



PORT MACQUARIE-HASTINGS
COUNCIL



Ordinary Council

Business Paper

date of meeting: Wednesday 12 August 2020

location: Via Skype

time: 5.30pm

Note: Council is distributing this agenda on the strict understanding that the publication and/or announcement of any material from the Paper before the meeting not be such as to presume the outcome of consideration of the matters thereon.

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 12 August 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 15 July 2020 be confirmed.

PRESENT

Members:

Councillor Peta Pinson (Mayor)
Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
Councillor Sharon Griffiths
Councillor Peter Alley
Councillor Geoff Hawkins
Councillor Lee Dixon

Other Attendees:

Acting General Manager (Jeffery Sharp)
Director Corporate Performance (Rebecca Olsen)
Director Development and Environment (Melissa Watkins)
Director Infrastructure (Dan Bylsma)
Acting Director Strategy and Growth (Duncan Coulton)
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 on line.

02 LOCAL GOVERNMENT PRAYER

Due to the current COVID-19 health emergency, the Local Government Prayer was not delivered as part of this meeting.

The Mayor referred to the retirement today of Leading Senior Constable Grant Christensen from the Port Macquarie Police Force after 41 years of service keeping the community safe and wished him and his wife well in his retirement.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Alley/Intemann

That the Minutes of the Ordinary Council Meeting held on 1 July 2020 be confirmed.

CARRIED: 7/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Griffiths declared a Special Disclosure of Pecuniary Interest under Section 451(4) & (5) of the Local Government Act 1993 in relation to Item 13.06 - Fernbank Creek and Sancrox Planning Investigation. The reason being Councillor Griffiths has family residing in this area.

06 MAYORAL MINUTES

Nil.

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

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

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:: Dixon/Alley

That Standing Orders be suspended to allow Items 10.03, 10.04, 11.01, 11.02, 13.01, 13.04, 13.05, 13.07, 13.08 not in the block to be brought forward and considered next.

*CARRIED: 7/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil*

10.03 COVID-19 RECOVERY - COMMUNITY PRIORITIES FOR RECOVERY EFFORT

RESOLVED: Griffiths/Intemann

That Council:

1. Acknowledge the significant work undertaken by Council's COVID-19 Recovery Working Group since its inception on 23 April 2020.
2. Note the provision of \$1,800,000 from the Federal Government under the Local Roads and Community Infrastructure program to assist a community-led recovery from COVID-19 by supporting local jobs, firms and procurement;
3. Note the allocation by Council of COVID-19 Relief Reserve funding of \$1,492,870.
4. Request the General Manager to provide a briefing to Councillors on the recommended priority projects and initiatives identified by the COVID-19 Working Group and the implications in respect of delivery including timing and resourcing; and
5. Request the General Manager provide a report to the 12 August 2020 Council meeting outlining projects which can commence with the funding identified in Points 2 and 3.

*CARRIED: 7/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil*

10.04 RECRUITMENT OF THE GENERAL MANAGER

RESOLVED: Turner/Intemann

That Council:

1. Convene a General Manager Recruitment Selection Panel for the purpose of recruitment for the vacant position of General Manager.
2. Determine that Mayor Peta Pinson, Deputy Mayor Lisa Intemann, Councillor Sharon Griffiths and Councillor Geoff Hawkins represent Council on the panel, which ensures both male and female members are represented in the selection panel.
3. Determine that the recruitment consultant be a non-voting member of the General Manager Recruitment Selection Panel.
4. Delegate to the General Manager Recruitment Selection Panel the tasks of:
 - a) Determination of a recruitment company to facilitate the recruitment of the General Manager
 - b) Development of a recruitment brief and information packs in consultation with all Councillors and the recruitment firm.
 - c) With regards to the initial round of interviews:
 - i) Shortlisting of candidates for initial round of interviews.
 - ii) Determining the composition of the initial interview panel.
 - iii) Conducting initial round of interviews.
 - d) Shortlisting of candidates for final round interviews.
 - e) Ensuring that all Councillors are kept informed of key stages along the process.
5. Note that the final round of interviews will be conducted by all Councillors.
6. Note that the recommendations of the General Manager Recruitment Selection Panel will be the subject of a future report to Council.

CARRIED: 7/0

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

AGAINST: Nil

11.01 NOTICE OF MOTION - POLL ON FLUORIDATION OF COUNCIL'S WATER SUPPLY - AMENDMENT TO THE DATE OF THE POLL

RESOLVED: Pinson/Intemann

That Council:

1. Note that at the Ordinary Council Meeting held on 18 March 2020, it was resolved:
"That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:
"Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?"
2. Note that the 2020 Local Government elections have been postponed until 4 September 2021 due to COVID-19 restrictions.
3. Resolve to conduct a community poll with the following wording in conjunction with the next Local Government elections, which will read:
"Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?"

CARRIED: 4/3

FOR: Dixon, Griffiths, Intemann and Pinson

AGAINST: Alley, Hawkins and Turner

11.02 NAMING OF ROADS IN LAURIETON AND PORT MACQUARIE

RESOLVED: Intemann/Griffiths

That Council:

1. Not proceed to name the laneway south of Hanley Street, Laurieton between Lord and Norman streets "Araucaria Lane".
2. Request the General Manager to consider an alternative compliant name that is easier to spell and pronounce and provide a report to Council for consideration following conclusion of a further notification period in respect of the proposed naming of the laneway south of Hanley Street between Lord and Norman Streets.
3. Name the laneway west of Woods Street, Port Macquarie on the southern boundary of the sports fields and tennis courts "Hammer Lane".

CARRIED: 7/0

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

AGAINST: Nil

13.01 KENWOOD DRIVE BRIDGE LAKE CATHIE

The Mayor displayed photos of Kenwood Drive Bridge, Lake Cathie.

RESOLVED: Pinson/Intemann

That Council:

1. Note this information provided in this report.
2. Request the General Manager provide a further report to the September 2020 Ordinary Council meeting outlining the process and costs involved in reviewing the findings of the 2011 Lake Cathie/Lake Innes Estuary Hydrodynamic Model Development and Investigation Report and developing a program for the replacement or augmentation of Kenwood Drive Bridge to improve water levels and sediment transport within areas between Lake Cathie and the entrance.

CARRIED: 7/0

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

AGAINST: Nil

**13.04 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -
INTERSECTION IMPROVEMENTS - WILLIAM STREET / MUNSTER
STREET PORT MACQUARIE**

RESOLVED: Pinson/Dixon

That Council undertake community engagement to inform consideration of extending the William Street median through the Munster Street intersection to improve road safety.

CARRIED: 7/0

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

AGAINST: Nil

13.05 FERNBANK CREEK AND SANCROX PLANNING INVESTIGATION

Councillor Griffiths declared a Special Disclosure of Pecuniary Interest under Section 451(4) & (5) of the Local Government Act 1993 and left the meeting, the time being 6:34pm.

Mayor Pinson vacated the Chair and left the meeting, the time being 6:37pm.

Deputy Mayor Intemann assumed the Chair.

Mayor Pinson returned to the meeting, the time being 6:39pm.

Deputy Mayor Intemann vacated the Chair and Mayor Pinson assumed the Chair.

RESOLVED: Intemann/Alley

That Council:

1. Note the progress of the development of the Fernbank Creek and Sancrox Structure Plan.
2. Request that the Acting General Manager:
 - a) Facilitate an urgent meeting between Council, NSW Department of Planning, Infrastructure and Environment, and the proponents of the Le Clos Sancrox Planning Proposal, to clarify the path forward to Gateway submission of the Planning Proposal and exhibition of each of the Planning Proposal and the draft Fernbank Creek/Sancrox Structure Plan, and the work required.
 - b) Brief Councillors upon the outcome of the discussions at point (a).

CARRIED: 6/0

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

AGAINST: Nil

Councillor Griffiths returned to the meeting, the time being 06:42pm.

13.07 KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT

RESOLVED: Pinson/Griffiths

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

CARRIED: 7/0

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

AGAINST: Nil

13.08 RECOMMENDED ITEM FROM TOWN CENTRE MASTER PLAN SUB-COMMITTEE - BICENTENNIAL WALKWAY PROJECT

RESOLVED: Hawkins/Griffiths

That Council:

1. Affirm its commitment to the Port Macquarie Foreshore Bicentenary project overall, with specific focus now on the Kooloonbung Creek and Town Green frontages as potential COVID-19 stimulus projects.
2. Note the current funding allocation from the Federal Government and the TCMP Reserve of \$2M for Town Green West to complete this project.
3. Adopt the outstanding budget is \$3.05M on the priority sections of the Port Macquarie Foreshore Bicentenary project.
4. Consider including an additional project in the adopted 2020-2021 Operational Plan should a review be undertaken, being the "Port Macquarie Foreshore Bicentenary Walkway" with a 50% contribution of \$1.525M of funding from the current TCMP budget and any available relevant developer contribution funds.
5. Seek grant funding for the remaining 50% or \$1.525M from the local Federal Member for Cowper and State Member for Port Macquarie for the outstanding priority sections of the Port Macquarie Bicentennial Walkway Project.

CARRIED: 7/0

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

AGAINST: Nil

14 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Alley/Turner

That Items 10.01, 10.02, 10.05, 10.06, 10.07, 10.08, 10.09, 11.03, 13.02, 13.03, 13.06, 13.09 be considered as a block resolution.

CARRIED: 7/0

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

AGAINST: Nil

RESOLVED: Intemann/Turner

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

CARRIED: 7/0

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

AGAINST: Nil

10.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Intemann/Turner

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

10.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 4 TO 30 JUNE 2020

BLOCK RESOLVED: Intemann/Turner

That Council note the Mayoral Discretionary Fund allocations for the period 4 to 30 June 2020 inclusive.

10.05 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR GEOFF HAWKINS

BLOCK RESOLVED: Intemann/Turner

That Council grant leave of absence for Councillor Geoff Hawkins for the period 8 August 2020 until 16 August 2020 inclusive, which includes the Ordinary Meeting of Council scheduled 12 August 2020.

10.06 INVESTMENTS - JUNE 2020

BLOCK RESOLVED: Intemann/Turner

That Council note the Investment Report for the month of June 2020.

10.07 GLASSHOUSE PLAN 2020 - 2022 POST EXHIBITION

BLOCK RESOLVED: Intemann/Turner

That Council:

1. Note the submissions received in response to the public exhibition of the draft Glasshouse Plan 2020 - 2022 as detailed in this report.
2. In consideration of the submissions received, adopt the Glasshouse Plan 2020 - 2022 as detailed in this report.
3. Thank those people who made a submission on the draft Glasshouse Plan 2020 - 2022.

10.08 SALE OF INNES GARDENS MEMORIAL PARK CREMATORIUM AND LAWN CEMETERY

BLOCK RESOLVED: Intemann/Turner

That Council note the sale of Innes Gardens Memorial Park Crematorium and Lawn Cemetery on 1 July 2020 as detailed in this report.

10.09 LOCAL STRATEGIC PLANNING STATEMENT

BLOCK RESOLVED: Intemann/Turner

That Council:

1. Endorse preparation of a draft Local Strategic Planning Statement (LSPS) consistent with advice in this report and that it be placed on public exhibition for a period of not less than 28 days, as early as possible in 2020.
 2. Request the Acting General Manager provide Councillors, prior to public exhibition, an exhibition-ready version of the draft LSPS.
 3. Request the Acting General Manager provide a further report at the earliest time, following public exhibition, detailing and responding to feedback received during the exhibition and any changes to the draft LSPS.
 4. Forward the "Shaping Our Future - Our Local Strategic Planning Statement for Port Macquarie-Hastings" to the Department of Planning, Industry and Environment to be finalised for publishing on the NSW Planning Portal, as required by section 3.9 of the Environmental Planning and Assessment Act, 1979 (NSW).
-

11.03 CLASSIFICATION OF LAND TO BE ACQUIRED AS PART OF THE HASTINGS REGIONAL SPORTING COMPLEX AT WAUCHOPE

BLOCK RESOLVED: Intemann/Turner

That Council:

1. Pursuant to Section 34 of the Local Government Act 1993, commence the process to classify Lot 42 Deposited Plan 1016237 and Lot 3 Deposited Plan 221932 as "operational land" by placing on public exhibition the proposed resolution, "It is intended to classify Lot 42 Deposited Plan 1016237 and Lot 3 Deposited Plan 221932 (land at 42 Randall Street, Wauchope) as operational land", for a minimum period of 28 days from Monday 20 July 2020.
 2. Note that a further report will be tabled to a future Council meeting detailing any submissions received during the exhibition period.
-

13.02 LORNE ROAD AND MARIA RIVER ROAD - TIMELINES FOR DESIGNS, FUNDING AND WORKS

BLOCK RESOLVED: Intemann/Turner

That Council note the information provided in this report.

13.03 ROADSIDE VEGETATION MANAGEMENT POLICY - COMMUNITY CONSULTATION

BLOCK RESOLVED: Intemann/Turner

That Council:

1. Note that 13 community submissions were received regarding the DRAFT Roadside Vegetation Management Policy.
 2. Undertake a review of the draft policy, giving consideration to the submissions received.
 3. Request the General Manager bring a report to the 23 September 2020 Ordinary Council Meeting detailing the response to the submissions and the reviewed Roadside Vegetation Management Policy.
-

13.06 URBAN GROWTH MANAGEMENT STRATEGY UPDATE

BLOCK RESOLVED: Intemann/Turner

That Council:

1. Note the progress of actions from Council's Urban Growth Management Strategy as detailed within this report.
 2. Endorse the information and associated timeframes contained within this report, in relation to the proposed continued progression of actions as detailed within Council's Urban Growth Management Strategy.
-

13.09 ACQUISITION OF EASEMENT TO DRAIN WATER AT 10 DILLADERRY CRESCENT, PORT MACQUARIE

BLOCK RESOLVED: Intemann/Turner

That Council:

1. Pay compensation in the amount of \$10,500 (GST Exclusive) to the owners of Lot 87 DP253560, AT and KA Dun, for the acquisition of an easement to drain water depicted (A) in plan of acquisition DP1264763.
 2. Delegate authority to the General Manager, pursuant to Section 377 of the Local Government Act 1993 to sign electronically or otherwise all documents including but not limited to any authorisation form as required in accordance with the Electronic Transactions Act 2000.
-

CONFIDENTIAL SESSION

RESOLVED: Dixon/Alley

1. That pursuant to section 10A subsections 2 and 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.
 - Item 15.02 T-20-03 Design & Construction of Lake Cathie Skatepark
This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
3. That the resolutions made by Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.

CARRIED: 7/0

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

AGAINST: Nil

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

RESOLVED: Intemann/Hawkins

That Council note the costs incurred in this matter.

CARRIED: 7/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil

15.02 T-20-03 DESIGN & CONSTRUCTION OF LAKE CATHIE SKATEPARK

RESOLVED: Dixon/Griffiths

That Council:

1. Accept the Tender from Convic Pty Ltd for the Lump Sum of \$520,000 (exclusive of GST) for the Design and Construction of Lake Cathie Skate Park.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-20-03.

CARRIED: 7/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil

RESOLVED: Hawkins/Dixon

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

CARRIED: 7/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, 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 7:06pm.

.....
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, Jeffery Sharp (Acting)**

Alignment with Delivery Program

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

RECOMMENDATION

That Council determine that the attachment to Item Numbers 10.11 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

Discussion

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

Item No:	10.11
Subject:	Legal Fees
Attachment Description:	Legal Matters Greater Than \$10,000 2019/2020 Financial Year
Confidential Reason:	Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d)(i)).

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 provided 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
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
Investment Policy Review - Post Exhibition	20/05/2020 Item 10.07		DCP		Aug-20
COVID-19 Recovery - Projects	15/07/2020 Item 10.03		GM		Aug-20
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 Jul-20	Sep-20
Canal Maintenance	18/10/17 Item 12.04	Works delayed 18mths.	DI	FY2018/2019 Jun-20	Sep-20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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
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. Under negotiation	DDE	Aug-19 Sep-19 Nov-19 Feb-20 Apr-20 Jun-20 Jul-20	Sep-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	Sep-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	Sep-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	Sep-20
Development Assessment Panel Charter Review - post exhibition	20/11/19 Item 13.10	Briefing to Councillors in August 2020	DDE	Mar-20 Apr-20 May-20 Jun-20 Aug-20	Sep-20
Climate Change Risk Assessment - Update	18/03/2020 Item 13.06	Delayed due to COVID-19	DDE	Jul-17	Sep-20
Draft Coastal Management Program Scoping Plan - post exhibition	20/05/2020 Item 13.07	Still considering submissions	DDE	Jul-20 Aug-20	Sep-20
Coast, Estuary and Floodplain Sub-Committee - Results of Membership EOI	17/06/2020 Item 13.04		DDE		Sep-20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Settlement Shores Dredging Program - history and recent issues raised	01/07/2020 Item 06.01		DI		Sep-20
North Brother Local Catchments Flood Study - Draft Options Assessment Report - post exhibition	01/07/2020 Item 13.02		DI		Sep-20
Draft Bain Park Master Plan - Community Engagement	01/07/2020 Item 11.03	Community engagement on 11/08/2020	DDE	Aug-20	Sep-20
Kenwood Drive Bridge, Lake Cathie - Review findings of the 2011 Lake Cathie/Lake Innes Estuary Hydrodynamic Model Development and Investigation Report and developing a program for the replacement or augmentation improve water levels and sediment transport within areas between Lake Cathie and the entrance	15/07/2020 Item 13.01		DDE		Sep-20
Roadside Vegetation Management Policy - post exhibition	15/07/2020 Item 13.03		DI		Sep-20
Local Strategic Planning Statement - post exhibition	15/07/2020 Item 10.09		SG		Sep-20
Naming of Roads in Laurieton	15/07/2020 Item 11.02		DDE		Sep-20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
QFPM - Enforcement of Unlawful Activity Policy - findings of review	18/07/18 Item 09.07	Policy being drafted. Awaiting further advice and discussions with Councillors. Councillor briefing on legal matters in August 2020.	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	Oct-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. Awaiting LRS confirmation of easement registered on Crown Reserve	DDE	Feb-20 Aug-20	Oct-20
Draft s9.11 Airport Business Park Roads Contribution Plan	20/05/2020 Item 13.05		DDE		Oct-20
Planning Proposal (PP2016-10.1) Beach Street, Bonny Hills	17/06/2020 Item 13.03	PP to be revised and change of proponent	DDE	Sep-20	Oct-20
Planning Proposal (PP2017-11.1) The Chimneys, Homedale Road, Kew	17/06/2020 Item 13.03	Revised PP lodged	DDE	Sep-20	Oct-20
Classification of Land to be Acquired as Part of the Hastings Regional Sporting Complex at Wauchope - post exhibition	15/07/2020 Item 11.03		DDE		Oct-20

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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
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
Site Specific Planning Proposal requests - progress report	17/06/2020 Item 13.03		DDE		Dec-20
Footpaving of Roads Policy - Review	01/07/2020 Item 13.01		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		DCP		May-21
Trialling Of Parklets In The Port Macquarie Town Centre	16/05/18 Item 10.02	Council is still working the relevant approvals - current occupations October 2021.	DSG	Aug-20	Jun-21

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt 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)
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
Port Macquarie Aquatic Facility - appointment of consultant for design works	17/06/2020 Item 12.02		DDE		TBA
Recommendations of the General Manager Recruitment Selection Panel	15/07/2020 Item 10.04		GM		TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date
Mayoral Discretionary Fund Allocations	GM	Monthly	Every	
Monthly Financial Update	DCP	Monthly	Every (except July)	
Investments	DCP	Monthly	Every	
Recommendations by the Mayor's Sporting Fund Sub-Committee	DSG	Monthly	Every	nil for August
Legal Fees - Update Report (19/09/18 - Item 09.16)	DCP	Quarterly	Feb, May, Aug, Nov	

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date
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	15-Jul
Operational Plan – Quarterly Progress	DCP	Quarterly	Nov, May (other 2 quarters reported with DP 6 monthly progress report)	
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	
Management of Flying-Fox Colony in Kooloonbung Creek Nature Reserve - Biannual Progress Report (18/03/20 - Item 13.07)	DDE	Biannual	Jul, February	
Local Strategic Planning Statement (19/02/2020 - Item 10.22)	DSG	Biannual	Aug, Feb	15-Jul
Mayoral and Councillor Fees (Setting of)	GM	Annually	May	
Long Term Energy Strategy – Progress	DDE	Biannual	May, Nov	
Economic Development Strategy - Progress (20/11/2013 - Item 10.03)	DSG	Biannual	May, Nov	
Port Macquarie-Hastings Destination Management Plan 2020-2024 (20/05/2020 - Item 12.01)	DSG	Annually	Jun-21	
Council Policy - Status	DCP	Annually	Jul	12-Aug
Recreation Action Plan – Status	DDE	Annually	Jul	12-Aug
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DSG	Annually	Jul	

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date
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	23-Sep
Code of Conduct Complaints Annual Report	DCP	Annually	Dec	

Attachments

Nil

Item: 10.02**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 1 TO 29 JULY 2020****Presented by: General Manager, Jeffery Sharp**

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 1 to 29 July 2020 inclusive.

Executive Summary

To advise of the Mayoral Discretionary Fund allocations for the period 1 to 29 July 2020 inclusive.

Discussion

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

Donation of Glasshouse Vouchers to PMQ Combined Netball Club Annual Fundraiser	\$200.00
	\$200.00

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 2020-2021 Operational budget.

Attachments

Nil

Item: 10.03

Subject: 2020 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

Presented by: General Manager, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Grant approval for Mayor Peta Pinson and Councillor Peter Alley to attend the 2020 Local Government NSW Annual Conference to be held at the Crowne Plaza Hunter Valley from 22 to 24 November 2020.**
- 2. Determine that Mayor Peta Pinson and Councillor Peter Alley be Council's voting delegates on motions at the Conference.**
- 3. Note that the General Manager will also attend the Conference.**

Executive Summary

The 2020 Local Government NSW Annual Conference will be held at the Crowne Plaza Hunter Valley from 22 to 24 November 2020.

Mayor Peta Pinson and Councillor Peter Alley have indicated their interest in attending the Conference.

Council is entitled to four (4) voting delegates at the Conference. It is recommended that the Mayor and Councillor Alley be Council's voting delegates for voting on motions at the Conference.

As in past years, it is proposed that the General Manager/Acting General Manager will also attend the Conference.

Discussion

The Local Government NSW Annual Conference is the signature event of the year for all NSW Councils and provides a forum in which to debate important issues pertinent to our local communities. It also provides the opportunity to hear from State and Federal Government leaders, business representatives, community groups and academics.

A copy of the draft 2020 Conference Program is attached for information.

Local Government NSW has advised that the Conference will be following the Government guidelines on safe events and social distancing under Covid-19, noting that this may change in the future.

As per Council's "Payment of Expenses and Provision of Facilities to Councillors" Policy, a Councillor may nominate or be nominated to attend conferences, seminars, or similar functions.

Mayor Pinson and Councillor Peter Alley have indicated their interest in attending the 2020 Local Government NSW Conference.

Voting Delegate Entitlements

Local Government NSW has confirmed that, as in previous years, Council will be entitled to four (4) voting delegates at the Conference. It is proposed that the Mayor and Councillor Alley be Council's voting delegates for voting on motions at the Conference.

Reporting Requirements for Conferences

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

Options

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

Internal Consultation

- Mayor
- Acting General Manager
- Councillors

Planning & Policy Implications

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

Financial & Economic Implications

The 2020-2021 budget contains an allocation for expenses pertaining to conferences and out-of-pocket expenses for the Mayor and Councillors. The attendance by the Mayor and Councillors at the Conference can be funded from within the existing budget allocation.

The estimated cost to attend the Conference is \$4,300 which includes Conference registrations/workshops/conference dinner and accommodation for the Mayor, Councillor Alley and the General Manager. In addition to the above, there will be costs associated with travel and any out-of-pocket expenses as allowed for under the Policy and these will be at the expense of Council.

Attachments

1.  Draft Program - 2020 Local Government NSW Conference

Item: 10.04

Subject: COVID-19 RECOVERY AND STIMULUS PROJECTS

Presented by: General Manager, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Adopt the projects in Table 1 within the body of the report for submission for funding under the \$1.8m Federal Government's Local Roads and Community Infrastructure Program.**
2. **Adopt the projects in Table 2 within the body of the report to be funded by Council's \$1.49m COVID-19 Relief Reserve Fund.**
3. **Note the Recovery projects already underway and that will use existing Council resources.**
4. **Add the project and budget adjustments in 1 and 2 above as an addendum to the 2020-2021 Operational Plan and communicate this to our community, so as to allow immediate project commencement.**
5. **Note projects identified as priorities by the COVID-19 Recovery Working Group that are not included in points 1-3 above, will continue to be a focus for future funding opportunities.**
6. **Note the General Manager will table a report at the February 2021 Council Meeting by way of updating Councillors on progress in the delivery of the funded projects.**
7. **Agree that monitoring of COVID-19 recovery project delivery be conducted by relevant Council Steering Groups or Committees;**
8. **Thank members of the COVID-19 Recovery Working Group for their significant efforts in identifying and progressing projects and initiatives which will support our community and economic recovery.**
9. **Discontinue the COVID-19 Recovery Working Group following its next meeting that will be held to discuss Council's consideration of these matters.**

Executive Summary

1.
The purpose of this report is to seek Council approval of projects to be funded and delivered in the 2020-2021 financial year under Council and Federal Government COVID-19 relief funding, as COVID-19 Recovery and Stimulus Projects:

- \$1,826,618 has been allocated under the Federal Government's Local Roads & Community Infrastructure program;
- The \$1,492,870 Council Relief Reserve Fund objective is to help future-proof the community for the next five years of recovery.

In developing recommendations in this regard, consideration has been given to:

- COVID-19 Recovery Working Group recommendations on economic, social and cultural recovery initiatives;
- Priorities identified in recently developed Community Plans; and
- Priorities identified via other recent community engagement and feedback.

The report outlines the range of COVID-recovery initiatives already underway using existing staff resources. The delivery of these and the proposed funded initiatives comes on top of an already significant \$84million capital works program for 2020-2021 and cannot be delivered without additional temporary staff project management resources. It is proposed that the newly funded recovery projects are adopted as an addendum to Council's 2020-2021 Operational Plan and be exhibited for community information, to allow immediate project commencement.

It is recommended that Council acknowledge the significant work of the COVID-19 Recovery Working Group /Sub-Groups which collectively have met some 30 times over the April-July period to develop and assess recovery priorities. As per the Charter of the COVID-19 Recovery Working Group and former-General Manager's communications, it is also recommended that the monitoring of COVID-19 recovery project delivery be conducted by relevant Council Steering Groups including the Economic Development Steering Group, Cultural Steering Group and the soon-to-be established Community Inclusion Committee.

Discussion

At the 15 July 2020 Ordinary Council Meeting it was resolved:

10.03 COVID-19 RECOVERY - COMMUNITY PRIORITIES FOR RECOVERY EFFORT

RESOLVED: Griffiths/Intemann

That Council:

- 1. Acknowledge the significant work undertaken by Council's COVID-19 Recovery Working Group since its inception on 23 April 2020.*
- 2. Note the provision of \$1,800,000 from the Federal Government under the Local Roads and Community Infrastructure program to assist a community-led recovery from COVID-19 by supporting local jobs, firms and procurement;*
- 3. Note the allocation by Council of COVID-19 Relief Reserve funding of \$1,492,870.*
- 4. Request the General Manager to provide a briefing to Councillors on the recommended priority projects and initiatives identified by the COVID-19 Recovery Working Group and the implications in respect of delivery including timing and resourcing; and*
- 5. Request the General Manager provide a report to the 12 August 2020 Council meeting outlining projects which can commence with the funding identified in Points 2 and 3.*

CARRIED: 7/0

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

AGAINST: Nil

As per point 4 above, on 29 July 2020, the Acting General Manager and staff conducted a briefing for Councillors on recommendations and options for funding a range of COVID-19 recovery projects. Discussions focused heavily on the COVID-19 Recovery Working Group (RWG) identified priorities, and also a range of other previously identified community priorities (eg via community plans and engagement), which align with established funding criteria for the Federal Government's Local Roads and Community Infrastructure program and are either shovel ready and would inject dollars to our economy, or would bring forward a project that will provide significant medium term economic or community outcomes.

This report responds to Point 5 in the 15 July 2020 resolution and makes specific recommendations to the allocation of:

- \$1,826,618 under the Federal Government's Local Roads & Community Infrastructure program, which aims to create jobs, business and resilience and must be directed to projects that:
 - Involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public;
 - Deliver net benefits to the community such as improved access, visual amenity and safety benefits;
 - Be complete by 30 June 2021; and
 - Be additional to pre-COVID capital works program for 2020-2021. Projects can be brought forward and would be eligible.
- \$1,492,870 Council Relief Reserve Fund.

Recommended projects

The below list of priority projects is submitted to Council for consideration. It is recommended that the projects as listed below be endorsed for funding approval and included as an addendum to the 2020-2021 Operational Plan.

*Note, projects in shaded cells are those identified as priorities by the COVID-19 RWG

Table 1: \$1.8m Roads and Community Infrastructure Program

Project	Funding
Lake Cathie Foreshore Reserve Master Plan - Stage 2 works	280,000
Footpath -The Parade: Ocean St to Surf Club car park (NW side); 260m	100,000
Footpath -Lake Street: Tunis St to Seymour St (W side); missing links; 120m	60,000
Footpath -Comboyne St to Graham St connection at Kendall Services Club	80,000
Footpath -Hill Street: Pioneer Park to Main Street (W side); 180m	90,000
Footpath -Parker Street: Wauchope High School to Bain Street (W side); 160m	70,000
Footpath -Rushcutter Way: Moondara Tce to Bangalay Dr (SE side); 200m	100,000
Footpath -Major Innes Road: Braeroy Dr to The Ruins Way (E side); 320m	130,000
Footpath -Watonga Street: Connection to Matthew Flinders Dr; 35m	50,000

Table 1: \$1.8m Roads and Community Infrastructure Program

Project	Funding
Solar PV airport	140,000
Wauchope Stadium Cladding Replacement	20,000
Rural Road Safety Improvements - linemarking, signs.	100,000
Install seating beside Anzac Memorial	10,000
Install a sheltered seating area, picnic table and rubbish bins at Kendall Park	25,000
Increased seating and shade at Charlie Watt Reserve	26,618
Port Macquarie Lumiere Night time installation - infrastructure component	65,000
Jubilee Hall - external repaint	20,000
North Shore Fish Cleaning table	30,000
New bus shelters (3 or 4) & landing pads	45,000
Hay Street Resurfacing - Port Macquarie	280,000
Laurieton Sports Complex - installation of multi-purpose court (part funding)	105,000
Total Funds Available	1,826,618

Table 2: Council \$1.49 COVID Relief Reserve Funding

Project	Funding
Tourism product & trade market development Stage 2	80,000
Additional Investment in tourism PR and Marketing	150,000
Tourism - Visiting Friends & Relatives Program development	25,000
Website Food & Wine Trail Development	30,000
PMH Cares	7,870
Reboot, Refresh, Restart COVID Careers Pop-ups	15,000
Grant writing workshops	15,000
Arts, Culture & Creative Industries content development and marketing	80,000
Cultural industries - Networking and mentoring	50,000
Creative and Arts Trails development	45,000
Program to encourage use of vacant commercial spaces	80,000
Contribution to Creek to Creek Trail Development	60,000
Artwalk delivery	40,000
CBD Wifi (Wauchope, Laurieton, expand Port)	40,000

Table 2: Council \$1.49 COVID Relief Reserve Funding	
Project	Funding
Tourism & Cultural Development Project Officer (temporary)	100,000
Public Spaces Interpretation Strategy and Guidelines	60,000
Renew the maps "Comboyne Plateau" outside Udder Cow Café and in Pioneer Park	10,000
Develop a Laurieton Main Street Master Plan	100,000
Work with Pappinbarra residents and the RFS to develop and implement a community fire-safety plan.	25,000
Install signage on Pappinbarra Road for speed reduction to help protect wildlife and to improve road safety	10,000
Wauchope Rotary Youth Hall external repaint western side	40,000
Stuarts Park Building beautification	20,000
Kendall Bridge rehabilitation	40,000
Towns Gateway entrance strategy	50,000
CSU-Googik Connection Consultancies	150,000
Port Macquarie Lumiere night time installation	55,000
Laurieton Sports Complex - installation of multi-purpose court (part funding)	115,000
Total Funds Available	1,492,870

Next steps

It is recommended that Council acknowledge the significant work of the COVID-19 Recovery Working Group /Sub-Groups which collectively have met some 30 times over the April-July period, to develop and assess recovery priorities. While the recommended projects list above does propose funding for a significant number of priorities from this Group, it is recognised that not all can be funded and delivered at this time.

Particularly absent from the above list are 'big ticket' infrastructure priorities which the Group is keen to see progress, should an opportunity arise. In this regard, however, it is acknowledged that at the 15 July 2020 Council meeting, it resolved to:

"Consider including an additional project in the adopted 2020-2021 Operational Plan should a review be undertaken, being the "Port Macquarie Foreshore Bicentenary Walkway" with a 50% contribution of \$1.525M of funding from the current TCMP budget and any available relevant developer contribution funds", noting the Port Macquarie Foreshore Bicentenary Project was one of the highest capital works priorities identified by the COVID-19 RWG.

Further, as per discussions at the COVID-19 RWG meeting, staff are currently developing a prospectus-style document that will identify all recovery projects, with a

particular focus on those which have not been funded. The intent is this will act as a tool to facilitate focused conversations with potential funding partners.

As per the Charter of the COVID-19 Recovery Working Group and Council's communications, it is recommended that the monitoring of COVID-19 recovery project delivery be conducted by relevant Council Steering Groups or Committees such as the Economic Development Steering Group, Cultural Steering Group and the soon-to-be established Community Inclusion Committee.

Options

Council may choose to resolve as recommended, seek further advice or revise the proposed allocation of funding to other projects.

Community Engagement and Internal Consultation

As noted in the report, detailed external consultation was undertaken with the COVID-19 Recovery Working Group. Priority project identification also considered the extensive engagement undertaken in the recent development of Community Plans, as well as a range of other community engagement opportunities (eg the development of the 2020-2021 Operational Plan).

Internal consultation has included Councils' Executive Group, Senior Leadership Team and relevant managers and project managers.

Planning and Policy Implications

As is noted in the report, it is proposed that endorsed projects be included in an addendum to the 2020-2021 Operational Plan and placed on public exhibition for community information. This will enable immediate commencement of identified projects, which are required to be completed by 30 June 2020 under the Local Roads and Community Infrastructure funding deed.

Financial and Economic Implications

As noted, the additional Funding of \$3.3m comes on top of an already significant \$84million capital works program for 2020-2021, and a proposed \$11.3m in carry over projects from 2019-2020 being considered separately by Council at this meeting. It also includes funding for a new temporary role (Tourism & Cultural Development Project Officer) and for temporary project management resources to enable the delivery of identified projects.

In the current climate, however, the delivery of these projects (with support by a range of local businesses, where possible) will provide a valuable injection of funds for our local community and economy to support what will be a long road to recovery. Whilst there are a range of short-term projects included in the recommended project list, that will support jobs in the immediate future and for a short period, there are also initiatives which we expect will support both immediate and longer-term jobs growth. It is also recognised that some projects will attract on-going maintenance costs, as Council assumes the responsibilities of asset owner.

AGENDA

ORDINARY COUNCIL
12/08/2020

Attachments

Nil

LEADERSHIP AND
GOVERNANCE

Item: 10.05**Subject: STATUS OF COUNCIL POLICIES****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 provided in the Status of Council Policies report.

Executive Summary

The "Making of Council Policy" policy requires that a report be presented to Council on an annual basis outlining the status of all current Council Policies.

Council currently has 77 adopted Council Policies, which are published on Council's website for public viewing.

As at July 2020, the status of the 77 adopted Council Policies was:

Status	Number	%
Current	15	19.4
Review Complete	0	0
Submitted to Council	0	0
Review initiated	18	23.3
Deferred	21	27.2
Overdue	23	30.1

With the unexpected impact and competing priorities of COVID-19 and the bushfires experienced during 2019-2020, many policies are now required to be reviewed as they have passed their review date. As a result, 20% of Council's policies are current with a significant number under review or commencing shortly. There have also been a number of policies deferred as a result of the deferment of the Local Government elections until September 2021. Staff will continue to review Council Policies on an ongoing basis, with the Governance team providing the processes and framework to support currency across the organisation.

Discussion

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

The “Making of Council Policy” policy provides an open and transparent statement as to how Council will establish, amend and rescind Council Policy. In addition, the policy requires that a report be presented to Council on an annual basis outlining the status of all current Council Policies:

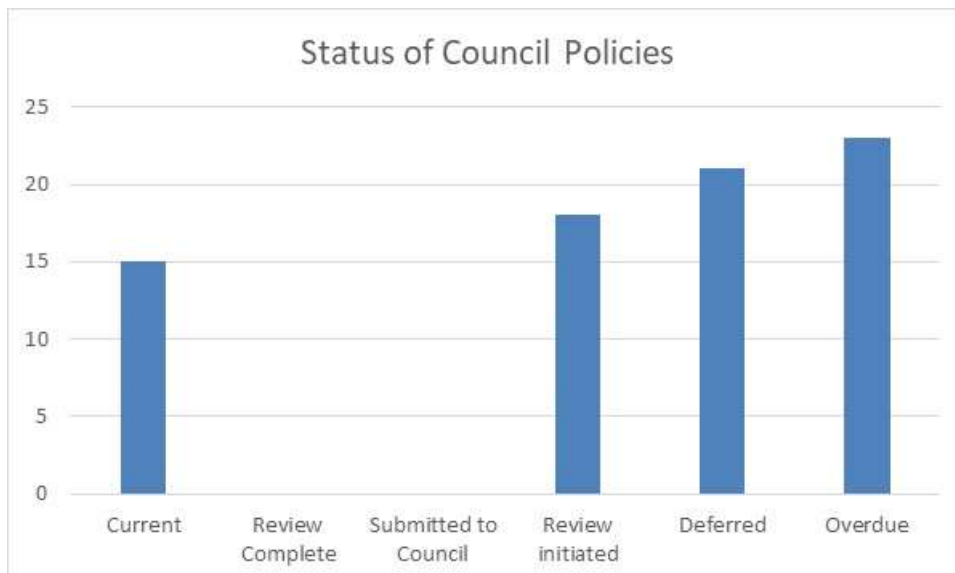
The Council report will include (as a minimum):

- *Policy adoption date.*
- *Policy last reviewed date.*
- *Outcome of last review (No change, administrative amendments, Council approved).*
- *Policy next review date.*

In the past several years there has been a concentrated effort made to improve the currency of Council Policies and implement a process to monitor and maintain the currency of Council adopted policies. Unfortunately, this process has lost focus following many competing priorities over the past year however a review of the policy framework will be undertaken in late 2020 to better manage the policies of Council.

