requested amendments to LEP 2011	Status Category (Dec 2019)	Status Category (June 2020)	Fees Paid
Bonny Hills					
PP2016 -10.1	Lot 2 DP 1091253, Beach Street, Bonny Hills	Rezone land from RU1 Primary Production to part E2 Environmental Conservation and part R1 General Residential	12	12 (Submissions under review and updated studies. Proponent to revise PP)	Yes (Stage 1)
PP2014 -14.1	Lot 10 DP 615755 and Lot 1 DP 1117908, corner Ocean Drive and Houston Mitchell Drive, Bonny Hills	Rezone land from RU1 Primary Production to Light Industrial and environmental purposes	11	12 (Submissions under review by Proponent/ Council)	Yes (Stage 1)
Kew					
PP2017 -11.1	The Chimneys – Lot 1 DP1161722, Homedale Road, Kew	Rezone land from RU1 Primary Production to part R1 General Residential, part RE1 Public Recreation, part E2 Environmental Conservation and part E3 Environmental Management	5	5 (Since May 2019, pending lodgement by Proponent of revised Planning Proposal)	Yes (Stage 1)

File No.	Property	Summary of requested amendments to LEP 2011	Status Category (Dec 2019)	Status Category (June 2020)	Fees Paid
Lakewood					
PP2016-11.1	Lot 2 DP 771931, Mission Terrace, Lakewood	Rezone land from RU1 Primary Production to part R1 General Residential and part E3 Environmental Management and amend associated development standards	13	14 Complete. (Published NSW Legislation website 9 April 2020)	Yes (Stages 1 & 2)

Table 2: Key to Status Category

Category	Stage in the Planning Process
1	Written request received
2	Internal review and discussion with proponent
3	Report to Council for decision whether to include in Strategic Land Use Planning Program for the coming year
4	If included, Pre-lodgement meeting held; additional information or amended requirements
5	Planning Proposal lodged, under assessment and negotiation with Proponent
6	Assessment report to Council for decision on whether or not to support a Planning Proposal to proceed to the Gateway
7	Submitted to Department of Planning, Industry & Environment (DPIE) for Gateway determination
8	Gateway determination issued by DPIE
9	Government agency consultation; additional studies/ investigations (required by conditions of the Gateway determination)
10	Preparation for public exhibition
11	Public exhibition of Planning Proposal
12	Post-exhibition report to Council to consider submissions and for decision on whether or not to proceed to finalise the Planning Proposal
13	Finalisation of Planning Proposal/ LEP Amendment
14	LEP Amendment made and published on NSW Legislation website
15	Planning Proposal not proceeding under Section 3.34(7) of EP&A Act

1. Overview

Since the time of the December 2019 Council report, there has been significant progress on some site specific Planning Proposals as outlined in this report. This has included the finalisation of the LEP amendment for the Mission Terrace, Lakewood Planning Proposal and the issuing of a revised Gateway determination for the

Bundaleer Aged Care Planning Proposal to not proceed. Council also considered an assessment report on the Crestwood Drive Planning Proposal at its Ordinary Meeting on 20 May 2020 and resolved to proceed with a revised Planning Proposal.

Since the December 2019 Council report, two (2) major Planning Proposals have been lodged. These relate to land known as 'Le Clos Sancrox' (lodged 11 December 2019) and for land in Council's adopted Health and Education Precinct Master Plan - Highfields Circuit, Kulai Place and Kingfisher Road (lodged 25 May 2020).

A large amount of work has also been undertaken by Council's Land Use Planning staff in relation to Planning Proposals for The Ruins Way Port Macquarie, Mumford Street Port Macquarie, Partridge Creek Thrumster, Houston Mitchell Drive Bonny Hills, and Beach Street Bonny Hills.

As shown in Table 1 above, four (4) out of the twelve (12) Site Specific Planning Proposal requests have progressed to the next stage in the planning process since this matter was last reported to Council on 11 December, 2019.

