

# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 17 March 2021

**location:** Council Chambers  
Port Macquarie-Hastings Council  
17 Burrawan Street  
Port Macquarie

**time:** 5:30pm

**Community Vision**

A sustainable high quality of life for all

**Community Mission**

Building the future together  
People Place Health Education Technology

**Council's Corporate Values**

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

**Community Themes**

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

# Ordinary Council Meeting

Wednesday 17 March 2021

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

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

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

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

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**Item: 03****Subject: APOLOGIES**

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

1. That the Minutes of the Ordinary Council Meeting held on 17 February 2021 be confirmed.
2. That the Minutes of the Extraordinary Council Meeting held on 3 March 2021 be confirmed.

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**PRESENT**

**Members:**

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

**Other Attendees:**

Chief Executive Officer (Dr Clare Allen)  
Director Corporate Performance (Rebecca Olsen)  
Director Development and Environment (Melissa Watkins)  
Director Infrastructure (Dan Bylsma)  
Director Strategy and Growth (Jeffery Sharp)  
Group Manager Governance (Michael Ferguson)  
Governance Support Officer (Bronwyn Lyon)

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The meeting opened at 5:30pm.

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The Mayor welcomed all in attendance in the Chamber and on line.

The Mayor introduced and gave a warm welcome to Council's recently appointed Chief Executive Officer, Dr Clare Allen.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Mayor opened the Meeting with an Acknowledgement of Country.

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**02 LOCAL GOVERNMENT PRAYER**

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

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### **03 APOLOGIES**

*RESOLVED: Griffiths/Turner*

That the apology received from Councillor L Dixon be accepted.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### **04 CONFIRMATION OF MINUTES**

*RESOLVED: Alley/Griffiths*

That the Minutes of the Ordinary Council Meeting held on 9 December 2020 be confirmed.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### **05 DISCLOSURES OF INTEREST**

Deputy Mayor Intemann declared a Non-Pecuniary, Less Than Significant Interest in Item 15.07 - T-20-37 Construction of Gordon Street Rehabilitation, the reason being that Councillor Intemann is a Director of the Hastings Co-operative Limited, who operates a supermarket on Gordon Street, with entries / exits via Gordon Street and Ackroyd Street, Port Macquarie.

Mayor Pinson declared a Pecuniary Interest in Item 15.01 - T-19-10 Supply and Delivery of Road Construction Materials, the reason being that Mayor Pinson has interests in a company who deals with two of the tenderers.

Mayor Pinson declared a Pecuniary Interest in Item 15.07 - T-20-37 Construction of Gordon Street Rehabilitation, the reason being that Mayor Pinson has interests in a company who does business with the tenderer.

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**06.01 BONNY HILLS PROGRESS ASSOCIATION CORRESPONDENCE -  
SEWAGE ISSUES IN BONNY HILLS AREA**

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*RESOLVED: Pinson*

That Council:

1. Note the correspondence from the Bonny Hills Progress Association as attached to this Mayoral Minute as Attachment 1.
2. Request the Chief Executive Officer respond to this correspondence appropriately addressing the issues raised and advising Council's resolution in the matter.
3. Request the Chief Executive Officer to provide a report to the May 2021 Ordinary Council Meeting detailing the issues raised in the correspondence from the Bonny Hills Progress Association and options available to Council to address these issues.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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**07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL  
MEETING**

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*RESOLVED: Intemann/Griffiths*

That Council determine that the attachments to Item Numbers 10.09 and 10.10 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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**08 PUBLIC FORUM – MATTERS NOT ON THE AGENDA**

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



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## **09 PUBLIC FORUM – MATTERS ON THE AGENDA**

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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.

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## **SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Hawkins/Griffiths*

That Standing Orders be suspended to allow Items 10.03, 10.04, 10.06, 10.07, 10.14, 10.15, 10.16, 11.01, 13.02, 13.04, 13.05, 13.11, 13.12 not in the block to be brought forward and considered next.

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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## **10.03 NOTICE OF MOTION - RECOGNITION OF THE LATE JIM PEARSON SENIOR**

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*RESOLVED: Pinson/Alley*

That Council formally recognise the contribution to the local community and the transport industry of the late Jim Pearson Senior.