Current Status of Policies

A desktop review of the status of the seventy-seven (77) Council adopted policies was conducted in July 2020. The results of this review are provided as an attachment to this report.



Council Policies fall into the following status categories:

Status	Definition of Status
Current	Review date is in the future.
Review Complete	Approved for adoption by the Executive Group/Council, administrative processes to publish underway.
Public Consultation	Currently on public exhibition.
Submitted to Council	Submitted to Council for public consultation/adoption.
Submitted to Executive Group	Submitted to the Executive Group for endorsement/approval.
Formal Consultation	Tabled for consultation with the Senior Leadership Team, internal committee and/or external consultation.
Review initiated	Review process has commenced and is in the initial stage of review.
Deferred	Review has been deferred pending another action or is dependent on another action.
Overdue	Review date has past and review has not been initiated.

Staff will continue to review Council Policies on an ongoing basis, with the Group Manager Governance providing the processes and framework to support currency.

Options

This is an information report, however Council can request any Policy to be reviewed at any time.

Community Engagement & Internal Consultation

Community Engagement

Where a review involves more than simple administrative amendments, a draft is presented to Council. If resolved the Policy is then placed on public exhibition for a minimum 28 days before being further considered by Council.

Internal Consultation

- General Manager
- Directors
- Group Manager Governance
- Relevant Group Managers (as policy owners)


Planning & Policy Implications

There are no planning implications in relation to this report. Policy implications are favourable, the currency, relevance and effectiveness of policies will improve and further support governance and risk management.

Financial & Economic Implications

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

Attachments

1.  Status of Council Adopted Policies

Item: 10.06

Subject: MONTHLY BUDGET REVIEW - JULY 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 "July 2020 Adjustments" section of the Monthly Budget Review – July 2020 report.**
2. **Amend the 2020-2021 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 July 2020.

The Council adopted 2020-2021 budget position at the commencement of the financial year was a shortfall of \$676,730. The budget adjustments contained in this report leave the budget position unchanged as at the end of July 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 2020-2021 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 2020	Shortfall	(\$676,730)
Plus adjustments:		
July Review	Balanced	\$0
Forecast Budget Position for 30 June 2021	Shortfall	(\$676,730)

July 2020 Adjustments

There are no adjustments in the report that impact Council's current budget position.

The following adjustments reflect budget movements as a result of grant funding received, movements between projects, budget variance requests and a review of the 2019-2020 budget position on projects and the associated adjustments to the 2020-2021 Operational Plan. These have no impact on the budget position (for example, additional income has an associated expenditure budget):

Description	Notes	Funding Source	Amount
Grants	1	Grants	\$268,803
Movement between Projects	2	Revenue	\$28,000
Budget Variation Requests	3	Reserve	\$2,115,000
2019-2020 Works Program Finalisation	4	Reserve/s7.11	\$4,557,520
Total			\$6,969,323

1. Grant Funding

Council Project	Grant Provider	Grant Funding	Other Funding*	Comment
Lake Cathie Sports Field Surface & Irrigation Upgrade	NSW Dept of Premier & Cabinet	\$14,286	\$0	Deed of Variation approved to transfer grant underspent to another project
Bushfire Recovery	Resilience NSW	\$220,000	\$0	Council will receive a grant from Resilience NSW to undertake bushfire recovery projects
Libraries	Library Council of NSW	\$34,517	\$0	Increase in Library per capita Subsidy
Total Grant Funding		\$268,803	\$0	

2. Movement between Projects

Transfer from	Transfer To	Amount	Comments
Disabled Access	Mrs York's Garden	\$8,000	Transfer to fund disabled accesses - Mrs York's Garden
Disabled Access	Blackbutt Park Upgrade	\$20,000	Transfer to fund disabled accesses - Blackbutt Park

Transfer from	Transfer To	Amount	Comments
Total Movements between Projects		\$28,000	

3. *Budget Variation Requests (approved by Executive)*

Project Name	Funding Source	Amount	Comments
Maintenance of Port Macquarie & Wauchope Depots	Reserve	\$215,000	Budget variance for the repairs and maintenance of the Port Macquarie and Wauchope Depots
Bonny Hills STP Recycled Water Augmentation	Reserve	\$1,900,000	Budget variance for the Bonny Hills Recycled Water Augmentation
Total Approved Budget Variations		\$2,115,000	

4. *2019-2020 Works Program Finalisation*

As part of the development of the 2020-2021 Operational Plan, a review of the 2019-2020 works program was ongoing. This review focused on the projected status of projects in light of a variety of factors, including bushfire, water supply security and COVID-19 impacts, and identified a number of projects which needed to be re-prioritised to the 2020-2021 Operational Plan. The review identified a larger than anticipated portion of these works were actually able to be finalised by 30 June. On this basis, the following adjustments reflect reductions in the 2020-2021 allocations where the expenditure was able to be brought forward to 2019-2020.

Project Name	Funding Source	Amount
Thrumster Reclaimed Water Interim Supply	Reserve	\$1,722,038
Annual Installation of New Services - Water Supply	Reserve	\$96,459
Annual Renewals and Minor Works Allocation - Water Supply	Reserve	\$54,514
Wauchope Water Treatment Plant Expansion	Reserve	\$225,161
Trunkmain Augmentation Sancrox Reservoir to Wauchope	S 64	\$471,207
Port Macquarie Rising Main	Reserve	\$17,827
Small Towns Sewerage Scheme	Reserve	\$865,805
Annual Switchboard Replacement Allocation - Sewerage Services	Reserve	\$23,936
Kingfisher WTS Upgrade Stage 1	Reserve	\$111,327
Sancrox/Thrumster Sports Fields	S 7.11	\$8,860
Kindee Bridge	Reserve	\$120,365
Orbital Road Investigations	Reserve	\$45,117
Bago Rd Rehabilitation	Reserve/S 7.11	\$794,904
Total		\$4,557,520

Options

Council may adopt the recommendations 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 maintain the budget position of a shortfall of \$676,730.

Statement by Responsible Accounting Officer

"The adopted original budget result for 2020-2021 was a shortfall of \$676,730. As at 31 July 2020, this position remains unchanged. This position is considered an unsatisfactory result for the year. As such, all budgets will need to be closely monitored with the view to reducing this shortfall position".

Attachments

1.  July 2020 Budget Review

Item: 10.07

Subject: 2019-2020 CARRY-OVER PROJECTS

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Adopt the 2019-2020 carry-over projects outlined in this report for inclusion in the 2020-2021 budget.**
- 2. Amend the 2020-2021 one-year Operational Plan to include all projects approved to be carried over as individual action items.**

Executive Summary

This report lists projects from the 2019-2020 budget, which were not completed in the financial year and need to be carried over into the 2020-2021 budget to enable finalisation. Adopting these projects for inclusion in the 2020-2021 Operational Plan (and budget) ensures that they will continue or be completed.

Preliminary expenditure figures show that Council has expended approximately \$76 million in 2019-2020 on works program projects including land purchases. This level of expenditure is a considerable increase on last year, and also more than the average over the last 5 years as shown in the table below. The expenditure amount is impacted by the phase of significant projects, for example, when the project is in planning phase the level of expenditure may be less than during the construction phase and not always indicative of the amount of work completed. The 2019-2020 expenditure includes significant amounts on the progression and finalisation of some major projects including the Small Towns Sewerage Scheme, the Airport Terminal Upgrade, Stuart Park, Dunbogan Bridge Rehabilitation and Bago Road Rehabilitation.

Some of these projects are capital whilst others are operational in nature. This expenditure is in addition to recurrent operational expenditure incurred in delivering services to the community.

Year	Total Works Program Spend
2019-2020	\$76,158,558
2018-2019 *	\$59,491,069
2017-2018	\$56,255,526
2016-2017	\$69,058,059
2015-2016	\$79,662,838
Average	\$68,125,210

** This figure was reported to the 21 August 2019 Ordinary Council meeting as \$59,965,400 as a preliminary result.*

In relation to carry over amounts, the delivery of a number of projects has been impacted by a range of significant factors during the financial year, where emergent and non-planned works have taken precedence, resulting in some planned works having to be re-prioritised.

The delivery of some projects within the 2019-2020 Operational Plan has been delayed due to impacts associated with the North Coast Bushfires, flood / storm events and Water Supply Security (including Water Restrictions Activity), noting the bushfire activity in our LGA which commenced in July 2019 with the Lindfield Park Road fire. Council staff's direct involvement in operational responses to fire, flood and water security activity was necessary to support the immediate needs of the community in regards to these unprecedented unplanned events across our LGA, which has impacted the timing of projects originally scheduled in 2019-2020.

In addition, on 11 March 2020, COVID-19 was declared a worldwide pandemic. At the Ordinary Council meeting held on 15 April 2020, Council resolved 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. The pandemic has meant that resources have in some instances needed to be diverted to the COVID-19 response and to supporting our community through these challenging times, for example in implementing precautionary health and cleaning measures, and supporting stimulus measures.

Despite the particularly challenging circumstances during 2019-2020, the above expenditure figures confirm that Council has still been able to deliver a significant amount of works.

The following table illustrates the level of carry-over in relation to the total budget for the last 5 years. Note that the Revised Budget at 30 June is the final budget for the year, which takes into account any carry-overs from the previous year and budget adjustments throughout the year.

Year	Original Budget	Revised Budget at 30 June	Carry-over
2019-2020	\$97,885,485	\$96,439,460	\$11,307,655
2018-2019	\$67,289,844	\$89,803,038	\$24,809,194
2017-2018	\$122,733,342	\$100,989,586	\$29,827,793
2016-2017	\$70,430,758	\$92,471,167	\$19,053,479
2015-2016	\$90,516,673	\$121,897,961	\$32,350,287

Discussion

It is normal practice for councils to carry forward some project budgets from the previous financial year to enable their completion in the following financial year due to factors such as weather impacts, new grant funding meaning a re-prioritisation of resources, or third party impacts beyond councils' control. As noted above the delivery of projects in 2019-2020 has also been impacted by some particularly significant events, being bushfire, flood, water security and COVID-19 impacts.

Examples of additional unplanned / emergency projects and services undertaken during the year include (though not limited to):

- Coordinating / facilitating a range of Community Bushfire Recovery committees and events, community and investment / funding support for impacted residents and communities, support to Blazeaid;
- Lindfield Park Road bushfire rehydration project;
- Water Security Project planning, and education and engagement activities associated with water restrictions;
- Emergency response and support for residents (North Shore / Settlement Point Rd) affected by the storm event in February;
- Coordinating / facilitating a range of COVID-19 Recovery Working Groups, community wellbeing and financial relief measures;
- Implementation of COVID-19 Public Health Orders on Council services and community / infrastructure assets;
- Enabling Council staff to work from home, including upgrades of systems, rollout of Office 365, development of online forms etc;
- Bril Bril Bridge Bypass;
- Doyles River Road Bridge Bypass / Replacement;
- Old Highway Bridge Bypass;
- Pappinbarra Bridge Bypass (x2);
- Pappinbarra community facilities - repairs to bushfire damaged structures;
- Mooney Street river bank repair;
- Rainbow Beach amenities - replacement after arson event;
- Town Beach amenities - replacement after arson event.

Attached to this report is a full listing of projects that were partially completed in 2019-2020 and need to be carried over to allow completion in the 2020-2021 financial year. The carry-over value from 2019-2020 is \$11,307,655 and is broken down into the following deferral categories:

Deferral Category	Amount
Awaiting Design	\$109,607
Awaiting Tender	\$217,910
Grant Not Received	\$67,827
Multi-year project	\$5,950,145
Other	\$2,135,119
Operational Considerations	\$2,796,235
Weather	\$30,812
Total	\$11,307,655

The carry-over can also be broken down by Fund and Section as follows:

Amount to Be Carried Over		
Fund	Section	Total
General Fund	Aquatic Facilities	13,060
	Broadwater Special Rate	117,855
	Bushfire Control	790,123
	Community Engagement	40,000
	Drainage	431,767
	Facilities	190,701

Amount to Be Carried Over		
Fund	Section	Total
	Library	169,421
	Natural Resources	1,199,247
	Noxious Plants	11,621
	Parks & Recreation	2,745,682
	PM Town Centre Masterplan	233,995
	Transport and Traffic	2,537,649
	Strategic Planning	356,485
	Destination & Cultural Development	464,324
	Community Inclusion	98,743
	Infrastructure Planning	450,767
	Strategic Property Investments	191,712
	People & Culture	6,000
General Fund Total		10,049,150
Sewer Fund	Sewerage Services	580,452
Sewer Fund Total		580,452
Waste Mgt	Waste Disposal	499,316
Waste Mgt Total		499,316
Water Fund	Water Supply	178,737
Water Fund Total		178,737
Grand Total		11,307,655

As noted above, there are a number of reasons why project budgets need to be carried over into the next financial year. Some of these reasons are summarised as follows:

Grant Funded Projects

If a project is subject to grant conditions, Council is obliged to carry-over any unspent funds for the purposes of completing the project. If all of the grant funding is not required, then Council is generally required to repay the unspent grant funds. Delays in grant projects can be caused by delays in grant confirmations from the relevant granting authority. The table below represents the funding composition of the carry-over projects, with grant funding representing 25.73% of the total.

Funding Source	Amount	%
Revenue	1,409,293	12.46%
Reserves	5,337,760	47.21%
Grants	2,909,471	25.73%
Environmental Levy	193,609	1.71%
Contributions	17,954	0.16%
Section 7.4 and 7.11 Contributions	1,255,062	11.10%
Section 64 Contributions	184,506	1.63%
Total	\$11,307,655	100.00%

Operational Considerations

Many operational considerations impact on Council's ability to deliver projects as scheduled. Such considerations can include weather impacts, disaster events, competing projects which may divert resources away from scheduled delivery,

resourcing implications (e.g. unplanned staff absences and vacancies), third party impacts beyond the control of Council (e.g. project partners) and market forces (e.g. availability and cost of materials/contractors).

Not completing a project which has already commenced may expose Council to a range of risks including those in the areas of service delivery, public safety, political, reputational, legal and financial.

Budget Development Timeframes

The Council budget each year commences development in the September - October period prior to the financial year to which it relates. It is often difficult to estimate so far in advance what impact any of the above operational considerations may have on project delivery.

Multi-year Projects

Many projects, due to scheduled commencement in the latter part of a financial year or due to the size and scale of the project, may have always been intended to be completed over more than one financial year. Projects that have design and construction elements can often span financial years. The budget for the financial year reflects the financial commitment of the delivery plan. Estimating the split by year can be difficult given the budget timeframes as previously mentioned, and these may shift as the project progresses.

Of the total carry-over of \$11,307,655 projects that are considered to be multi-year projects amount to \$5,950,145 or 53%. The projects that are considered multi-year projects are outlined in the attachment to this report.

Future considerations

Council remains committed to ensuring that, where appropriate, improvements to processes and practices are achieved.

Phased capital budgets have been included in the budget for a number of years now. Regular monitoring through the phasing of capital budgets assists in the early detection and management of potential carry-overs during the current year.

It should be noted that whilst ongoing improvements will continue be made to the budget process with a view to reducing the quantum of carry-overs, some level of carry-over should still be expected for the reasons outlined in this report.

Options

Council has the option of approving the carry-overs in total, in part, or not approving them at all. If no carry-over projects are approved, the projects that are currently partially completed would not be able to be finalised and any grant funding currently available for projects would be required to be returned to the relevant funding body. As outlined in the body of the report, other risks may exist by not approving various carry-over budgets.

Community Engagement and Internal Consultation

Consultation has taken place with all Divisions of Council.


Planning and Policy Implications

There are no direct policy implications as a result of this report, however the 2020-2021 Operational Plan will need to be amended to include the approved carry-over projects to be completed this financial year. There may be a subsequent impact on delivery of the 2020-2021 Operational Plan and this will be monitored via the monthly budget review process.

Financial and Economic Implications

The attached report outlines the carry-over projects and the amount of the carry-over for each project. By carrying over the remaining budgets for these projects, funding will be available in 2020-2021 to undertake the works remaining on these projects.

Attachments

1.  2019-2020 Carry-Over Report

Item: 10.08

Subject: 2019-2020 FINANCIAL STATEMENTS AUDIT

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

- 1. That Council refer to audit the draft Financial Statements as at 30 June 2020.**
- 2. That the Statement by Councillors and Management be signed by the Responsible Accounting Officer, the Acting General Manager, the Mayor and one Councillor as required by the Local Government Act 1993.**

Executive Summary

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

Discussion

The preparation of the draft financial statements for the year ended 30 June 2020 is nearing completion. The external audit is due to commence 21 September 2020. The auditor's aim is to complete their audit by mid October 2020 which will allow the standard statutory deadline of 31 October 2020 to be met. It is further noted that the Office of Local Government has however enacted an extension to the standard 31 October deadline to 30 November 2020, due to the impacts of COVID-19. A copy of the audited financial statements is due at the Office of Local Government by this date.

This resolution allows Council to refer the draft statements to the auditors for the purpose of conducting the final audit. It also allows for the signing of the two "Statements by Councillors and Management" in the approved form as to Council's opinion on the general purpose financial statements and the special purpose financial statements.

After the audit is complete, a full set of the financial statements will be distributed to staff and then put to a meeting of Council.

Options

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

Community Engagement & Internal Consultation

Consultation in completing the financial statements has taken place with all Divisions.



Planning and Policy Implications

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

Financial and Economic Implications

There are no financial and economic implications as a result of this report, as this report is simply committing Council to refer the draft financial statements to audit as per Section 413(1) of the Local Government Act 1993.

Attachments

1.  2019-2020 General Purpose Statement
2.  2019-2020 Special Purpose Statement

Item: 10.09

Subject: INVESTMENTS - JULY 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 July 2020.

Executive Summary

- Total funds invested as at 31 July 2020 equals \$302,022,026.
- Interest for the month of July was \$594,123.
- The year-to-date investment income of \$594,123 represents 9% of the total annual investment income budget of \$6,321,693.
- Council's total investment portfolio performance for the financial year to date was 2.25% above the benchmark (2.36% against 0.11%), benchmark being the Bank Bill reference rate as at 31 July 2020.

The following outlines the significant points identified 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 +2.64% p.a., outperforming bank bills by 1.91% p.a. and more than 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 official cash rate 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 has recently suggested that the official rate could be cut further to 0.10% if required.
- 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 continues to be 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|cdbad291-68a4-4d81-8aee-b3733958e5ca|bd0cff62-3134-4e81-9f7e-de4e65feb428|en-AU](#)

Current Investments

Council is required to undertake investments in accordance with section 625 of the *Local Government Act 1993*. This report provides details of Council's investments, and certifies that all funds that Council has invested as at 31 July 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 July 2020, the investments held by Council totalled \$302,022,026 and were attributed to the following funds:

General Fund	113,140,471
Waste Fund	19,634,452
Water Fund	116,030,822
Sewer Fund	51,585,362
Sanctuary Springs Fund	42,283
Broadwater	1,588,636
	<hr/>
	302,022,026

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, (\$302,022,026), and total investments held as per Imperium's attached monthly report (\$302,049,581). 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 and budget levels have been met on a year to date basis. On an annual basis, if benchmark levels are not reached, then this may result in budget cuts in other areas to fund the shortfall.

Council's total investment portfolio performance for the financial year to date is 2.25% above the benchmark (2.36% against 0.11%) and year to-date income is 9% 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 - July 2020
2.  Port Macquarie-Hastings Council Portfolio as at 31 July 2020

Item: 10.10

Subject: INVESTMENT POLICY REVIEW - POST EXHIBITION

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 adopt the amended Investment Policy.

Executive Summary

At the Ordinary Council Meeting on 18 March 2020, Council resolved to place the draft Investment Policy on public exhibition.

The Investment Policy was subsequently placed on public exhibition for the period 25 March 2020 to 21 April 2020 (28 days) and a report tabled to the 20 May 2020 Ordinary Council Meeting, at which Council resolved to re-exhibit the investment policy using wording suggested by the Audit, Risk, and Improvement Committee.

The investment policy was re-exhibited for the period 10 June 2020 to 7 July 2020 (28 days). There were six submissions during the public exhibition process.

Discussion

The current approved Investment Policy, (refer attachment 1), was reviewed and a draft, (refer attachment 2), including the following changes was tabled at the Ordinary Council meeting on 18 March 2020:

- Portfolio exposure: changed BBB rating to 35% (from 30%) and Unrated rating to 5% (from 10%);
- Maturity requirement: changed 1 to 3 years from 60% to 70%;
- Maturity requirement: changed >5.5 years from 20% to 10%;
- Inclusion of a new section 'Environmentally and Socially Responsible Investments'.

At this meeting Council resolved as follows:

10.09 POLICY REVIEW - INVESTMENT POLICY

RESOLVED: *Turner/Alley*

That Council:

1. *Place on public exhibition from 25 March 2020 until 21 April 2020 (28 days), the revised Investment Policy.*
2. *Note that a further report will be tabled at the May 2020 meeting of Council, detailing the submissions received from the public during the exhibition period.*

CARRIED: 6/1

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

AGAINST: *Griffiths*

Following the public exhibition period noted above and based on feedback received, a further amendment was made to the draft Investment Policy, which was to add investments relating to the fossil fuel industry as an example of 'Environmentally and Socially Responsible Investments'. The updated policy, (refer attachment 3), was tabled at the Ordinary Council Meeting on 20 May 2020, where the following was resolved:

10.07 INVESTMENT POLICY REVIEW - POST EXHIBITION

RESOLVED: *Intemann/Levido*

That Council request the General Manager re-exhibit for twenty-eight days the proposed draft amended Investment Policy using the words that were suggested by the Audit, Risk and Improvement Committee from its recommendation of February 2020.

CARRIED: 7/1

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

AGAINST: *Griffiths*

As a result of the above resolution, the draft investment policy was re-exhibited, with feedback requested on two versions:

- Version 1 which was an updated version including the words suggested by the Audit, Risk and Improvement Committee, as per the above resolution, which specifically address investment in financial institutions which support fossil fuel industries, (refer attachment 4); and
- Version 2 which was the version originally placed on public exhibition, (refer attachment 2).

Public Exhibition

The public exhibition period is now complete with six submissions received.

Within the exhibition period there were sixty-six (66) visits and twenty-seven (27) downloads of the Investment Policy, (14 of version 1 and 13 of version 2), via Council's engagement website page.

Further information on the submissions received is included in the 'Community Engagement and Internal Consultation' section below.

Recommendation

It is recommended that Council adopt the amended Investment Policy being the amended version placed on exhibition as per the resolution of the 20 May 2020 Council meeting above, (refer attachment 4).

The following changes are consistent in the various versions of the revised policy attached, including that which is recommended to be adopted:

- Portfolio exposure: changed BBB rating to 35% (from 30%) and Unrated rating to 5% (from 10%);
- Maturity requirement: changed 1 to 3 years from 60% to 70%;
- Maturity requirement: changed >5.5 years from 20% to 10%;

In relation to paragraph 2.11 of the version recommended for adoption, the following wording is included:

Subject to consideration of the Risk Management Guidelines in this policy, preference is to be given to financial institutions that publicly state that they do not invest in or finance the fossil fuel industry if:

- the investment is compliant with Council's Investment Policy; and
- the investment rate of interest is equivalent to or more favourable to Council relative to other similar investments that may be on offer to Council at the time of the investment.

The above wording is in line with the suggested wording of the Audit, Risk and Improvement Committee's recommendation of February 2020. The wording differs from the previous version exhibited from 25th March 2020 to 21st April 2020, mainly in respect of the latter referring more broadly to Environmentally and Socially Responsible Investments, as opposed to just referencing those in financial institutions that publicly state that they do not invest in the fossil fuel industry. The wording clearly outlines that in order for preference to be given to financial institutions which do not support the fossil fuel industry, the risk and return of such investments cannot be detrimental to Council or inconsistent with the risk management provisions in the policy.

Council has a legislated fiduciary responsibility when investing and the Local Government Act 1993 - Investment Order, (Ministerial Order), details a number of factors which Council should consider when investing, including rate of return, risk profile and in particular the risk of loss of capital. It is further noted that Council does not invest directly in fossil fuel industries and this is not permitted under the Ministerial Order. The above amendments to the Investment Policy provide a balanced framework for assessing investments which allows for consideration of factors in relation to the fossil fuel industry, whilst still meeting the legislated obligations of fiduciary responsibility.

Options

Council has the following options:

1. Adopt the Policy identified within this report
2. Not to adopt the Policy identified within this report.
3. Adopted an amended Policy
4. Request further information or public consultation.

Community Engagement and Internal Consultation

The Investment Policy was available for public comment from 10 June 2020 to 7 July 2020 (28 days). Six submissions were received, copies of which are attached to this report, (refer Attachment 5: Submissions - Draft Investment Policy), with a summary as follows:

Submitter's Name		Submitter's Issue
Creamer		Supports version 1 of the Draft Investment Policy (reasons are detailed in the attached submission).
Response/Comment:	Noted. Version 1 has been recommended for adoption.	
Whelan		<ol style="list-style-type: none"> 1. Supports version 1 of the Draft Investment Policy (reasons are detailed in the attached submission). 2. Discussion of the fossil fuel issue, noting the rationale on economic, risk management and environmental grounds for not investing in the fossil fuel industry.
Response/Comment:	<ol style="list-style-type: none"> 1. Noted. Version 1 has been recommended for adoption. 2. Council does not invest directly in fossil fuel industries and such investments are not permitted by the Local Government Act 1993 - Investment Order, (Ministerial Order). Council invests in financial institutions which are heavily regulated. The Risk Management Framework focuses on the credit ratings of these institutions which are independently assigned and reflect the risk profile of those financial institutions. Council also has a fiduciary responsibility when investing and the Ministerial Order details a number of factors which Council should consider when investing, including rate of return, risk profile and in particular the risk of loss of capital. The amendments to the Investment Policy provide a balanced framework for assessing investments which allows consideration of Environment and Social impacts, whilst still meeting the legislated obligations of fiduciary responsibility. The potential implications of adopting a divestment strategy are: <ul style="list-style-type: none"> • High concentration risk – limiting Council to a selected number of financial institutions; • Increased credit/counterparty risk; 	

Submitter's Name	Submitter's Issue
	<ul style="list-style-type: none"> • A reduction in performance, (most of the senior FRN issues are with the higher rated ADIs), which could result in a significant loss of income generated – could be in excess of hundreds of thousands of dollars per annum; • Underperformance compared to other Councils.
	<ol style="list-style-type: none"> 1. Supports version 1 of the Draft Investment Policy (reasons are detailed in the attached submission). 2. The investment policy should include a statement recognising that fossil fuel investments are now risky and that a considerably higher return is needed to offset the increased risk.
Response/ Comment:	<ol style="list-style-type: none"> 1. Noted. Version 1 has been recommended for adoption. 2. Council does not invest directly in fossil fuel industries and such investments are not permitted under the Ministerial Order. Council invests in financial institutions which are heavily regulated. The Risk Management Framework focuses on the credit ratings of these institutions which are independently assigned and reflect the risk profile of those financial institutions.
Hastings Parents for the Environment	<ol style="list-style-type: none"> 1. Supports version 1 of the Draft Investment Policy (reasons are detailed in the attached submission). 2. Council's Audit, Risk & Improvement Committee have advised that investing in fossil fuels does not meet Council's fiduciary responsibility.
Response/ Comment:	<ol style="list-style-type: none"> 1. Noted. Version 1 has been recommended for adoption. 2. Council's Audit, Risk & Improvement Committee have not advised that investing in fossil fuels does not meet Council's fiduciary responsibility. It was rather noted that Council has an obligation to consider fiduciary responsibilities alongside those considerations noted in the submission. Council is bound by legislative restrictions under the Ministerial Order in terms of what products it can invest in. This Order also dictates that Council has a fiduciary responsibility when investing and details a number of factors which Council should consider when investing, including rate of return, risk profile and in particular the risk of loss of capital. The amendments to the Investment Policy provide a balanced framework for assessing investments which allows consideration of factors raised in this submission, whilst still meeting the legislated obligations of fiduciary responsibility.
Mollard	<ol style="list-style-type: none"> 1. Supports version 1 of the Draft Investment Policy (reasons are detailed in the attached submission). 2. Opposes investment in financial institutions which support the fossil fuel industry as these are not in the

Submitter's Name	Submitter's Issue
	best interest of the community, refraining from such investments frees resources for investment in renewable energy production and such investments are not financially responsible.
Response/Comment:	<ol style="list-style-type: none"> 1. Noted. Version 1 has been recommended for adoption. 2. Council does not invest directly in fossil fuel industries and such investments are not permitted under the Ministerial Order. Council invests in financial institutions which are heavily regulated. The Risk Management Framework focuses on the credit ratings of these institutions which are independently assigned and reflect the risk profile of those financial institutions. The Ministerial Order also dictates that Council has a fiduciary responsibility when investing and details a number of factors which Council should consider when investing, including rate of return, risk profile and in particular the risk of loss of capital. The amendments to the Investment Policy provide a balanced framework for assessing investments which allows consideration of the impacts of fossil fuel related investments, whilst still meeting the legislated obligations of fiduciary responsibility.
Lyons	Supports version 1 of the Draft Investment Policy and opposes version 2 (reasons are detailed in the attached submission).
Response/Comment:	Noted. Version 1 has been recommended for adoption.

Planning and Policy Implications

There are no planning implications in relation to this report. This report recommends replacing the existing Investment Policy with a revised Investment Policy.

Financial and Economic Implications

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

Attachments

1.  Attachment 1 - Current Approved Investment Policy
2.  Attachment 2 - Draft Investment Policy tabled to OC 18th March 2020
3.  Attachment 3 - Draft Investment Policy tabled to OC 20th May 2020
4.  Attachment 4 - Proposed Revised Investment Policy
5.  Attachment 5 - Submissions - Draft Investment Policy

Item: 10.11

Subject: LEGAL FEES

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 information in the Legal Fees report.

Executive Summary

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

As a result of the September 2018 Ordinary Council meeting, Council requested an updated report to be provided each quarter.

Attached is a confidential file that provides this information relating to a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2019-2020 financial year as at the end of June 2020.

Discussion

At the July 2018 Ordinary Council meeting, Council resolved:

*09.07 QUESTION FROM PREVIOUS MEETING - ENFORCEMENT OF
UNLAWFUL ACTIVITY POLICY*

RESOLVED: Turner/Intemann

That Council:

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

CARRIED: 9/0

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

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

09.16 LEGAL FEES

Mayor Pinson declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 08:49pm.

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

RESOLUTION: Alley/Turner

That Council:

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

CARRIED: 7/0

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

AGAINST: Nil

Attached is a confidential file that provides the information that relates to point 2 of the resolution above. This includes a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2019-2020 financial year as at the end of June 2020.

The attachment titled "Legal matters greater than \$10,000 2019/2020 Financial Year" is confidential as it contains information that relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d)(i)).

Options

Council can resolve to request further information.

Community Engagement and Internal Consultation

Internal Consultation

- General Manager
- Director Corporate Performance
- Director Development and Environment

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1. Confidential - Legal matters greater than \$10,000 2019/2020 Financial Year (Confidential)

Item: 10.12

Subject: GLASSHOUSE BIENNIAL REPORT AND UPDATE ON
GLASSHOUSE PLAN 2020 - 2022 ACTIONS

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information provided in the Glasshouse Biannual Report and Update on Glasshouse Plan 2020 - 2022 Actions report.

Executive Summary

This report provides details of the Glasshouse finances for the 2019-20 financial year (as at 30 June 2020), including the updated status of Glasshouse loan balances.

The Report also provides an update on progress achieved against the Actions identified in the Glasshouse Plan 2020 – 2022 (noting that the Glasshouse Plan 2020 - 2022 was adopted by Council at the Ordinary Council Meeting held on 15 July 2020).

Discussion

COVID-19 (March - June 2020)

The Glasshouse was closed to the public on 23 March 2020 due to COVID-19 and the NSW Government *Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020*, which required the closure of entertainment venues.

This resulted in the cancellation of the 2020 Theatre Program performances, all commercial and community performances and events, and exhibitions and public programs in the Regional Gallery. The last performance event was held on 15 March 2020.

The cancellations resulted in venue hire and associated fees being waived, and deposits refunded or transferred, where the event was cancelled as a result of a Government directive (Public Health Order) to restrict or cease operations. Tickets to patrons were also credited, transferred or refunded where the event was cancelled or rescheduled by the event organiser / promoter.

The attached Financial Statement shows the impact of the COVID-19 closure at 30 June 2020 (against the original annual budget) at \$299,707 representing reduced income of \$519,283, offset by reduced operating costs of \$219,576.

Background

At the Ordinary Council Meeting held on 15 February 2017, Council resolved to replace quarterly Glasshouse reporting to Council with six monthly reporting in February and August each year detailing key performance measures and financial information for the previous financial year period:

09.14 REVIEW OF SELECT COUNCIL COMMITTEES

Mr Malcolm Merrick, representing the Port Macquarie Tacking Point Lions Club Inc., addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Turner/Cusato

- 1. Establish a new Steering Group called the 'Cultural Steering Group'.*
- 2. Adopt the Cultural Steering Group Charter as included in this Review of Select Council Committees report.*
- 3. Seek Expressions of Interest (EOI) for members of the Cultural Steering Group, with the results of the EOI to be reported to the 19 April 2017 Ordinary Meeting of Council.*
- 4. Work with members of the following existing Council Committees to transition them into working groups with objectives, actions and reporting lines to the Cultural Steering Group:*
 - a) Port Macquarie-Handa Sister City Sub-committee.*
 - b) Australia Day Sub-committee.*
 - c) Port Macquarie-Hastings Youth Advisory Committee.*
- 5. Work with Heritage, Arts and Cultural Priorities Advisory Group to transition it into the Cultural Steering Group.*
- 6. Replace quarterly Glasshouse reporting to Council with six monthly reporting in February and August each year detailing key performance measures and financial information for the previous financial year period.*

CARRIED: 7/2

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

AGAINST: Griffiths and Hawkins

Accordingly, this report provides details of the Glasshouse finances for the 2019-20 financial year as at 30 June 2020, including the updated status of Glasshouse loan balances, and provides an update on progress against the Actions identified in the recently adopted Glasshouse Plan 2020 - 2022.

Glasshouse Finances

This report and the attached Financial Statement present the financial performance of the Glasshouse Venue for the fourth quarter of the 2019-20 financial year (1 April 2020 to 30 June 2020) and the overall 2019-20 financial year (1 July 2019 to 30 June 2020), and is indicative of an end of year result. End of year journals relating to Council overhead distributions are yet to occur. For the purposes of this report, the annual budgeted figure for Council overheads has been used.

The commentary in this report refers to the operating deficit / shortfall (before interest and depreciation). The attached Financial Statement also shows the operating deficit / shortfall after interest and depreciation. Over time, loan interest expense will decrease as loans are repaid. Depreciation is subject to revaluations. These expense items may distort the overall result when comparing with the previous financial year period hence why the commentary refers to the operating result before interest and depreciation.

The operating deficit for the 2019-20 financial year (before interest and depreciation) is a deficit / shortfall of \$2,497,537 against an original annual budget of \$2,197,830, putting the impact of the COVID-19 closure at \$299,707. This is an improvement of \$107,664 on the estimated impact forecast in April 2020 and reported to Council as part of the Monthly Budget Review - May 2020 report.

The \$299,707 impact represents reduced income of \$519,283 due to the COVID-19 closure, offset by reduced operating costs of \$219,576.

To provide some historical context on the end of year result, the deficit / shortfall for the Glasshouse for the 2011-12 financial year was \$3,020,491.

The operating deficit (before interest & depreciation) can also be represented as follows:

Glasshouse Operating Deficit by Activity - to 30 June 2020:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Operating Income	0	0	0	4,557	1,116,660	283,600	1,404,817
Operating Expenditure (Before Council Overheads)	192,081	1,034,905	574,425	73,038	783,661	733,930	3,392,040
Council Overheads	117,372	40,825	86,753	25,516	61,238	178,610	510,314
Net Operating Surplus (Deficit)	(309,453)	(1,075,730)	(661,179)	(93,997)	271,761	(628,940)	(2,497,537)

Management, Back of House and Front of House provide internal support functions for Community, Commercial and Cultural activities. Community and Cultural functions also hire space from the Commercial function to derive actual costs of delivering community and cultural functions within the Glasshouse overall function. When the costs of these internal support functions are distributed, the operating surplus (deficit) can be represented as follows:

Glasshouse Operating Deficit by Activity (after internal adjustments) - to 30 June 2020:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Net Operating Deficit (from the above table)	(309,453)	(1,075,730)	(661,179)	(93,997)	271,761	(628,940)	(2,497,537)
Internal Overhead Distribution	309,453	1,075,730	661,179	(737,348)	19,640	(1,328,653)	0
Net Operating Surplus (Deficit) (after internal adjustments and transfers)	0	0	0	(831,345)	291,401	(1,957,593)	(2,497,537)

Glasshouse Loan Balances

Loan borrowings assisted in the funding of the Glasshouse at the time of construction. Of the total cost, \$27,975,954 was sourced through loan borrowings that are repaid through Council general revenue. It should be noted that there was also \$10,873,801 sourced through loan borrowings that are paid from the S94 restricted asset for community facilities. Councils often use borrowing as a way to fund additional infrastructure whilst maintaining intergenerational equity outcomes.

The outstanding balance of the borrowings that are repaid through general revenue, as at 30 June 2020, is \$10,048,854. This demonstrates that over \$17.9 million has already been repaid, with loans expected to be repaid by 2027.

Glasshouse Plan 2020 - 2022 Actions

At the Ordinary Council Meeting held on 15 July 2020, Council adopted the Glasshouse Plan 2020 - 2022 as below:

*ITEM 10.07 GLASSHOUSE PLAN 2020 - 2022 POST EXHIBITION**BLOCK RESOLVED: Intemann/Turner**That Council:*

- 1. Note the submissions received in response to the public exhibition of the draft Glasshouse Plan 2020 - 2022 as detailed in this report.*
- 2. In consideration of the submissions received, adopt the Glasshouse Plan 2020 - 2022 as detailed in this report.*
- 3. Thank those people who made a submission on the draft Glasshouse Plan 2020 - 2022.*

CARRIED: 7/0

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

AGAINST: Nil

Progress achieved against the key outcomes and actions identified in the adopted Plan is summarised in the attached *Update on Glasshouse Plan 2020 - 2022 Actions - July 2020* with some specific outcomes discussed below.