These are:

- **PP2016-11.1 - Mission Terrace, Lakewood:** Completed. LEP Amendment published NSW Legislation website 9 April 2020;
- **PP2017-6.1 - Bundaleer Aged Care, Wauchope:** No proceeding. Revised a revised Gateway determination issued 3 February 2020;
- **PP2014-14 – Cnr Ocean Drive and Houston Mitchell Drive, Bonny Hills:** Planning Proposal and DCP provisions completed public exhibition 18 December 2019 and submissions under review by Proponent and Council;
- **PP2017-4.1 – Crestwood Drive, Port Macquarie:** An assessment report was considered by Council at its Ordinary Meeting on 20 May 2020 and resolved to proceed with a revised Planning Proposal which includes Council-owned land.

The same number of Planning Proposal requests have progressed to the next stage of the process as for the December 2019 Council report (being 4 out of the 10 lodged at the time that report was finalised). Notwithstanding this, a large amount of work has been undertaken by Council staff on a number of the Planning Proposals that have remained in the same Status Category (refer Table 2).

Actions have been undertaken by Council Land Use Planning staff in relation to four (4) Planning Proposal requests since December 2019 which includes The Ruins Way, Port Macquarie; Mumford Street, Port Macquarie; Beach Street, Bonny Hills; and Partridge Creek, Thrumster. These proposals still remain in the same Status Category for a range of reasons including ongoing negotiations with proponents, the lodgement of additional information, such as amended zoning layouts requiring internal review and meetings, and the need for supporting studies to inform and respond to submissions received (Beach Street, Bonny Hills).

For the remaining three (3) Planning Proposal requests lodged as at December 2019 and which have remained in the same Status Category since that time (The Chimneys Kew, Frogs Road Sancrox and Le Clos, Sancrox), these applications require further actions to occur prior to proceeding to the next stage, as outlined in Table 1 to this report.

An update is provided below on specific Planning Proposals for Council's information.

2. PP2016-10.1 - Lot 2 DP 1091253, Beach Street, Bonny Hills

The Planning Proposal for Lot 2 DP 1091253, Beach Street, Bonny Hills was submitted on 22 November 2016, following a series of pre-lodgement meetings which were held in late 2015 and 2016. The Proponent for the Planning Proposal is Keiley Hunter Town Planning.

The Planning Proposal requested the rezoning of the subject land from RU1 Primary Production to R1 General Residential. The intended development outcome to be achieved under the Planning Proposal as lodged was for a residential subdivision of approximately 30 lots.

Council considered an assessment report on the Planning Proposal at its April 2017 Ordinary meeting and resolved:

RESOLVED: Levido/Intemann

That Council:

1. *Not support the rezoning request as submitted due to the likely impact on known EEC and koala habitat.*
2. *Prepare a planning proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979 for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011 in respect to Lot 2 DP 1091253 Beach Street Bonny Hills to change the zoning of the land to part residential and part environmental protection, as described in the report.*
3. *Forward the planning proposal to the NSW Department of Planning and Environment requesting a gateway determination pursuant to section 56 of the Environmental Planning and Assessment Act 1979.*
4. *Request that the Secretary of the Department of Planning & Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 59 of the Act in respect of the planning proposal.*
5. *Delegate authority to the Director Development and Environment to make any minor amendments to the Planning Proposal prior to public exhibition of the proposal.*
6. *Undertake community consultation in accordance with the gateway determination.*
7. *Receive a report following the public exhibition period to demonstrate compliance with the Gateway Determination and to assess any submissions received.*

CARRIED: 6/1

FOR: Besseling, Alley, Dixon, Griffiths, Intemann and Levido

AGAINST: Cusato

The Planning Proposal supported by Council was to rezone the land to part R1 General Residential and part E2 Environmental Conservation. The proposal received a Gateway determination to proceed in 19 June 2017, subject to conditions and was placed on public exhibition from 22 November to 20 December 2017. Approximately 37 submissions were received to the community consultation period.

Council staff have been working with the Proponent and their consultants for some time now in order to address a range of issues associated with the Planning Proposal, including issues raised within submissions, flooding and stormwater,

ecology, buffers to coastal wetlands, bushfire and the intended development outcomes.