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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#### **10.04 NOTICE OF MOTION - COMMUNITY POLL - FLUORIDE**

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*MOTION: Turner/Alley*

That Council:

1. Note the resolution from 15 July 2020 Ordinary Council Meeting for Council to conduct a community poll in conjunction with the next Local Government elections scheduled for 4 September 2021 to read: "Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?"
2. Note that the proposed community poll is expected to cost the community in the order of \$60,000
3. Further note that participation in the proposed poll is voluntary only, its result is non-binding, and it excludes members of our community who are not on the electoral roll.
4. Not proceed with any community poll in conjunction with the next Local Government elections scheduled for 4 September 2021.
5. Request the Chief Executive Officer brief Councillors on costed options for obtaining feedback from the whole community on fluoridation of the public water supply, that is both fact and evidence-based.
6. Note that the NSW Department of Health has issued a directive making it compulsory for Councils and other Water Authorities to fluoridate public water supplies in NSW.
7. Note that the New South Wales Code of Practice for Fluoridation of Public Water Supplies states that "fluoridation of drinking water at optimal levels remains the most significant dental public health program in Australia."
8. Note that fluoridation of public water supplies in Australia is strongly supported by the Australian Dental Association, the Australian Medical Association and the National Health and Medical Research Council of Australia.

*EQUAL: 3/3*

*FOR: Alley, Hawkins and Turner*

*AGAINST: Griffiths, Intemann and Pinson*

*CASTING VOTE: AGAINST*

*LOST: 4/3*

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Note the resolution from the Ordinary Council Meeting of 15 July 2020 for Council to conduct a Community Poll in conjunction with the next Local Government elections, scheduled for 4 September 2021 to read “Yes or No: Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?”
2. Note that the proposed Community Poll is expected to cost in the order of \$60,000, and is non-compulsory and non-binding, and only includes residents who are on the electoral roll.
3. Request the Chief Executive Officer to advise Councillors by April 2021 on possible options, with approximate cost, for ways to determine community opinion on local water fluoridation which would be superior to or add weight to the 4 September 2021 Community Poll. For example by also engaging residents not on the electoral roll and young people, and/or by not being associated with the September 2021 council elections.
4. Note that the Hon Shelley Hancock, Minister for Local Government, has expressed concern about Council holding the Community Poll.
5. Request the Chief Executive Officer to write to Minister Hancock outlining local concerns about water fluoridation and requesting her advice on how Council might have those concerns addressed.
6. Request the Chief Executive Officer to commence arranging for an information sheet to both inform the community on local water fluoridation, and provide Yes and No arguments as referred to in point 1 above.

*EQUAL: 3/3*

*FOR: Griffiths, Intemann and Pinson*

*AGAINST: Alley, Hawkins and Turner*

*CASTING VOTE: FOR*

*CARRIED: 4/3*

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#### **10.06 DRAFT CODE OF CONDUCT AND DRAFT PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT**

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*RESOLVED: Intemann/Turner*

That Council:

1. Pursuant to Section 440 of the Local Government Act 1993, adopt the draft Code of Conduct including amendments to clauses 6.8 to 6.11 whereby the gift value of \$100 in each of these clauses is reduced to \$50.
2. Pursuant to Section 440AA of the Local Government Act 1993, adopt the draft Procedures for the Administration of the Model Code of Conduct.

*CARRIED: 5/1*

*FOR: Alley, Griffiths, Intemann, Pinson and Turner*

*AGAINST: Hawkins*

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## **10.07 DELEGATION OF AUTHORITY TO THE GENERAL MANAGER**

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*RESOLVED: Intemann/Alley*

That Council:

1. Revoke all previous delegations of functions to the General Manager.
2. Delegate to the Chief Executive Officer of Port Macquarie-Hastings Council the Functions in accordance with the Instrument of Delegation to the General Manager, attached to this report as Attachment 1.
3. Appoint an Acting Chief Executive Officer from Council's Directors during planned absences of the Chief Executive Officer by Council resolution on an individual basis.
4. Appoint the Director Strategy and Growth, Jeffery Sharp, to act as Chief Executive Officer in any unplanned instances when the Chief Executive Officer is absent from work on leave.
5. Delegate to any person acting as Chief Executive Officer pursuant to this resolution all the functions, delegations, and sub-delegations given to the General Manager by the Council.
6. Pursuant to clause 213 of the *Local Government (General) Regulation 2005*, delegate to the General Manager the authority to approve the abandonment of debts up to the amount of \$2,500.
7. Note that the role of General Manager applies to the position of Chief Executive Officer and all references to General Manager refer to the position of Chief Executive Officer.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **10.14 RELIEF MEASURES FOR THE IMPACTS OF COVID-19 AND FOR BUSHFIRE IMPACTED RESIDENTS**

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Note the significant impacts on the local community of the COVID-19 Pandemic and Bushfire Emergency, and the significant financial assistance provided by Council, via relief measures, to those affected members of the community.
2. Waive Fees for outdoor dining and footpath displays for a further period of six months up to 31 August 2021.
3. Retain the provisions in the Rates and Charges Hardship Assistance Policy for property owners who have had a house, facility or outbuilding determined by the responsible government agency to be destroyed or damaged as a result of a natural disaster.
4. Note that remaining measures (including amendments to various fees and charges, formal debt recovery action and the local preference policy as outlined in the body of the report) that had been extended to 28 February

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2021 will revert to pre-COVID-19 adopted fees and charges status from 1 March 2021.