4.7 Cultural performance measure

The following table includes Key Performance Indicator (KPI) data associated with Glasshouse utilisation and occupancy rates (noting that the results are reported to 30 June 2020):

Performance Indicator	Target	2017-18 Actual	2018-19 Actual	2019-20 Actual
Visitation (Glasshouse)	>255,000	262,635	266,766	196,967
Visitation (Gallery)	>55,000	59,859	61,534	31,286
Visitation (website)	>150,000	153,526	183,646	146,738
Utilisation (%) (theatre)	>40%	47%	50%	32%
Utilisation (%) (studio)	>35%	38%	32%	35%
Utilisation (%) (meeting rooms)	>40%	51%	42%	28%
Average attendance (%) (theatre)	>70%	74%	73%	70%
Average attendance (%) (studio)	>70%	69%	83%	72%
Number of tickets processed	>70,000	69,243	78,947	47,058
Percentage of tickets sold online	>30%	32%	33%	44%

The KPI results show the impact on visitation and utilisation of the COVID-19 closure from 23 March 2020.

Visitation to the venue and utilisation for the financial year prior to the COVID-19 closure was in line with the corresponding period in 2018-19.

The Glasshouse Visitor Information Centre, Box Office and Customer Service desk, and Glasshouse Shop reopened to the public on 2 June 2020. The Regional Gallery reopened on 30 June 2020 with the “Made Worn” exhibition from the Australian Design Centre. The Glasshouse meeting rooms reopened for bookings on 6 July 2020.

The Glasshouse continues to operate in accordance with current NSW Government Public Health Orders. Planning is underway with a view to reopening the performance spaces (with reduced capacity) subject to ongoing COVID-19 restrictions.

Options

This is an information report.

Community Engagement and Internal Consultation

The information provided in this report has been reviewed by Council staff.

Regular updates and reporting is also provided to Council’s Cultural Steering Group including six-monthly reporting on progress against the Cultural Plan 2018 – 2021 Objectives.

Planning and Policy Implications



This report is consistent with the key outcomes, actions and governance and reporting arrangements identified in the adopted Glasshouse Plan 2020 - 2022.

Financial and Economic Implications

The attached Financial Statement provides details of the Glasshouse finances for the 2019-20 financial year as at 30 June 2020, including the updated status of Glasshouse loan balances.

The Financial Statement also shows the impact of the COVID-19 closure at 30 June 2020 (against the original annual budget) at \$299,707, representing reduced income of \$519,283, offset by reduced operating costs of \$219,576.

Attachments

1.  Glasshouse Financial Statement 2019-20
2.  Update on Glasshouse Plan 2020 - 2022 Actions - July 2020

Item: 10.13

Subject: OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH COUNCIL

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information provided relating to the Tendering Local Preference Policy.

Executive Summary

This report details the results of the Tendering Local Preference Policy adopted by Council in October 2018 and the subsequent amendments dated 15 April 2020, and provides information relating to the application of the Policy on Council's tender processes.

The Policy has been introduced to support local businesses and encourage local economic business activity for the benefit of the Port Macquarie-Hastings community. The Policy complements Council's integrated strategy to support local business.

Discussion

At the Ordinary Council Meeting on 17 October 2018, Council resolved as follows:

**11.01 OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH COUNCIL
RESOLVED: Pinson/Hawkins**

That Council:

- 1. Note the information provided relating to the Local Preference Policy 12 month trial period.*
- 2. Adopt the attached Local Preference Policy incorporating a 5% Notional Price Offset.*
- 3. Request the General Manager provide an annual report each August on the outcomes of the Local Preference Policy.*

CARRIED: 7/0

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

AGAINST: Nil

This report addresses resolution 3 above.

For the purpose of clarity, the Tendering Local Preference Policy has defined "Notional Offset", as a five percentage (5%) discount, capped to an upper limit of \$25,000, to the

pricing submitted by local suppliers to be used in the tender evaluation process, (noting that this was amended from 16 April 2020 as detailed below). It offers a price advantage to local/regional suppliers during the tender evaluation.

In the last 12 months, Council has experienced a wide range of events and circumstances that have had a significant impact on Council's tendering programme and the number of standard Request for Tenders (RFTs) conducted. These have included:

- Council resolved to adopt the amendments to the *Local Government Act 1993* and increased the prescribed tendering threshold to \$250,000 in October 2019;
- the response to the water security supply project resulted in a number of procurements being undertaken through s.55(3)(a) and (i) of the *Local Government Act 1993* in late 2019 and early 2020. This means that the requirements of tendering did not apply to procurements conducted through a prescribed body or under extenuating circumstances;
- the amendment to the *Local Government (General) Regulations 2005*, which provided assistance to Council's bush fire-related response and recovery through s.170A. This means that the prescribed tendering threshold of \$250,000 was increased to \$500,000 for procurements relating to bushfire response and recovery;
- as of 11 March 2020, COVID-19 was declared a worldwide pandemic. This has had a major impact on the Australian economy, with the local economy and Council not immune to these impacts; and
- in relation to the above, Council resolved on the 15 April 2020 to increase the Tendering Local Preference Policy notional offset to 20%, capped to \$50,000, for a period of 6 months for all Request for Tenders advertised on and from 16 April 2020. This was part of a suite of relief measures implemented to assist the community and local business in light of the significant impacts of the COVID-19 pandemic.

Table 1 below provides statistics on the application of the Tendering Local Preference Policy and the composition of local suppliers and non-local suppliers tendering for Council business for the past two years.

TABLE 1 - Comparison of the application of the Policy and composition of suppliers tendering

RFT processes initiated after	19 Sept 2018 (date of initial reporting)		17 July 2019 (date of last reporting)	
	36		24	
	No. of RFTs	% of RFTs	No. of RFTs	% of RFTs
Resolved by Council at the time of the relevant reporting period	30	81%	16	67%
Local Preference Policy applied	28	93%	23	96%
Local Preference Policy NOT applied	2	7%	1	4%
Local Supplier awarded contract	7	23%	11	73%
Local supplier ranked 1 before notional offset applied	7		11	

RFT processes initiated after	19 Sept 2018 (date of initial reporting)		17 July 2019 (date of last reporting)	
	36		24	
	No. of RFTs	% of RFTs	No. of RFTs	% of RFTs
Influence of the notional offset on outcome	0		0	
Composition of suppliers tendering (for RFTs <u>resolved</u> where the Policy applied)	28		15	
Local suppliers & external suppliers	15	54%	7	46.5%
Only local Suppliers	2	7%	7	46.5%
Only external Suppliers	10	36%	1	7%
No responses received	1	4%	0	0%
Total No. of tenderers	113		89	
Total No. of local suppliers	35		31	
% of Local Suppliers	31%		35%	

The Policy has been applied to 96% of all Request for Tenders (RFT) resolved by Council since 17 July 2019. Regional Procurement conducted a RFT process on behalf of councils, including PMHC, for supply and delivery of concrete pipes and associated products. This is the only RFT process that did not have the Policy applied. It is worth noting that Council resolved to decline all tenders for this process.

As above, on 15 April 2020 Council resolved (in part) to increase the Policy notional offset to 20%, capped to \$50,000. Since this amendment, seven RFTs have been advertised, however at the time of this report only one RFT has closed. Due to the specialist nature of the project, this RFT received tenders from external suppliers only.

It is noted that procurements undertaken under section 55(3) of *the Local Government Act 1993* are not deemed to be RFTs and therefore the Policy cannot be applied to them. On this basis and to provide a clearer snapshot of the influence of the Policy, these procurement activities have been removed from Table 1 above.

For completeness, the procurement activities conducted under section 55(3) of *the Local Government Act 1993* are detailed in Table 2 below.

TABLE 2. - No. of procurement activities over tendering threshold not conducted via open RFT

	2019	2020
Engaged through s.55(3)(c) or (i) of LG Act	5	6
Engaged through s.55(3)(a) of the LG Act	4	11
Engaged through s.170A if the LG Regulation	N/a	1
TOTAL	9	18

The following is a summary of the statistics in Table 1.

Over the past two years, the application of the Policy's notional offset has had no influence on the outcome of RFTs at the Tender Box. There has been an increase in the number of local suppliers at the Tender Box, though noting that it is not clear whether this is a direct result of the Policy. In the last 12 months, the number of RFTs conducted by Council with local supplier representation has equated to 93%. This is a significant increase of 32% from the previous 12 months. It is also worth noting that out of the 15 RFT processes conducted with the Policy applied, seven (7) RFT processes received tenders from local suppliers only.

Additionally, the statistics in Table 1 highlight the success rate of local suppliers at the Tender Box. In the last 12 months, 73% of RFT's were awarded to local suppliers. This is a significant increase of 50% from the previous 12 months.

Lastly but also worth acknowledging, the last 12 months also saw a slight increase in the total number of local suppliers tendering, with an increase of 4%.

Options

This is an information report.

Community Engagement and Internal Consultation

Internal consultation has been undertaken with:

- Director, Corporate Performance
- Group Manager Financial Services
- Strategic Procurement Manager

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

Nil

Item: 10.14

Subject: DIGITAL TECHNOLOGY PROJECT STATUS

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.4.1 Provide efficient technology and inclusive digital systems that are easy to use and easy to access.

RECOMMENDATION

That Council note the information provided in the Digital Technology Project Status report and the progress made to date.

Executive Summary

At the Ordinary Council Meeting held on 16 August 2017, Council resolved:

09.18 NOTICE OF MOTION – ICT STRATEGY

RESOLVED: Hawkins/Alley

That Council:

- 1. Request the General Manager provide a further update to the October 2017 meeting on the ongoing implementation of Council's ICT Strategy, with a particular emphasis on the expected flow of efficiency benefits to Council's operations in the remainder of the current term of this Council.*
- 2. Noting that other new significant Council Strategies, such as the EDSG are updated six monthly, request the General Manager provide further updates on progress made and efficiencies gained at regular 6 monthly intervals in February and August of each calendar year until (and including) August 2020.*

Carried: 9/0

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

Against: Nil

In line with Resolution 2 above, this report presents a Digital Technology Project Status report with an overview of the completed ICT Renewal program.

Discussion

Background

Commencing in 2016 and finalised in 2018, Council has completed a comprehensive ICT renewal across its ICT infrastructure:

- Aged legacy ICT infrastructure was upgraded;
- Cyber security risk posture has been improved through updated policy, process and security systems;
- Operating systems have been upgraded to Windows 10;

- Network infrastructure has been improved to increase effective access for council's staff;
- Disaster recovery and data backup processes have been introduced to improve business continuity and resiliency to unexpected impacts to operations.

With completion of the ICT renewal program, a Digital Technology roadmap was developed which supports the ongoing commitment to meet Delivery Program objectives of providing efficient technology and inclusive digital systems that are easy to use and easy to access.

Projects Update – Steps taken to date

COVID-19 Work from Home (WFH) Enablement

As part of the whole of Council response to the COVID-19 pandemic, the Digital Technology team enabled 340 Council staff with the technology to work from home. The work included the upgrade of Council's nimble infrastructure to provide greater capacity and improved performance for the WFH requirement. This has also included heightened support since March 2020 to date - it is expected this will continue over the coming months. Whilst not a planned activity as part of the Digital Roadmap, it was deemed a critical project.

Mobile Device Management Upgrade

To support mobility across the workplace, an upgrade of the Mobile Device Management (MDM) system has been completed. All mobile devices across Council have been registered in the Telstra Airwatch system, enabling mobile device management across the entire PMHC fleet. This will allow centralised management (overseeing, regulating, and securing employees' mobile devices), and allows employees to access the corporate network and data from their device regardless of their location.

Field Mobility

To support Digital enablement in the field, a trial of Authority "Actus" mobile application is underway. This application is being trialled by the inspections team who are currently running a paper-based system. The current trial includes trialling "rugged" outdoor mobile devices to ensure that the hardware at site will support utilisation of the application. This is the first step forward in moving to digital tools for field staff.

Wauchope WTP Expansion - Network Upgrade

An upgrade of the Wauchope Water Treatment Plan has been completed in order to secure the connection between the Water, Sewer and Corporate networks. A fixed wireless connection was also included for redundancy of the microwave link.

1. Application Register mapping

To support the Development Contributions team new mapping layers have been added in Geocortex to transform the old Section 94 layers under the banner of a

group called Development Contribution. The following data is now visible in these new payers layers:

- Contribution Plans (updated structure);
- Contribution Calculations (just the beginning);
- Deferred Contributions;
- Voluntary Planning Agreements (VPAs);
- Contribution Work Areas;
- Historic Contribution Layers (old Sect 94 layers).

Work has commenced to map the data required for the contributions team, which will make the data transparent and easily accessible for staff. This data will provide greater accountability to the money held, better tracking of applications and improved reporting. Bringing the data has required all data to be loaded into Authority. This project will streamline processes for staff increasing time efficiency, removing data duplication, simplifying the process and making the data more accessible and visually pretty in a map and in Authority.

Crematorium

The Digital Technology team provided support for the sale of the Innes Gardens Memorial Park crematorium. This included, transition of hardware, software, data, and mapping.

Sprayrite Calculator Application

To support the community and Council teams, a downloadable application, Sprayrite, has been developed to assist in calculating a chemical/water blend. The application has been created for Windows, Mac, Apple and Android devices. The Sprayrite application will be available for download from the PMHC website and from application stores (Apple, Play) in August.

WHS Vault Notify Implementation

To support digital recording and notification of WHS Incidents and hazards, the Vault application has been rolled out commenced in July 2020. This application records and manages WHS incidents and hazards. The application has been deployed to mobile devices.

Rollout of Microsoft Office 365

Moving to a mass working from home environment produced an increased requirement to support large conference calls, sharing of collateral and digital team engagement and connections. As such the transition to Microsoft teams was brought forward. This rollout included extensive training provided to over 200 Council staff. The next step in this rollout, transitioning all calls and meetings to teams, will occur in the next 6 months.

Civica Authority Upgrade

Due to the COVID-19 pandemic, the upgrade of Council ERP Civica Authority was postponed. This has now been rescheduled and re-planning has been completed.

Testing of the latest patch will resume in August. The upgrade will bring Council a step closer to a fully web-based system and will provide the following new functionality:

- Increased validation around Name and Address details;
- A new look and feel to presentation of Name and Address data;
- Increased level of reconciliation and auditability around Rates transactions.

As well as the enhanced functionality to Council, the upgrade is an enabler for other Digital projects, such as Procure to Pay.

Digitising Hardcopy Development Applications

Council has commenced the digitisation of select hardcopy Development Application files (131 boxes) spanning 2011 to 2008. Initial work includes quality assurance sample testing, and scanning is to commence in August. It is expected that this scanning will conclude end of September. This work will enable digital visibility of these files.

Options

This is an information report.

Community Engagement and Internal Consultation

Internal consultation on the development of the Digital Technology Roadmap has been undertaken with:

- Finance, Corporate Services, Information Technology Portfolio Councillors
- Executive team
- Senior Leadership team
- Internal staff

Planning and Policy Implications

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

Financial and Economic Implications

The Digital Technology roadmap is currently funded through an approved allocation in the 2020-2021 Operational Plan (of \$2,500,000).

The efficiencies delivered by the implementation of projects and initiatives is often difficult to quantify in terms of savings and ongoing work will occur to determine what may be able to be quantified in terms of specific projects as they are delivered.

Attachments

Nil

Item: 10.15

Subject: MAJOR PROJECTS GOVERNANCE - PROGRAM STEERING GROUPS

Presented by: Infrastructure, Dan Bylsma

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Note the proposed improvements to the major projects governance processes as detailed in this report.**
2. **Note the initiation of the following three Program Level Steering groups:**
 - a) **Transport and Stormwater Program Steering Group.**
 - b) **Water and Sewer Program Steering Group.**
 - c) **Recreation, Buildings and other Assets Program Steering Group.**
3. **Endorse the transition of the Villages Sewerage Scheme Steering Group and the Port Macquarie Aquatic Facility Steering Group into the Water and Sewer Program Steering Group and Recreation, Building and other Assets Program Steering Group respectively.**
4. **Note and endorse the transition of the major project reporting currently within the Regional Transport Infrastructure Steering Group into the Transport and Stormwater Program Steering Group.**
Request the General Manager report back to the September 2020 Council Meeting with the new, updated and revised Steering Group membership and charters resultant from the points 2, 3 and 4 above.

Executive Summary

This report provides an update on proposed improvements to the governance of Major Projects consistent with the principles and intent of Council's adopted Project Management Framework (PMF). These improvements have been identified in consideration of the increased number of Major Projects in the 2020-2021 Operational Plan Capital Works Program. It is considered that these changes will result in more efficient governance and a more suitable format for the benefit of Council staff and Councillors.

Discussion

Background

Council adopted a Project Management Framework (PMF) in December 2016 based on the ISO 21500 standard for Project Management. At this time, it was not

envisioned that the total number of Major Projects requiring a Steering Group level of governance at any one time would be more than 3-5 maximum.

Council's delivery of infrastructure projects is undertaken in accordance with the adopted PMF, which scales the required project governance associated with each project based on value, complexity and other non-price criteria. The PMF categorises all projects into one of three governance pathways, being:

- Standard Projects requiring a Standard Project Plan - typically more simple projects with total value of less than \$250,000.
- Detailed Projects requiring a Detailed Project Plan - typically projects with value exceeding \$250,000 but less than \$5 Million.
- Major Projects requiring a Detailed Project Plan **and Steering Group** - typically projects with value exceeding \$5 Million and/or having complexity or other non-financial aspects requiring executive level governance.

This report relates to those projects assessed as requiring a Detailed Project Plan and Steering Group (Major Projects).

Current situation

The recently adopted 2020-2021 Operational Plan Capital Works Program includes more Major Projects than in previous years Operational Plans. Of these projects, only two currently have Steering Groups in place, being:

- Villages Sewerage Scheme, and
- Port Macquarie Aquatic Facility.

The following is a list of Major Projects identified within the 2020-2021 Capital Works Program that will also require a Steering Group, consistent with the PMF:

- Boundary Street Upgrade
- Thrumster Sewerage Treatment Plant
- Wauchope Water Treatment Plant Emergency Expansion
- Maria River Road Upgrade
- Cairncross Waste Transfer Station Landfill Expansion
- Lorne Road sealing
- Bri Bril Road Upgrade
- Cowarra Water Treatment Plant
- Hastings Sporting Fields.

The number of current and upcoming Major Projects make it impractical and inefficient to coordinate and administer individual and separate Steering Groups for each Major Project.

It is considered an encouraging and positive sign that the scale of Council's current capital works program has grown to such a significant quantity of Major Projects, and this present consequential opportunity for growth and continuous systems improvement is a further upside to our Council "delivering more".

Recommendation

Through review, discussion and engagement with the Executive Group and Senior Leadership Team including internal project sponsors, a recommendation to consolidate the Major Projects into three Program Level Steering Groups as shown below, is made for Council's consideration:

- Transport and Stormwater Program Steering Group
- Water and Sewer Program Steering Group
- Recreation, Buildings and other Assets Program Steering Group.

This consolidation of Major Project governance will significantly reduce the meeting administration and logistics including a significant reduction in agendas, minutes, diary administration and meeting set up and close outs.

The Program Level Steering Groups would comprise membership generally consistent with the existing and previous Council endorsed Major Projects Steering Groups including the participation of external steering group members, as seen in the current Port Macquarie Aquatic Facility Steering Group.

The opportunity for all Councillors to attend and observe these Program Level Steering Groups will be included in the proposed Steering Group Charters also.

The following membership is proposed for the three Program Level Steering Groups, and is consistent with the existing and previous Major Projects Steering Groups:

Transport and Stormwater Program Steering Group - Membership

- Chairperson - Sponsor/Director – Dan Bylsma
- Councillor (Major Projects Portfolio Representative)
- Finance representative
- Engagement representative
- Sponsors Representative (Group Manager Infrastructure Planning)
- Group Manager Project Delivery
- Project Manager(s) (non voting, as required via Skype)
- Other Councillors (optional, as observers, no voting)
- Executive Group (optional, non voting)

Water and Sewer Program Steering Group - Membership

- Chairperson - Sponsor Director – Dan Bylsma
- Councillor (Major Projects Portfolio Representative)
- Finance representative
- Engagement representative
- Sponsors Representative (Group Manager Infrastructure Planning)
- Group Manager Project Delivery
- Project Manager(s) (non voting, as required via Skype)
- Other Councillors (optional, as observers, no voting)
- Executive Group (optional, non voting)

Recreation, Property & Buildings and Other Projects Program Steering Group - Membership

- Chairperson - Sponsor Director – Melissa Watkins (alternate) Rebecca Olsen

- Councillor (Major Projects Portfolio Representative)
- External member (Greg Freeman for Port Macquarie Aquatic Centre Project only)
- Finance representative
- Engagement representative
- Sponsors Representative (Group Manager Recreation Property & Buildings or Group Manager Corporate and Business Services)
- Group Manager Project Delivery
- Project Manager(s) (non voting, as required via Skype)
- Other Councillors (optional, as observers, no voting)
- Executive Group (optional, non voting)

The proposed Program Level Steering Groups will reflect the existing Steering Group's agendas and formats for the Villages Sewerage Scheme and Port Macquarie Aquatic Facility projects. Subject to Council's endorsement and adoption of the recommendations in this report, a further report transitioning the current Steering Group Charters for these two projects to the new Steering Groups will be presented at the September 2020 Ordinary Council Meeting.

The Regional Transport Infrastructure Steering Group (RTISG) also presently incorporates some discussion/review in relation to governance of major transport network projects. This is considered a duplication of effort when overlayed with the proposed Transport and Stormwater Program Steering Group and it is therefore proposed that any Major Projects presently forming part of the RTISG agenda be transitioned to the Transport and Stormwater Program Steering Group to address their governance.

Subject to Council's endorsement and adoption of the recommendations in this report, the impacts on the RTISG Charter will also be presented to Council for consideration as part of the September 2020 Ordinary Council Meeting agenda.

The proposed transitions to, and initiation of the new Steering Groups, and the subsequent creation/adjustment to the associated Steering Group Charters are each consistent with the principles and intent of the current PMF. Council's Major Projects governance will be made significantly more efficient and transparent to the Councillors by the adoption of the recommendations in this report.

Options

Council have the option to endorse and adopt the proposed recommendations regarding improvements to the governance processes for Major Projects or make an alternate resolution.

Community Engagement and Internal Consultation

No formal community engagement has been undertaken or is considered relevant in relation to the recommendations in this report.

Internal consultation has taken place between the General Manager, Council's Executive and the Senior Leadership team led by Group Manager Project Delivery.

A Councillor briefing was held on these proposed changes on 22 July 2020. All Councillors were in attendance at the briefing.

Planning and Policy Implications

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

Financial and Economic Implications

There are no direct financial and economic implications in relation to this report. The proposed changes to the Major Projects governance processes is expected to increase visibility on the financial accountabilities in the delivery of Major Projects.

Attachments

Nil

Item: 10.16

Subject: COMMUNITY SATISFACTION SURVEY 2020

Presented by: Strategy and Growth, Liesa Davies

Alignment with Delivery Program

1.1.3 Engage with the community on impacts and changes to services.

RECOMMENDATION

That Council:

- 1. Note the results of Council's 2020 Community Satisfaction Survey.**
- 2. Use the survey outcomes to strategise on the development of our planning and resource allocation.**
- 3. Note that this survey is one of a number of measures we use to understand community sentiment and inform our measure of customer experience.**

Executive Summary

As part of Council's ongoing engagement with the community, Council recently commissioned an independent random telephone community needs survey that was undertaken by Micromex.

The findings show that whilst the Port Macquarie-Hastings Council community reports overall satisfaction of 90% with Council's Performance, the results from the survey also highlight areas where we can improve our communication and delivery.

The information gained from the survey can assist in determining approaches to improving customer satisfaction and ensuring we are delivering services that our community believe are important. This information can support the development of our operational plans and how we reduce the gaps between levels of satisfaction and how important individual services are to the community.

Discussion

In April 2020, Council engaged Micromex Research to measure the community's satisfaction of Council's performance. Council undertakes this survey every two - three years to understand and identify community priorities for the Local Government area. This aligns with our objectives to engage with Community to help inform our service delivery.

The survey seeks to:

- Understand and identify community priorities for the Port Macquarie-Hastings Council LGA;
- Identify the community's overall level of satisfaction with Council performance;

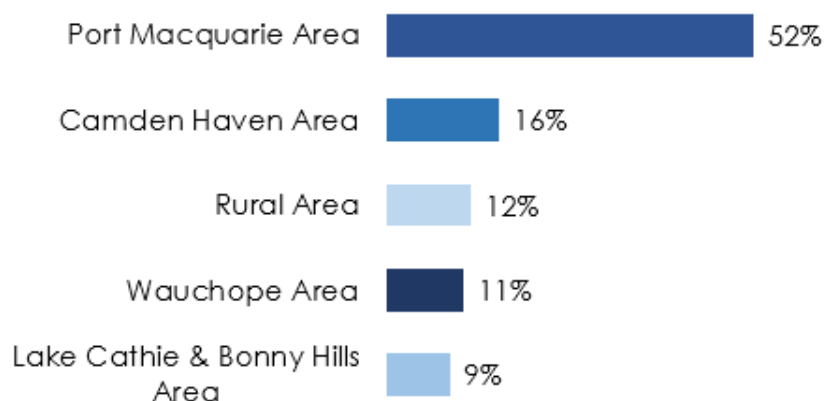
- Explore and understand resident experiences contacting Council; and
- Identify the level of investment for Council services.

The telephone survey of 605 landline and mobile numbers was carried out between 2-8 April 2020 and the report from Micromex is attached.

The information gathered will assist in developing current and future programs, initiatives and investment decisions to meet the needs and expectations of the community. It will also complement the development of the new Community Strategic Plan that is currently underway.

Demographics

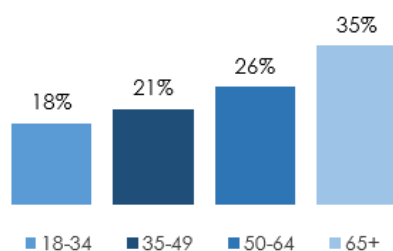
As illustrated below, the survey participants are broadly representative of our LGA community demographics and are in line with quotas set for age, gender and locality:



Gender



Age



Key Findings and Consideration for Council

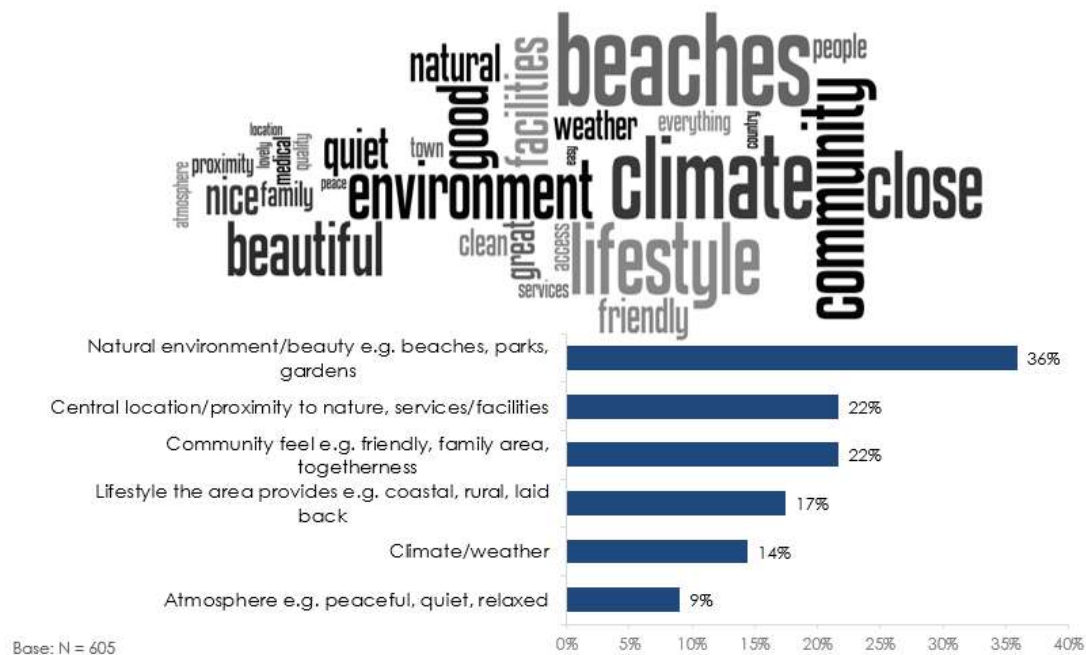
The high-level results from this research are as follows:

Council performance

- Over the past two years, residents perceive a positive change in Council's performance with a 90% overall satisfaction with Council's performance. It is notable this is an increase from 2017.



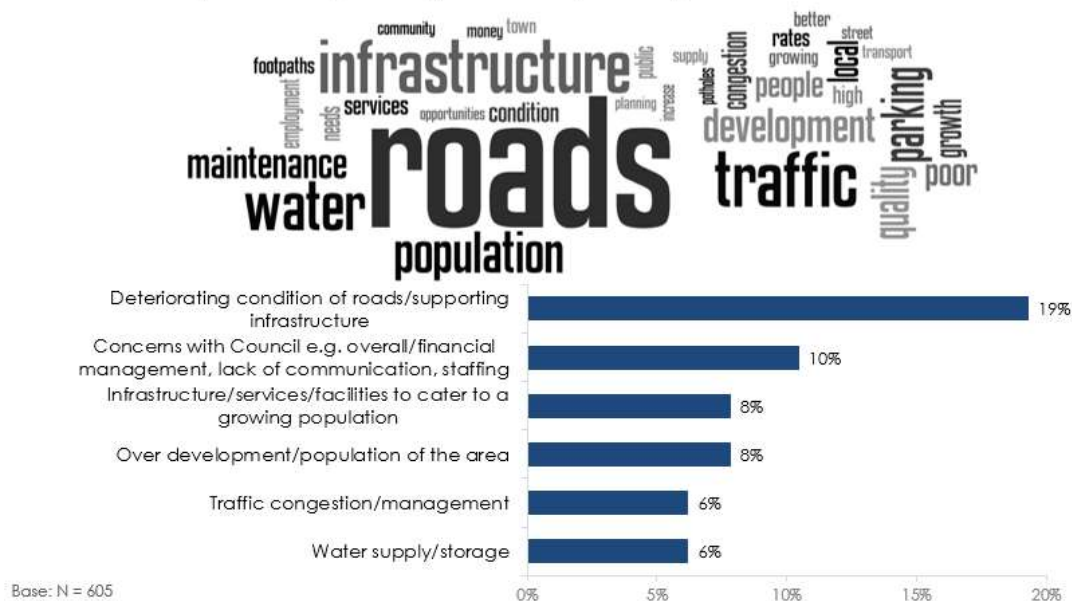
- 45 of 48 services and facilities had a satisfaction rating of 70% or higher.
- 88% of residents rated current level of satisfaction as 'somewhat satisfied' to 'very satisfied'.
- The top drivers of the community's overall satisfaction were:
 - The level of communication Council currently has with the community;
 - Strategic planning in the Local Government Area;
 - Providing strong leadership; and
 - Opportunities to engage with Council.
- The most valued aspects of the Port Macquarie-Hastings region are:
 - The natural environment;
 - Central location;
 - Community feel; and
 - Lifestyle the area provides.



Community Areas of Concern

- The top concerns for the community in the Port Macquarie-Hastings region included:
 - Condition of our roads and supporting infrastructure;
 - Concerns with Council's financial management;
 - Infrastructure to service our growing populations; and
 - Over development of our place.

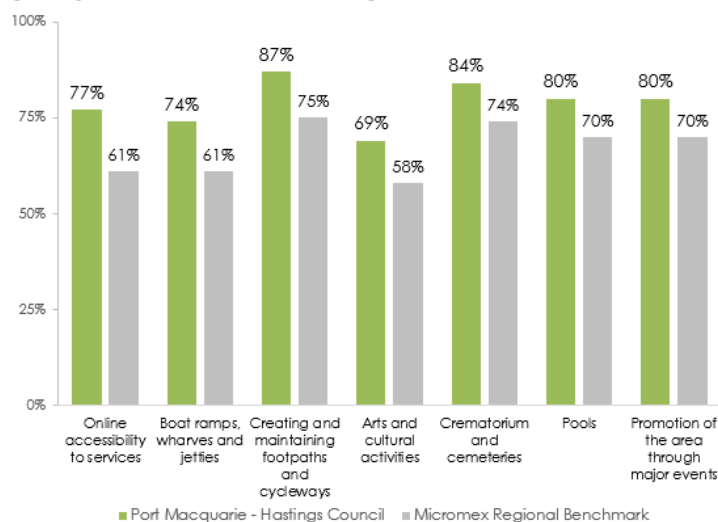
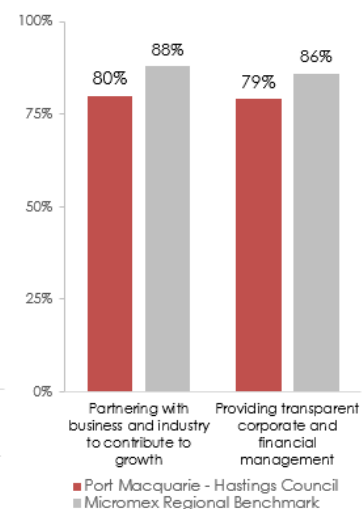
Q3. What concerns you most with regards to living in the Port Macquarie-Hastings area?



Regional Bench Marking

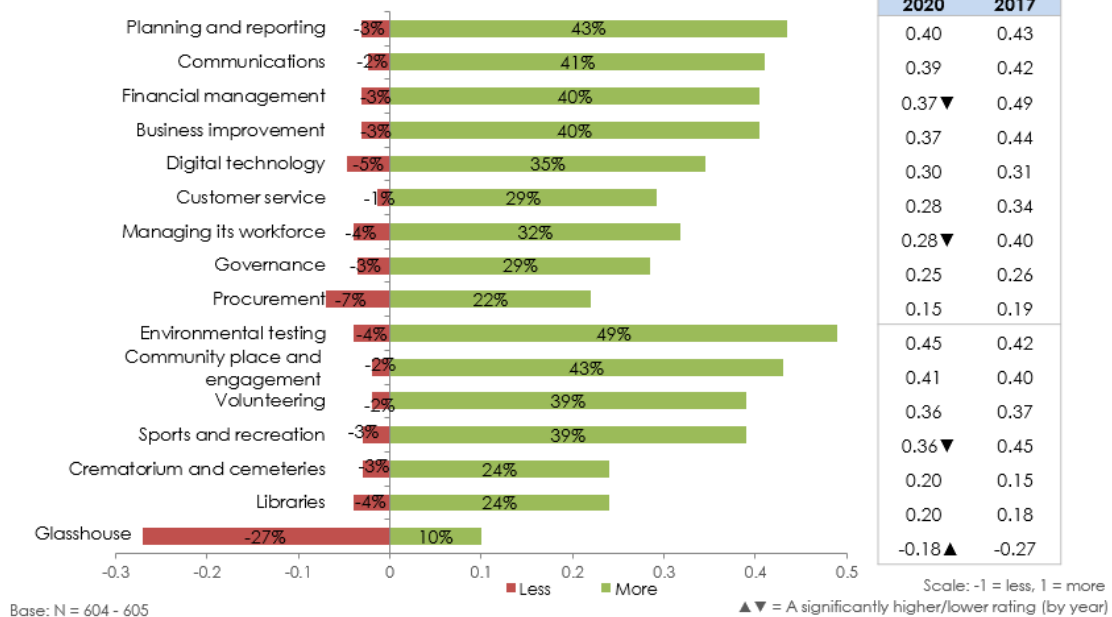
As part of the Community Survey, Micromex compares community priorities to the Micromex Local Government Areas (LGA) Regional Benchmarks. This comparison below demonstrates that there is little variance between our community's sentiments and that of other regions.

The highest priority for our community is improved online accessibility to services and that is informing our focus over the next 12 months of improvements in customer experience. Community priorities identified below are considered in the development of next year's operational plan.

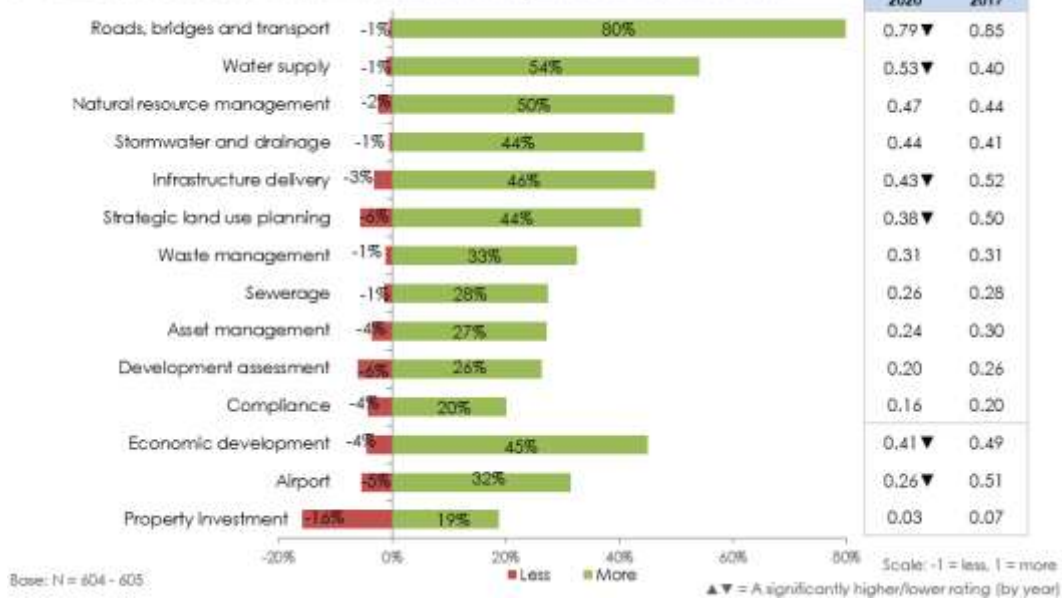
Higher Priorities**(compared to the Benchmark)****Lower Priorities****(compared to the Benchmark)***Level of Investment*

The majority of residents believed that local government should spend 'a little more' or 'a lot more' with little support for reducing any investment or resourcing of the services listed below:

Q11. What do you believe Council's level of investment (i.e. resourcing/financial) should be in its services?



Q11. What do you believe Council's level of investment (i.e. resourcing/financial) should be in its services?



Importance Trends

Through the survey, the desire is to understand not only how satisfied our community are with the work Council does but also how important different services of Council are to the community.