Given that it has now been more than two (2) years since the public exhibition has been completed for the Planning Proposal and the outcomes have not been reported to Council, it is recommended that the Proponent be given until 21 August 2020 to finalise its position on the Planning Proposal. If this timeframe is not met, then the Planning Proposal, as exhibited, will be reported to Council at its September Ordinary meeting for determination.

3. PP2017-11.1 - The Chimneys, Lot 1 DP 1161722, Homedale Road, Kew

The Planning Proposal for land known as 'The Chimneys' was submitted on 18 December 2018. The Proponent for the Planning Proposal is GEM Planning Projects.

At the August 2017 Council meeting, a Site Specific LEP Amendments Update report (Item 12.04) was considered. This report advised Council that a new request had been received for the proposed rezoning of 'The Chimneys' land to residential. Staff advised that The Chimneys proposal would significantly increase the already large supply of zoned residential land in the Camden Haven and its inclusion as a site-specific amendment in the Strategic Land Use Planning Work program was not supported at the time. Council resolved at this meeting to commence investigation of this request in the Work Program.

The Planning Proposal requests the rezoning of the subject land from RU1 Primary Production to part R1 General Residential, part RE1 Public Recreation, part E2 Environmental Conservation and part E3 Environmental Management. The intended development outcome to be achieved under the Planning Proposal, as lodged, was approximately 100 residential lots, public open space and environmental lands. An RE1 zone was also proposed for adjoining Council and Essential Energy lands to the north to deliver a community-driven Kew Parklands concept.

Since the time of lodgement, a number of meetings have been held between Council staff, the Proponent, their consultant and the land owners. In March 2019 following discussions between staff and the land owner, a decision was made not to pursue the Kew Parklands Concept as part of the Planning Proposal.

Council staff provided detailed comments to the Proponent as part of its review of the Planning Proposal in May 2019 and have met with the Proponent, their consultants and the land owner a number of times to discuss concerns with the proposal and proposed revisions. In summary these concerns and issues relate to biodiversity, flooding, vehicular access, sewer servicing, stormwater, site contamination and Aboriginal Archaeology. Council staff have advised the Proponent and land owner that the Planning Proposal is unable to be supported in its current form.

The most recent communication from the Proponent occurred in late January 2020, which advised that work is continuing on a revised Planning Proposal and at that time, anticipated a few weeks until completion. To date, Council has not received a revised Planning Proposal and supporting documentation.

Given that it has been over 12 months since the Proponent has been advised of the need to revise the Planning Proposal to satisfactorily address a number of issues, it

is recommended that the Proponent be given until 21 August 2020 to submit a revised Planning Proposal and all supporting information, in order that the matter can be assessed and reported to Council. If a revised Planning Proposal is not submitted to Council within this timeframe, then the Planning Proposal as lodged, will be reported to Council at its September Ordinary meeting with a recommendation that it not be supported.

4. Le Clos Sancrox

In accordance with Council's resolution at its Ordinary Meeting of 20 February 2019, regular updates will be included in this biannual update report on the progress of the Le Clos Sancrox Planning Proposal. Council at its meeting in February 2019 considered a report on future planning for the Fernbank Creek and Sancrox areas and resolved to, *"Invite the Le Clos Sancrox landowners to submit a planning proposal in parallel with Stage 1 planning in order to assist in informing the planning process."*

The Planning Proposal Application was formally lodged by Land Dynamics Australia on 11 December 2019. At the Ordinary Council meeting in December 2019 Council considered a report regarding the Sancrox and Fernbank Creek Planning Investigation area (Item 13.03), which includes the land known as Le Clos Sancrox, and resolved, in part, as follows:

RESOLVED: Turner/Hawkins

That Council:

1. *Note that Council Staff have recently reviewed a suite of draft documents in support of a proposed future Planning Proposal for a number of landholdings collectively known as 'Le Clos Sancrox'. These documents are being reviewed in parallel with the progression of the Structure Plan following Council's resolution in relation to this matter at its Ordinary Meeting of 20 February 2019.*
2. *Encourage the Le Clos Sancrox land owner consortium to develop documents in support of the proposal in parallel with the development of the Structure Plan to ensure consistency in the strategic planning process.*

CARRIED: 5/0 **FOR:** Alley, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil

Council considered a further report on the Sancrox and Fernbank Creek Planning Investigation area (Item 13.08) at the March 2020 Ordinary Council meeting, which followed the public exhibition of a Discussion Paper, and resolved as follows:

RESOLVED: Turner/Intemann

That Council:

1. *Note the submissions received in relation to the public exhibition of the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper and associated Fact Sheet.*
2. *In consideration of submissions received in relation to the public exhibition of the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper, associated Fact Sheet and the information contained within this report, prepare a Fernbank Creek and Sancrox Planning Investigation Area Structure Plan.*
3. *Note the lodgement of a Planning Proposal for 'Le Clos Sancrox' and continue to review this information in accordance with Council's resolution of 20 February 2019, to assist in informing the planning process for the wider*

- Sancrox and Fernbank Creek area, noting that these investigations are in the early stages.*
4. *Advise the Proponent that the Le Clos Sancrox Planning Proposal will not be progressed to the NSW Department of Planning, Infrastructure and Environment requesting a Gateway Determination until such time as further preliminary work has been undertaken by Council staff on the Draft Sancrox and Fernbank Creek Planning Investigation Area Structure Plan.*
 5. *Exhibit both the Le Clos Sancrox Planning Proposal and Draft Fernbank Creek/Sancrox draft structure plan together, once:*
 - a. *the Gateway determination for Le Clos Sancrox Planning Proposal has been advised and any additional work completed.*
 - b. *the necessary preliminary planning work for the structure plan is completed by Council staff.*
 6. *Request the General Manager bring a progress report to the July 2020 Ordinary Council Meeting."*

*CARRIED: 5/0 FOR: Alley, Dixon, Intemann, Pinson and Turner
AGAINST: Nil*

On the basis of Council's resolutions of December 2019 and the latter report in March 2020, which noted the lodgement of the Planning Proposal for Le Clos Sancrox, Council will continue to review this information so as to assist in informing the planning process for the wider Sancrox and Fernbank Creek area, noting that these investigations are in the early stages.

It is also noted that a progress report will be presented to the July 2020 Ordinary Council Meeting on the broader Sancrox and Fernbank Creek Planning Investigation and will include the Le Clos Sancrox Planning Proposal. It is therefore recommended that all future updates on the Planning Proposal be included within this report, and not in the biannual report on Site Specific Planning Proposal requests, as resolved by Council at the February 2019 Ordinary Council Meeting.

Options

Council could opt to continue with all of the Site Specific Planning Proposal requests detailed in this report or decide not to proceed with any of them. In relation to the Planning Proposals for Beach Street, Bonny Hills and The Chimneys, Homedale Road Kew, this report recommends that the Proponents be given limited additional time to clarify their intentions with respect to these planning proposals.

Requests for Site Specific Planning Proposals are considered by Council as part of the Land Use Planning Program and the adopted Planning Proposal Policy. Further reports are expected in 2020/21 to determine priorities.

Alternatively, Council could opt to resolve in some other manner.

Community Engagement and Internal Consultation

Consultation has been undertaken between Council staff and proponents in relation to each Site Specific Planning Proposal request and in some cases, there has also been consultation with State agencies.

Further community consultation consistent with the requirements of the *Environmental Planning and Assessment Act 1979*, the Department's – *A guide to preparing local environmental plans* and Council's adopted *Community Participation Plan (2019)* will occur where a Planning Proposal is supported by Council and a Gateway determination is received.

Planning and Policy Implications

Council's consideration of requests for Planning Proposals is governed by the Environmental Planning & Assessment Act 1979, EP&A Regulations, various state policies and Department of Planning & Environment guidelines and Council's Planning Proposal Policy (2019).

As discussed earlier in this report, the assessment of site specific proposals is a part of Council's Strategic Planning Work Program which needs to be balanced against the need to progress key projects in the recently approved Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036.

An assessment report will be required on each Planning Proposal request for Council's decision as to whether or not to support an amendment being made to the LEP, and the forwarding of the Planning Proposal to the Department for a Gateway Determination.

Financial and Economic Implications

Council fees consistent with current adopted Fees and Charges will apply to each of the Planning Proposal requests to amend LEP 2011.