5. Note that members of the community can seek assistance in times of hardship under the provisions of Council's pre-COVID-19 Rates and Charges Hardship Assistance Policy.

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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**10.15 2017-2022 DELIVERY PROGRAM AND 2020-2021 OPERATIONAL PLAN  
- PROGRESS REPORT AS AT 31 DECEMBER 2020**

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*RESOLVED: Turner/Griffiths*

That Council note the 2017-2022 Delivery Program and 2020-2021 Operational Plan - Progress Report as at 31 December 2020.

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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

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*RESOLVED: Turner/Hawkins*

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

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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**11.01 PORT MACQUARIE FORESHORE BICENTENNIAL WALKWAY**

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*RESOLVED: Hawkins/Griffiths*

That Council:

1. Note the information contained within the Port Macquarie Foreshore Bi-Centennial Walkway Report.
2. Request the Chief Executive Officer to take all reasonable steps to accelerate the delivery of all site works in a southerly direction up to and including the tie-in to the recently upgraded pathway adjacent to the Hayward Street / Kooloonbung Creek end on the western side of the Coles building so that those sections are effectively open to the public before the week commencing Monday 13 December 2021.
3. Thank the Federal Member for Cowper, Pat Conaghan MP, for his support and advocacy in securing federal funding for this project.

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*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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**13.02 INTERSECTION IMPROVEMENTS - WILLIAM ST/MUNSTER ST, PORT MACQUARIE**

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*MOTION: Pinson/Intemann*

That Council:

1. Note the William/Munster Streets intersection has a poor crash history in the past five year period.
2. Note all reported crashes are “cross-traffic” involving a vehicle from Munster Street colliding with a vehicle from William Street.
3. Endorse a three month trial of a physical closure to the William Street median strip through the Munster Street intersection.
4. Note the responsibility of Council for public safety in a known crash black spot.
5. Prepare a Communications Strategy to inform the public and businesses of the trial closure.

*LOST: 1/5*  
*FOR: Pinson*  
*AGAINST: Alley, Griffiths, Hawkins, Intemann and Turner*

*RESOLVED: Intemann/Griffiths*

That Council:

1. Note the options for trialling a temporary closure to the William Street median strip through the Munster Street intersection outlined in this report.
2. Not proceed with trialling a temporary closure to the William Street median strip through the Munster Street intersection.

Deputy Mayor Intemann left the meeting, the time being 07:08pm.  
Deputy Mayor Intemann returned to the meeting, the time being 07:10pm.

*CARRIED: 5/1*  
*FOR: Alley, Griffiths, Hawkins, Intemann and Turner*  
*AGAINST: Pinson*

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### 13.04 FERRY OPERATIONS

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*MOTION: Pinson/Griffiths*

That Council:

1. Note the growing North Shore community angst in relation to the Hibbard Ferry limited operating hours.
2. Note the numerous correspondence received in relation to the above and also the safety concerns of residents on Settlement Point Road due to the condition of the road and the additional traffic using the Settlement Point Ferry.
3. Conduct a six week trial, extending the Hibbard Ferry hours of operation to 6.30am to 6.50pm Monday to Friday following the February/March Out of Water Slipping of the Ferry and after the Easter School holidays when ferry operations are back to normal.
4. Fund this trial from the Ferry Reserves.
5. Request the Chief Executive Officer convene a meeting with Member for Port Macquarie, the Hon Leslie Williams MP, and the Member for Oxley, the Hon Melinda Pavey MP, to discuss the future of the Ferry services.
6. Request the Chief Executive Officer provide a report to the July 2021 Ordinary Council Meeting, outlining the findings from the six week trial.

LOST: 1/5

FOR: Pinson

AGAINST: Alley, Griffiths, Hawkins, Intemann and Turner

*RESOLVED: Turner/Intemann*

That Council:

1. Note the information provided in this report.
2. Request a further report to the April 2021 Council Meeting.
3. Endorse monitoring and community engagement during the February/March Hibbard Ferry slipping.
4. Request the Chief Executive Officer convene a meeting with Member for Port Macquarie, the Hon Leslie Williams MP, and the Member for Oxley, the Hon Melinda Pavey MP, to discuss the future of the ferry services and other potential construction of crossings of the Hastings River and Maria River.