The following table provides an overview of the importance trends from 2017 to 2020. With the Scale 1 = not at all important and 5 = very important.

	2020	2017
Waste collection and disposal	4.77	4.65
Parks, playgrounds, and recreation facilities	4.59	4.47
Strategic planning of the LGA	4.45	4.32
Providing strong leadership	4.43	4.21
Crematorium and cemeteries	4.36	4.18
Creating a sense of place and community involvement	4.36	4.18
Maintenance of unsealed roads	4.36	4.18
Ensuring compliance	4.32	4.18
Informing our community about council activities	4.30	4.11
Partnering with business and industry to contribute to growth	4.30	4.16
Library services	4.24	4.06
Community ability to inform service level delivery	4.21	4.05
Opportunity to engage with Council	4.16	4.01
Providing grant money	4.15	3.97
Online accessibility to services	4.14	3.84
Community involvement in Council's planning	4.12	3.97
Arts and cultural activities	3.93	3.72
The Glasshouse	3.50	3.13

This is then compared to the satisfaction trends to identify any gaps that the organisation can work on to reduce the variance between importance and satisfaction.

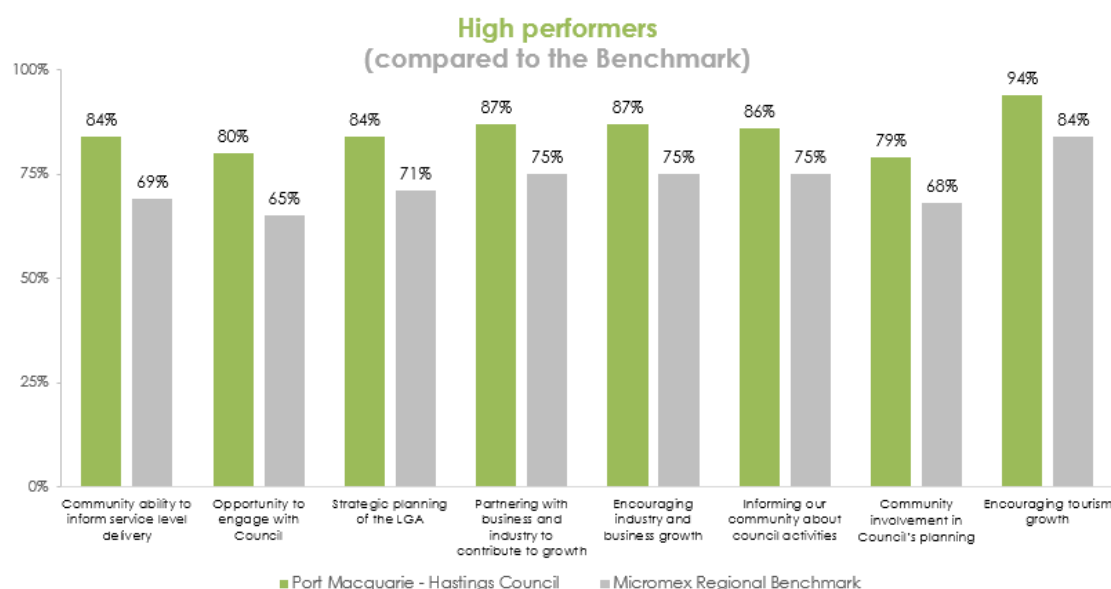
	2020	2017
Boat ramps, wharves and jetties	4.02	3.70
Port Macquarie Airport	3.98	3.71
Encouraging tourism growth	3.93	3.77
Parks, playgrounds, and recreation facilities	3.91	3.67
Sporting facilities	3.84	3.64
Council's customer service standards	3.80	3.63
Enabling the community to feel safe and connected	3.64	3.50
Maintaining Council's assets	3.53	3.33
Informing our community about council activities	3.53	3.32
Providing strong leadership	3.46	3.17
Creating and maintaining footpaths and cycleways	3.14	2.97
Providing value for the ratepayers' dollars	3.08	2.87
Creating and monitoring parking	3.01	2.77
Maintenance of unsealed roads	2.63	2.39

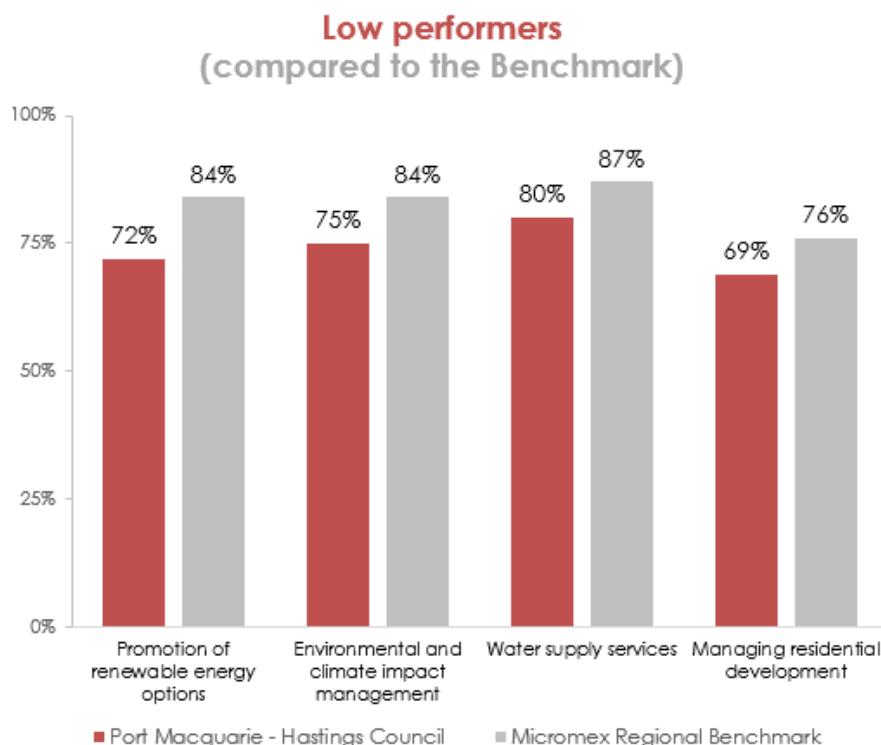
	2020	2017
Water supply services	3.58	3.85

Through the survey, we are then provided a performance gap analysis;

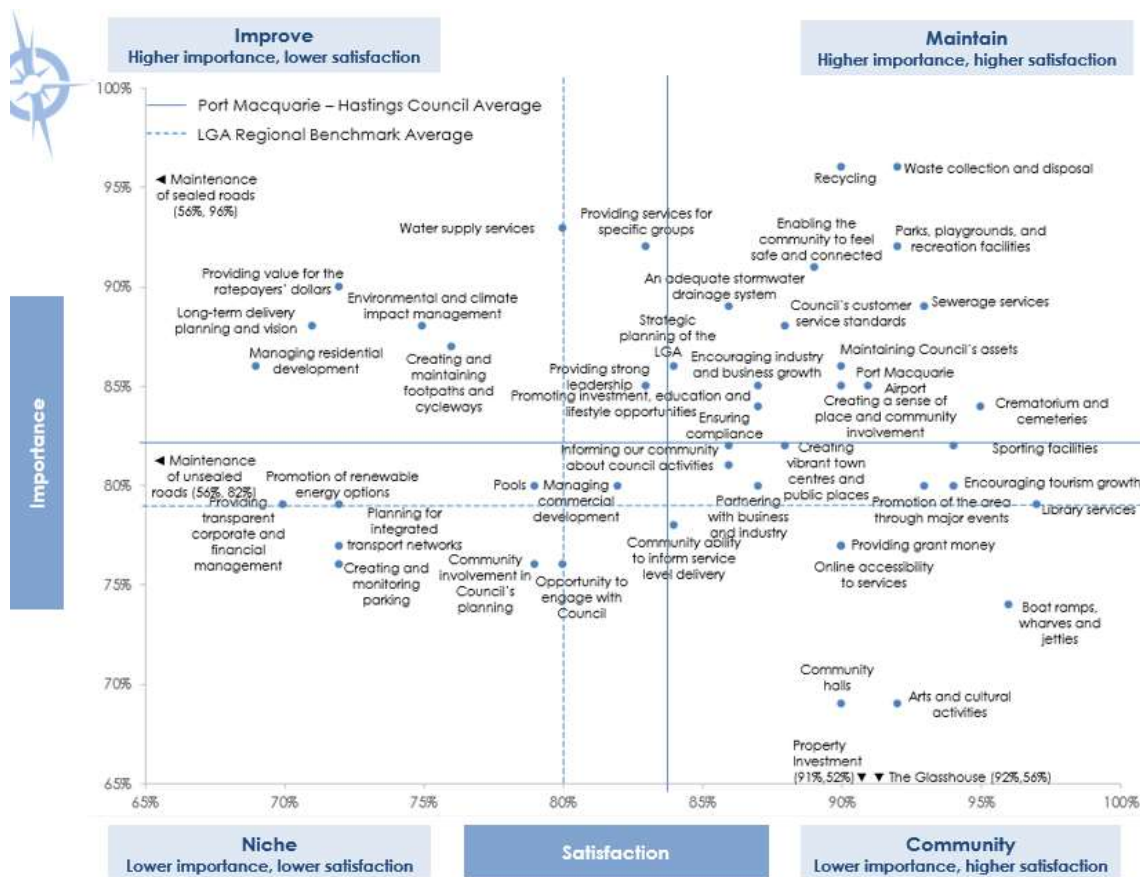
Service/Facility	Importance T2 Box	Satisfaction T3 Box	Performance Gap (Importance – Satisfaction)
Maintenance of sealed roads	96%	56%	40%
Maintenance of unsealed roads	82%	56%	26%
Providing value for the ratepayers' dollars	90%	72%	18%
Long-term delivery planning and vision	88%	71%	17%
Managing residential development	86%	69%	17%
Environmental and climate impact management that protects and conserves for future generations	88%	75%	13%
Water supply services	93%	80%	13%
Creating and maintaining footpaths and cycleways	87%	76%	11%
Providing transparent corporate and financial management	79%	70%	9%
Providing services for specific groups	92%	83%	9%
Promotion of renewable energy options	79%	72%	7%
Recycling	96%	90%	6%

This is also benchmarked against other regional Local Government Areas and shows where, against other LGAs Port Macquarie- Hastings Council is performing well, and not as well.

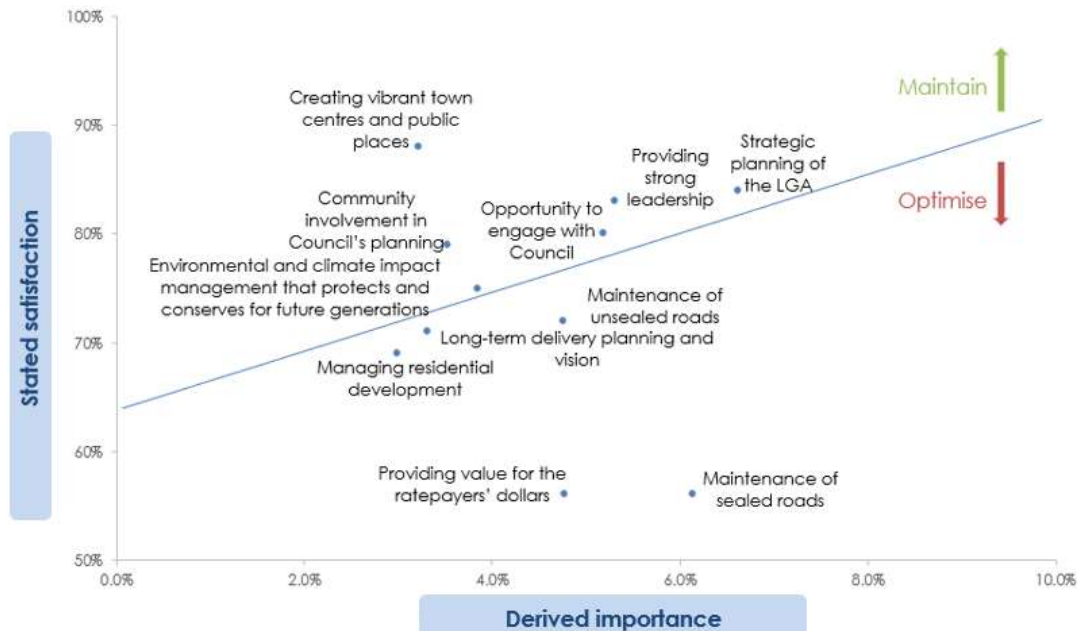




The following survey analysis and graph has been developed to assist the organisation to identify areas of improvement, versus areas to maintain and manage.

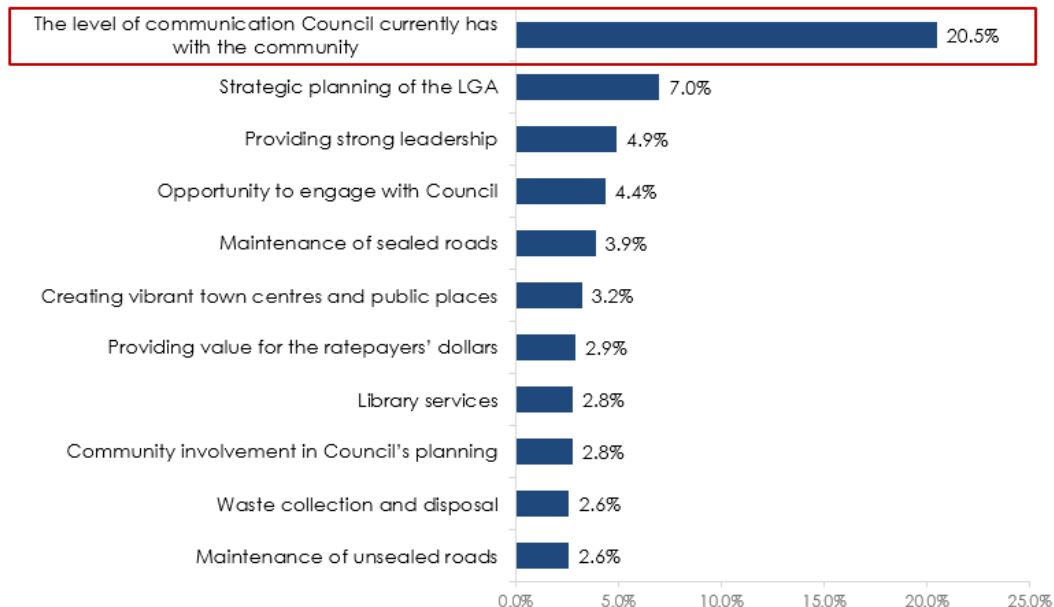


Micromex has also mapped the stated satisfaction and derived importance that identified our community priority areas.



Key Drivers for Community satisfaction

As previously mentioned, Communication is a key driver of satisfaction with Council. Other key drivers include:



Whilst we recognise that we should continue to communicate and demonstrate value, transparency and community leadership we need to improve upon the way that we engage with our community to improve knowledge and trust. Key topic areas to

engage, educate and communicate on include roads, development/population growth and environmental sustainability.

Options

Council may seek additional information and analysis of the information provided in this report and may also seek to ensure that the findings of this report are captured in future planning.

Community Engagement and Internal Consultation

The Survey analysed the attitudes and perception of over 600 residents of the Port Macquarie-Hastings area towards service, facility and infrastructure provision.

The information gathered will complement the community engagement that has been undertaken over the past as part of Council's ongoing service level discussion. This information will assist in developing current and future programs, initiatives and investment decisions to meet the needs and expectations of the community.



Planning and Policy Implications

There are no planning and policy implications in relation to this report specifically, although it is acknowledged the survey data will provide important insights for future Council planning.

Financial and Economic Implications

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

Attachments

1.  Port Macquarie Hasting Council - Community Satisfaction Survey
2.  2020 PMHC Community Satisfaction Report

Item: 10.17

Subject: GRANT APPLICATIONS BIENNIAL REPORT

Presented by: Strategy and Growth, Liesa Davies

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Grant Applications Biennial Report, providing an update on grants that Council has applied for or obtained, for the 2019-2020 financial year.

Executive Summary

Grants from State and Federal Government support the delivery of a range of Council services and infrastructure for our community. This report provides an update on Council's grant applications and outcomes since July 2019.

This report is the fifth update to Council, noting initial reporting was on a quarterly basis and has now transitioned to a six-monthly basis, in February and August each year.

During the 2019-2020 financial year, Council has applied for 45 grants totalling over \$46million and has been successful in securing over \$29million, with some applications still to be assessed. This compares to applications to the value of \$26million in 2018-2019, with \$10.5million in funding secured.

Discussion

Every year, Council applies for, or obtains, a significant number of grants to support the delivery of a range of services and infrastructure for our community.

The Council Grant Application Register (Attachment 1) details grant applications made, successfully, unsuccessfully, or outcome unknown for the 2019-2020 financial year.

During the 12-months of the 2019-2020 financial year, Council has applied for 45 grants totalling over \$46million. The applications range from major infrastructure, to event support, new playground, Library support, Gallery program and catchment management. Council has been advised of the success of some of these with highlights including:

- \$200,000 Town Beach Playground;

- \$265,000 Sensitive Receptors - Catchment Management Lake Cathie, Lake Innes and Watson Taylor Lake;
- \$59,468 Library local priority grant;
- \$45,000 ArtWalk satellite events and promotion (two grants);
- \$3,530,000 to construct a parallel taxiway at the airport;
- \$17,000,011 for the upgrade of Maria River Road in partnership with Kempsey Shire Council;
- \$70,000 Annual Glasshouse Regional Gallery Program;
- \$2,440,000 Pembroke Road Redbank upgrade; and
- \$1,110,000 Bago Road Wauchope pavement rehabilitation works

2019-2020	Grant Amount Applied For	Grant Amount Received	Yet to be Advised	Advised unsuccessful
1 st quarter	\$ 2,718,650	\$1,570,000	\$176,000	\$972,650
2 nd quarter	\$33,978,233	\$25,226,468	\$165,755	\$8,586,000
3 rd quarter	\$5,389,167	\$1,951,667	\$3,397,500	\$40,000
4 th quarter	\$4,235,265	\$410,000	\$3,732,775	\$92,500
TOTAL	\$46,321,315	\$29,158,135	\$7,472,030	\$9,691,150

Grant outcomes for some of the applications made last financial year are not yet known, including:

- \$815k Bridge Renewal Program for Donkins Flat, Old School Road Bridge and Bril Bril Bridge;
- \$737,275 for Westport Park Boat Ramp facility upgrade; and
- \$3,097,500 NSW Walking and Cycling Program various shared path improvement across 17 sites.

Some of our unsuccessful applications included Round 4 of the Building Better Regions Program Infrastructure Stream (\$5m for the Hastings Regional Sporting Complex Stage 1 with Council co-contribution of \$10m), and the NSW Stronger Country Communities Fund applications (500k Town Green West Upgrades and \$410k Laurie Park kerb and gutter applications).

For Round 4, the Building Better Regions Fund changed its guidelines, prioritising designated drought affected regions (PMHC was not classified as 'drought affected' by Federal Government, however, our application did provide evidence in this regard). No grants were awarded in the Lyne electorate. The NSW Stronger Country Communities Fund also changed its guidelines and opened applications to community organisations. The State government did not award any NSW local governments with funding, hence our \$500k Town Green West Upgrades and \$410k Laurie Park kerb and gutter applications were also unsuccessful.

One of the on-going challenges local government is facing when it comes to grant funding is an increased emphasis by funding bodies on the need for projects to be 'shovel ready' - particularly in light of bushfire and COVID recovery and a strong desire of other levels of government to see money injected into economies now. This places increased pressure on local government to be investing heavily in project definition and design as often grants criteria is for works to be completed within 12-months.

The following table (collated from Attachment 1) includes the total value of applications and the money obtained from successful grants for the previous two financial years. It should be noted that grants to the value of \$7.4m are currently being assessed by the funding bodies.

Year	Grant Amount Applied For	Grant Amount Received	Outcome yet to be advised
2018-2019	\$26,168,283	\$10,562,810	\$18,255*
2019 - 2020	\$46,321,315	\$29,158,135 (includes \$17m Maria River Road with Kempsey Shire Council)	\$7,472,030

*\$18,255 Jabiru Reserve Fish Cleaning Table - due to Crown Reserves delayed process of appointing new Fishing Trust members to assess the grant.

We continue to work closely with local members and representatives in other levels of government to advocate for positive grant outcomes and apply for all appropriate opportunities.

Finally, on 3 July, the NSW Parliament's Legislative Council's Public Accountability Committee announced an 'Inquiry into the integrity, efficacy and value for money of NSW Government grant programs'. Staff are currently pulling together a submission to be lodged by the 23 August 2020 deadline.

Options

1. That Council notes the information contained in the "Grant Application Biannual Report" and; or
2. That Council requests additional information.

Community Engagement & Internal Consultation

All staff developing grant applications were consulted in finalising the Grants Register at Attachment 1.

The Council has a commitment to support community group grant applications by assisting them with information and data, and letters of support, where applicable. These community-based grants are not included in this report.

Planning and Policy Implications

There are no planning and policy implications in relation to this report. It is noted, however, that the timing of grants received and project implementation/delivery can have implications for Council's Operational Program delivery.

Financial and Economic Implications

There are no direct economic implications in relation to this report. It is noted that if successful in receiving grants, often there is a requirement for Council to provide matched funding and further resources are required to not only implement the grant

funded project, but also to complete an acquittal at the end of the project term and for many projects, to provide regular progress reports as the grant funds are expended.

Grants from various sources are an important source of funding for a wide variety of Council activities.

Attachments

1.  Council Grant Funding Applications Register 2019-2020

Item: 10.18

Subject: BUSHFIRE DISASTER RECOVERY FUNDING

Presented by: Strategy and Growth, Liesa Davies

Alignment with Delivery Program

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

RECOMMENDATION

That Council note:

- 1. The Bushfire Disaster Recovery Funding Report, providing an update on monitoring and delivery of Council and community projects funded under the NSW and Commonwealth Government bushfire recovery funds; and**
- 2. A further update report will be provided at the February 2021 Council meeting.**

Executive Summary

Bushfire Recovery funding received in early 2020 from State and Federal Government is supporting the delivery of 42 Council, business, community services and infrastructure projects relating to bushfire preparedness and recovery across our Local Government Area (LGA).

This report and its attachments provides an update on the delivery of these important recovery projects, many of which are making good progress and some are now complete. Regrettably, COVID-19 has resulted in some projects being delayed however, both Commonwealth and State Government funding partners have provided 6 month extensions on project completion deadlines as a result of these circumstances.

A further progress report will be presented to the February 2021 Ordinary Council meeting.

Discussion

At the 19 February 2020 Ordinary Council Meeting, it was resolved:

10.21 BUSHFIRE RECOVERY - RECENT ACTIVITY AND FUNDING

RESOLVED: Pinson/Hawkins

That Council:

- 1. Note the recent activities undertaken by Council in support of bushfire recovery across our community, including the business community.**
- 2. Note the receipt in January 2020, of a \$1million Federal Government grant announced by Member for Lyne, Dr David Gillespie, for the purpose of**

supporting the local community and businesses in their recovery from the recent bushfires.

3. *Note the recent funding announcement from the NSW Government of a grant of \$250,000 for the purpose of supporting the local community and businesses in their recovery from the recent bushfires.*
4. *Note the recent funding announcement from Member for Cowper Pat Conaghan of a grant of \$416,667 for further Bushfire recovery assistance via the National Bushfire Recovery Agency.*
5. *Note that Council staff are currently in the process of engaging with bushfire impacted parts of our community on how best to utilise the current Federal and State Government funding mentioned in 2 and 3 above.*
6. *Note that an action plan on how Council intends to expend the \$1million Federal Government grant is required to be provided to the NSW Office of Local Government within three months of receipt of the grant funding, with expenditure to take place within 12 months of receipt of the funding.*
7. *Request the General Manager keep Councillors informed of proposed projects to be included in the action plan via Councillor briefings as required.*
8. *Request the General Manager table a report at the May 2020 and August 2020 Council meetings, detailing the projects that have been funded under the grant funds mentioned in 2 and 3 above.*

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

Further, at the 6 May 2020 Ordinary Council meeting it was resolved:

10.05 BUSHFIRE DISASTER RECOVERY FUNDING

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

RESOLVED: Pinson/Intemann

That Council:

1. *Note the Bushfire Disaster Recovery Funding Report, providing an update on allocation, monitoring and delivery of funded projects.*
2. *Request the General Manager review the funding allocation to the Pappinbarra community, to better reflect the impacts of the bushfires on this community.*

*CARRIED: 7/0
FOR: Alley, Dixon, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil*

This report provides a further update on activity since May and responds to point 8 of the 19 February 2020 resolution to provide an update on the projects that have been funded under the Commonwealth and State funding programmes to Port Macquarie-Hastings Council:

- \$250,000 NSW State Government Bushfire Community Resilience and Economic Recovery Fund Phase 1. Funded projects to now be completed by 30 December 2020 (a six-month extension due to COVID-19 impacts).
- \$1,416,667 Commonwealth Bushfire Disaster Recovery Funding provision to Council. Funded projects to now be completed by 30 June 2021 (a six-month extension).

In response to point 2 of the 6 May resolution, the General Manager and the Grants Officer engaged with the Pappinbarra community representatives and RFS who

nominated \$25,000 of improvements for their Fire Brigade site. The works include a steel water tank, generator lock up cage, concrete and electrical works and an awning to provide shelter for training activities and workshops. The \$25,000 was allocated from the \$45,000 COVID community in recovery provision.

Project Updates

A monitoring and acquittal process has been implemented to track the deliverables of the 42 projects and ensure information is being gathered about the required outputs and outcomes. Attachment 1 and 2 provides a progress update about the projects.

As is noted above, both funding bodies have provided six-month extensions as a result of COVID-19 impacts. Regrettably, some 35 projects have been delayed however we hope this extension of time will assist with completion. Delayed projects include:

- Camden Haven River Festival;
- Community Resilience Workshops across the LGA;
- Rural Halls Community in Recovery events;
- Port Macquarie and Wauchope Chamber of Commerce filming of 'Buy local' awareness videos; and
- Council Tourism marketing.

For some projects, planning has continued and project completion will occur in the next few months. These include:

- Wauchope Showground new amenities and three rows of 24 new stables, enabling evacuation site for residents and their horses;
- Kendall Showground upgraded toilet amenities and refurbished kitchen with commercial stove and fridge to enable catering for emergency crews, volunteers and evacuees; and
- Lake Cathie Hall installation of water tank and pump.

Completed projects include:

- Preparation of community halls as fit for purpose as evacuation centres;
- Construction of Kindee Hall disability accessible toilet; and
- Telegraph Point Hall connection to new sewerage system.

Community Feedback

Recipients of the funding allocations for these projects have expressed enormous gratitude with a couple of examples of feedback as follows.

Wauchope Show Society played an important role during the bushfires, looking after livestock and offering vital community support. They have received \$300,000 for improvements to the Wauchope Showground including a new amenity block and stables. Secretary Anne Watkins said, *"The Showground is the hub of Wauchope when it comes to holding large events and entertainment. The funding allows us to upgrade dilapidated facilities on the grounds, which in turn secures its future for many generations to come."*

The Birpai Local Aboriginal Land Council received \$45,000 for upgrades to their community shed and cooking facilities. CEO David Carroll said, *“This funding will make our community facilities much more usable, and as a result will help our community to recover from the bushfire crises and to become more united and working together.”*

Community Recovery Officer Temporary Position

The \$1.4m program included a \$120k allocation for a new temporary 12-month position within Council of a Community Recovery Officer. Unexpectedly on 22 May 2020, Resilience NSW announced Port Macquarie-Hastings Council was one of 22 councils to receive funding for a Community Recovery Officer role.

These positions are jointly funded by the NSW and Commonwealth Governments under Category A of the Disaster Recovery Funding Arrangements (DRFA). The positions are funded for 12 months. Recruitment for this role is complete and the Officer commenced with Council on Monday 20 July. The intention of the role will be to support and facilitate community-based projects that assist in the recovery of our regions and lead to long term community resilience. The key tasks as outlined in the position description will be to:

- Mapping recovery activities;
- Support local communities to deliver recovery events, programs and activities;
- Contribute to the recovery networks; and
- Provide reporting and evaluation of the role and its activities.

As a result of the position being funded, we have sought funding body approval to reallocate the \$120k identified to supporting community wellbeing and resilience training and workshops as well as community identified projects, programs and activities the Community Recovery Officer will be doing across affected communities.

Options

1. That Council notes the information contained in the “Bushfire Recovery - Grant Funded Projects” Report and attachments; or
2. That Council requests additional information.

Community Engagement and Internal Consultation

External Consultation was undertaken with:

- The Project Managers of the funded groups
- Pappinbarra RFS.

Internal Consultation:

The relevant Project Managers have provided progress reporting on their funded projects.

Planning and Policy Implications

There are no planning and policy implications in relation to this report. It is noted, however, that the timing of funding received, prioritisation of the identified projects

and extended timeframes for project implementation/delivery can have implications for Council's Operational Program delivery.

Financial and Economic Implications

Council has received the \$1.4m Commonwealth funding and the \$250k State funding. It is intended that the projects being delivered as a result of this funding will support community and economic recovery across our region.

As is noted, the program includes a new temporary position within Council.

There will also be a requirement for project management and liaison provided by staff who have remit of identified projects. These costs will be covered within existing Council salary allocations.

Attachments

1.  Project Update - \$1.4m Commonwealth Bushfire Disaster Recovery Fund
2.  Project Update - \$250k NSW State Government Bushfire Community Resilience and Economic Recovery Fund

Item: 10.19

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

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 Development Activity and Assessment System Performance report for the last quarter of 2019-2020.**
- 2. Note the determinations made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.**

Executive Summary

This report provides a summary of development assessment, building certification and subdivision certification activities for the April to June 2020 quarter. Data on the number of applications and processing times, together with a commentary on development trends is provided for the information of Council.

The report also includes details of determinations made by Council staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011.

Discussion

1. Development Activity and Assessment System Performance

The following table provides data on the volume of applications received and determined over the quarter relative to the yearly average and monthly average of the preceding four years.

The monthly average number of Development Applications (DAs) received for 2019-2020 is 83, which is down from 91 in 2018-2019. What is particularly interesting though is the volume of applications received over the final quarter, which has seen a monthly average of 93 DAs. This is considered to be a very positive result given the challenges posed by the COVID 19 pandemic. Whilst it is difficult to predict whether there will be any lag-effect and downturn in construction activity, the month of July 2020 has also been strong. With restrictions easing it is hoped that these positive signs continue.

A similar reduction in the monthly averages of DAs received is also evident for Plumbing and Drainage and Roads Act applications with a monthly average of 74

applications being received for 2019-2020 compared to a monthly average of 82 applications in 2018/2019. Other application types and building inspection volumes remain largely consistent with the 2018-2019 monthly averages.

COVID 19 has had a notable impact on planning certificate volumes during the height of restrictions in April 2020, where only 130 certificates were issued for the month, compared to the typical monthly average of around 250 certificates. However, with restrictions easing in May and June the real estate industry has seen a surge in activity, with the month of June seeing 300 planning certificates issued. Anecdotal feedback received from developers and agents is that the property market is positive, despite COVID 19.

Applications Received and Determined	2015-16 Monthly Average	2016-17 Monthly Average	2017-18 Monthly Average	2018-19 Monthly Average	2019-20 Monthly Average	2019 - 20 TOTAL	Apr-20	May-20	Jun-20
Development Application Received	85	89	89	91	83	996	86	108	82
Development Application Approved	79	80	86	89	76	906	78	85	100
Development Application Refused/Withdrawn/Rejected				16	4	47	2	5	1
DA Modifications Received	17	15	16	16	13	159	12	14	21
DA Modifications Determined	15	15	15	15	12	141	13	14	10
Complying Development Certificates Received (Council)	7	9	8	9	10	114	11	8	8
Complying Development Certificates Determined (Council)	7	16	8	8	7	81	6	4	7
Complying Development Certificates Determined (Private Certifier)	21	19	30	21	17	205	11	27	9
Construction Certificates - Building Work Received (Council)	41	42	41	45	44	530	42	65	50
Construction Certificates - Building Work Determined (Council)	38	38	42	44	40	476	45	41	55
Construction Certificates - Building Work Determined (Private Certifier)	29	23	34	39	26	313	30	42	27
Plumbing & Drainage Received	80	99	92	82	74	891	63	101	83
Plumbing & Drainage Determined	72	87	91	81	60	719	82	44	64
Works Certificates Received	9	13	13	11	9	109	4	9	12
Works Certificates Determined	9	8	12	12	8	99	10	2	10
Subdivision Certificates Received	11	12	12	8	9	113	14	14	15
Subdivision Certificates Determined	10	11	10	8	8	96	7	19	13
Strata Certificates Received	2	2	3	5	3	36	0	1	0
Strata Certificates Determined	2	2	3	4	4	47	0	1	1
Roads Act Applications Received	54	56	52	47	40	477	35	43	44
Roads Act Applications Determined	49	49	52	44	35	418	30	44	34
Planning Certificates Issued	275	250			245	2935	130	192	300
Building Inspections Undertaken	407	455	494	484	461	5531	472	513	461

The following table outlines the estimated value of works per development type approved during the quarter along with the year to date value and value of the preceding 2 years. Similar to the slight reduction in application volumes there has been a corresponding decrease in the value of development approved over the year compared to 2018-2019. 2019-2020 saw the total value of development approved at \$402 million, compared to \$438 million in 2018-2019. Whilst being decrease overall for the year, the last quarter has seen a surge in the value of development approved, in line with the increased volume of applications.

Value of Works DA	Apr-20	May-20	Jun-20	Total to date 2019 - 2020	Total 2018-2019	Total 2017 -2018
Ancillary DA	\$357,217	\$787,669	\$1,165,320	\$8,434,377	\$8,630,779	\$8,649,369
Ancillary CDC	\$207,041	\$402,782	\$358,041	\$4,097,210	\$4,461,919	\$5,750,178
Commercial DA	\$725,000	\$383,500	\$1,222,000	\$13,497,998	\$50,335,092	\$17,415,409
Commercial CDC	\$0	\$0	\$0	\$13,189,237	\$1,015,474	\$2,380,814
Community DA	\$90,000	\$800,000	\$0	\$21,238,702	\$36,258,032	\$13,111,186
Community CDC	\$0	\$0	\$0	\$199,983	\$345,078	\$692,872
Industrial DA	\$0	\$460,000	\$573,000	\$10,011,278	\$18,414,595	\$13,919,469
Industrial CDC	\$0	\$0	\$0	\$180,000	\$8,187,481	\$757,727
Residential DA	\$57,427,219	\$27,674,207	\$44,088,189	\$280,510,205	\$227,592,925	\$266,406,644
Residential CDC	\$2,825,659	\$4,021,247	\$1,179,131	\$29,358,521	\$37,815,194	\$51,975,736
Rural DA	\$1,080,710	\$0	\$292,000	\$5,557,036	\$9,693,549	\$9,718,464
Rural CDC		\$100,276	\$0	\$1,214,644	\$1,145,009	\$1,638,082
Subdivision DA		\$1,177,000	\$980,000	\$7,457,000	\$30,759,000	\$18,137,000
Tourist DA	\$200,000	\$1,600,000	\$704,000	\$7,208,831	\$3,395,692	\$14,777,822
Tourist CDC	\$0	\$0	\$0	\$0	\$0	\$1,225,000
Total	\$62,912,846	\$37,406,681	\$50,561,661	\$402,155,022	\$438,049,819	\$426,555,772

Application processing data and longer-term trends for the various application types is provided in the table below. For DAs, monthly gross average processing times for 2019-2020 was 59 days compared to 61 days during 2018-2019. The 2019-2020 monthly gross average processing days for works certificates (formerly called 'infrastructure construction certificates') was 82 days, compared to 77 days in 2018-2019. There has been a significant improvement in the 2019-2020 monthly gross average processing days for subdivision certificates with an average of 56 days, compared to 91 days in 2018-2019.

There has been notable pressure on development assessment staff over the final quarter of 2019-2020 given the uncertainties around COVID 19. As noted above, there has been a surge in application volumes. Customer calls to the Duty Planner and Duty Surveyor service have also been significant, with 450-500 calls per month over the quarter. Inspection numbers continue to be notable with around 500 inspections per month. Despite the increased pressure and an alternate operating model, with many staff working from home, it is pleasing to note that application processing times have not slipped.

Application Processing Performance	NSW 2015-16 Monthly Average	PMHC 2015-16 Monthly Average	NSW 2016-17 Monthly Average	PMHC 2016-17 Monthly Average	NSW 2017-18 Monthly Average	PMHC 2017-18 Monthly Average	NSW 2018-19 Monthly Average	PMHC 2018-19 Monthly Average	PMHC 2019-20 Monthly Average	Apr-20	May-20	Jun-20
Development Application Net Median Days	49	30		31		38		37	34	31	37	34
Development Application Net Average Days	52	34		26		46		42	44	43	50	41
Development Application Gross Average Days	75	58		55		64		61	59	55	68	56
Complying Development Net Average Days	1	6		6		7		13	13	9	13	13
Complying Development Gross Average Days	14	7		8		7		15	17	9	13	20
Building Construction Certificate Net Average Days		9		9		9		9	10	13	13	10
Building Construction Certificate Gross Average Days		51		52		66		66	62	59	62	40
Plumbing and Drainage Net Average Days		16		15		21		18	22	26	24	20
Plumbing & Drainage Gross Average Days		51		47		52		53	50	54	51	51
Works Certificates Net Average Days		54		39		53		39	49	42	20	45
Works Certificates Gross Average Days		94		77		109		77	82	48	73	74
Subdivision and Strata Certificates Net Average Days		42		40		49		44	47	57	66	61
Subdivision and Strata Certificates Gross Average Days		97		60		63		91	56	57	67	74
Roads Act Net Average Days		17		19		17		13	16	20	13	9
Roads Act Gross Average Days		43		48		43		39	43	35	43	30

2. Applications determined under delegation including Clause 4.6 - Exceptions to Development Standards

The following table lists DAs that have been determined during the quarter which have included a Clause 4.6 exception to a development standard under the Port Macquarie Hastings Local Environmental Plan 2011. Senior staff have delegation to determine applications involving a Clause 4.6 objection where the variation is no greater than 10% of the development standard.

Application	Property	Extent of Variation
DA2020 - 162.1	12 Short Street, Bonny Hills	9%
DA2020 - 65.1	Pacific Drive, Port Macquarie	9%
DA2019 - 761.1	14 Phoenix Crescent, Port Macquarie	5.8%
DA2019 - 568.1	3 Clarence Street, Port Macquarie	6.2%
DA2019 - 481.1	High Street Wauchope	8.2%
DA2019 - 215.1	5 Gray Street, Port Macquarie	9.4%

This information is provided for notation by Council in accordance with the Department of Planning and Environment Circular PS 18-003.