Attachments

Nil

Item: 13.04

**Subject: MEMBERSHIP OF THE COAST, ESTUARY AND FLOODPLAIN
SUB- COMMITTEE**

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the information contained in the report.**
- 2. Determine that expressions of Interest for membership of the Coast, Estuary and Floodplain Sub-Committee be placed on exhibition for a minimum of four weeks, commencing on 24 June 2020.**
- 3. Determine that all previous applicants be required to reapply.**
- 4. Request the General Manager to provide a further report to the September 2020 meeting advising of the results of the EOI campaign.**
- 5. Require the revised Charter be brought back to the October 2020 meeting for further consideration.**

Executive Summary

Over the last few years there have been a number of departures from the Coast, Estuary and Floodplain (CE&F) Sub-Committee resulting in an uneven spread of expertise and local area representation with remaining community Sub-Committee members. This has resulted in limited expertise or knowledge in flood, coast and estuary planning/management and uneven representation of community members across the coastal and estuarine areas of the LGA.

Due to the strategic nature of flood, coast and estuary projects, the extensive regulatory planning requirements and the recent changes in coastal legislation, Council projects in this area have been slow to progress, resulting in reduced consultation with the Sub-Committee. It was widely acknowledged that it had been a

number of years since the Sub-Committee had been utilised optimally or its composition and Charter reviewed.

Accordingly, to ensure appropriate membership composition and expertise on the Sub-Committee the Charter was reviewed to better reflect the roles and to improve representation and expertise distribution across the areas of coast, estuaries, and flooding. Further, the review was undertaken to ensure that it was consistent with other committees of Council and Council's adopted *Code of Conduct* and *Code of Meeting Practice*.

This report outlines the work completed to date in the recruitment of new members, the ongoing recruitment that is required and the intended timeframes around the new recruitment process. The report also provides updates to the membership composition, as numerous members have vacated the Sub-Committee and the membership composition has been slightly reviewed in order to better reflect the current focus on the Coastal Management Program (CMP), specifically the Lake Cathie/Bonny Hills area.

Discussion

1. August 2019 Council Meeting

At the 21 August 2019 meeting, Council resolved to adopt a new CE&F Charter, a revised membership composition and proceed to seek formal Expressions of Interest (EOI) for recruitment of new members.

Following the August 2019 Ordinary Council meeting staff initiated an EOI process in order to recruit suitable new members to the CE&F Sub-Committee.

Council staff completed the EOI using the normal suite of methods and techniques that are typically used by Council when recruiting for new members to join Committees. The EOI process was undertaken as follows:

- Creation of a webpage on Council's website;
- Creation of a Council website homepage banner advertising the EOI;
- Promotion of the EOI through social media channels;
- Creation of an application profile on a recruitment platform (Scout);
- Publication of numerous *Community Now* notices within local newspapers;
- Advertising of the EOI to subscribers of Council's Construction Industry eNewsletter;
- Direct emails to environmental organisations;
- Direct email to all existing Sub-Committee members to request that they reach out to potential interested contacts.

At the close of the EOI period there was an insufficient pool of applications to progress to appointments of representatives of both industry and general community members.

2. December 2019 Council Meeting

Advice was provided to Council at the ordinary meeting held on 11 December 2019, that a new EOI recruitment phase would be needed as the first attempt had not been successful.

At the 11 December 2019 meeting, Council resolved to (among other matters) recommence the recruitment process, noting that there was an insufficient number of applications received to appoint positions under the first EOI round.

RESOLVED: Intemann/Turner

That Council:

- 1. Note the information contained in the report.*
- 2. Write to people who have submitted an application (Expression of Interest) and advise of Council's decision to re-initiate the recruitment process next year and that they do not need to re-apply.*
- 3. Appoint Councillor Peter Alley as the Chair of the Coast, Estuary and Floodplain Sub-Committee and Deputy Mayor Intemann as Alternate Chair.*
- 4. Recognise the highly valued and significant contribution to this Sub-Committee continuously since 1995 of Laurie Lardner and Patrick McEntee, sadly deceased during 2019, and report this resolution to the next meeting of the Sub-Committee.*
- 5. Council receive an update report on recruitment at the April 2020 Ordinary Council meeting.*

3. January 2020 CE&F Sub-Committee Meeting

The resolutions from the August and December Council meetings were formally reported to the CE&F Sub-Committee which was held on 30 January 2020 where the following matters were raised.