Options

This is an information report.

Community Engagement and Internal Consultation

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

Ongoing engagement on development activity and process improvement is also undertaken through the Construction Industry Action Group (CIAG) forum.

Planning and Policy Implications

There are no planning or policy impacts.

Financial and Economic Implications

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

Attachments

Nil

2 Your Community Life

What we are trying to achieve

A healthy, inclusive and vibrant community.

What the result will be

We will have:

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

How we will get there

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

Item: 11.01

Subject: COMMUNITY GRANT PROGRAM

Presented by: Strategy and Growth, Liesa Davies

Alignment with Delivery Program

2.2.1 Support and advocate for all community sectors.

RECOMMENDATION

That Council:

1. **Agree the General Community Grant program be redefined into the following streams:**
 - a) **Community Builders Grants**
 - b) **Community Celebrations Grants**
 - c) **Environmental Grants**
 - d) **Cultural Grants**
 - e) **Youth Grants and**
 - f) **Micro Grants**
2. **Agree a maximum of \$5,000 be made available for each grant application within-streams 1a-e above.**
3. **Agree a maximum of \$1000 be made available for each micro grant with a total of \$10,000 made available for this stream per year.**
4. **Note the amendments include a simpler, more transparent approach to the Community Grant program that will encourage a wide range of eligible sporting, cultural and other groups to apply and receive support.**
5. **Note the proposed inclusion of extra-ordinary Bicentenary Grants as part of Round 1 of the 2020-2021 General Community Grants.**

Executive Summary

Council's General Community Grants Program has been delivered in its current format for over ten years. As our Local Government Area's population grows and the demographic makeup of our community changes, it is timely to review ways to improve our process and ensure our grants reflect and serve our changing community.

This report discussed a proposal to redefine the existing grant streams into six streams: Community Builders, Community Celebrations, Environmental Grants, Cultural Grants, Youth Grants and Micro Grants.

Defining the grant program into these categories will make the application process easier and more equitable, while opening up grant opportunities to more community group recipients.

Through the current General Community Grants program, 57% of local community organisations that apply for a grant are successful. As the quality of the applications

improves and the number of applications received continues to increase, there will be increased instances whereby applications that have successfully met the eligibility criteria do not receive funding.

In recent years, there has been feedback from the community that there appears to be some grants that not every organisation within the community can apply for. Examples of this are the Band Grants and Non-Council Owned Halls. Additionally, the Christmas and New Year's Eve Grants are limiting the scope of community events that regularly seek Council support.

This is an opportunity to refresh and renew our grants program and attract additional community groups to access funding to support great outcomes.

Discussion

Currently, Council's Community Grant Program consists of the following streams:

Grant Program	Available Funds	Distribution
Band Grants	\$29,819	Round 1
Christmas and New Year's Eve	\$16,700	Round 1
General Community	\$146,157	Round 1 and Round 2
Non-Council Owned Hall	From General	Round 1 and Round 2
Place Making	From General	Round 1 and Round 2
Environmental Grants	\$20,000	Round 1

In addition, Council also offers Event Sponsorship Grants and Heritage Grants. These are currently administered separately to the General Community Grant approach.

Current eligibility criteria:

- Must be registered not-for-profit (or auspiced by one);
- \$10,000 limit;
- Based in Port Macquarie-Hastings LGA;
- No retrospective funding;
- 2 x quotes required for budget items over \$500;
- 2 x years financials;
- Public liability insurance to \$10,000,000;
- Must have acquitted any previous PMHC grants.

General Community Grants

This is a \$10,000 upper limit available for any community activity. Several community groups utilising experienced grant writers have secured this maximum funding on a semi-regular basis. The funds are often for capital works projects such as hall repairs, community infrastructure etc.

It is proposed to:

- rename the General Community Grants to *Community Builder Grants* to better reflect the focus of community organisations that are building the capacity of individuals;

- lower the maximum amount a group can apply for to \$5000. This would then enable more community groups to be successful in obtaining funds. We would also encourage community groups to undertake joint projects for community infrastructure or events;
- Fold the Place Making Grants program and the *Non-Council Owned Hall Grants* into the General Community Grants program.

Proposed criteria for *Community Builder Grants* is as follows:

- Deliver projects that meet the objectives of Council Community Strategic Plan or other community plans
- Group must be a registered not-for-profit (or auspiced by one);
- \$5,000 limit;
- Project based in Port Macquarie-Hastings LGA;
- No retrospective funding;
- No funding for staffing
- 2 x quotes required for budget items over \$500;
- 2 x years financials for the group applying;
- Public liability insurance to \$10,000,000;
- Must have acquitted any previous PMHC grants.
- If assets were purchased as part of the grant and the community group dissolved the asset will need to be handed back to Council

Place Making Grants

The Place Making Grants are rarely applied for. This is because the name is confusing for our community and organisations often apply for funds for these types of projects through the General Community Grants program. Under the existing program, the activities funded have been for “space/place” improvements. It is proposed these type of grants will still be covered in the *Community Builder Grants*.

Christmas and New Year's Eve Grants

Christmas and New Year's Eve Grants currently has an allocated budget of \$16,700 per annum and can only be applied for in Round One.

It is proposed to:

- Rename the Christmas and New Year's Eve Grants as *Community Celebrations Grants*
- Increase available funding to \$20,000 (with funds reallocated from the General Community Grant budget line) as this is oversubscribed every year. This will allow Council to further encourage and fund all of our local communities to have a Council sponsored Christmas event.
- permit this stream to be accessed through both grant rounds and across the year and not be just focused on the Christmas and New year's period.
- Limit the Community Celebrations Grants to a total maximum allocation of \$10,000 per round.
- Require that Community Groups applying for a *Community Celebration Grant* provide evidence of matching contribution.

This grant stream currently has a maximum allocation of \$5000, and it is recommended that this limit be maintained for large community events, such as those run with the local chambers of commerce.

Other community groups will be able to access lower amounts to support their celebrations and it is proposed that the grant funding be available throughout the year.

This is a substantial contribution to community events and will allow PMHC to continue to support activities across the region. It is anticipated that community groups supplement these event costs and again collaborate with other groups in the community. Community Groups applying for a community celebration grant will have to provide evidence of matching contribution.

Non-Council Owned Hall Grants

- Currently funded from the General Community Grant budget line with a maximum limit of \$10,000;
- Important for our community halls as some of them are generally in a poor state and they are important resources for our smaller towns and villages;
- There is some confusion amongst those halls that aren't considered to be "*Non-Council Owned Hall*" a clear definition of eligible community groups would be added into the grants guidelines.

It is proposed to align this with the proposed *Community Builder Grants* and have an upper limit of \$5000, with a maximum of \$20,000 available each financial year for our Hall committees.

Whilst we recognise that this limit may impact works with costs higher than \$5000, applicants will be able to "stage" their project and it aims to encourage hall committees to seek funding from broader sources. Additionally, we will support our Community halls to access additional grants from other levels of government to support the development of these important community spaces.

Band Grants

The Band grant is underpinned by an historic agreement geared towards the same four bands with largely unchallenged access to a set budget line, as such \$29,819 available, only in Round 1 to those specific bands.

Traditionally, the Band Grants program did not require the same process nor levels of accountability as other grants programs. Consequently, there is not as much transparency surrounding the fulfilment of the grant requirements as there is for other grant programs, although it is noted that important civic events are strengthened by the performances. It is noted that bands charge membership, performance and attendance fees.

Whilst there is a desire to continue to support these bands, it is inequitable to continue to do so to the current levels of \$7,000 to \$10,000 pa. The demand for support for art, culture is great and we have received wide ranging community feedback to support this. Broad support for culture and the arts and the introduction of an applicable grants program is reflected as a Cultural Plan priority.

It is proposed to:

- rename the Band Grants to Cultural Grants.
- limit the amount of direct support to be sought to \$5,000 each per year
- require applicants to provide a full budget with 2 x quotes for all expenses over \$500 and receipts on acquittal.
- open the Grant round to community arts organisations and individual artists
- provide for art and cultural programs, performances, and installations that are of a broad community benefit.

This change would support the development and showcasing of a broad range of local arts and cultural organisations and individuals and responds to expressed views of many in our community. It is a challenge for any local government authority to balance the needs of diverse and varied recipients via a grants program in an equitable manner and we acknowledge that this poses a significant change for current recipients.

Environmental Grants

This grant program is funded from the outside the Community Grant budget and will remain unchanged:

- Only available in Round 1 through SmartyGrants
- Funding provided by Environmental Services
- \$20,000 available with a \$5000 limit
- Administered by Community Inclusion Officer but decision made by Environmental Services.

Other PMHC Grants and funding

Event Sponsorship

Distributed through the Economic and Cultural Development Team, the Event Sponsorship Program aims to support event organisers to develop, promote, execute and sustain locally grown long-term major events. Council's Event Sponsorship Program provides grant funding of up to \$5,000 towards event marketing activities for events that attract (or have the potential to attract) a significant number of visitors to our region.

Funding is distributed through SmartyGrants twice a year, with \$20,000 available in each round. We will endeavour to ensure that both the sponsorship program and Community Grant rounds align to increase simplicity, access and ensure that all funding sources can be accessed simultaneously.

Local Heritage Assistance Grants

Port Macquarie-Hastings Council, with support from the Heritage NSW, offers grants to owners of heritage listed properties within the Port Macquarie-Hastings LGA. These grants typically support owner's efforts at conservation and maintenance of the many important heritage items in our region. Heritage Grants are currently run independently of the General Community Grants but are typically available in August each year.

Funding through this program is provided on a 1:2 ratio, with up to \$3,000 available to owners of heritage items and up to \$2,000 to owners of contributory buildings in conservation areas. For every \$1 that Council contributes, applicants need to contribute \$2. If a project cost is \$3,000, Council will contribute \$1,000 and the applicant must contribute \$2,000. Each year Council received funds from State Government to support Heritage outcomes for private buildings. The fund is up to \$11,000 and 50% of that comes from Council. Council's Heritage Advisor supports the process and is also funded.

Extraordinary Grants

In 2018 Council provided the opportunity for Community Groups to apply for a one off Bicentenary Grant. It is proposed to open Bicentenary Grant applications in Round 1 of the 20/21, financial year to support community activities that showcase our history during the 2021 Bicentenary year. The same eligibility criteria and process will be in place for all other Community Grants.

From year to year there may be an occasion where we wish to introduce extraordinary grants as appropriate.

Sporting Grants

Council administered sporting grants for local clubs for large projects until 2014. The program was stopped due to the size of the projects and groups not adhering to the acquittal process and completed quality projects. It is proposed that Sporting Groups be eligible for Community Builder Grants.

Proposed Grants Streams for 2020-2021 onwards

Youth Grant Program

The majority of current applications come from an aged to elderly demographic, with young people under the age of 25 years not represented amongst grant recipients nor applicants.

To encourage our young people to get involved more in community life it is proposed to create a new Youth Grant Program aimed directly at young people aged 25 years and younger for activities aimed to benefit individual young people, school groups or youth groups.

Applications must meet the overall criteria of the Community grants program and demonstrate an overall benefit to young people and the future of our community and place.

It is proposed that:

- groups and individual applicants may be auspiced by a community group or a school P&C.
- this grant would also be limited to \$5000 per applicant.
- projects cannot take place on school grounds unless the event is open for all young people / the wider community to attend.
- two rounds per year.

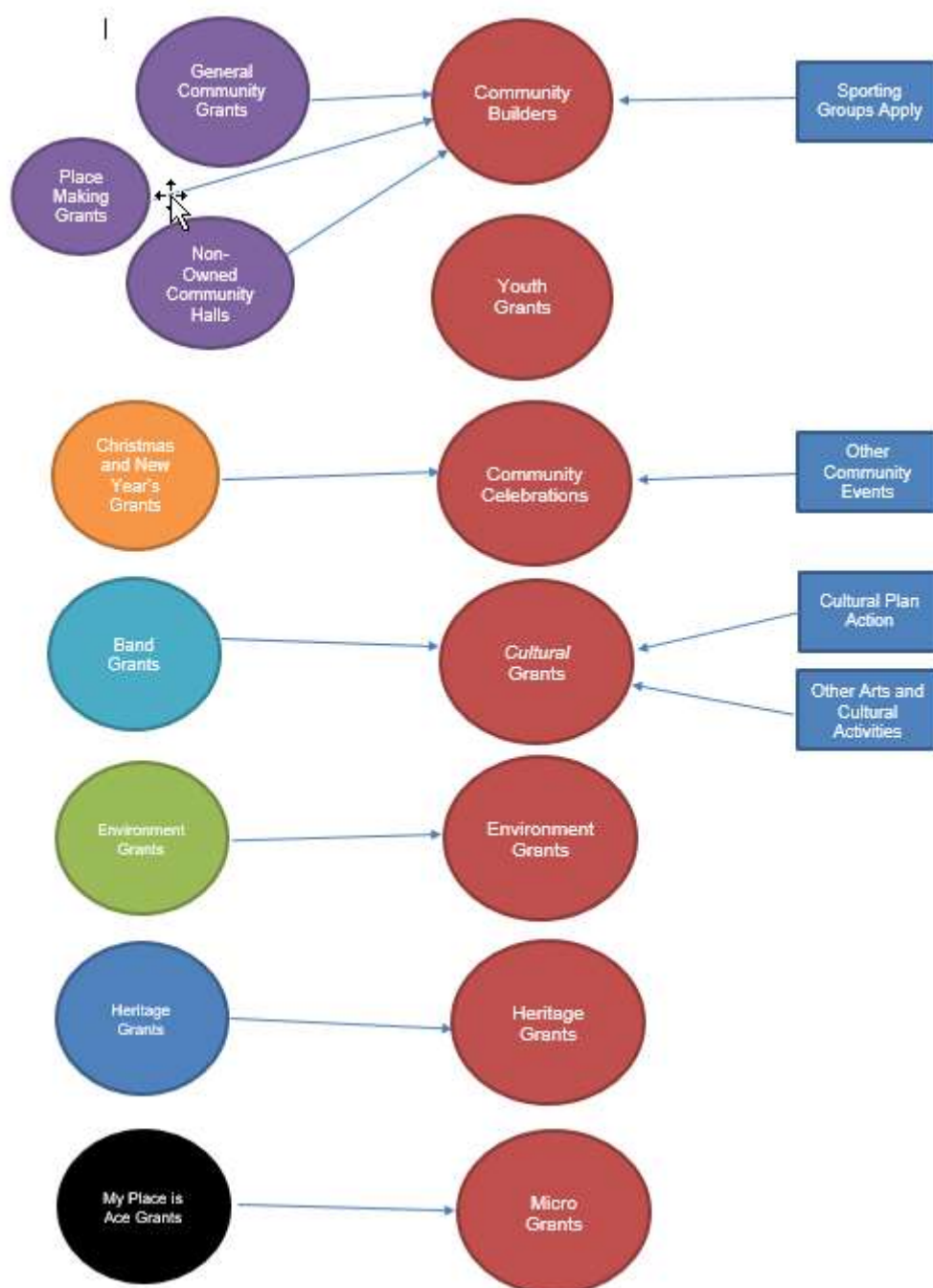
Micro Grants

As we receive regular requests to deliver quick wins outside of the formal grant rounds, it is proposed to introduce micro grants that would be available throughout the year and strengthen our ability to support unexpected opportunities for our community or for enhancing people, places and spaces.

The introduction of such grants aims to create greater flexibility to our grants process to support community outside the formal grants rounds. It is proposed to offer grants up to \$1000, with a total allocation of \$10,000 per year.

The table and diagram below provide a summary of the changes proposed:

Proposed grant stream	Key change	Annual rounds	Current grant program
Community Builder Grants	Upper limit of \$5000 per grant	Two	General Community Grants, Non Council Owned Hall Grants, Place Making Grants
Community Celebrations Grants	Extended to include all community celebrations Upper limit of \$5000 per grant	Two - maximum of \$10,000 available in each round;	Christmas and New Year's Eve Grants
Environmental Grants	No change	One	Environmental Grant
Cultural Grants	Expand eligibility to arts and culture groups. Upper limit of \$5000 per grant	Two	Band Grants
Youth Grants	New - same criteria as Community Grants program Upper limit of \$5000 per grant	Two	New
Micro Grants	Upper limit of \$1000 per grant	Available all year	New program to enhance responsiveness to community need.

Existing Grants Streams**Proposed Grant Streams****Additional Inputs****Assessment and Distribution**

Community Grants will be assessed by Community Inclusion team representatives and relevant technical experts from across the organisation twice a year.

It is proposed that Community Grants funds distribution and acquittal align to the successful model of the Event Sponsorship program. This means that 65% of the grant is received by the recipients when the contract is signed, prior to the event or

project commencement with the remaining 35% released once the event or project is acquitted and reviewed.

Successful applicants must undertake their projects between 1st July and 30th June of the funding year with project acquittal reports (with photographs/media clippings/evidence included) to be submitted within 60 days of project completion.

Options

Council may choose to resolve that the current model for the distribution of grants to local community groups remains unchanged; or some but not all variations are made to this model.

Community Engagement and Internal Consultation

External Engagement

The report takes into consideration feedback from grant recipients and community stakeholders as well as 'lessons learnt' from previous grant rounds over the past 3 years.

Local Band Grant recipients have been informed of the proposal to recommend the grant program be amended to be more fair and equitable in line with the current Supporting and Funding our Community Policy.

It is proposed that the twice yearly grants information sessions held across the LGA will continue. These outline all grant streams available, key dates and the application process for all programs. Council's communication team will also continue its active promotion of the programs on offer with a timely lead in.

Internal Engagement

The Executive team have been consulted and support the proposed changes. The Economic and Cultural Development Group and Community Participation staff were consulted in relation to the Event Sponsorship Grant, the proposed Community Celebration Grant and the Heritage Grants.

Planning and Policy Implications

This program comes under the Providing Funding and Support to the Community Policy that was adopted in July 2013. It also supports the Operational Plan action: 2.2.1.3 *Coordinate the grants program to assist the community to deliver projects that contribute to a sense of place*

Financial and Economic Implications

There is an adopted budget of \$200,000 for the Community Grants program, with additional funding of \$20,000 for Environmental Grants, \$11,250 for Heritage Grants and \$40,000 for Event Sponsorship Grants. There is no increase in funding required to implement the recommendations as proposed.

Attachments

Nil

Item: 11.02

Subject: RECREATION ACTION PLAN - ANNUAL UPDATE

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note progress achieved to date in implementing the Recreation Action Plan 2019-2025.**
- 2. Endorse the updated Recreation Action Plan 2020-2025 for implementation.**
- 3. Request the General Manager to promote the adoption of the updated Recreation Action Plan 2020-2025 on Council's website.**

Executive Summary

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

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

The value of expenditure associated with implementation of the Plan during 2019-2020 financial year was \$9.65M.

The purpose of this report is to inform Council of key actions within the Recreation Action Plan that have commenced or been completed during the 2019-2020 financial year, and to present an updated Recreation Action Plan to Council for consideration.

Discussion

A significant number of the Recreation Action Plan 2019-2025 (**Attachment 1**) Priority Actions have commenced or been completed, as outlined in the table below:

Area	Facility	Project Detail	Status
Beechwood	Beechwood Tennis Courts	Upgrade Facility	Commenced Works by club
Camden Haven	Laurieton Sports Complex	Upgrade amenities and provide lighting to netball courts (100 lux)	Commenced Lighting upgrade complete Amenities (soccer) upgrade scheduled for completion September 2020 Amenities (main oval) upgrade scheduled for completion June 2021
	North Haven to Bonny Hills Coastal Walk	Coastal Walk Upgrade	Commenced Scheduled for completion June 2021
	Riverview Reserve, North Haven	Playground Upgrade	Yet to commence Land tenure issue with reserve to be resolved
	Scribbly Bark Reserve, Lakewood	Playground Upgrade	Complete
Kew/Kendall	Kew Community Park	Provision of new children's play space and associated infrastructure	Complete
	Kendall Sports Ground	Sports Facility Upgrade	Complete
Lake Cathie / Bonny Hills	Bonny Hills Reserves	Review Bonny Hills Reserves Master Plan	Commenced Project currently on hold because of COVID-19 restrictions.
	Rainbow Beach Sports Fields	Finalise detailed design and approvals and commence construction	Commenced Detailed design scheduled for completion January 2021 Construction scheduled to commence late FY 2020/21
	Foreshore Reserve, Lake Cathie	Master Plan Implementation and construction of Skate Facility	Commenced Contractor engaged, Works scheduled for completion early 2021

Area	Facility	Project Detail	Status
	Lake Cathie Sport Fields	Install irrigation and improve playing surface	Commenced Scheduled for completion September 2020
North Shore	Coal Wharf Reserve	Reserve Upgrade	Complete
Port Macquarie	Blair Reserve	Playground Upgrade	Complete
	Flynns Beach	Continue seawall upgrade - Stage 1	Complete
	Oxley Oval	Contribution to amenities and Lighting upgrade to 300 lux	Commenced Lighting upgrade complete Amenities nearing completion
	Port Macquarie Aquatic Facility	Commence pre-construction	Commenced Design consultant to be engaged October 2020
	Port Macquarie Coastal Walk - Kenny Walk, Doctors Walk and Charlie Uptin to Flagstaff Hill	Coastal Walk Upgrade	Commenced Works scheduled for completion August 2020
	Port Macquarie Foreshore Promenade	Detailed design & approvals	Commenced Detailed design finalised Approvals process commenced
	Port Macquarie Regional Stadium	New Training Field & Lighting	Complete
	Ruins Way Park	Park Upgrade	Yet to commence
	Settlement Point Reserve	Playground Upgrade	Complete
	Stuart Park	Upgrade to Regional Sporting Precinct	Complete
	Town Beach Park	Playground Upgrade	Commenced Scheduled for completion late 2020
	Town Green Central & West	Detailed design & approvals	Commenced Scheduled for completion July 2020
	Red Ochre Park	Construction of a new park	Commenced Scheduled for completion October 2020

Area	Facility	Project Detail	Status
Telegraph Point	Charlie Watt Reserve	Upgrade sports field lighting (50 lux) & provision of field drainage	Commenced Lighting upgrade complete Drainage scheduled for completion September 2020
Thrumster	Thrumster Sports Fields	Detailed design and approvals	Commenced
Wauchope	Andrews Park	Provide sports field lighting (50 lux)	Complete
	Bain Park	Develop Master Plan	Commenced
	Blackbutt Park	Facility Upgrade	Commenced Scheduled for completion November 2020
	Rocks Ferry Reserve	Playground Upgrade	Commenced Scheduled for completion November 2020
	Hastings Regional Sports Fields	Finalise detailed design and approvals and commence construction	Commenced Detailed design (excl. grandstand and indoor centre) scheduled for completion November 2020
Various	Crown Reserves	Develop Plans of Management for Council Crown Land Managed sites	Yet to commence

The value of expenditure associated with implementation of the Plan during 2019/20 financial year was \$9.65M.

The most significant recreation project completed in 2019-2020 was Stuart Park Regional Sporting Precinct Upgrade. The project budget of approximately \$4.0M included an allocation of just under \$3.2M from the state government through the Regional Sporting Infrastructure Fund. This project has delivered a number of key outcomes:

- Improving the sporting participant and spectator experience. This has been achieved by:
 - upgrading the Wood Street entry into the complex including a drop off bay and turn around area, and formalising parking bays along Wood Street
 - providing gender neutral change rooms and additional public amenities
 - installation of new water stations and wayfinding signage across the site
 - improving sports field drainage to reduce field closures following rain
 - providing quality spectator seating areas and installation of new shade trees

- improving accessibility across the site through provision of a new pathway network
- installing public Wi-Fi and plug and play electrical infrastructure to support increased community use of the facility as well as improving capacity for local clubs to host a range of sporting events.
- Providing opportunities to increase the capacity of an existing sporting facility. This has been achieved by providing additional change room facilities, and installation of new LED sports field lighting to approximately three hectares of sports fields. These improvements provide capacity for existing sporting clubs to grow and/or allows for new sports to be accommodated at this complex.
- Diversifying the recreational offerings at the facility. This has been achieved by upgrading the bocce court, incorporating a children's playground, construction of a 1.9-kilometre-long shared pathway around the site, construction of a new dog off-leash park, provision of picnic/bbq facilities and installation of two outdoor basketball courts. These new facilities are already being well used by the community, have attracted new users into the precinct, and have provided activation throughout the day where prior to the upgrade there was little community use on weekdays during school hours.

The Revised Plan - Recreation Action Plan 2020-2025

The Plan has been revised to reflect the following:

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

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

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

There are a number of great recreational projects identified as priorities for the current financial year:

- Hastings Sporting Fields, Wauchope - completion of the detailed design for a majority of this exciting new sport and recreational facility is scheduled for November 2020. Commencement of construction of Stage 1 works are scheduled to commence late in the current financial year. Stage 1 completion and delivery of subsequent stages is subject to allocation of funding and Council will be actively investigating funding opportunities to allow for this project to progress. When completed, this facility will include high quality sports fields, able to accommodate a range of uses, including lighting, drainage and irrigation, a number of car parks, a shared walkway and pathway network, grandstand and indoor recreation centre, storage, public amenities, playground and a dog off-leash park. An area of the site has also been earmarked for a Wauchope District Historical Society facility.

- Rainbow Beach Sports Fields - completion of the detailed design of this project is scheduled for January 2021 with commencement of construction to commence late in the current financial year. Concept design for this project has been developed in consultation with a number of key community stakeholder groups who are excited to see this new sport and recreation facility develop within this growth area. When completed, this district level facility will include quality sports fields including lighting, drainage and irrigation, car parking, an accessible pathway network, children's playground, four outdoor basketball/netball courts, public amenities and change rooms.
- Thrumster Sporting Fields - detailed design of this new sports facility will commence later this year and will likely push into the 2021-2022 financial year. Council staff are currently working with developers and sporting stakeholders to progress the project and to investigate options for funding construction of this facility in coming years.
- Town Green West Upgrade - work is scheduled to commence on this \$2.0M project in August 2020. Funding for the project includes an allocation of \$1.5M from the federal government and an allocation of \$0.5M from the Town Centre Master Plan Reserve. The key features of this project includes the continuation of the 5-metre wide waterfront promenade with this wonderful shared path now continue from Lady Nelson Wharf through to Short Street and the boardwalk. In addition, the foreshore rock wall will be upgraded, and the reserve area will be improved with increased seating and picnic tables to enjoy, and new grassed areas for relaxing and playing. There will be bins and drinking fountains installed, and new LED lighting will improve security. The upgrade of the playground will follow these works full project completion scheduled for October 2021.
- Westport Park Boat Ramp Upgrade - this project will be another partnership between Council and the state government with \$737,000 of the \$987,000 project being allocated through the NSW Boating Now Program. This project will deliver designated boat trailer parking spaces, boat derigging area, and an additional boat wash down area supporting use of the facility by an ever increasing number of recreational boaters who live in, or are visitor's to, our region.
- Port Macquarie Aquatic Facility - later this financial year Council will appoint a consultant to commence development of a concept design and a business case for the facility as well as securing development approvals required for this exciting project to progress. This phase of the project will run into 2021-2022 and once a business case has been finalised and developments approvals granted, staff focus will shift to securing funding for this project to progress.

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

Facility	Project Detail	Project Status
Kendall Skate Park	Replacement	Project on hold Requires Kendall Tennis Club to give up one court from old facility, which will occur once an additional court is constructed at the new facility. The club

		is actively pursuing grants to allow for this project to progress. All courts across both facilities are currently in use by the club.
Wayne Richards Park - Stages 3 & 4	Pre-construction	Project on hold Current focus for new sport facility planning is with Hastings Sporting Fields, Rainbow Beach Sporting Fields and Thrumster Sporting Fields.
Hastings River Recreational Boating Improvements	Design and approvals for a new boat launching facility	Project on hold Recreational boating focus in Port Macquarie is on upgrading Westport Park facilities.

Options

Council may choose to:

- Adopt the updated Recreation Action Plan 2020-2025 as recommended.
- Adopt the updated Recreation Action Plan 2020-2025 with additional changes.

Community Engagement and Internal Consultation

Consultation occurred with the community, land managers, government agencies, Council staff, and other organisations with an interest in sport and recreation at the time of the implementation of the original Recreation Action Plan 2015-2025.

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

- Progression of design and approvals for Port Macquarie Aquatic Facility following confirmation of Macquarie Park as the community preferred site.
- Engagement with sporting user groups associated with provision of new or upgraded sporting facilities such as Hastings Sporting Fields, Rainbow Beach Sports Fields, Laurieton Sports Complex and Lank Bain Sports Complex in Wauchope.

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

This report also recommends that the revised Recreation Plan 2020-2025 be promoted on Council's website.

Planning and Policy Implications

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

Financial and Economic Implications

Projects identified within the revised Plan for delivery in 2020-2021 are included within the adopted 2020-2021 Operational Plan.


Projects identified for delivery from 2021-2022 onward are subject to budget endorsement through subsequent Operational Plan development.

It should be noted that the updated Plan includes a smaller list of priority projects earmarked for delivery in the period 2021-2022 to 2022-2023. This is due to the significant financial value of listed priority projects planned for delivery during this period.

Council has been allocated COVID-19 recovery funding from the federal government which may see additional recreational projects bought forward for delivery. There is also speculation that other funding may be available to stimulate the economy in response to the impacts of COVID-19. If this eventuates, it is possible that priority projects listed within the Plan, or recreational projects not captured within the Plan, are bought forward.

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

Attachments

1.  Recreation Action Plan 2019-2025
2.  Recreation Action Plan 2020-2025

Item: 11.03

Subject: T-20-28 MANAGEMENT OF THE COUNCIL COMPANION ANIMAL
IMPOUND FACILITY

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

2.1.3 Conduct regulatory and educational activities which safeguard public and environmental health, and ensures compliance with planning and building standards.

RECOMMENDATION

That Council:

1. **Note that no responses were received for Request for Tender T-20-28 process for the Management of the Port Macquarie Companion Animal Impound Facility.**
2. **Pursuant to clause 178(3)(f) of the *Local Government (General) Regulation 2005*, Port Macquarie-Hastings Council will carry out the requirements of the proposed contract from 1 November 2020.**

Executive Summary

This report provides information on the Request for Tender process for the Management of the Council Companion Animal Impound Facility and Council's alternative recommended option to deliver the services in-house due to not receiving any response to the Request for Tender.

This report recommends that Council proceed to staff and carry out the management of the Port Macquarie Companion Animal Impound Facility in-house.

Discussion

RSPCA NSW has operated Companion Animal impound services on behalf of Port Macquarie-Hastings Council since September 2004. The Deed of Agreement entered into in 2015 provided Council with the option of two 12 month terms beyond the initial three years which were exercised and are due to end on 31 October 2020. RSPCA have advised they will not be continuing operation of the pound on behalf of Council beyond 31 October 2020. This is a direction of the RSPCA as an organisation which has seen them retreat from managing Council pounds across NSW over the last 10 years.

An open Request for Tender (RFT) was advertised on 1 July 2020 with a non-mandatory tender briefing/site inspection being held on 10 July 2020, with no organisations attending. The tender was communicated to known industry organisations in the area and further afield.

The RFT closed at 11:00am on 23 July 2020 and no tenders were received in the Tender Box.

The Impounding Act 1993 allows for councils to establish one or more pounds as public or private pounds, or to close any such pound. It also permits a council to use a public pound established by another impounding authority if arrangements are in place to authorise it. Council's pound is used to impound lost, stray, feral and dangerous companion animals. This is a service expected by the community and also a necessity to protect public safety. Council must have access to a pound within the area that can be accessed in a timely manner and is available for its customers to claim their animals. Therefore, investigating the use of another impound authority's (Council) pound is not feasible and due to the short timeframe, arrangements are underway to prepare Council to take on the management in-house by staffing the facility with Council staff. It is proposed that Council will continue to work closely with the RSPCA and other animal welfare/rescue organisations to rehome as many unclaimed animals as possible.

In operating the facility Council will be guided by the legislation, standards and guidelines including:

- The Companion Animals Act 1998
- The Prevention of Cruelty to Animals Act 1979
- NSW Code of Practice No1 - Companion animal transport agencies
- NSW Code of Practice No5 - Dogs and Cats in animal boarding establishments
- Draft Prevention of Cruelty to Animals (Dogs and cats in Council Pounds and Animal Shelters) Standards 2014
- Draft Dogs and Cats in Council Pounds and Animal Shelters Guidelines 2014

Internal operation will also provide Council with more control over the level of customer service provided and it is likely to result in efficiencies in receipting and administration processes. There will also be opportunities to expand the services provided to include such things as further community education, a microchipping service and sale of companion animal merchandise necessary for pet owners to meet legislative requirements.

Given the short timeframe left before the RSPCA contract ceases, arrangements are being made to determine the staffing, equipment and other operational needs for Council to commence operations on 1 November 2020. It is expected this can be achieved with minimal impact on customers.

Given the likely perceived change to services and quality of care, Council will undertake comprehensive community engagement to not only advise the community of the change in management but also to reinforce the high standard of care and commitment to animals that Council will deliver.

Options

Given no submissions to the Tender were received Council has no other option other than to proceed to operate the facility in-house from 1 November 2020.

Community Engagement and Internal Consultation

Internal consultation was undertaken with the following Council staff in the development and assessment of this RFT:

- Group Manager Environment and Regulatory Services
- Compliance Coordinator, Environment and Regulatory Services
- Facilities Officer, Property and Buildings
- Strategic Procurement Manager, Financial Services
- Procurement and Contract Officer, Financial Services
- Corporate Accounting Manager, Financial Services
- Executive Staff committee

External consultation was undertaken with the following key stakeholders in the development and assessment of this RFT:

- RSPCA
- Lindsay Taylor Lawyers

Planning and Policy Implications

Bringing the management of the Pound in-house will result in minor structure changes within the Environment and Regulatory Services Group due to the additional staff required. A total of 2 full time equivalent staff, including 1 team leader and 2 part-time animal attendants are required to meet the operational needs of the facility. There will also be a need for some additional procedures and policies in relation to the operation of the facility with the intent of continuing with current RSPCA processes until these can be amended for Council.

Financial and Economic Implications

The current 2020-2021 budget for the operation of the facility is \$143,000 per year. It is expected that the staffing costs would equate to approximately \$140,000 per year. In addition, some additional funding may be required for the initial set up of the facility with required equipment, which is not expected to be significant. Negotiations are underway with RSPCA to minimise this impact on Council.

There will also be some ongoing consumables and services such as animal food, cleaning products and veterinary services which is recovered from animal owners where possible. Any additional funding required will be subject to a separate budget variation request once fully known.

Attachments

Nil

3 Your Business and Industry

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

Item: 12.01

**Subject: NOTICE OF MOTION - USE OF FOREIGN LABOUR BY LARGE
CONSULTANCY FIRMS**

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

RECOMMENDATION

That Council request the General Manager provide a briefing to Councillors in September 2020 on:

- 1. The support Council is providing to local businesses through procurement initiatives adopted by Council:**
 - a) During the COVID-19 Pandemic to address the impacts of the pandemic on local business;**
 - b) Through promoting the benefits of 'buying locally'; and including**
- 2. Advice regarding Council's ability to adopt a procurement policy and practices, which prefer the use of local and Australian labour over the use of offshore or foreign labour.**

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Item: 12.02**Subject: DRAFT SMART COMMUNITY ROADMAP****Presented by: Strategy and Growth, Liesa Davies**

Alignment with Delivery Program

3.1.1 Assist the growth of local business and industry, ensuring this is a central consideration of Council activities.

RECOMMENDATION**That Council:**

- 1. Place on public exhibition the draft Smart Community Roadmap commencing from 17 August 2020 to 13 September 2020.**
- 2. Note that a further report is planned to be tabled at the 21 October 2020 meeting of Council, detailing the submissions received from the public during the exhibition period and presenting a final draft for endorsement.**

Executive Summary

The draft Smart Community Roadmap outlines smart community aspirations, priority focus areas across the decade to 2030 and provides a transparent prioritisation framework to ensure high value smart community initiatives can be identified and supported. The draft Roadmap will guide smart community investment and the deployment of Council resources to initiatives which produce smart outcomes for our community.

To inform the draft Roadmap and gather insights on how data, technology and innovation can be used to drive smart community development in the Port Macquarie-Hastings region, a broad engagement and consultation process was conducted with residents, key stakeholders and Council staff.

Key engagement themes, smart community objectives and local service transformation priorities were identified along with the key concerns the community hold in relation to the integration of smart community and digital technology in Port Macquarie-Hastings.

The draft Smart Community Roadmap has been initiated as the first in a targeted three phased approach to Smart Community development and is recommended for public exhibition to seek further comment from our community who will play an integral role in our development as a smart community.

Discussion

The Smart Community Roadmap project stemmed from an objective in Council's 2017-2021 Economic Development Strategy to plan for a 'Smart Regional City'. The associated action to 'develop a Regional City Strategy' was revised with agreement

by Council and support from the Economic Development Steering Group to focus on our 'Smart Community' development. The draft Roadmap is the first step in this process.

Specialist Smart City Consultants, Delos Delta, were engaged by Council to support the development of the draft Smart Community Roadmap.

The draft Smart Community Roadmap (Attachment 1) has been initiated as part of a targeted three phased approach to Smart Community development. This initial phase focuses on understanding Council's smart community maturity and identifying short to medium smart community opportunities aligned with the region's strategic direction. The subsequent phases target implementing immediate priorities, and strategically building on the foundations developed. Priority focus areas to deliver in these phases are included in the draft Roadmap.

Council does not currently have a Smart Community Strategy document in place or a defined approach to smart community initiatives. Despite this, an internal review has identified numerous smart community initiatives are already occurring within Council.

The draft Roadmap will establish a strategic direction and approach to smart community development and signals Council's commitment to smart community initiatives that will ultimately benefit Council residents, support local businesses and attract potential investors.

The draft Roadmap offers smart community aspirations, sets out priority focus areas across the decade to 2030 and outlines a transparent prioritisation framework to ensure high value smart community initiatives can be identified and supported. The draft Roadmap will guide and coordinate smart community investment and the deployment of Council resources to smart initiatives.

Aligning with Local, State and Federal Government plans, the draft Roadmap builds on Port Macquarie-Hastings' existing dedication to regional issues, such as environmental protection and economic sustainability, and reflects the needs, concerns and expectations of the community.

To inform the draft Roadmap and gather insights on how data and technology can be used to drive smart community development in the Port Macquarie-Hastings region, Council and Delos Delta conducted a broad engagement and consultation process with residents, key stakeholders and Council staff. Key engagement themes, smart community objectives and local service transformation priorities were identified along with the key concerns the community hold in relation to the integration of smart community and digital technology in Port Macquarie-Hastings.

A benchmarking and maturity assessment was also undertaken to assess the current level of smart maturity within Port Macquarie-Hastings Council and highlight existing smart community strengths and weaknesses to inform and guide smart community action in the future.

The maturity analysis provides insight into the significant effort and commitment needed to support successful ongoing smart community development. Port Macquarie-Hastings Council was assessed as being predominantly in the beginning phase. The benchmarking assessment aimed to identify Port Macquarie-Hastings LGA's smart community progress compared to the select benchmark group. Port

Macquarie-Hastings LGA's smart community progress was assessed as low and in the early stages of its smart community journey.

Options

Council has the option to support public exhibition of the draft Roadmap as attached, or seek further drafting or information.

Community Engagement and Consultation

A full summary of the discussions, and key insights from the internal and external engagement sessions and surveys are outlined in the Smart Community Engagement Report (Attachment 2).

The Smart Community engagement process involved a series of digital workshops, an internal Council staff survey, and a community survey. The digital workshops were delivered as follows:

- 7 May 2020 - Project Team Digital Workshop
- 11 May 2020 - Executive Management Digital Roundtable
- 13 May 2020 - Councillor Digital Roundtable and Workshop
- 19 May 2020 - Council Staff Webinar and Workshop
- 19 May 2020 - General Public (open) Webinar and Workshop
- 20 May 2020 - External Stakeholder Workshop
- 20 May 2020 - Council Staff Webinar and Workshop
- 25 May 2020 - Councillor Briefing

The workshops aimed to inform Council of the vision, needs and priorities of all stakeholder groups and ensure all participants had a consistent understanding of Council's direction for smart community development. This process encouraged knowledge-sharing from the outset and demonstrated Council's commitment to a collaborative Roadmap. These sessions enabled Delos Delta to build awareness and support for the key draft Roadmap objectives, in collaboration with the community and Council.

The community survey aimed to identify community priorities and challenges that can be improved through the integration of digital technology and innovation. Council worked hard to ensure a range of values and opinions were captured. Community surveys were conducted online and promoted at community events and via Council platforms:

- 118 people completed the community survey.

The staff survey focussed on understanding the capacity and capability of Council's workforce and areas of strength and weakness in Council's innovation and smart community capability and processes:

- 64 staff members completed the staff survey.

Planning and Policy Implications

In implementing the draft Roadmap, there is opportunity to review and embed smart approaches in planning processes and policies to support smart community development and secure agreed outcomes. Councils who have been most successful in their pursuit of smart city/community objectives have taken an integrated approach to smart city/community rather than a stand-alone approach. A similar commitment will need to be considered by Council.

Financial and Economic Implications

This report and the proposed exhibition of the draft Smart Community Roadmap does not have financial implications, however implementation of the Roadmap, when finalised will.

A key aspect of smart community is leveraging data, innovation and technology to drive efficiencies. Through a strategic and deliberate approach to Smart Community development, Port Macquarie-Hastings Council can pursue the following goals:

1. Improve operational efficiencies, service delivery and sustainability outcomes.
2. Optimise data-driven decision making and planning outcomes.

Short term diversion of funding to initiatives that produce smart outcomes can drive cost savings in the medium to long term.

Attachments

1.  Draft Smart Community Roadmap
2.  Smart Community Engagement Report

Item: 12.03

Subject: RURAL FIRE SERVICE THANK YOU EVENT & COUNCIL'S
CHRISTMAS EVENT DELIVERED DIFFERENTLY IN 2020 DUE TO
COVID-19

Presented by: Strategy and Growth, Liesa Davies

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Note plans to redefine the way we deliver Council's community bushfire recovery thank you and Countdown to Christmas events, as a result of the on-going COVID-19 restrictions relating to public gatherings.**
2. **Determine not to support fireworks for Countdown to Christmas or New Year's Eve 2020, noting also the on-going COVID-19 restrictions relating to public gatherings.**

Executive Summary

This report outlines planning underway to support an end of year COVID-safe gratitude and Christmas celebration event for our community using funding allocated for a bushfire recovery thank you event, and the Countdown to Christmas event.

Of the Commonwealth Bushfire Disaster Recovery Fund allocation to Council early this year, \$60,000 was allocated for "a community celebration for the RFS and all volunteers". Initial planning occurred for the event (and associated mural component), however, it was put on hold as a result of COVID-19 lockdown.

Given the on-going uncertainty with regard to COVID-19 restrictions and likely inability to hold a mass gathering event, both this and the traditional Countdown to Christmas Street Parade and Town Green concert, fireworks and tree lighting have been reconsidered. Work is now progressing on a new approach to celebrating at this time of year and expressing gratitude as a community as we move close to the end of 2020. It is recommended that no fireworks be held as part of Christmas or New Year's celebrations so as to avoid any potential for large gatherings in the CBD or foreshore areas.

Discussion

The challenges of COVID-19 have event owners and Councils all over Australia (and the world) re-thinking community events. Our events team have been closely engaged with an Australia-wide regional event hub group and NSW Local Government Events Network for the duration of the COVID-19 pandemic and there is still much uncertainty around community event plans in the short-medium term. The group has had many conversations around Christmas and New Year's Eve plans

and, while there is still much uncertainty and very few concrete plans, the general feeling is that all need to avoid any activities that could lead to mass gatherings, including fireworks. Many Councils have cancelled their winter and spring community events or switched them to online, with Christmas expected to be the next to follow.

It has been an extremely difficult period for our community, with drought, bushfires and COVID and continuing on from the original bushfire recovery event plan, we are keen to ensure there is a way to celebrate and express thanks for all who have supported our community during this period. The focus on a gratitude theme is recommended because:

- gratitude builds emotional resilience by helping us to see the positive things in life;
- gratitude typically provides both the giver and the receiver with a sense of well-being;
- gratitude building helps Council maintain a positive relationship with our community;
- an appreciation for volunteer groups and community organisation is critical for them to maintain a sense of purpose and value; and
- facilitated effectively the community will be able to express gratitude in their words and be heard, rather than Council 'putting words in their mouth'.

Late November, as we enter the festive season, is viewed as a good time to do this, but we need to be prepared for the fact that mass gatherings may not be allowed. As such, we are planning for an array of activities which have the common theme of community gratitude and can be enjoyed by the community at their convenience and virtually. These will include:

- Local artists painting of **gratitude murals** in prominent public locations in fire affected communities.
- **Gratitude walls/boards:** temporary chalkboard installations which will allow community members to add who/what they are grateful for in the lead-up to the main 'event'. This will enable these sentiments to be showcased/included in reflection during the event commentary.
- **Virtual gratitude event** (90mins in duration) streamed on-line and showcasing:
 - **The Mural Project:** unveil each using latest technology to "unwrap" each mural.
 - **Christmas carols/ songs/ stories** - Filming of performances by professional artist/groups at significant locations across the LGA.
 - **Indigenous elements** - potentially, a local didgeridoo player and a song in Gathang language.
 - **Santa travelling in RFS truck** - footage as part of the event
 - **Community thank yous;**
 - Countdown to the **lighting of the CBD Christmas Tree**
 - Finish with thank you to all volunteers involved with the fires last summer & **Christmas message from The Mayor**
 - It is proposed that this film piece will **showcase the region** and parts of it will be suitable to use in destination promotion.

While it is proposed the Christmas tree is still 'lit', we do not propose to include any 'fanfare' around this specifically, so as to avoid any perception of encouraging a gathering. A Community survey will be undertaken after the event to gauge views on a 'whole of region' event delivered this way.

Future Fireworks

At the 21 August 2019 Council meeting, following representations from the Port Macquarie Chamber of Commerce seeking Council support for midnight New Year's Eve fireworks, it was resolved:

11.03 PORT MACQUARIE NEW YEAR'S EVE FIREWORKS

RESOLVED: *Turner/Griffiths*

That Council:

1. *Note the number of firework displays around the Port Macquarie foreshore usually shown over the Festive/New Year period.*
2. *Support the delivery of the 2019 Port Macquarie 9.00pm New Year's Eve Firework display.*
3. *Determine future fireworks support following the proposed engagement on Community Events, to be completed later in 2019.*

CARRIED: 9/0

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

AGAINST: *Nil*

Subsequently, in late November 2019, the Countdown to Christmas fireworks were cancelled in light of feedback from our community given the dry conditions and bushfires in our region. Similarly, Council determined at its December 2019 meeting that due to the present and ongoing fire concerns, the Council-managed 9pm New Year's Eve fireworks also be cancelled.

The social media response to the 2019 Countdown to Christmas fireworks cancellation was positively received by the majority of our community who engaged with the social media conversation about the decision and the donation of the fireworks sponsorship funds to the Rural Fire Service. The NYE cancellation was received in a similar fashion. The community was very understanding of the decision to not celebrate in that way, given the associated risks and that so many Australians were still affected by fire.

In the wake of the bushfires and community feedback, staff have looked into laser light shows as an alternative to fireworks displays. For a "reasonable" sized laser light show, the cost would be between \$10,000-\$15,000, a basic show (suitable as an element of a wider event) would be \$5,000-\$10,000, but again this activity would encourage the community to gather (actually in closer proximity than for a fireworks display). Fireworks in line with what Council have delivered in the past for Countdown to Christmas costs approximately \$6,000 and \$8,000 for New Year's Eve.

There is no existing budget allocation for fireworks to be delivered for New Year's Eve or as an element of the Countdown to Christmas event. Sponsorship to cover the fireworks has previously been secured and in the current climate it may be difficult to secure sponsorship. Taking the likelihood of on-going gathering restrictions and this information into consideration, it is recommended that Council support the decision not to provide fireworks or laser light show this Christmas or New Year's Eve.

Options

Council may choose to support the recommendation, resolve otherwise or seek further information to inform further consideration on this matter.

Community Engagement and Internal Consultation

In early 2020, staff undertook engagement with our community on the events in our region; what they did or didn't attend, what they would like to see/attend and what improvements could be made in the events we currently deliver.

The engagement was via our 'Have your Say' website and survey (in person and on-line), with 276 responses received. The engagement primarily focused on Christmas and Australia Day, through this there was some feedback on fireworks as an event element. With the 2019 cancellation of fireworks at Christmas and New Year's Eve recent in people's mind, the feedback indicated that Council should consider laser light shows or other ways to celebrate into the future.

The feedback received around Countdown to Christmas reflected its value to the community, particularly those with young children or grandchildren, as a chance to enjoy the Christmas spirit and socialise in Port Macquarie. Those (in Port Macquarie) without young children /grandchildren indicated that they did not attend either Countdown to Christmas or Australia Day as there was not anything on offer for them. Community from locations other than Port Macquarie indicated that they wanted to stay local for those celebrations. We hope the 2020 virtual celebration and murals will appeal to all ages groups in all locations across the region.

Internal Consultation has included:

- Community Events Officer
- Events Manager
- Group Manager - Economic & Cultural Development
- Group Manager Community
- Grants Officer
- Council's Executive Group

Planning and Policy Implications

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

Financial and Economic Implications

It is proposed that the redefined RFS Thank You and Countdown to Christmas event and associated murals can be delivered from the identified bushfire funding along with the existing Countdown to Christmas budget allocation (\$77,500). Council does not have a budget for fireworks presentation, having traditionally relied on sponsorship from local business.

An on-line event as is proposed will not have the traditional night time economy impact of the traditional large community gathering on Town Green, however, it will be a significant injection into our local economy via the arts and other creative industry sectors, by supporting local artists, performers and video production.

Attachments

Nil

Item: 12.04

Subject: NSW CROWN LAND MANAGEMENT ACT 2016 - NOMINATION OF COUNCIL'S NATIVE TITLE MANAGER

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. In accordance with Section 8.8 of the *Crown Land Management Act 2016*, confirm the nomination of the Property and Leasing Coordinator as its Native Title Manager.**
- 2. In accordance with Section 8.8 of the *Crown Land Management Act 2016*, give written notice to the Minister for Water, Property and Housing of the name and contact details of the Council's Native Title Manager.**

Executive Summary

Under the *Crown Land Management Act 2016* Council is required to give formal written notice to the Minister for Water, Property and Housing, of the name and contact details of Council's nominated Native Title Manager under this Act. The notice is required to be provided to the Minister as soon as practicable after 30 June and no later than 31 October each year.

Discussion

Council has previously received reports on changes to the management of Crown Land under the *Crown Land Management Act 2016*. One of the key changes being the requirement for Council to engage a trained Native Title Manager to assess the impact of activities on native title (in accordance with the *Native Title Act 1993*) on the Crown Reserves that Council manages.

With the commencement of the *Crown Land Management Act 2016* on 1 July 2018, various tasks involving native title were transferred to Council's responsibility as Crown Land Manager.

A one-day training course was developed by the Department of Planning, Industry and Environment - Crown Lands in conjunction with the Crown Solicitors Office and the Office of Local Government. Persons who attend this course, and only this course, are then 'qualified' to be nominated as Native Title Managers under the Act.

Council's Property and Leasing Coordinator is the only staff member to have attended the training to date and subsequently qualified to act as a Native Title Manager for Council.

Council had organised for additional staff to undertake Native Title training in May 2020, however this has been postponed indefinitely by the training provider as a result of COVID-19 restrictions.

More training and practical experience is required in this complicated area of law in order for Council to be confident that the responsibilities under relevant Acts are being undertaken correctly. Council also requires additional staff to be trained to ensure adequate resourcing of these responsibilities is aligned with delivery of the Operational Plan.

Native title assessments are required to be undertaken for any activity on Crown land where Council is Crown Land Manager. This includes assessments for the impact of events, permits, leases, licences and infrastructure projects. Notifications to NTS Corp Limited, the Native Title Service Provider for Aboriginal Traditional Owners in NSW and the ACT are also required. These must provide the opportunity to comment prior to the final assessment being made.

Council must also prepare new Plans of Management for all Crown Reserves under Council management. The Native Title Manager must complete assessments and sign off on all of the draft Plans of Management, prior to the submission to and adoption by Council.

The Department of Crown Lands has confirmed that Councils can engage external consultants and/or legal firms to undertake native title assessments, however only persons who have completed the Department of Crown Lands training can sign and authorise native title assessments or Plans of Management.

Options

Council has the option to:

- Endorse the recommendations of the report, noting that at present the Property and Leasing Coordinator is the only staff member qualified to be nominated as a Native Title Manager under the *Crown Land Management Act 2016*; or
- Engage an external consultant, legal firm and/or qualified Native Title Manager from another Council to undertake native title assessments on Council's behalf.

Community Engagement and Internal Consultation

Not applicable.

Planning and Policy Implications

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

Financial and Economic Implications

As previously reported to Council, the requirement for Council's to appoint a Native Title Manager to undertake native title assessments is shift to Councils from the NSW Government.

There are substantial financial and risk implications for Council should its responsibility under the *Crown Land Management Act 2016* not be undertaken thoroughly, as compensation is payable under the *Native Title Act 1993*.

Attachments

Nil

Item: 12.05

Subject: LAND ACQUISITION FOR FUTURE PARALLEL TAXIWAY AT PORT
MACQUARIE AIRPORT

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

3.3.1 Develop, manage and maintain Port Macquarie Airport as a key component of the regional transport network and continue to grow the airport's contribution to the regional economy.

RECOMMENDATION

That Council:

1. Pursuant to Section 186 of the *Local Government Act 1993* make application to the Minister for Local Government and Her Excellency, The Governor of New South Wales for the compulsory acquisition of Lot 1 Deposited Plan 1263059 for aviation purposes.
2. Exclude all mines and minerals from the compulsory acquisition of Lot 1 Deposited Plan 1263059.
3. On the acquisition of Lot 1 Deposited Plan 1263059 and pursuant to Section 34 of the *Local Government Act 1993* commence the process to classify Lot 1 Deposited Plan 1263059 as 'operational land' by placing on public exhibition for a minimum period of 28 days the proposed resolution: "It is intended to classify Lot 1 Deposited Plan 1263059 (land at Port Macquarie Airport) as operational land".
4. Note a further report will be tabled to a future Council meeting detailing any submissions received during the exhibition period.

Executive Summary

The purpose of this report is to consider the making of an application for the compulsory acquisition of Crown land to facilitate the future construction of a full length parallel taxiway at the Airport consistent with the Port Macquarie Airport and surrounding lands Biodiversity Certification Agreement.

Discussion

The Port Macquarie Airport Master Plan 2010 Addendum Report identifies the future provision of a parallel taxiway at the Airport to improve operational efficiency and enhance safety. The parallel taxiway has been planned and designed (concept design stage) to be constructed to the east of Runway 03/21.

Additional land in the order of 2 hectares has been identified as being required in the south eastern area of the existing Airport site to enable the future construction of a full length taxiway to the southern end of the runway. This land and the associated

vegetation clearing required for the future taxiway is included in the Port Macquarie Airport and surrounding lands Biodiversity Certification Agreement.

The land proposed to be acquired is Crown land (as shown hatched in the aerial image attached) comprising an unused portion of the Hastings Regional Shooting Complex (HRSC). HRSC has been consulted through this process and has no objection to the proposed acquisition, which will have no impact on the operations of the Complex shooting ranges.

More specifically, the area of land to be acquired has been surveyed and is depicted as Lot 1 in Plan of Acquisition Deposited Plan 1263059. A copy of Deposited Plan 1263059 is attached.

As the land proposed to be acquired is Crown land, Council is required to make an application for compulsory land acquisition to the Minister for Local Government (for approval to issue a Proposed Acquisition Notice), and to Her Excellency the Governor of New South Wales (for approval to publish a Notice of Compulsory Acquisition in the *NSW Government Gazette*). A combined application is processed by the Office of Local Government.

As the *Local Government Act 1993* requires that all Council land be classified, prior to making a land classification, Council's proposed land classification (operational land) is to be publicly exhibited as stipulated by Section 34 of the *Local Government Act 1993*. Following the conclusion of the exhibition period, Council is required to consider any submissions received prior to adopting a land classification.

Options

There is the option to:

- Proceed with the making of an application for compulsory land acquisition.
- Not proceed with the making of an application for compulsory land acquisition.

Not proceeding with the application and proposed land acquisition will impact on the design and extent of the parallel taxiway able to be constructed in the future.

Community Engagement and Internal Consultation

Community engagement regarding the land acquisition will occur as part of the land classification process.

There has been consultation with the Hastings Regional Shooting Complex regarding the proposed acquisition, with no objection raised.

There has been internal consultation between Council's Airport Business Unit, Property Section and Infrastructure Delivery team.

Planning and Policy Implications

There are no planning and policy implications in relation to this report. The acquisition is consistent with the Port Macquarie Airport and surrounding lands Biodiversity Certification Agreement and the intent of the Port Macquarie Airport

Master Plan 2010 Addendum Report and the future provision of a full length parallel taxiway.

Financial and Economic Implications

The land acquisition entitles the landowner to the payment of monetary compensation. The landowner, NSW Department of Planning, Industry and Environment - Crown Lands, has provided its written agreement that compensation shall be payable in an amount as assessed by the Valuer General.

Notwithstanding that, the Valuer General is mandated to assess compensation payable under a compulsory land acquisition. An estimate of compensation in the amount of \$8,000 (GST Exclusive) has been assessed by Council's Consulting Valuer for budget planning purposes. It is reasonable to anticipate that compensation assessed by the Valuer General would be similar to that assessed by Council's Consulting Valuer.

There is funding available to meet the land acquisition costs in the Airport Reserve and project budget OP ref 3.3.1.4 CW.

Attachments

1.  Aerial Image Showing Proposed Land Acquisition
2.  Plan of Acquisition DP1263059

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: MARIA RIVER ROAD PROJECT UPDATE

Presented by: Infrastructure, Dan Bylsma

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the status of the Maria River Road Upgrade project as detailed within this report including the recently announced \$17 Million NSW Government Grant.**
- 2. Note the proposed lead in delivering the overall Project Management of the Maria River Road Upgrade project across both the Port Macquarie-Hastings and Kempsey Shire Council segments of the project will be Port Macquarie-Hastings Council.**
- 3. Enter into a Memorandum of Understanding between Kempsey Shire Council and Port Macquarie-Hastings Council for delivery and governance of the Maria River Road Upgrade project.**
- 4. Include in the 2020-2021 Operational Plan, the commencement of designs and delivery of the Maria River Road Upgrade as a multiyear project with anticipated construction phase commencing in the 2021-2022 Financial Year.**

Executive Summary

This report provides an update on the proposed delivery and project governance arrangements agreed between Port Macquarie-Hastings Council (PMHC) and Kempsey Shire Council (KSC) staff with respect to the recent NSW Government grant funding announcement for the upgrade of Maria River Road.

This project includes approximately equal portions of work within the PMHC and KSC Local Government Areas (LGA's) and its delivery as a single scope of work across both LGA's is considered to be both more efficient and lower risk than having each Council undertake its own portion of the work.

A formal Memorandum of Understanding (MOU) has been agreed between PMHC and KSC regarding the proposed project delivery and governance arrangements and is presented for Council's endorsement within this report.

The proposed MOU leverages the existing PMHC Major Projects governance and management framework, with PMHC to lead the Project Management. The proposed MOU has been developed and agreed in cooperation and collaboration with the KSC project delivery staff.

Consistent with the existing Major Projects governance processes and framework within PMHC, a project Steering Group is proposed and will provide project governance and oversight.

The Project is proposed to be co-sponsored by the Director Infrastructure (PMHC) and Director of Operations and Planning (KSC).

Discussion

Maria River Road is a 30km road linking Crescent Head and Port Macquarie and is located within both the PMHC and KSC LGA's. Safety concerns have been identified with the existing 25km unsealed stretch of the road characterised by numerous sharp bends and the fluctuating road pavement condition, particularly after wet weather events.

Concept design work and preliminary investigations to upgrade the unsealed section of Maria River Road where undertaken in 2017 to support a Joint Funding application by KSC and PMHC under the State Government's Fixing Country Roads program. This joint application was unsuccessful.

In the lead up to the March 2019 State Election however, a \$17 Million commitment was made by the Liberal/Nationals Coalition to upgrade Maria River Road if re-elected. Following the election, in December 2019, a joint funding application under the newly announced Fixing Local Roads funding program was made to access the committed funding. On 30 June 2020 the State Government announced this application was successful in securing the \$17 Million for the upgrade.

Immediately following the grant funding announcement, PMHC and KSC Executive staff initiated discussions with regard to establishing a preferred delivery model for this large project.

In consideration of the scale of the capital works program and Project Delivery capabilities available at PMHC, it was discussed and agreed that PMHC would be better placed to lead the delivery of the project as a single scope of works across both LGA's.

It was agreed that the PMHC Project Management Framework would be utilised to provide project governance as this framework is well tested within PMHC on projects of value and complexity equal to (and exceeding) this project.

Drawing on PMHC's Project Delivery section's major project delivery experience, the proposed MOU leverages the existing PMHC major project governance processes and management frameworks and confirms PMHC as the lead in Project Managing the delivery of the project.

The proposed MOU is attached for the information.

Options

Council have the option to enter into this MOU confirming the delivery approach for the Maria River Road Upgrade or make an alternate resolution.

Community Engagement and Internal Consultation

No formal community engagement has been undertaken or is considered relevant in relation to the recommendations in this report.

Internal consultation has taken place between the General Manager, Council's Executive and the Group Manager Project Delivery and Group Manager Infrastructure Planning along with Kempsey Shire Council Executive and project delivery staff.

Planning and Policy Implications

There are no planning and policy implications in relation to this report beyond that which is required for the environmental planning assessment and approvals across the PMHC and KSC LGA's.

Financial and Economic Implications

There are no direct financial and economic implications in relation to this report beyond the inherent financial risks associated with the delivery of the announced full scope of works within the identified project budget.

Attachments

1.  Memorandum of Understanding - Maria River Road project

Item: 13.02

Subject: BEACH TO BEACH ALIGNMENT

Presented by: Infrastructure, Dan Bylsma

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Adopt Option D10A as the preferred alignment for the section of the Beach to Beach Pathway along Camden Head Road between Seaview Avenue and Charles Hamey Lookout Road for use moving forward into the detailed design phase.**
- 2. Adopt Option D11D as the preferred alignment for the section of the Beach to Beach Pathway along Pilot Beach Road for use moving forward into the detailed design phase.**
- 3. Retain the safety first design philosophy while ensuring environmental impacts are minimised for all sections of the remaining Beach to Beach Pathway.**

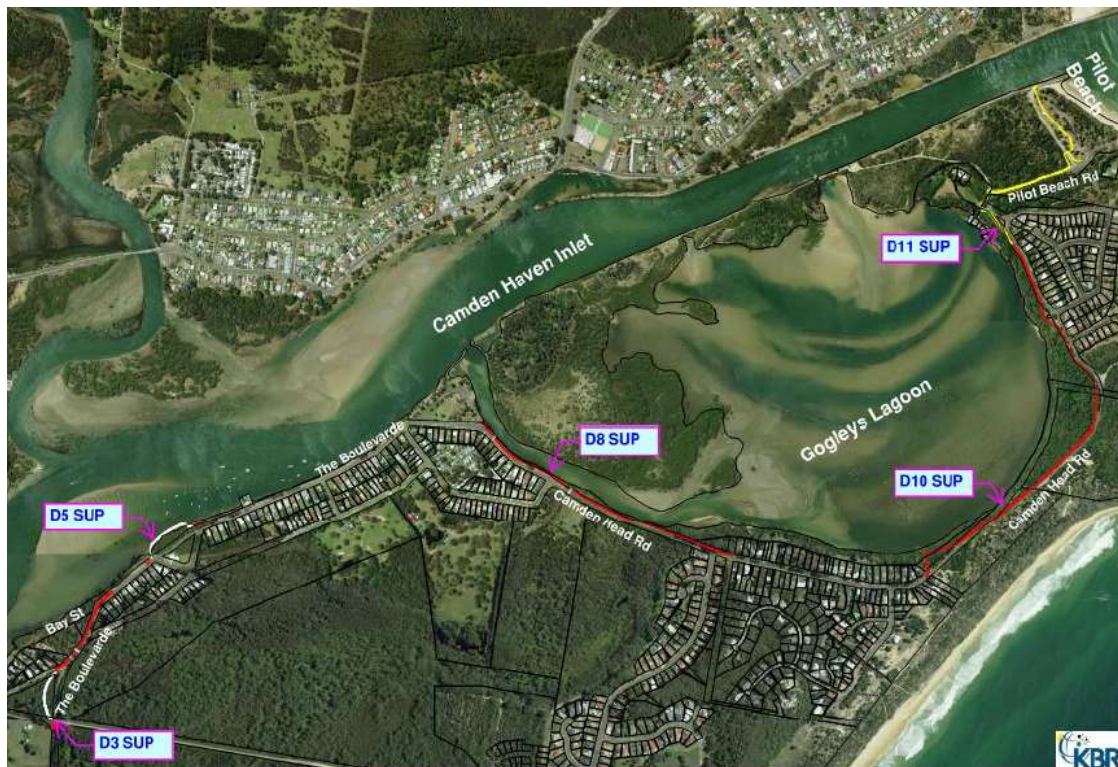
Executive Summary

This report seeks the endorsement of the recommended alignments identified in the Concept Options Report and for use moving forward with the remaining detailed design for the Beach to Beach Pathway.

Discussion

The Beach to Beach Pathway project seeks to provide uninterrupted shared path between North Haven Beach and Pilot Head Dunbogan. Five sections of the path remain to be designed and constructed. These sections are located on the Dunbogan side of the river and shown following in Figure 1.

As part of the 2020-2021 Operational Plan (item 4.4.1.55 CW) Council has commenced the Detailed Design and Environmental Impact Statement (EIS) for the remaining sections of the Beach to Beach Pathway project and engaged Kellogg Brown and Root (KBR) to complete these tasks. KBR have developed a concept options report detailing alignment options and have reviewed the positives and negatives of various alignments.



• *Figure 1 - Remaining Section of Beach to Beach Shared Pathway*

The Concept Options report has reviewed two alternative alignments for section D10 along Camden Head Road between Seaview Avenue and Charles Hamey Lookout Road (see Figure 2):

- D10A runs along the western side of Camden Head Road. This alignment was identified as the preferred alignment in the earlier GHD alignment study and is supported by the Beach to Beach (B2B) Committee.
- D10B runs along the eastern side of Camden Head Road for approximately 700m and requires two road crossings to join the existing path at the southern end and the proposed alignment at the northern end. This alignment was proposed by representatives of the Friends of Kattang Nature Reserve group.



• *Figure 2 - D10A and D10B alignments*

D10A Key Concept Design Elements

- D10A continues on from the existing D9 path. The proposed shared pathway follows an existing unsealed path heading north west away from Camden Head Road for approximately 30m before turning back again towards Camden Head Road for approximately 120m. The proposed D10A shared pathway continues along the western side of the Camden Haven Road and again connects in with existing unsealed paths at chainage 700 to 980. The shared pathway then veers left away from Camden Head Road on the western side of the existing sewer pump station (CH 1040).
- After the pump station, the path re-joins with Camden Haven Road and continues along the western side of the road toward Pilot Beach.
- A rest area overlooking Gogleys lagoon is proposed west of the sewer pump station.
- A barrier kerb has been proposed where the path runs adjacent to the road.
- A cantilevered boardwalk would likely be required between chainage 240-340.
- A retaining wall and fill batter is proposed from chainage 1100 to 1350 where Camden Head Road has a narrow verge and significant vertical drop.
- D10A requires no utility adjustments.
- Impacts Littoral rainforest. Refer to Figure 3.

D10B Key Concept Design Elements

- D10B continues on from the existing D9 path however crosses Camden Head Road east of Seaview Avenue and continues on the eastern side of the road for approximately 700m before crossing back to the western side of the road. At this second road crossing vegetation clearance is required to improve sight distance for driver/pedestrian visibility.
- Post the second road crossing D10B continues in the same alignment as Option D10A.
- Continuation of the path further along the eastern side of the road past the second crossing was considered, however this alignment becomes infeasible due to:
 - Steep slope adjacent to the road, requiring significant cut battering and vegetation loss into National Park.
 - Utility relocations.
 - Impacts on properties including vegetation removal and retaining walls.
- D10B will require relocation of at least 2 power poles
- D10B would likely require less vegetation removal, however would be of similar quality as indicated in ecologist's site walk. This vegetation removal includes less Littoral rainforest removal than 10A.

Comparative Assessment of the proposed D10 options

Criteria	D10A	D10B
Aesthetics	<ul style="list-style-type: none"> • Provides opportunities to overlook Gogleys Lagoon. • Sections of path run on existing paths. 	<ul style="list-style-type: none"> • Less opportunity to overlook the Lagoon. • Second half of path has same Aesthetics as D10A.
Accessibility	Both options can be designed to be DDA compliant.	Both options can be designed to be DDA compliant.
Impact on existing utilities	No impact on utilities identified at this time.	At least two power poles would need to be relocated.
Complexity of Construction	<ul style="list-style-type: none"> • Both alignments require retaining structures and batter filling. • Additional retaining or boardwalk structure likely required. 	<ul style="list-style-type: none"> • Both alignments require retaining structures and batter filling. • Construction of pedestrian refuges or crossings additional to D10A and would likely warrant street lighting upgrades.
Maintenance	Both options require retaining structures and boardwalk/platform construction. Durable, low maintenance materials to be used.	Both options require retaining structures and boardwalk/platform construction. Durable, low maintenance materials to be used.
Programme	Shorter design and build time.	<ul style="list-style-type: none"> • Utility relocation likely • Construction of refuges or crossing structures. • Lighting upgrades at crossing points.
Cost	Site Preparation - \$90,000 Earthworks - \$50,000 Pavements - \$450,000 Platform - \$900,000 Retaining Walls - \$100,000	Site Preparation - \$90,000 Utility relocation \$50,000 Earthworks - \$50,000 Pavements - \$430,000 Traffic Facilities \$100,000

Criteria	D10A	D10B
	Landscaping - \$40,000 Metalwork, signage - \$370,000 Traffic Control \$210,000 Prelims, Margin \$280,000 Total \$2,500,000	Lighting \$30,000 Platform - \$900,000 Retaining Walls - \$70,000 Landscaping - \$40,000 Metalwork, signage - \$370,000 Traffic Control \$250,000 Prelims, Margin \$300,000 Total \$2,680,000
Safety	Considered the safer option not requiring any pedestrian movements across Camden Head Road.	Two crossing points along Camden Head Road creating conflicts between pedestrians and traffic.
Environmental Impacts	<ul style="list-style-type: none"> Early ecological site walks indicate the quality of the vegetation to be removed is similar to that in 10B. Both impact areas mapped as Littoral Rainforest. Refer to Figure 3. 	<ul style="list-style-type: none"> Concept alignment indicates less Littoral rainforest impacted. Likely impact on National Park property.



- *Figure 3 - D10 vegetation mapping*

Five alignments have been reviewed and compared by KBR for the remaining D11 section of pathway at Camden Head/Pilot Beach. These alignments can be seen in Figure 4. Several of these options are considered unsuitable with the two remaining options supported differently by the same stakeholders mentioned previously:

- D11D - Follows Camden Head Road onto Pilot Beach Road around to Pilot Beach Reserve and is supported by the B2B committee.
- D11E - Crosses the road near the Pilot Beach Road and Camden Head Road intersection and then uses the driveway of Camden Head Pilot Station as a proposed shared zone, before dropping down to Pilot Beach Reserve. This option has been proposed by Friends of Kattang.



• *Figure 4 - D11 alignment options*

Comparative Assessment of the proposed D11D and D11E options

Criteria	D11D	D11E
Aesthetics	<ul style="list-style-type: none"> • Generally runs along edge of road adjacent to vegetated area. Some aspect of Gogleys Lagoon. 	<ul style="list-style-type: none"> • Opportunity pass through vegetated areas along the Pilot Station Driveway and existing boardwalk. • Passes by Pilot Station.
Accessibility	Both options can be designed to be DDA compliant.	<ul style="list-style-type: none"> • Both options can be designed to be DDA compliant. • Existing boardwalk would need to be rebuilt to meet DDA standards.
Impact on existing utilities	No impact on utilities identified at this time.	No impact on utilities identified at this time.

Criteria	D11D	D11E																																								
Complexity of Construction	<ul style="list-style-type: none">Both alignments require retaining structures and batter filling.Additional section of boardwalk likely required due to narrow shoulder and steep slope.	<ul style="list-style-type: none">Both alignments require retaining structures and batter filling.Existing boardwalk would need to be replaced.Construction of pedestrian refuge or crossing and would warrant street lighting upgrades.																																								
Maintenance	Both options require retaining structures and/or boardwalk construction. Durable, low maintenance materials to be used.	Both options require retaining structures and/or boardwalk construction. Durable, low maintenance materials to be used.																																								
Programme	Similar design and build time.	<ul style="list-style-type: none">Similar design and build time.More complex property matters to resolve.																																								
Cost	<table><tr><td>Site Preparation -</td><td>\$50,000</td></tr><tr><td>Earthworks -</td><td>\$50,000</td></tr><tr><td>Pavements -</td><td>\$150,000</td></tr><tr><td>Retaining Walls -</td><td>\$100,000</td></tr><tr><td>Landscape/reveg -</td><td>\$50,000</td></tr><tr><td>Metalwork, signage -</td><td>\$400,000</td></tr><tr><td>Traffic Control</td><td>\$100,000</td></tr><tr><td>Prelims, Margin</td><td>\$90,000</td></tr><tr><td>Total</td><td>\$990,000</td></tr></table>	Site Preparation -	\$50,000	Earthworks -	\$50,000	Pavements -	\$150,000	Retaining Walls -	\$100,000	Landscape/reveg -	\$50,000	Metalwork, signage -	\$400,000	Traffic Control	\$100,000	Prelims, Margin	\$90,000	Total	\$990,000	<table><tr><td>Site Preparation -</td><td>\$50,000</td></tr><tr><td>Earthworks -</td><td>\$50,000</td></tr><tr><td>Pavements -</td><td>\$570,000</td></tr><tr><td>Traffic Facilities</td><td>\$50,000</td></tr><tr><td>Lighting</td><td>\$15,000</td></tr><tr><td>Retaining Walls -</td><td>\$20,000</td></tr><tr><td>Landscape/reveg -</td><td>\$10,000</td></tr><tr><td>Metalwork, signage -</td><td>\$250,000</td></tr><tr><td>Traffic Control</td><td>\$50,000</td></tr><tr><td>Prelims, Margin</td><td>\$111,500</td></tr><tr><td>Total</td><td>\$1,226,500</td></tr></table> <i>*Pricing assumes Pilot Station Driveway pavement to be upgraded to a shared zone that accommodates light vehicles and two way traffic</i>	Site Preparation -	\$50,000	Earthworks -	\$50,000	Pavements -	\$570,000	Traffic Facilities	\$50,000	Lighting	\$15,000	Retaining Walls -	\$20,000	Landscape/reveg -	\$10,000	Metalwork, signage -	\$250,000	Traffic Control	\$50,000	Prelims, Margin	\$111,500	Total	\$1,226,500
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Total	\$1,226,500																																									
Safety	Considered the safer option not requiring any pedestrian movements across Camden Head or Pilot Beach Road.	<ul style="list-style-type: none">One crossing point for the path across the road creating conflicts between pedestrians and traffic.Implements a shared zone. Not a typical shared zone.																																								
Environmental Impacts	<ul style="list-style-type: none">Both options impact areas mapped as Littoral Rainforest. D11D alignment will likely result in more vegetation loss.	<ul style="list-style-type: none">Generally follows areas already cleared. Some localised widening may be required.Concept alignment indicates less Littoral rainforest and vegetation as a whole is impacted.																																								

D11E has been determined to be an unsuitable option for the following reasons:

- Requires at least one more road crossing introducing higher safety risk.
- Requires access through Crown Lands. Consultation would be required.
- Impacts driveway access to Pilot Head Station. Consultation would be required.
- Would potentially require acquisition of driveway from Crown Lands.

- Shared zone would potentially need approval from Transport NSW
- Will not meet requirements for two-way access without clearing and civil works.

Options

Council have the option to endorse both options 10A and D11D which are both considered significantly safer, more cost effective and equally considerate of environmental impacts to the available options. They are also more consistent with the alignment and theme of other completed stages of the Beach to Beach Pathway, or make an alternate resolution.

It is unlikely that other feasible options would be identified. Both GHD and KBR have previously completed concept alignment reviews of this area, both with a reasonable level of investigation completed.