- Existing Sub-Committee members wished to be consulted when drafting a further revised EOI material in order to maximise likelihood of the new EOI approach being successful.
- Sub-Committee members agreed to recruit for the Fishing Industry Representative position due to the current member not attending meetings for some time and not being contactable.
- Agreed to extend an invitation to the Birpai LALC to join the Sub-Committee (This matter was identified at the Lake Cathie key community stakeholder and agency meetings held throughout 2019)
- Agreed that David Curry of Revive Lake Cathie be invited to attend Sub-Committee meetings as a guest (This matter was identified at the Lake Cathie key community stakeholder meetings held throughout 2019)

In addition to the above matters numerous other issues were discussed, primarily regarding the adopted Sub-Committee Charter. The suggested changes to the Sub-Committee Charter are still yet to be finalised. However, the comments and suggestions by Sub-Committee members from the January 2020 meeting have been recorded and will be considered in more detail before a report is prepared to Council. Accordingly, it is anticipated that the charter will be updated once a successful EOI recruitment phase has been completed. It is expected that both will be reported to Council in the hope that the new Charter and Sub-Committee membership matters are resolved at the same time. Given the upcoming CMP process separate special reference groups or informal working committees are also being considered for the 3 areas covered within the CMP.

Following the 30 January 2020 Sub-Committee meeting, Council staff intended to recommence the EOI procedure in February 2020. However due to competing interests and priorities and increased workloads (namely related to Lake Cathie) this timeframe was unfortunately not achieved and the new EOI campaign is yet to commence.

Considerable work has still been undertaken by staff during this time, with the following additional tasks completed in preparation for a new EOI campaign.

- A revised EOI recruitment form was produced to reflect the vacancy created by the non-attendance of the former Fishing Industry Representative.
- The Birpai LALC was contacted (via letter, email & phone) to obtain their interest in joining the Sub-Committee. It is noted that no response has been received to date, however follow up contact will be made during the EOI campaign.
- The revised EOI form was forwarded to all existing Sub-Committee members and comments were sought on the revised EOI approach.
- Comments were received from members of the Sub-Committee. The suggestions were considered and where possible incorporated into the document.

As detailed above, Council staff have commenced a review of the EOI application process and sought input from the Sub-Committee on this with the intent to make the application process less cumbersome/detailed and not such a barrier to community members expressing an interest.

As part of the new EOI process Council's communications team have been engaged to create short videos to assist us in reaching a wider target audience. One video will be to target a more technical audience, whilst the another will be aimed at community representatives. It is anticipated that the application process will be divided between the Development Industry Representatives and the Community Representatives. It is hoped that this will soften the language in the application questions that may otherwise deter suitable community minded applicants from applying.

The revised EOI package will be completed by the time this report is presented to Council. It is envisaged that the EOI package will be advertised for 4 weeks. With the intention of providing ample time for community members to express an initial interest and received feedback before proceeding with a full application.

4. May 2020 CE&F Sub Committee Meeting

At the 28 May 2020 CE&F Sub-Committee meeting a report was presented to advise of progress made since the January 2020 CE&F Sub-Committee. At this meeting existing members were provided with information on how staff had revised the EOI process, using their feedback and suggestions, and that the new EOI campaign to recruit new members would commence soon.

Existing membership will be retained, however applicants that applied for vacant positions in the first EOI period will now need to reapply due to multiple changes made to the positions and application process that would render their original application void. This is contrary to the December Council resolution and therefore Council's concurrence is sought.

5. June 2020 Recruitment and Charter Approach

As a result of the time that has elapsed since August 2019 (where it became apparent that additional membership was required and an updated Charter prepared), the focus of the recruitment drive has shifted somewhat. The unsuccessful recruitment campaign has also shaped Council's approach to the new EOI process, with changes being made to ensure that the new campaign is a success.