Community Engagement and Internal Consultation

Consultation for this project is ongoing. Council representatives attend monthly progress meetings with the B2B Committee. They have also attended meetings with the representatives of Friends of Kattang, provided project updates and discussed concerns. Council staff have also presented at a community update meeting organised by the B2B committee and held at the Laurieton United Ex-Services Club. This was attended by approximately 200 community members.

The Alignment Study and Environmental Approval Pathways Report previously prepared by GHD was uploaded to Council's website in October 2019 under 'What's Happening Now' for public viewing.

At the same time the report was sent directly to representatives of the B2B Committee and Friends of Kattang group for information and comment. The consultation process involved numerous meeting with each group as well as a site visit of section D10 and D11 with both stakeholders. The feedback received is summarised below:

B2B Committee

- Generally supportive of the report and the concept alignments proposed.
- Some discussion regarding section D3 around whether the path should follow the road or utilise a boardwalk. Generally supportive of boardwalk.
- Allowance for fishing/ viewing platform in D5.
- Allow for existing parking along D8 and access to informal canoe/kayak launching area.
- Supportive of D10A alignment.
- Alternative option for D11 was proposed, following the edge of the road into Pilot Head beach Carpark.

Friends of Kattang

- Raised concerns about the alignment of section D10A and the impact on Littoral Rainforest.
- Proposed an alternative alignment with the footpath crossing onto the Eastern side of Camden Head Road. This alignment is now referred to as 10B.

- Alignment 10B would provide greater connectivity to access tracks on the eastern side of Camden Head Road.
- Proposed an alternative alignment for D11, crossing to the other side of the road and utilising the Pilot Head Station access track as a shared path/driveway.

Feedback received on the GHD alignment study report was incorporated into the Request For Quotation of the Detailed Design and EIS for this project. KBR were awarded the contract and have to date completed a Concept Options Report, reviewing the alternative alignments proposed and providing a recommendation. KBR recommend alignment 10A.

Planning and Policy Implications

There are no planning and policy implications in relation to this report beyond that which is required for the environmental planning assessment and approvals associated with the detailed design and EIS.

Financial and Economic Implications

There are no direct financial and economic implications in relation to this report beyond the financial risks associated with a direction to investigate alternate or modifications to the proposed alignments.

Attachments

Nil

Item: 13.03

Subject: WATER SUPPLY SECURITY UPDATE

Presented by: Infrastructure, Dan Bylsma

Alignment with Delivery Program

4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region.

RECOMMENDATION

That Council:

- 1. Note the information contained in this Water Supply Security Update report.**
- 2. Note that groundwater is not a viable water source to supplement the bulk water supply scheme or as an emergency water source during a drought.**
- 3. Discontinue any further feasibility investigations into seawater desalination, noting that any future investigations into seawater desalination should be based on adopted recommendations from the Integrated Water Cycle Management Strategy.**
- 4. Request the General Manager to bring a report to the December 2020 Council meeting, providing an update on the Integrated Water Cycle Management Strategy, including outcomes of the community engagement.**

Executive Summary

The water security situation for our region has significantly improved since the beginning of the year with Total Combined Storage (TCS) in our dams reaching 100% at the end of June 2020. While the Port Macquarie-Hastings Local Government Area is still classified as 'Drought Affected' the pressure has been taken off town water supplies.

The rainfall outlook for the remainder of the year is favourable with a strong chance the El Nino-Southern Oscillation will move into a La Nina phase. This means the August to October period is very likely to be wetter than average (greater than 80% chance) over most of NSW, with a greater than 70% chance of the Port Macquarie-Hastings region exceeding median rainfall. This extends into the September to November period.

It is noted that the TCS in our dams was near full capacity at the beginning of the Intense Drought at the end of 2018 going into 2019. Following discussions with the Natural Resources Access Regulator (NRAR) through 2019, Council sought clarification on the conditions of the then Draft Water Sharing Plan and in particular the 'cease to pump' rules. With this clarification, water extraction opportunities were

increased in accordance with the licence conditions of the finalised Water Sharing Plan.

To ensure Council can quickly respond should another drought period return and TCS begin to decline, work is continuing on the upgrade of the Wauchope Water Treatment Plant.

Discussion

Due to the Intense Drought in 2019 and early 2020 the TCS levels dropped to just below 38%, the lowest they have been since Cowarra Dam was first commissioned. This occurred over a period of more than 12 months, with levels dropping from around 98% in September 2018 to 38% at the end of January 2020, as shown in Figure 1 below. Water restrictions were progressively introduced at or near the respective trigger levels as the TCS level dropped.

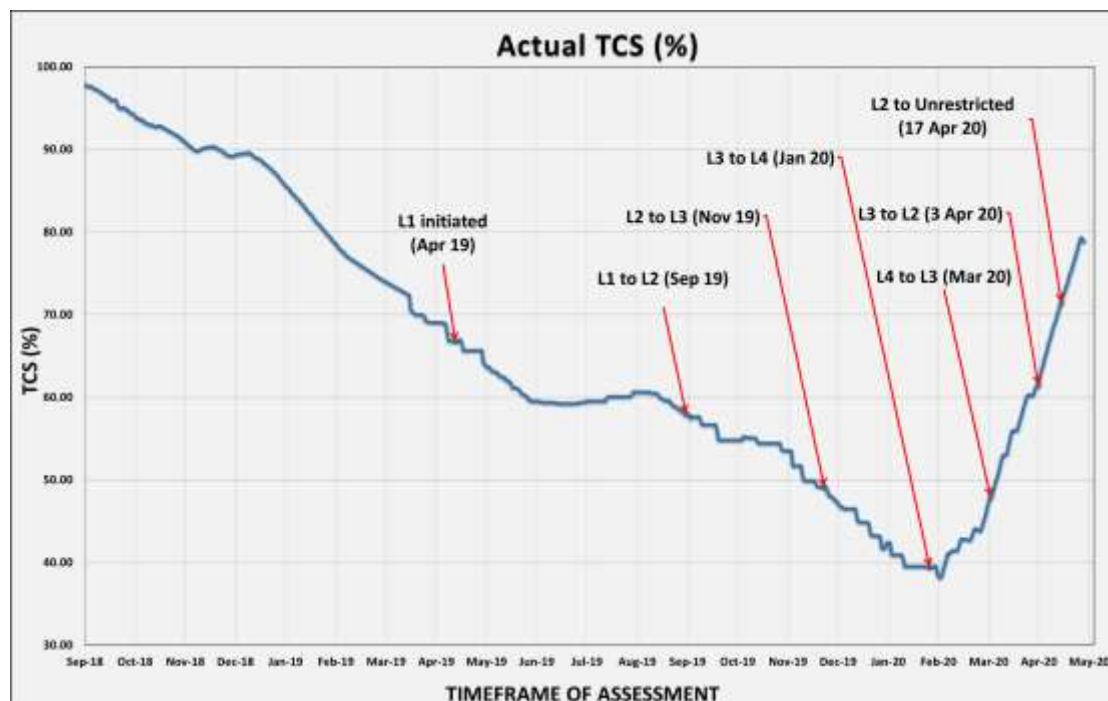


Figure 1: Actual TCS dam level percentages from September 2018 to May 2020 with water restriction introduction dates indicated (L1 = Level 1 etc).

With significant rainfall occurring in February 2020 and above average rainfall continuing for much of 2020 the TCS level has been recovered, reaching 100% at the end of June 2020.

Council sought clarification from the NRAR, as the State Government authority responsible for regulating access to water, regarding water extraction licence conditions and the then draft Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019.

Council was able to gain clarity on the application of the Water Sharing Plan and the 'cease to pump' rules applicable to the relevant Water Access Licences held by Council at the end of May 2019. This allowed Council to increase pumping from the river to generally meet daily demand, which slowed the rate of decline of the TCS

levels until the river stopped flowing and the physical water level at the pump station site restricted further pumping, which occurred in November 2019. This is shown in Figure 1 above where only approximately 7% to 9% of TCS level was used over 5 months (June 2019 to November 2019). River flows did not return until mid-January 2020.

Theoretically, had the Water Sharing Plan been adopted at the end of 2018, giving clarity to water extraction licence conditions and cease to pump rules, then the TCS dam levels may not have started to rapidly decline until September/October 2019.

With the Water Sharing Plan now adopted, the set extraction licence conditions will be applied to water extraction operations moving forward, meaning water extraction can occur more often in accordance with the set licence conditions, resulting in increased river extraction opportunities. These extraction licence conditions have also been included in the secure yield water supply modelling undertaken as part of the Integrated Water Cycle Management strategy.

While the short-term rainfall outlook is extremely positive, with a high percentage chance of above average rainfall for the remainder of 2020, there is always a chance drought conditions could return prior to commissioning the bulk water treatment plant at Cowarra Dam within the next 5 to 7 years. Therefore, work is continuing on the upgrade of the Wauchope Water Treatment Plant to its ultimate capacity of 21 Mega litres per day (ML/d).

Upgrade of the Wauchope Water Treatment Plant

Further to the information provided in the 20 May 2020 Ordinary Council Meeting report, Council received approval from the Department of Planning, Industry and Environment (DPIE) to commence construction of Phase 1 in June 2020. Council has subsequently engaged the main contractor for the supply and installation of the required filtration tanks, membranes and pumps.

The filtration tanks are planned to arrive in October 2020 with commissioning expected in December 2020. The project is overall progressing as planned, to be installed in 6 months even though the emergency status of the project has diminished due to 100% TCS levels being achieved.

Council is doing a large amount of the works internally with our experienced staff as opposed to outsourcing the works, and this has reduced forecast capital expenditure on this project, saving the project close to \$1 Million.

Regarding Phase 2 of the project, being the pre-treatment clarification process (as detailed in the 20 May 2020 Ordinary Council Meeting report), Council are continuing to work with DPIE to determine the most appropriate pre-treatment option to achieve the determined treatment parameters. Planning, design and approvals for Phase 2 are anticipated to be complete by June 2021.

Council has completed a significant options assessment with involvement from industry. This options assessment will form the basis of further discussions with DPIE to confirm the final option for approval. Once DPIE agreement is obtained, Council will commence the investigations and design of the proposed pre-treatment to develop a conservative TCS trigger point at which the construction phase can be initiated if we experience increasing drought conditions into the future.

If the abovementioned TCS trigger level is not reached prior to the main bulk water filtration plant being commissioned at Cowarra Dam, which is planned within the next 5 to 7 years, then the need for the pre-treatment clarification process will be reviewed as it is likely to no longer be required.

Groundwater source investigations

Council has undertaken a comprehensive review into the potential of utilising ground water sources to supplement the bulk water supply and its viability as an emergency supply during times of drought. Consultancy firm GHD Pty Ltd was engaged to complete this study with a subsequent third party review of GHD's work.

The study concluded that groundwater sources are not reliable in drought situations and are unlikely to provide the volumes of water required to supplement the bulk supply or act as an emergency supply and are therefore considered as a non-viable source of water. No further investigations into groundwater are proposed.

Seawater desalination plant

Another component of the Water Supply Security project was the feasibility investigations for a 15 ML/day seawater desalination plant.

At the 20 May 2020 Ordinary Council Meeting Council resolved:

13.01 WATER SUPPLY SECURITY UPDATE

RESOLVED: Pinson/Griffiths

That Council:

- 1. Note the information contained in this Water Supply Security Update report.*
- 2. Request the General Manager cease progressing any further work on the feasibility / investigation into a Desalination Plant until a Councillor briefing has been held to discuss the financial impacts and related issues surrounding a desalination plant.*

CARRIED: 8/0

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

AGAINST: Nil

Councillors were briefed on the financial impacts and strategic alignment of a desalination plant as part of an update brief on the development of the Integrated Water Cycle Management (IWCM) strategy on 22 July 2020. It was noted that there was very limited research and data available on desalination plants around the 15 ML/day output size.

Based on discussions with Hunter Water, the capital costs for a 15 ML/day plant could be between \$60 Million and \$170 Million depending on location, integration with existing water supply network and final configuration.

The operational costs to run a 15 ML/day desalination plant were estimated to be between \$8 Million and \$15 Million per year, equating to \$1.50 to \$3.00 per kilolitre (kL) of water produced.

In order to refine the capital and operational costs for a desalination plant a lot more planning, investigation and design work is required.

Based on the secure yield water supply modelling undertaken as part of the IWCM strategy development, it is likely that a secure water supply can be achieved to 2050 based on current population growth and water demand predictions, without the immediate need of a desalination plant. This modelling included consideration of climate impacts on top of the 2019-2020 intense drought. As the IWCM is continually reviewed every 4 to 8 years, should population and water demand predictions change, the need for options like a desalination plant will also be reviewed.

It is recommended that any further investigations and feasibility study for a desalination plant be based on adopted recommendations from the IWCM strategy.

Long-term water security planning

As noted above Council is continuing to develop the IWCM strategy with technical analysis for a secure water supply nearing completion. Detailed community engagement and consultation is being planned for October 2020 to inform and engage with the community on securing our future water supply.

The construction of a bulk water filtration plant at Cowarra Dam, enabling the relaxation of water quality extraction limits, will provide a secure water supply to 2050 based on current population growth and water demand predictions.

Options

Council can resolve in line with the recommendation included in this report or resolve in some other manner. Council can also resolve to request further information if required.

Community Engagement and Internal Consultation

There has been no external community engagement in relation to this report because this report is an information report only.

Internal consultation has taken place with the following:

- General Manager
- Director Infrastructure
- Director Development and Environment
- Director Strategy and Growth
- Director Corporate Performance
- Group Manager Infrastructure Planning
- Group Manager Infrastructure Operations
- Group Manager Project Delivery
- Senior Project Manager (Water Supply Security Project)

Council is continuing to consult with DPIE.

Councillors were briefed in relation to the Integrated Water Cycle Management strategy development on 22 July 2020, all Councillors and the Mayor were in attendance.

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

Nil

Item: 13.04

Subject: OCEAN DRIVE DUPLICATION PROJECT UPDATE

Presented by: Infrastructure, Dan Bylsma

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Recognise the importance of the Ocean Drive Duplication Project, particularly given the current economic situation caused by COVID-19.
2. Note that although this project was initiated by a State Government grant in 2011 it is a key project in supporting growth across the Port Macquarie-Hastings region.
3. Recognise the productive discussion with the Federal Member for Cowper, Pat Conaghan MP regarding the project and the offer to host a meeting with the Minister for Transport, Infrastructure and Regional Development, The Hon Michael McCormack MP, regarding potential funding opportunities for this important project.
4. Commence the detailed construction planning, including the development of construction tender documentation in preparation of resolving the funding gap risk with the Federal Government.
5. Request Transport for NSW re-establish the Joint Steering Group with Council as a priority to oversee the construction planning and subsequently manage this joint project.
6. Request the Acting General Manager provide Councillors with a detailed briefing regarding potential internal funding solutions and associated impacts on the current works program.

Executive Summary

At the 20 May 2020 Ordinary Council Meeting, Council resolved the following:

13.02 OCEAN DRIVE DUPLICATION PROJECT UPDATE

RESOLVED: Levido/Turner

That Council:

1. *Note the information contained in this report regarding the status of the Ocean Drive Duplication Project, in particular the funding gap risk of up to \$30Million.*
2. *Request that the Mayor and General Manager commence detailed discussion with the Federal Member for Cowper, Pat Conaghan MP and the*

Minister for Transport, Infrastructure and Regional Development, The Hon Michael McCormack MP, regarding securing the required additional funding to commence this important project.

3. *Note the potential significant economic stimulus this project would provide to the Port Macquarie-Hastings and broader Mid-North Coast region, acknowledging the current economic impact caused by COVID-19 situation.*
4. *Request Transport for NSW re-establish the Joint Steering Group with Council to oversee and manage this large project on a Regional Road should additional funding be secured and the construction phase commences.*
5. *Request the General Manager to bring a further Ocean Drive Duplication Project update report to the August 2020 meeting of Council detailing the outcomes of any discussion with the Federal Government regarding additional funding support.*

CARRIED: 8/0

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

AGAINST: Nil

Following the 20 May 2020 Ordinary Council Meeting, a meeting was held on 24 July 2020 between Council and the Federal Member for Cowper, Pat Conaghan MP. The Mayor, Acting General Manager, Director Infrastructure and Group Manager Infrastructure Planning represented Council.

This report is in response to Point 5 of the 20 May 2020 Ordinary Council Meeting resolution.

Discussion

A productive meeting was held between the Federal Member for Cowper, Pat Conaghan MP and the Mayor supported by Council staff discussing the Ocean Drive Duplication Project. Council Staff present were the Acting General Manager, Director Infrastructure and Group Manager Infrastructure Planning.

Mr Conaghan acknowledged the importance of the project for the region, not only the transport benefits but also the potential economic stimulus it would provide the region through job creation and retention.

Noting the significant economic stimulus that the Federal Government has delivered and continues to deliver across the nation, Mr Conaghan outlined that Council would have to show a stronger commitment to the project before the Federal Government could consider any financial support to the project.

Although this project was initiated by a State Government grant in 2011 and not directly by Council, it will benefit the Port Macquarie-Hastings region through the current difficult economic times and well into the future with an improved transport network.

Council has wide-ranging responsibilities for providing infrastructure improvements and maintenance for the community. Any decision to increase Council's direct financial contribution to this project should also consider the significant infrastructure backlog of works for road maintenance that currently exists.

Prior to the meeting with Mr Conaghan, the Mayor received a letter from the NSW Minister for Regional Transport and Roads, The Hon. Paul Toole MP, outlining that the Final Business Case for the project has been completed and requesting confirmation of Council's intentions on this project. This letter is attached for reference. The letter also stated, "It is critical that you [Council] finalise Council's funding position promptly in order that local jobs and investment are realised at a time when the community needs them most."

While a further statement by the Minister for Regional Transport and Roads that Council has been working closely with Transport for NSW (TfNSW) to progress this project is correct, the inference that Council has sufficient resources to undertake the project are incorrect. Council's Project Delivery Group resources have been fully assigned to the current projects listed in the adopted 2020-2021 Operational Plan and additional COVID-19 stimulus funding projects. The resourcing of this project will require further consideration once the funding gap risk is mitigated.

As outlined in the 20 May 2020 Ordinary Council Meeting Ocean Drive Duplication Project Update report, TfNSW have confirmed that the State Government's funding commitment is capped at \$60 Million, that TfNSW is no longer interested in delivering this project and that any funding gap risk needs to be covered by Council. However, TfNSW have confirmed their on-going support to the project through the establishment of a MOU and joint project steering group. This steering group arrangement will allow TfNSW's ongoing participation in the project and the provision of project support and technical advice to assist the deliver the project, and may include options such as embedding specialist staff into the project team.

It is recommended that this project steering group be established as a priority to oversee and manage the construction planning for the project.

Options

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

Community Engagement and Internal Consultation

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

Internal consultation has taken place with the following:

- General Manager
- Director Infrastructure
- Group Manager Infrastructure Planning

Planning and Policy Implications

This project is not currently listed for delivery in the 2020-2021 Operational Plan. The commencement of the construction phase in 2020-2021 will have planning implications on other capital works projects as Council resources have been fully assigned to the current projects listed in the adopted Plan and additional COVID-19 stimulus funding projects. Should the required funding be confirmed, a further report

will be brought to a future Council meeting, detailing the impacts of including the Ocean Drive Duplication Project on the works program.

Financial and Economic Implications

The delivery of this project has the potential to have significant positive economic implications for the region which, given the current economic situation caused by COVID-19, should be given strong consideration. Council has not delivered a project of this magnitude before and as such financial implications surrounding any funding gap risk should also be considered.

Should Council be unable to secure the required additional funding and still wish to proceed with delivering the project there would be significant financial implications on the Long Term Financial Plan that would have to be analysed prior to any decision being made.

In line with recommendation six of this report, a detailed briefing of the financial implications of further funding this project and the associated impacts on resources and the current works program should be provided to Councillors.

Attachments

1.  Correspondence - Ocean Drive Duplication Project - Minister for Regional Transport and Roads to Mayor 2020 07 15

Item: 13.05

Subject: UPDATE ON COUNCIL'S DRAFT COASTAL KOALA PLAN OF
MANAGEMENT

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

4.6.1 Develop and implement a range of programs for the environmental management of lands within the local government area.

RECOMMENDATION

That Council:

1. Note the information provided in the report regarding the hierarchy of legislation which has a direct impact on the draft Coastal Koala Plan of Management.
2. Note the information provided in the report regarding the new State Environmental Planning Policy (Koala Habitat Protection) 2019 and its implications for Council's draft Coastal Koala Plan of Management.
3. Note the information provided in the "Management of Koala Populations in Options Paper" (Attachment 1).
4. Not proceed to finalisation of the draft Coastal Koala Plan of Management in its current form.
5. Request the General Manager to commence a review the adopted Koala Recovery Strategy.

Executive Summary

The draft Coastal Koala Plan of Management (C-KPoM) was last considered by Council at the 19 September 2018 Ordinary Council meeting. At this meeting Council resolved as follows:

RESOLVED: Levido/Griffiths

That Council defer further consideration of the Coastal Koala Plan of Management and associated LEP and DCP changes pending advice on the hierarchy of legislation which has a direct impact on the draft Coastal Koala Plan of Management.

CARRIED: 7/0

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

AGAINST: Nil

Detailed information regarding the legislation is contained below in the discussion section. In brief, the advice received from the Department of Planning Industry and Environment (DPIE) (**Attachment 2**) states that proponents and consent authorities will need to comply with the requirements under both the [Biodiversity Conservation Act 2016](#) (BC Act) and the [State Environmental Planning Policy \(SEPP\) \(Koala Habitat Protection\) 2019](#) separately.

This report provides some explanation of the work undertaken since September 2018 on the draft C-KPoM and the significant legislative changes that have impacted on the C-KPoM since it was last considered by Council.

Also attached to this report (**Attachment 1**) is a report titled “Management of Koala Populations in PMHC Options Paper”. This Options Paper provides an analysis of the current draft C-KPoM and a revised work plan. In summary, it is recommended that a review of the Koala Recovery Strategy is undertaken to include a revised work plan which outlines management actions which will ensure consistency with the aims of the *SEPP Planning Policy (Koala Habitat Protection) 2019*.

The work plan actions are presented in Table 2. Proposed actions are proposed to be undertaken between 2020-2024. Recommendations include commencing the preparation of a new Koala Plan of Management under the *SEPP Planning Policy (Koala Habitat Protection) 2019*.

This report recommends that Council note the information provided and not proceed with finalisation of the draft C-KPoM at this stage, but rather undertake a review of the adopted Koala Recovery Strategy in line with the information included in the Options Paper and the new Koala Habitat Protection Guideline once it is released.

Background

The draft Coastal Koala Plan of Management (C-KPoM) was last considered by Council at the [19 September 2018 Ordinary Council meeting](#). At this meeting Council resolved as follows:

RESOLVED: Levido/Griffiths

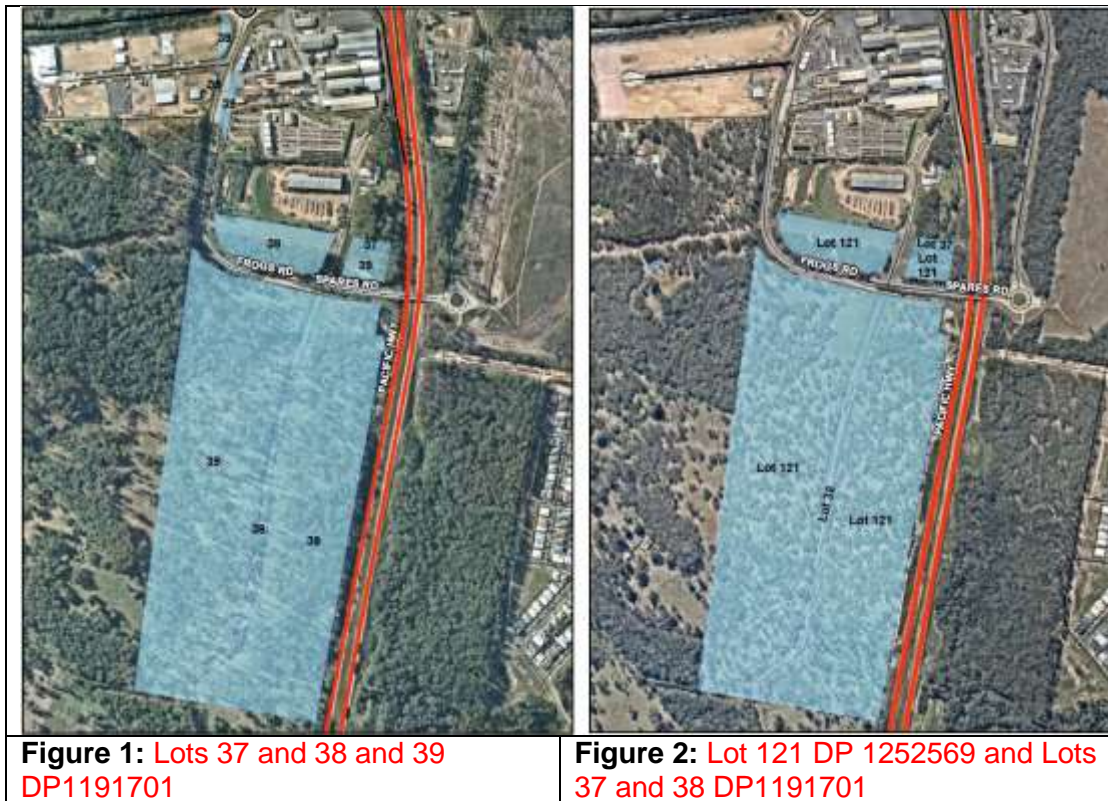
That Council defer further consideration of the Coastal Koala Plan of Management and associated LEP and DCP changes pending advice on the hierarchy of legislation which has a direct impact on the draft Coastal Koala Plan of Management.

CARRIED: 7/0

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

In considering the draft C-KPoM Council received representations along with others from consultants King and Campbell on behalf of Expressway Spares, the owners of Lots 37, 38 and 39 DP1191701 shown below, now Lot 121 DP 1252569 and Lots 37 and 38 DP1191701 (Figures 1 and 2 consecutively) regarding the impact of the draft mapping and C-KPoM on their property.

Councillors and staff also attended site meetings with the owners and their consultant King and Campbell on 31 July 2018 and 12 September 2018 to discuss their concerns.



**Figure 1: Lots 37 and 38 and 39
DP1191701**

**Figure 2: Lot 121 DP 1252569 and Lots
37 and 38 DP1191701**

The Koala Recovery Strategy was also developed and adopted by Council on 19 September 2018 as follows:

RESOLVED: Alley/Turner

That Council:

1. As a result of the consideration of public submissions, adopt the amended draft Koala Recovery Strategy.
2. Give consideration to funding the programs and actions included in the Koala Recovery Strategy as part of development of the 2019-2020 Operational Plan and forward budgets and Delivery Program;
3. Give consideration to delivering items from the Koala Recovery Strategy through a partnership model to increase financial and human resource capacity; and
4. Receive further reports on the success or otherwise of the funded programs of the Koala Recovery Strategy on an annual basis to ensure an adaptive management approach is maintained and outcomes are achieved.

CARRIED: 8/0

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

AGAINST: Nil

King and Campbell (on behalf of Expressway Spares) provided subsequent correspondence to Council on 29 October 2018 which included a copy of a koala habitat assessment undertaken by Peter Parker Environmental Consultants on their behalf.

Staff reviewed the additional information and again met with their consultant in February 2019 to discuss concerns with the information provided.

On 8 April 2019 Council received advice from McCabe Curwood lawyers, acting on behalf of Expressway Spares, advising in part as follows:

"We note the issues raised by Peter Cameron of Council in his email to Anthony Thorne dated 13 February 2019. To address these concerns, our client's environmental consultant, Peter Parker, is preparing a further report in respect of the koala habitat on the Land in accordance with State Environmental Planning Policy No 44—Koala Habitat Protection. Relevantly, this will include additional field work on the Land.

Mr Parker anticipates that he will complete the further field work and the additional report over the next four weeks. Once the report is finalised, we will forward you a copy of the report for your consideration. Accordingly, we request that no further action is taken by Council that prejudices our client in relation to the DCKPoM in order for Council to consider the additional report."

On 29 April 2019 Council received further advice from McCabe Curwood advising as follows:

"We are instructed that from 29 April 2019 – 1 May 2019, our client's environmental consultant, Peter Parker, is conducting field work on our client's land located at lots 37, 38 and 39 in deposited plan 1191701. Mr Parker anticipates that he will complete his report approximately four weeks after the field work is completed.

In light of the additional field work that is currently underway, we request that no further action is taken by the Council that prejudices our client in relation to the Draft Coastal Koala Plan of Management (DCKPoM). Should the Council decide to further progress the DCKPoM before Mr Parker's report is considered by the Council, we request that the Council notifies us before such action is taken."

On 4 July 2019 a further submission and detailed report from Peter Parker Environmental Consultants Pty Ltd was provided to Council by McCabe Curwood on behalf of Expressway Spares. A copy of this advice is attached as **Attachment 3**.

This further submission raised some significant concerns as to the status of the PMHC draft C-KPoM and advised that Expressway Spares objects to the inclusion of the land in the draft C-KPoM for several reasons as set out in the letter including significant flaws with the draft C-KPoM and the council methodology used to determine Core Koala Habitat. The letter included a SEPP 44 koala habitat assessment prepared by Peter Parker Environmental Consultants Pty Ltd (dated 3 July 2019) which concluded the habitat at Lots 37, 38 and 39 DP 1191701 (now Lot 121 DP 1252569 and Lots 37 and 38 DP1191701) (Figures 1 and 2) do not support Potential Koala Habitat as defined in SEPP 44 as the species of koala food trees listed in Schedule 2 of SEPP 44 constitute less than 15% of the total number of trees in the upper or lower strata of the tree component.

The SEPP 44 Assessment prepared by Peter Parker Environmental Consultants Pty Ltd was reviewed by Council's Natural Resource Management Team including Council's Ecologist, with agreement being reached that the report prepared by Peter Parker Pty Ltd was prepared in accordance with SEPP 44 methodology and the results were presented accurately.

Based on this information staff commenced preparation of a revised C-KPoM with adjustment of the Core Koala Habitat Mapping and a revision of the content within the draft C-KPoM for Council's consideration. The review of the draft C-KPoM identified potential for improvements to enable better protection of koalas and their habitat.

Biodiversity Strategy

While the review of the draft C-KPoM was being undertaken Council's draft Biodiversity Strategy was also reviewed and finalised. The Biodiversity Strategy provides further support for the protection and conservation of koalas and their habitats through identifying and mapping biological values, examining landscape connectivity, prioritising biodiversity investment areas to increase biodiversity values, identifying threats to biodiversity and actions required to reverse threats and protect biodiversity. The Biodiversity Strategy was adopted by Council at its Ordinary meeting on 18 September 2019 as follows:

RESOLVED: Intemann/Turner

That Council:

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

CARRIED: 7/0

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

AGAINST: Nil

2019-2020 Bushfire Impacts

During the 2019-2020 bushfire season the PMHC area was also significantly impacted by bushfire with approximately 900 hectares of the Core Koala Habitat identified in the Draft C-KPoM burnt. Approximately 4308 hectares of koala habitat was burnt in the bushfires including Nature Conservation Estate land, Crown and Council Reserves.

The NSW Government, Biodiversity and Conservation Division of Department of Planning, Industry and Environment are finalising the results of the assessment of impacts on koala's and their habitat. The results are not yet released however the indications are that the fires around Port Macquarie had significant impact on the koala population in the reserve system and that the urban population of koalas is now critical to the overall population if it has any hope of recovery.

The recently published Parliamentary Enquiry (30 June 2020) into [*Koala populations and habitat in New South Wales*](#) included a key finding that, given the scale of loss to koala populations across New South Wales as a result of the 2019/2020 bushfires and without urgent government intervention to protect habitat and address all other threats, the koala will become extinct in New South Wales before 2050.

SEPP and Guideline Submissions

DPIE invited Council to provide feedback on the proposed update of SEPP 44 - Koala Habitat Protection (SEPP 44) on 18 November 2016 (D2016/683354). DPIE notified PMHC on 14 January 2020 that the new SEPP (Koala Habitat Protection) 2019 was to come into force on the 1 March 2020 this effectively replaces SEPP 44.

On 1 March 2020 the [SEPP \(Koala Habitat Protection\)](#) came into force. This change in legislation has also resulted in the need to review the draft PMHC Coastal Koala Plan of Management (C-KPoM) and to understand its relationship with the new SEPP.

The [draft Koala Habitat Protection 2019 Guideline](#) was exhibited more recently from 2 March 2020 until 6 April 2020. Council provided a submission on the draft Koala Habitat Protection 2019 Guideline on the 27 March 2020 (Attachment 5).

In undertaking this review it prompted the opportunity to look more broadly at the discussion of all of the work Council is doing in respect of koala habitat and population management and the advantages and disadvantages of having a KPoM for the LGA.

An Options Paper titled "Management of Koala Populations in PMHC Options Paper" (**Attachment 1**) has now been prepared for further consideration by Council.

Discussion

Key Terms

SEPP 44	State Environmental Planning Policy No 44 - Koala Habitat Protection - Repealed 1 March 2020
SEPP (Koala Habitat Protection) 2019	State Environmental Planning Policy (Koala Habitat Protection) 2019 - Commenced 1 March 2020
KPoM	Koala Plan of Management which may be prepared for a whole LGA or part of a LGA
C-KPoM	Coastal Koala Plan of Management - KPoM covering only the coastal area of the LGA
cKPoM	Comprehensive Koala Plan of Management - KPoM covering the entire LGA

1. Hierarchy of Legislation

In response to the September 2018 Council resolution relating to the hierarchy of legislation, DPIE have advised Council that proponents and consent authorities will need to comply with the requirements under both the *Biodiversity Conservation Act 2016* (BC Act) and the *SEPP (Koala Habitat Protection) 2019* (Refer to Figure 3). This means that proposals may trigger both the BC Act and the *SEPP (Koala Habitat Protection) 2019*.

If the BC Act is triggered and the preparation of a Biodiversity Development Assessment Report (BDAR) determines that offsetting is required, this requirement is separate to the assessment under *SEPP (Koala Habitat Assessment) 2019*. A separate report will then address the *SEPP (Koala Habitat Protection) 2019* and any management actions required locally as suggested in Table 1 of the [Draft Koala Habitat Protection Guideline](#) which will need to be complied with.

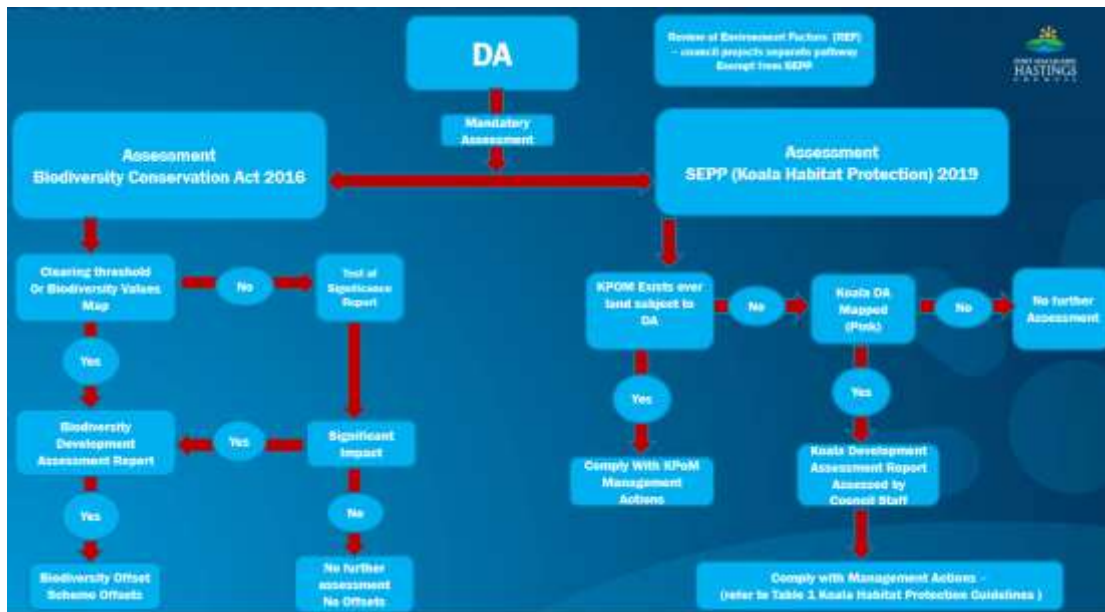


Figure 3: Hierarchy of Legislation

2. Detailed Analysis of Koala Plans of Management

DPIE encourages the development of Koala Plans of Management (KPoMs) on the basis that these plans provide the best opportunity to deliver strategic conservation outcomes for koala populations in NSW. It has been identified that they play a critical role in helping to understand koala values at a landscape scale and avoiding the types of issues that can arise through site-based, incremental impacts, such as the loss of important habitat linkages, or intensifying land use within areas that are likely to lead to koala population decline.

This opinion is supported by the findings and recommendations from the Parliamentary Enquiry (30 June 2020) into [Koala populations and habitat in New South Wales](#). Recommendation 27 states *That all councils with koala populations be required to develop comprehensive koala plans of management in a timely manner.*

The objective of the amendments from the former *SEPP 44* to the new *SEPP (Koala Habitat Protection) 2019* is to enable better protection of koala habitat. These amendments are achieved through aligning the *SEPP (Koala Habitat Protection) 2019* to the current planning system, providing additional support for councils to prepare comprehensive plans of management and by recognising a wider extent of tree species important to koalas.

Specifically, the key changes from *SEPP 44* to *SEPP (Koala Habitat Protection) 2019* relate to the:

- definitions of koala habitat;
- list of tree species;
- list of councils; and
- development assessment process.

To support the implementation of *SEPP (Koala Habitat Protection) 2019* the DPIE has also prepared updated a draft Guideline that:

- sets out the requirements for preparing comprehensive plans of management; and
- directs the consistent assessment of development applications.

This guideline is still in draft however Council staff have been instructed by DPIE to use the draft guideline to implement *SEPP (Koala Habitat Protection) 2019* in assessing development applications and Planning Proposals when they trigger the development application map.

Listed below in *Table 1* are the key differences between *SEPP (Koala Habitat Protection) 2019* and *SEPP 44* along with how these documents currently and potentially will interact with the draft PMHC C-KPoM.

Table 1: Key Differences between SEPP 44 and SEPP (Koala Habitat Protection) 2019 and interaction with draft PMHC Coastal Koala Plan of Management.