Consequently, when the charter was prepared in August 2019 only five (5) 'community vacancies' were apparent however, in the intervening period additional vacancies have been created. Additionally, the Lake Cathie key community stakeholder and agency meetings held throughout 2019 and the CE&F committee meetings held in 2019 and 2020 also identified additional positions that should be included. These being the Birpai and Bunyah LALC's.

Furthermore, the representation that Council was seeking in August 2019 was focussed on flooding projects, as there were numerous flood projects happening at that time however, the focus has now shifted to Coastal and Estuary related matters with the progression of the Coastal Management Program, especially the development of a CMP for the Lake Cathie/Bonny Hills area.

The recommended changes to the Charter (as discussed at the January 2020 CE&F meeting) further compounded matters and have added another layer of complexity around finalising the Charter, in addition to recruiting additional members.

Consequently, the new recruitment campaign aims to attract applicants for the following 10 positions:

1. Development Industry Representatives - two (2) to represent the Hastings, Camden Haven and Lake Cathie/Bonny Hills catchments - Flood/Coast/Estuary.
2. Community Representatives - five (5) to represent the Hastings, Camden Haven and Lake Cathie/Bonny Hills catchments - Flood/Coast/Estuary
3. Fishing Industry Representative - one (1) to represent the Hastings, Camden Haven and Lake Cathie/Bonny Hills catchments - Coast/Estuary.
4. Birpai Local Aboriginal Land Council (LALC) Representative - one (1) to represent the Birpai LALC area within the PMH LGA.
5. Bunyah Local Aboriginal Land Council (LALC) Representative - one (1) represent the Bunyah LALC area within the PMH LGA.

Options

The following options are available to Council:

1. Proceed with recruitment for the 10 positions nominated in this report.
2. Not proceed with recruitment and leave positions vacant.
3. Not proceed with recruitment and have further consultation with the CE&F committee.

4. Not proceed with recruitment until the revised CE&F charter is adopted.
5. Not proceed with recruitment and consider reviewing the committee structure.
6. Resolve in some other manner.

Community Engagement and Internal Consultation

The proposal to review the CEF Sub-Committee has been discussed with Council staff, the CE&F Sub-Committee and Councillors.

Planning and Policy Implications

Council is required to have a community reference Sub-Committee for the development of all Floodplain Management Plans. Similarly, a community reference group or committee is also recommended for the development of the new Coastal Management Program and may take the form of a special reference group or informal working committee, not necessarily a formal committee of Council.

Financial and Economic Implications

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

Attachments

Nil

Item: 13.05

Subject: QUESTION WITH NOTICE - LAKE CATHIE POST OPENING

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information provided in the report.

Executive Summary

Following the opening of Lake Cathie on Friday 22 May 2020 a question with Notice was submitted by Councillor Alley at the 3 June 2020 Council Meeting under Item 13.04. This report provides responses to those questions for Council's information.

Discussion

1. "A copy of community information prepared and distributed as part of point 3 above." (being point 3 of the council resolution of 20 May 2020)

Information provided to the community since 14 May 2020 relating to the lake opening and information provided since 20 May 2020 regarding the scraping of the berm at a level of 1.2m AHD is summarised in the table of dates included in **Attachment 1** and is accompanied by copies of the information.

Additional information was provided on Council's website prior to this date regarding the status of the lake developments and ongoing actions of Council or in response to specific issues raised by the community.

2. "A graph of water levels from the opening leading up to the publication of this answer."

Changes to the levels from 23 May to 04 June 2020 varied between 1.6AHD to - 0.012AHD. As shown in the graphs in **Attachment 2** the water fluctuates on a daily basis with tidal influences. The level on days such as 29 May 2020 ,1 June 2020 and 3 June 2020 show the lowest levels of water.

3. "The width of the passageway of water across the sand berm as at the time of the publication of this answer."

An onsite visit of the site was conducted at 8:30am on 4 June 2020. The width of the channel during this inspection was estimated to be approximately 55m as depicted in pictures in **Attachment 3**. It is important to note that the width of the channel will vary

depending on the height of the tide as the width will reduce as the tide recedes. It is therefore estimated that the channel width would currently be between 35 and 55m.

Options

The report is provided in response to a Question on Notice for information only.

Community Engagement and Internal Consultation

Community engagement was undertaken via Council's website, social media and media statements as detailed in the report.

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. Attachment 1 - Lake Cathie Communications
2. Attachment 2 - Water Level Graphs and Tide Charts
3. Attachment 3 - Pictures of Lake Cathie opening

Item: 13.06**Subject: DA2016 - 88.5 - SECTION 4.55 MODIFICATION TO EXISTING
SUBDIVISION LAYOUT AT LOT 2 DP 1263561 AND LOT 99 DP
1246122, SOUTH ATLANTIC DRIVE, LAKE CATHE****Report Author: Development Assessment Planner, Clint Tink**

Applicant:	Land Dynamics Australia
Owner:	RTS Super Pty Ltd & Stacks Super Pty Ltd & TJS Super Pty Ltd and Port Macquarie-Hastings Council (by virtue of Lot 99 DP 1246122 having been dedicated to Council as part of an earlier stage but yet containing existing drainage works that need to be extended)
Estimated Cost:	N/A
Parcel no:	69634 & 67955

Alignment with Delivery Program

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

RECOMMENDATION

That the Section 4.55 modification to DA 2016 - 88.5 being a modification to the layout of the previous approved staged subdivision at Lot 2, DP 1263561 and Lot 99, DP 1246122, South Atlantic Drive, Lake Cathie, be determined by granting consent, subject to the recommended modified conditions.

Executive Summary

This report considers a s4.55(1A) modification of consent to amend the layout of an existing approved staged subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, two (2) submissions were received.

The application is required to be determined by full Council in accordance with Council's Development Application - Conflict of Interest Policy as part of the land (Lot 9 DP 1246122) is owned by Council and submissions have been received following exhibition of the application. It should be noted however that Lot 99 only relates to stormwater infrastructure necessary to serve the development.

The Development Application - Conflict of Interest Policy also requires that all applications on Council land, where objections have been received be considered by the Development Assessment Panel and then referred to Council for determination.

The Development Assessment Panel considered the proposal at its meeting on 27 May 2020, with the consensus being:

“That the Development Assessment Panel recommend to Council that the Section 4.55 modification to DA2016 - 88.5 being a modification to the layout of the previous approved staged subdivision at Lot 2, DP 1263561 and Lot 99, DP 1246122, South Atlantic Drive, Lake Cathie, be determined by granting consent, subject to the recommended modified conditions.”

A copy of the assessment report as presented to the Development Assessment Panel (DAP) is provided as **Attachment 2**.

This report recommends that the s4.55(1A) modification of consent be approved subject to the amended conditions included in **Attachment 1**.

Discussion

A detailed assessment of the of the application in accordance with the relevant requirements in s4.55(1A) of the Environmental Planning and Assessment Act 1979 has been carried out and is included in **Attachment 2** to this report.

The site is considered suitable for the development and the modified proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result in significant adverse social, environmental or economic impact.

Options

Council has the following options in determining the s4.55(1A) modification of consent:

1. Grant consent to the s4.55(1A) modification subject to the recommended conditions.
2. Grant consent to the s4.55(1A) modification subject to amended conditions.
3. Refuse consent to the s4.55(1A) modification.

If consent is refused, Council is required to provide reasons for refusal in accordance with the Environmental Planning and Assessment Act 1979.

Community Engagement and Internal Consultation

The application has been notified in accordance with the Port Macquarie-Hastings Council Community Participation Plan 2019. Following exhibition of the application, two (2) submissions were received and these are addressed in the detailed assessment contained within **Attachment 2**.

The assessment report and recommended conditions of consent have been prepared with internal consultation in relation to water supply, sewer, stormwater drainage, traffic, engineering and ecology.

Planning and Policy Implications

The assessment report within **Attachment 2** includes consideration of relevant planning legislation applicable to the proposal.

Financial and Economic Implications

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

Attachments

1. DA2016 - 88.5 Recommended Conditions
2. DA2016 - 88.5 DAP Report - 27 May 2020