SEPP 44 – Koala Habitat Protection	SEPP (Koala Habitat Protection) 2019	Draft Coastal - Koala Plan of Management (As of current SEPP 44)	Revised Coastal - Koala Plan of Management Alignment with SEPP 2019
Potential koala habitat means an area of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.	Potential koala habitat is not included in <i>SEPP (Koala Habitat Protection) 2019</i>	Potential koala habitat is the same as <i>SEPP 44</i> definition and mapping has been included.	Potential habitat does not exist and therefore it would be either defined as core habitat or not mapped/included at all.
Core koala habitat means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of, and historical records of a population.	Core koala habitat means— (a) an area of land where koalas are present, or (b) an area of land— (i) which has been assessed by a suitably qualified and experienced	Core koala habitat would be defined as aligned with <i>SEPP 44</i> .	Core koala habitat would be defined as per <i>SEPP (Koala Habitat Protection) 2019</i> .

SEPP 44 – Koala Habitat Protection	SEPP (Koala Habitat Protection) 2019	Draft Coastal - Koala Plan of Management (As of current SEPP 44)	Revised Coastal - Koala Plan of Management Alignment with SEPP 2019
	<p>person in accordance with the Guideline as being highly suitable koala habitat, and</p> <p>(ii) where koalas have been recorded as being present in the previous 18 years.</p>		
10 koala tree species are identified for the State of NSW	42 koala feed tree species identified for the North Coast koala management area.	10 koala tree species identified as per <i>SEPP 44</i> .	42 koala feed tree species to be identified for North Coast koala management area as per <i>SEPP (Koala Habitat Protection) 2019</i> .
No mapped Core Koala Habitat - development proposals must undertake an assessment to determine if potential and core koala habitat is present	<p>Two maps developed and used:</p> <p>1. Where development application proponents' land has been identified on the Koala Development Application Map, but the proponent seeks to demonstrate their land is not koala habitat (through conducting a survey for koala feed trees and presence in accordance with the Guideline).</p>	<p>Core koala habitat mapped using methods consistent with other comprehensive Koala Plans of Management developed for local governments throughout NSW as per the requirements of <i>SEPP 44</i>.</p> <p>Core koala habitat mapped areas in approved koala plans of managed can be challenged.</p>	Council is able to write a KPOM for areas that are mapped within the Site Investigation Area.

SEPP 44 – Koala Habitat Protection	SEPP (Koala Habitat Protection) 2019	Draft Coastal - Koala Plan of Management (As of current SEPP 44)	Revised Coastal - Koala Plan of Management Alignment with SEPP 2019
	2. Where councils wish to identify core koala habitat in a Koala Plan of Management, within areas identified on the Site Investigation Area for Koala Plans of Management Map.		
How impact is managed: Koala plans of management to include measures to manage impact to koala habitat developed for individual developments were required under <i>SEPP 44</i>	Guidelines will inform how Councils will assess development applications and requirements for koala habitat compensation. No requirement for individual koala plan of management.	Koala Habitat Compensation Policy The Draft C-KPoM includes a policy for compensating loss of koala habitat.	Content in a Coastal Koala Plan of Management would be informed by the guidelines from DPIE.

3. *Alignment of draft PMHC Coastal-Koala Plan of Management (C-KPoM) to SEPP (Koala Habitat Protection) 2019*

Council staff have received advice from DPIE (**Attachment 4**) that states, if Council wishes to pursue the use of the draft PMHC C-KPoM which was prepared under *SEPP 44*, it would now be required to update this plan in accordance with the *SEPP (Koala Habitat Protection) 2019 - Draft Koala Habitat Protection Guideline* and *SEPP (Koala Habitat Protection) 2019*. However, as changes may be made to the Guideline, it is recommended that Council wait until it is finalised before making a decision on whether a KPoM is required, and what type of KPoM should be developed.

A detailed gap analysis explaining key differences between the requirements of the draft PMHC C-KPoM (Feb 2018 V.3) against requirements of *SEPP (Koala Habitat Protection) 2019 Guideline* has now been undertaken, which includes consideration of the steps required to write a new KPoM for PMHC. This assessment is included in Options report (**Attachment 1**).

Requirements for development of a KPoM under SEPP (Koala Habitat Protection) 2019

In brief the requirements include:

- I. Determining the type of KPoM
 - a) One that covers the entire LGA – (Previously Called Comprehensive KPoM) or
 - b) One that covers only part of the LGA – (i.e. the current draft PMHC Coastal KPoM)
- II. Commissioning a suitably qualified and experienced person (as defined in the SEPP) to prepare a new KPoM using the new definition of core koala habitat
- III. Undertaking surveys to identify core koala habitat only within the site investigation area (SIA) for KPoMs Map (blue), in accordance with the survey methodology included in the draft Guidelines.
- IV. Working with DPIE and Local Land Services (LLS) throughout the development of the KPoM, and prior to its approval by the Secretary.
- V. Undertaking a public exhibition period, including writing to all landholders in proposed core koala habitat identified area.

4. *Review and amend the Koala Recovery Strategy to include a new work plan*

SEPP (Koala Habitat Protection) 2019 aims to ensure a permanent free-living koala population continues to exist over its present range and to reverse the current trend of koala population decline through the conservation of habitat. In order to implement on-ground action to achieve this aim Council has to examine all possible solutions. The development and implementation of a KPoM has been explored in detail and is a viable solution to assist in managing koala populations in the LGA, however it is not the only solution for management and as such other alternatives need to be explored to inform a more strategic approach.

To ensure a more strategic and comprehensive approach to management is delivered, the following tasks outlined in Table 2 below are recommended for consideration when reviewing the Koala Recovery Strategy. A detailed description of proposed management actions is included in the attached Options paper **(Attachment 1)**:

- Review of all existing KPoMs in the PMHC LGA
- Annual KPoM audit program (Minimum 4 per year)
- No net loss policy
- Retrofit black spots to reduce road strike
- Community engagement and education on urban wildlife
- Undertake targeted compliance of dangerous dog attacks
- DCP and LEP amendments

Table 2: Proposed management actions to include in revised Koala Recovery Strategy

Outcome	Koala Management Actions					
	Team	20/21	21/22	22/23	23/24	Ongoing
Review and Update Koala Recovery Strategy	Natural Resource Management Communications Community Engagement Education Team Development Assessment Project Delivery Team					
Annual KPoM Audit Program	Natural Resource Management Development Assessment					
Review all existing KPoMs in PMHC LGA	Strategic Land Use Planning					
No Net Loss Policy	Natural Resource Management Development Assessment Project Delivery Team					
Retrofit black spots to reduce road strike	Natural Resource Management Development Assessment Project Delivery Team					
Community education and engagement on urban wildlife	Natural Resource Management Communications Community Engagement Education Team					
Undertake targeted compliance on dangerous dog attacks	Compliance Team					
DCP and LEP Amendments	Strategic Land Use Planning					
CKPoM-PMHC (LGA or Coastal)	Strategic Land Use Planning					

Options

Council has the following options available:

1. Adopt the recommendations of this report.
2. Note this report and proceed to update the draft PMHC C-KPoM to be consistent with *SEPP (Koala Habitat Protection) 2019*.
3. Resolve in some other manner.

It is recognized that numerous actions need to be undertaken in order to actively protect koalas and their habitat in order to ensure a permanent free-living population over the present range and reverse the current trend of koala population decline. It is therefore recommended that Council proceed to review the Koala Recovery Strategy first and in due course consider the recommended work plan which will include the development of KPoM for the LGA.

Community Engagement and Internal Consultation

Internal consultation has taken place between the Strategy and Growth and Development and Environment Services Divisions.

Consultation with external agencies including DPIE has also taken place to gain a better understanding of how the *SEPP (Koala Habitat Protection) 2019* will be implemented and implications to the draft PMHC C-KPoM.

Council has not undertaken community consultation in relation to *SEPP (Koala Habitat Protection) 2019*.

Community consultation has been undertaken for any revised draft PMHC C-KPoM and Koala Recovery Strategy.

Planning and Policy Implications

This report has implications for the draft C-KPoM as *SEPP (Koala Habitat Protection) 2019* has replaced SEPP 44 which was the basis of the current draft C-KPoM.






Financial and Economic Implications

There will be financial and resource implications to undertake the actions proposed in a reviewed Koala Recovery Strategy noting that some actions are already underway. The full costs of these actions are unknown at this time as quotes will be required. The financial implications of the review will be detailed in a future report to Council.

Although it is recommended to delay until the Guidelines are finalised, further resourcing will be required if and when a decision is made to develop a KPoM aligned with *SEPP (Koala Habitat Protection) 2019* to ensure it is consistent with the

Detailed Criteria for Preparing Koala Plans of Management (Appendix B of the Koala Habitat Protection Guidelines).

Attachments

1.  Management of Koala Populations in PMHC Options Paper
2.  Meeting minutes clarifying hierarchy of legislation
3.  Submission to Council McCabe Curwood Expressway Spares Draft CKPoM
4.  Advice from DPIE CKPoM Re-Write to be consistent with SEPP Koala Habitat Protection 2019
5.  Submission - Review of SEPP Koala Habitat Protection 2019 Guideline - 30/03/2020

Item: 13.06

Subject: FIRE SAFETY INSPECTION REPORT - LAKE CATHIE TAVERN -
1609 OCEAN DRIVE, LAKE CATHIE

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

2.1.3 Conduct regulatory and educational activities which safeguard public and environmental health, and ensures compliance with planning and building standards.

RECOMMENDATION

That Council:

1. **Note the contents of the Fire Safety Inspection Report, dated 9 March 2020, from NSW Fire & Rescue, in respect to an inspection of the premises by NSW Fire & Rescue on 22 June 2019 (Attachment 1).**
2. **Exercise the powers conferred on Council by the Environmental Planning and Assessment Act, 1979 (The Act), to issue a Fire Safety Order to address outstanding fire safety concerns at the premises, 1609 Ocean Drive, Lake Cathie, (Lot 1, DP 883695), PN 33168.**
3. **Notify the Commissioner of Fire and Rescue NSW of its determination.**

Executive Summary

A Fire Safety Inspection Report dated 9 March 2020, has been referred to Council from NSW Fire & Rescue, in respect to the subject premises for investigation and further action. NSW Fire & Rescue is conferred powers pursuant to the Environmental Planning and Assessment Act, 1979 to carry out inspections of buildings and is required to forward its findings to Council.

This report provides this information and recommends that Council proceed to exercise the powers conferred on Council by the Environmental Planning and Assessment Act, 1979 (The Act), to issue a Fire Safety Order to address outstanding fire safety concerns at the premises, being the Lake Cathie Tavern, 1609 Ocean Drive, Lake Cathie

Discussion

A Fire Safety Inspection Report dated 9 March 2020, has been referred to Council from NSW Fire & Rescue, in respect to the subject premises for investigation and further action. The NSW Fire & Rescue report provided attached in **Attachment 1** confirms that NSW Fire & Rescue attended the site at 1609 Ocean Drive, Lake Cathie on 22 June 2019.

NSW Fire & Rescue is conferred powers pursuant to the Act, to carry out inspections of buildings and is required to forward its findings to Council in accordance with

Schedule 5, Part 8 Section 17 of the Environmental Planning and Assessment Act, 1979 as follows:

Inspection reports by fire brigades

- (1) *If the Commissioner of Fire and Rescue NSW carries out an inspection of a building under section 9.32 (Fire brigade's inspection powers), the Commissioner must furnish to the council of the area in which the building is located:*
 - (a) *a report of the inspection, and*
 - (b) *if of the opinion that adequate provision for fire safety has not been made concerning the building, such recommendations as to the carrying out of work or the provision of fire safety and fire-fighting equipment as the Commissioner considers appropriate.*
- (2) *A council must:*
 - (a) *table any report and recommendations it receives under this clause at the next meeting of the council, and*
 - (b) *at any meeting of the council held within 28 days after receiving the report and recommendations or at the next meeting of the council held after the tabling of the report and recommendations, whichever is the later, determine whether it will exercise its powers to give a fire safety order.*
- (3) *A reference in sub clause (2) to a meeting of a council does not include a reference to a special meeting of the council unless the special meeting is called for the purpose of tabling any report and recommendations or making any determination referred to in that sub clause.*
- (4) *A council must give notice of a determination under this clause to the Commissioner of Fire and Rescue NSW."*

Note: It was not possible to table this report and recommendations to Council within 28 days of receipt of the report from NSW Fire & Rescue, as the subject premises has been closed for business due to COVID 19 restrictions.

Council is now required to determine whether or not to exercise its authority to serve a Fire Safety Order under Division 9.3 and Schedule 5 of the Act.

The report outlines fire safety concerns and recommendations in respect to non-compliances within the premises.

The following fire safety matters are raised in the NSW Fire & Rescue Report,

- A fire hydrant system is required to be installed and service the building in accordance with Clause E1.3 of the National Construction Code (NCC) and AS 2419.1. It is at Council's discretion to determine whether a hydrant system was required or the premises has historically been approved without the need for one.
- Paths of travel from the premises to a fire exit, including the operation of fire exit door are considered obstructed or impeded in contravention of Clause 184 & 186 of the Environmental Planning & Assessment Regulation 2000 (EP&A Regulation) as follows:

- a) The door located adjacent to the fireplace and dance floor, has had a chair has been placed to jamb the panic bar in order to lock the door at the end of night trading.
- b) The front entry and exit door, adjacent to the entry foyer and fire indicator panel, has a barrel bolt attached to this exit door.
- c) The exit door serving the Outdoor/VIP lounge, is provided with a snib lock within the door.
- The southern side external wall of the building appears to be located less than 3m from the allotment boundary. Clause C3.2 & C3.4 of the NCC requires any window and door openings within an external wall of the building that are situated less than 3m from the allotment boundary, to be protected with an acceptable method of protection as prescribed by the NCC. These doors and windows appear to lack an acceptable method of protection.
- There appears to be an automatic smoke detection and alarm system installed in the premises. Because there was no Annual Fire Safety Statement (AFSS) displayed, it was difficult to determine the type of system installed within the premises. Council may need to review its records to confirm whether a smoke detection and alarm system has been approved or is required for the premises.
- An AFSS did not appear to be prominently displayed in the building at the time of inspection as required by Clause 177(3)(b) of the EP&A Regulation 2000.

NSW Fire & Rescue, were therefore of the opinion that there is inadequate provision for fire safety within the building.

Council officers have inspected the premises and discussed the issues raised by NSW Fire & Rescue with the owner of the premises.

The owner also indicated that the submission of a Development application to Council, seeking permission to effect extensive alterations and additions to the existing premises, is imminent. An undertaking was also given that upon notification from Council, works would be commenced to satisfy the concerns raised.

Accordingly, a Fire Safety Order is recommended to be served pursuant to the provisions of Environmental Planning and Assessment Act (Division 9.3 and Schedule 5), to address these fire safety concerns.

The following fire safety matters, including those raised in the NSW Fire & Rescue Report, require attention:

- In ground fire hydrants are located immediately outside the building, in the nature strip on the front Ocean Drive and the rear Ernest Street alignments. Coverage provided to the building from these existing street hydrants appear capable of compliance with the performance requirements of NCC & AS 2419.1. Based on the above, no further action is warranted in respect to the fire hydrants at this time.
- The paths of travel leading to the buildings fire exits, including the operation of fire exit doors are not to be obstructed or impeded in contravention of Clause 184, 185 & 186 of the Environmental Planning & Assessment Regulation 2000 (EP&A Regulation). In this regard:
 - a) The doors located adjacent to the fireplace and dance floor, are not to be obstructed by a chair, or any other obstruction or impediment to the

- operation of the panic bar in order to lock the door at the end of night trading.
- b) The barrel bolt attached to the front entry and exit door, located adjacent to the main entry foyer and fire indicator panel, is to be removed.
 - c) The snib lock provided within the exit door serving the Outdoor/VIP lounge, is to be removed.
 - d) The lock attached to the inside of the gate on the northern side of the building which connects the outdoor dining area and children's playground to the driveway at the front of the site is to be removed.
- To facilitate evacuation and to identify the location of the exit, an illuminated exit sign is to be provided internally, over the exit doors located on the rear north-western elevation of the building, which connect to existing driveway and loading area at the rear.
 - Doorways, windows and other openings located in the southern side external wall of the building, where located less than 3m from the allotment boundary are to be protected in accordance with the requirements of C3.2 & 3.4 of the NCC.
 - It could not be determined whether the air handling system installed within the premises, conforms to the requirements of Part E2 (Smoke Hazard Management) of the NCC. In this regard (unless the air handling system also forms a smoke exhaust system as part of a smoke hazard management system), pursuant to NSW variation to Table E2.2b of the NCC, the building is to be provided with automatic shutdown of any air handling system (other than non - ducted individual room units with a capacity not more than 1,000L/s) on activation of smoke detectors, which are installed to comply with Clause 6 of Specification E2.2a of the NCC.
 - A current Annual Fire Safety Statement (AFSS) is required to be submitted to Council and prominently displayed within the premises.

Options

A Fire Safety Inspection Report was referred to Council from NSW Fire & Rescue dated 9 March 2020, in respect to the subject premises, for investigation and further action. This is required to be tabled at a Council meeting in accordance with Schedule 5 of the Environmental Planning and Assessment Act as outlined above and Council is required to determine whether or not to exercise its authority to serve a Fire Safety Order under Division 9.3 and Schedule 5 of the Act.

Council has the option to:

- Resolve to issue a Fire Safety Order to address the issues identified, or
- Resolve not to exercise its authority to serve a Fire Safety Order or
- Or resolve in some other manner.

Community Engagement and Internal ConsultationExternal Consultation

External consultation has been undertaken with representatives of NSW Fire & Rescue and the owner of the premises.

Internal Consultation

There was no internal consultation required in this instance.

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1.  NSW Fire and Rescue Inspection Report - Lake Cathie Tavern

Item: 13.07

Subject: FIRE SAFETY INSPECTION REPORT - HASTINGS HOTEL 12 HIGH STREET WAUCHOPE

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

2.1.3 Conduct regulatory and educational activities which safeguard public and environmental health, and ensures compliance with planning and building standards.

RECOMMENDATION

That Council:

- 1. Note the contents of the Fire Safety Inspection Report, dated 9 March 2020, from NSW Fire & Rescue, in respect to an inspection of the premises by NSW Fire & Rescue on 22 June 2019 (Attachment 1).**
- 2. Exercise the powers conferred on Council by the Environmental Planning and Assessment Act, 1979 (The Act), to issue a Fire Safety Order to address outstanding fire safety concerns at the premises, Hastings Hotel, 12 High Street, Wauchope Lot 1 DP 78025.**
- 3. Notify the Commissioner of Fire and Rescue NSW of its determination.**

Executive Summary

A Fire Safety Inspection Report dated 9 March 2020, has been referred to Council from NSW Fire & Rescue, in respect to the subject premises for investigation and further action. NSW Fire & Rescue is conferred powers pursuant to the Environmental Planning and Assessment Act, 1979 to carry out inspections of buildings and is required to forward its findings to Council.

This report provides this information and recommends that Council proceed to exercise the powers conferred on Council by the Environmental Planning and Assessment Act, 1979 (The Act), to issue a Fire Safety Order to address outstanding fire safety concerns at the premises, being the Hastings Hotel, 12 High Street, Wauchope.

Discussion

A Fire Safety Inspection Report dated 9 March 2020, has been referred to Council from NSW Fire & Rescue, in respect to the subject premises for investigation and further action. The NSW Fire & Rescue report provided, attached in **Attachment 1** confirms that NSW Fire & Rescue attended the site at 12 High Street, Wauchope on 22 June 2019.

NSW Fire & Rescue is conferred powers pursuant to the Act, to carry out inspections of buildings and is required to forward its findings to Council in accordance with

Schedule 5, Part 8 Section 17 of the Environmental Planning and Assessment Act, 1979 as follows:

Inspection reports by fire brigades

- (1) *If the Commissioner of Fire and Rescue NSW carries out an inspection of a building under section 9.32 (Fire brigade's inspection powers), the Commissioner must furnish to the council of the area in which the building is located:*
 - (a) *a report of the inspection, and*
 - (b) *if of the opinion that adequate provision for fire safety has not been made concerning the building, such recommendations as to the carrying out of work or the provision of fire safety and fire-fighting equipment as the Commissioner considers appropriate.*
- (2) *A council must:*
 - (a) *table any report and recommendations it receives under this clause at the next meeting of the council, and*
 - (b) *at any meeting of the council held within 28 days after receiving the report and recommendations or at the next meeting of the council held after the tabling of the report and recommendations, whichever is the later, determine whether it will exercise its powers to give a fire safety order.*
- (3) *A reference in sub clause (2) to a meeting of a council does not include a reference to a special meeting of the council unless the special meeting is called for the purpose of tabling any report and recommendations or making any determination referred to in that sub clause.*
- (4) *A council must give notice of a determination under this clause to the Commissioner of Fire and Rescue NSW."*

Note: It was not possible to table this report and recommendations to Council within 28 days of receipt of the report from NSW Fire & Rescue, as the subject premises has been closed for business due to COVID 19 restrictions.

Council is now required to determine whether or not to exercise its authority to serve a Fire Safety Order under Division 9.3 and Schedule 5 of the Act.

The report outlines fire safety concerns and recommendations in respect to non-compliances within the premises.

The following fire safety matters are raised in the NSW Fire & Rescue Report:

- The smoke detector in Residential Room 5 has tape around it, compromising its performance.
- A number of exit signs within the building were not illuminated or did not illuminate when tested.
- A portable fire extinguisher (PFE) - located on the first floor residential section of the building was missing off its mount.
- PFE's suitable to the risk classification could not be located within the kitchen.
- A fire hydrant system is required to be installed and service the building in accordance with Clause E1.3 of the National Construction Code (NCC) and AS 2419.1. It is at Council's discretion to determine whether a hydrant system was required or the premises has historically been approved without the need for one.

- The travel distance to an exit from the entry doors of the residential accommodation or sole occupancy units at first floor level may exceed the maximum permissible travel distance to an exit, prescribed by the NCC.
- Paths of travel from within the premises to a fire exit, including the operation of fire exit door are considered obstructed or impeded in contravention of Clause 184 & 186 of the Environmental Planning & Assessment Regulation 2000 (EP&A Regulation) as follows:
 - a) Within the restaurant/bistro area at ground floor level, there is a child safe gate to the childrens play area that restricts the path of travel and egress to a required exit door. Also, both the exit doors were locked and could not be opened from the inside without a key. Tables and chairs were also placed in a way that appeared to obstruct the path of travel to the required exit doors.
 - b) The exit doors located on the western side of the main bar area at ground floor level, had barrel bolts installed which restricted the operation of these doors as required exit doors.
 - c) The panic bars fitted to the exit door to the sports bar (rear southern end of building at ground floor where the pool tables are located) were sticking and were not working properly.
- The required exit door from the sports bar (where the pool tables are located) opens directly out onto a step and staircase, contrary to the requirements of Clause D2.15 of the NCC.
- A handrail was missing from the staircase and exit on the western side of the building which serves as a means of egress from the first floor level of the building, contrary to the requirements of Clause D2.17 of the NCC.
- Pursuant to Clause D2.20 of the NCC, doors which form part of a required exit must swing in a direction that does not impede the path of travel or direction of egress from the building. At the time of inspection some exit doors opened inwards against the path of egress.
- Pursuant to Clause C3.11 of the NCC, the bounding construction to the sole occupancy units within the residential section of the building at the first floor level of the building, are required to meet specific NCC compartmentation requirements. In this regard, it was unclear whether the entry doors to each sole occupancy unit complied with the NCC which requires for each of these door openings to be fitted with tight fitting, self closing, solid core doors not less than 35mm in thickness.
- Glazed panels within the internal doors and the metal roller shutter located at ground floor level, which open into the main stairway which connects to the first floor level (residential level) may not comply with the NCC compartmentation requirements.
- A storage cupboard located at ground floor level below the internal stairs connecting the ground to the first floor level of the building, may not comprise of construction which complies with the requirements of Clause D2.8 - Enclosure of space under stairs and ramps, of the NCC.
- An Annual Fire Safety Statement (AFSS) did not appear to be prominently displayed in the building at the time of inspection as required by Clause 177(3)(b) of the EP&A Regulation 2000. NSW Fire & Rescue would prefer that the AFSS be located beside the fire indicator panel.
- There were rooms at first floor level of the building, which management asserted were for private use and at the time of inspection were not accessible. It was unclear whether these rooms are considered and approved for full time occupancy.

NSW Fire & Rescue, were therefore of the opinion that there is inadequate provision for fire safety within the building.

Council officers have inspected the premises and discussed the issues raised by NSW Fire & Rescue with the owner of the premises.

The owner also indicated that the submission of a Development application to Council, seeking permission to effect extensive alterations and additions to the existing premises, is imminent. An undertaking was also given that upon notification from Council, works would be commenced to satisfy the concerns raised.

Accordingly, a Fire Safety Order is recommended to be served pursuant to the provisions of Environmental Planning and Assessment Act (Division 9.3 and Schedule 5), to address these fire safety concerns.

The following fire safety matters, including those raised in the NSW Fire & Rescue Report, require attention:

- In ground fire hydrants are located immediately outside and opposite the building, in both High Street and Cameron Street alignments. Coverage provided to the building from these existing street hydrants appear capable of compliance with the performance requirements of NCC & AS 2419.1. Based on the above, no further action is warranted in respect to the fire hydrants at this time.
- The building is to be fitted throughout with an automatic smoke alarm system, complying with the requirements of Specification E2.2a of the NCC.
- To facilitate evacuation and to identify the location of the exits, the building is to be fitted throughout with emergency lighting and exit signs complying with the requirements of Part E4 of the NCC.
- The building is to be fitted throughout with portable fire extinguishers complying with the requirements of Part E1.6 of the NCC.
- Pursuant to the requirements of Part D1.4 (Exit travel distances) the entrance doorways of the sole occupancy units (SOU) located at first floor level, must not be more than 6m from an exit or from a point from which travel in different directions to two separate exits is available. In this regard, the exit travel distance from Room 1 (located on the south western corner) does not comply with this requirement. The use or design of this room is to be modified to comply with the requirements of the NCC.
- The paths of travel leading to the buildings fire exits, including the operation of fire exit doors are not to be obstructed or impeded in contravention of Clause 184, 185 & 186 of the Environmental Planning & Assessment Regulation 2000 (EP&A Regulation). In this regard attention or modification is required to the following:
 - a) Within the restaurant/bistro area at ground floor level, the a child safe gate to the childrens play area that restricts the path of travel and egress to a required exit door is to be removed.
 - b) Within the restaurant/bistro area the exit doors were locked and could not be opened from the inside without a key, therefore restricting the operation of these doors as required exit doors.
 - c) Within the restaurant/bistro area, tables and chairs are not to be placed in a way that obstructs the path of travel to the required exit doors.
 - d) The exit doors located on the western side of the main bar area at ground floor level, had barrel bolts installed which restricted the operation of these

- doors as required exit doors, therefore restricting the operation of these doors as required exit doors.
- e) The panic bars fitted to the exit door to the sports bar (rear southern end of building at ground floor) where the pool tables are located were sticking and were not working properly, therefore restricting the operation of these doors as required exit doors.
 - f) The required exit door from the sports bar (where the pool tables are located) open directly out on to a step and staircase, contrary to the requirements of Clause D2.15 of the NCC.
 - g) A handrail was missing from the staircase and exit on the western side of the building which serves as a means of egress from the first floor level of the building, contrary to the requirements of Clause D2.17 of the NCC.
 - h) Pursuant to Clause D2.20 of the NCC, doors which form part of a required exit must swing in a direction that does not impede the path of travel or direction of egress from the building. At the time of inspection some exit doors opened inwards against the path of egress, restricting the operation of these doors as required exit doors.
- The entrance doorways to the residential sole occupancy units at the first floor level of the building, which provide access to the internal public corridor, are to be protected by self closing, tight fitting, solid core doors not less than 35mm in thickness.
 - All doorways to rooms, which are not sole occupancy units, but are located within the residential section of the first floor level of the building and provide access to the internal public corridor, are to be protected by self closing, tight fitting, solid core doors not less than 35mm in thickness.
 - Pursuant to the requirements of Part D2.8 (Enclosure of space under stairs) of the NCC, the space below a required non-fire isolated stairway, must not be enclosed to form a cupboard or other enclosed space unless the enclosing walls and ceilings have a fire resistance level (FRL) of not less than 60/60/60 and any access doorway to the enclosed space is fitted with a self closing 0/60/30 fire door. In this regard, specific details are to be submitted to Council to demonstrate that the method of construction of the rooms located below the staircases serving the first floor level of the building, comply with this requirement.
 - The walls at ground floor level separating the hotel and restaurant/bisto area, from the internal non-fire isolated staircase which serves the residential portion of the building over, are to comply with the requirements of Specification C1.1 Part & Table 4 of the NCC. In this regard specific details are to be submitted to Council to demonstrate that the method of construction of these walls complies with these requirements. In addition, any penetrations or openings within these walls are not to reduce the fire resisting performance of the wall. To this end, the proposed means of providing protection of the openings within the walls, which currently comprise of a roller shutter and doorways (containing glazed panels) which open directly into the staircase at ground floor level, are also to be submitted to Council for consideration and concurrence, prior to the undertaking of rectification works.
 - Any internal walls required to have a FRL by the NCC, must extend to the underside of a ceiling having a resistance to the incipient spread of fire to the space above itself of not less than 60 minutes. In this regard, specific details indicating the intended method of compliance are to be submitted to Council for consideration and concurrence, prior to the undertaking of rectification works

- A current Annual Fire Safety Statement (AFSS) is required to be submitted to Council and prominently displayed within the premises.

Options

A Fire Safety Inspection Report was referred to Council from NSW Fire & Rescue dated 9 March 2020, in respect to the subject premises, for investigation and further action. This is required to be tabled at a Council meeting in accordance with Schedule 5 of the Environmental Planning and Assessment Act as outlined above and Council is required to determine whether or not to exercise its authority to serve a Fire Safety Order under Division 9.3 and Schedule 5 of the Act.

Council has the option to:

- Resolve to issue a Fire Safety Order to address the issues identified, or
- Resolve not to exercise its authority to serve a Fire Safety Order or
- Or resolve in some other manner.

Community Engagement and Internal ConsultationExternal Consultation

External consultation has been undertaken with representatives of NSW Fire & Rescue and the owner of the premises.

Internal Consultation

There was no internal consultation required in this instance.

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1.  NSW Fire and Rescue - Inspection Report Hastings Hotel

Item: 13.08

Subject: ACQUISITION OF EASEMENT FOR DRAINAGE OF SEWAGE -
BAIN STREET, WAUCHOPE

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Pay compensation in the amount of \$5,000 (GST Exclusive) to the owners of Lot 12 DP1180974, D R, P C & C M Suters and others, for the acquisition of an easement for the drainage of sewage 5m wide and variable as depicted (A) in plan of acquisition DP1262476.
2. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991* pay the landowners legal costs reasonably incurred arising from the acquisition of the easement.

Executive Summary

This report considers the acquisition of an easement for the drainage of sewage over land situated off Bain Street, Wauchope and recommends that the acquisition proceed.

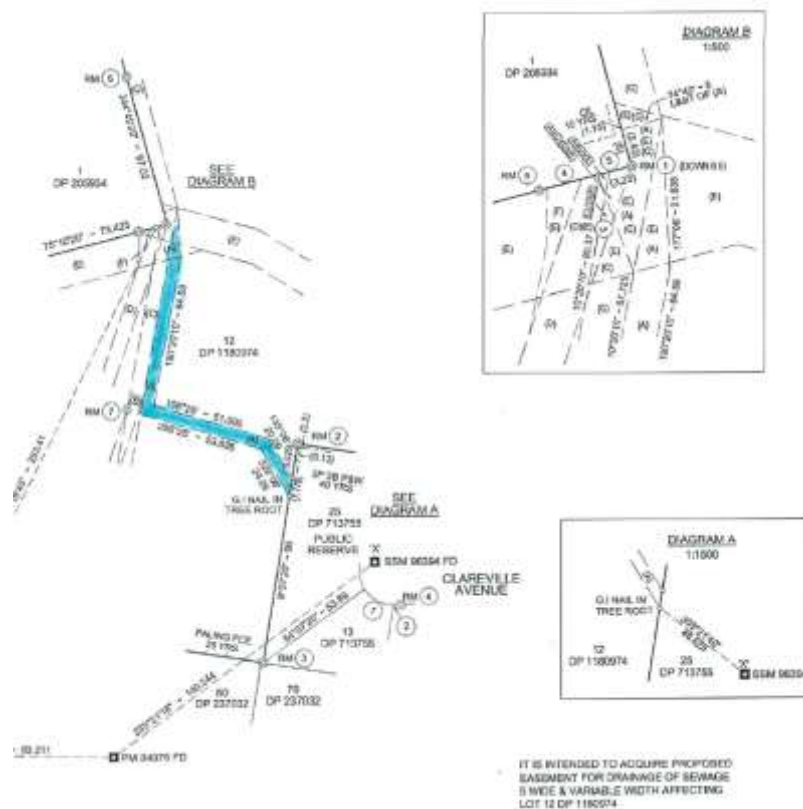
Discussion

The development of the Hastings Sporting Fields requires that the facility be connected to the sewer system. This includes the laying of a 200mm diameter sewer rising main from the sporting field site to Council's Sewer Treatment Plant, and the laying of a 150mm diameter recycled water main from the Council's Sewer Treatment Plant to the sporting fields.

The general location of the pipes to be laid is shown as the blue line with associated measurements in the below aerial image (also shown in **Attachment 1**). The overall length of the pipes where they traverse Lot 12 DP1180974 is 156.16 metres.



An easement 5 metres wide is required over the pipes. More specifically, the precise location of the easement to be acquired is shaded blue in the below copy of plan of acquisition DP1262476 (also shown in **Attachment 2**).



Options

Nil

Community Engagement and Internal Consultation

There has been ongoing consultation with the landowners and ongoing internal consultation between the Infrastructure Division and the Development and Environment Division about this matter.

Planning and Policy Implications

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



Financial and Economic Implications

The acquisition of the easement entitles the landowners to the payment of compensation. Pursuant to the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*, Council's Consulting Valuer has assessed fair compensation in the amount of \$5,000 (GST Exclusive). An offer in this amount has been made to and accepted by the landowners. The acceptance of the offer is now reported to Council so that the acquisition can be finalised.

In addition to the payment of monetary compensation, Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires that Council pay the landowners legal fees reasonably incurred arising from the acquisition. These costs are estimated at \$1,500 (GST exclusive).

Costs associated with the easement acquisition will be met by the existing Hastings Sporting Fields pre-construction budget.

Attachments

1.  Attachment 1 Aerial Image of Route of Easement to be Acquired
2.  Attachment 2 Survey Plan Depicting Location of Easement to be Acquired

Item: 13.09

Subject: THRUMSTER WATERMAIN WORKS IN KIND - THE HERITAGE

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region.

RECOMMENDATION

That Council approve the request by Lewis Developments Pty Ltd to offset the cost of upsizing the watermain works, as described in the report, to a maximum of \$39,365 or 3.81 Equivalent Tenement, subject to the developer entering into a Works in Kind Agreement.

Executive Summary

Council has received a request from Hopkins Consultants on behalf of Lewis Developments Pty Ltd (the developer) to offset the cost of watermain works undertaken in connection with residential subdivision at Thrumster known as 'The Heritage'.

The developer has constructed upsized mains for sections of potable and reclaimed water supply to conform with Council's water supply strategy for the area.

The cost of the works has been verified by Council's Water Supply Planning team. It is recommended that the amount of \$39,365 or 3.81 Equivalent Tenement (based on rates at the time of preparation of the report), be offset against the developer's obligation to pay water supply developer charges for the next stage of subdivision under Development Application 2016/709.

Discussion

Development consent was granted in October 2017 for a 449 lot Torrens Title subdivision to the south of the Oxley Highway and south of Gleasons Creek at Thrumster, now known as The Heritage.

The development is progressing in stages, with Stage 1 works complete. The developer has requested that the construction of an upsized potable trunk watermain and sections of reclaimed watermain along Sovereign Drive be considered as works in kind (WIK).

The difference in cost between the 200mm potable watermain and the watermain provided is \$27,257.50 (ex GST). The difference in cost between the 200mm

reclaimed water main and the main provided is \$12,106.90 (ex GST). The costs have been verified by Council's Water Supply Planning team.

The works are identified in Council's Water Supply Development Servicing Plan (DSP). The total works value for the watermain is greater than \$150,000 (incl GST). Council was not in a position to determine to call tenders for the purposes of Section 55 of the Local Government Act 1993 in this case because the developer was required to undertake the works under the development consent to serve the subdivision.

The developer has paid development contributions in connection with Stage 1 DA2016/709 including water supply developer charges under the DSP in accordance with the development consent.

It is recommended that Council reduce or offset the water supply developer charges for the next stage of subdivision in consideration of the costs incurred by the developer to upsize the watermain. The maximum offset has been determined at \$39,365 (ex GST) or 3.81 Equivalent Tenement (based on rates at the time of preparation of the report). A Works in Kind agreement will need to be executed to formalise the developer's request and the offset of the water supply developer charges in this case.

Options

Council could resolve to approve the request to offset the water supply developer charges in connection with future stage of DA2016/709.

If the application is rejected, no offset of development contributions would apply.

Community Engagement & Internal Consultation

The Group Manager Infrastructure Planning has been consulted and supports entering into a WIK agreement in this case.

Planning and Policy Implications

The proposal does not conform with Council's Works in Kind Policy because the works were constructed prior to the negotiation of a WIK. However, it is noted that the construction certificate for the infrastructure works included the upsized mains and there was a reasonable expectation by the Developer that a request to offset contributions would be considered.

Financial and Economic Implications

The reduction of water supply contributions under the DSP does not impact on Council's financial position. Contributions to the value of \$39,365 will not be collected against the current water supply DSP in lieu of works undertaken by the developer.

The design, assessment and construction of the works has been subject to Council's normal procedures for construction and acceptance of public infrastructure.

Attachments

Nil

Subject: CONFIDENTIAL SESSION

RECOMMENDATION

1. That Council move into Confidential Session to receive and consider the following items:
 - Item 15.01 **EOI-20-04 Town Centre Master Plan Sub-Committee - New Membership**

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - Item 15.02 **IRONMAN Australia and 70.3 - Contract Extension**

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
 - Item 15.03 **Lake Cathie - Illaroo Road Revetment Wall Cost Benefit Analysis & Funding Model**

This item is considered confidential under Section 10A(2)(b) of the Local Government Act 1993, as it contains discussion in relation to the personal hardship of a resident or ratepayer.
 - Item 15.04 **T-20-26 Bonny Hills Recycled Water System Upgrade**

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Confidential Session of Council on the basis that the items to be considered are of a confidential nature.
3. That the resolutions made by Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.