CARRIED: 5/1

FOR: Alley, Griffiths, Hawkins, Intemann and Turner

AGAINST: Pinson

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### **13.05 PROPOSED PRIMARY AIRPORT ACCESS ROAD - INTERSECTION WITH OXLEY HIGHWAY**

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*MOTION: Pinson/Griffiths*

That Council:

1. Remove the realignment of Fernhill Road from all Proposed Primary Airport Access Road intersection option with the Oxley Highway.
2. Discontinue any further investigations into the realignment of Fernhill Road for the Proposed Primary Airport Access Road intersection with the Oxley Highway.
3. Thank Transport for NSW for undertaking the investigations into feasible intersection options that did not include the realignment of Fernhill Road.
4. Discontinue any further investigations into the remainder of the proposed investigation area of the Orbital Road.
5. Seek future alternative routes that are not through densely populated land and investigate opportunities for traffic improvement via upgrades to existing networks.
6. Notify all residents impacted by the entire Orbital Road investigation area that they are no longer in an investigation zone.

*LOST: 2/4*

*FOR: Griffiths and Pinson*

*AGAINST: Alley, Hawkins, Intemann and Turner*

*RESOLVED: Intemann/Turner*

That Council:

1. Remove the realignment of Fernhill Road from all Proposed Primary Airport Access Road intersection options with the Oxley Highway.
2. Discontinue any further investigations into the realignment of Fernhill Road for the Proposed Primary Airport Access Road intersection with the Oxley Highway.
3. Notify the residents and other previously impacted property owners in the Fernhill Road area that they are no longer in an investigation zone.
4. Issue a media release to advise members of the general community of this decision.
5. Thank Transport for NSW for undertaking the investigations into feasible intersection options that did not include the realignment of Fernhill Road.

*CARRIED: 6/0*

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

*AGAINST: Nil*



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### **13.11 KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT PLAN UPDATE**

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*RESOLVED: Griffiths/Turner*

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

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### **13.12 COASTAL MANAGEMENT PROGRAM SCOPING STUDY - POST EXHIBITION SUBMISSIONS REPORT**

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*RESOLVED: Alley/Intemann*

That Council:

1. Endorse the Coastal Management Program Stage 1 - Scoping Study, February 2021.
2. Delegate authority to the Director Development and Environment to make any minor amendments arising from feedback from the Department of Planning, Industry and Environment (DPIE) if required, to the endorsed Coastal Management Program Stage 1 - Scoping Study, February 2021.
3. Acknowledge the submissions made during the exhibition period and advise people who made submissions of the outcome of Council's consideration of this matter.
4. Include the development of the Stage 2 background studies for the Lake Cathie/Bonny Hills Chapter into the 2021-2022 Operational Plan as a project and proceed to seek funding under the Coastal Management Grant Program.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## 14 ITEMS TO BE DEALT WITH BY EXCEPTION

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*RESOLVED: Alley/Griffiths*

That Items 10.01, 10.02, 10.05, 10.08, 10.09, 10.10, 10.11, 10.12, 10.13, 10.17, 10.18, 10.19, 12.01, 12.02, 12.03, 13.01, 13.03, 13.06, 13.07, 13.08, 13.09, 13.10, 13.13, 13.14 be considered as a block resolution.

*CARRIED: 6/0*

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

*AGAINST: Nil*

*RESOLVED: Turner/Alley*

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

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### 10.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

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*BLOCK RESOLVED: Turner/Alley*

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

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### 10.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 26 NOVEMBER 2020 TO 3 FEBRUARY 2021

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*BLOCK RESOLVED: Turner/Alley*

That Council note the Mayoral Discretionary Fund allocations for the period 26 November 2020 to 3 February 2021 inclusive.

Item 10.03 Notice of Motion - Recognition of the Late Jim Pearson Senior, has been addressed previously within the meeting.

Item 10.04 Notice of Motion - Community Poll - Fluoride, has been addressed previously within the meeting.

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## **10.05 DISCLOSURE OF INTEREST RETURN**

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*BLOCK RESOLVED: Turner/Alley*

That Council note the Disclosure of Interest returns for the following positions:

1. Water and Sewer Process Planning Engineer.
2. Contracts Administrator.
3. Development Assessment Planner.
4. Engineering Planning Manager.
5. Water and Sewer Engineering Planning Manager.
6. Water and Sewer Planning Engineer.
7. Administration Officer.
8. Administration Officer.
9. Parks Management Officer.
10. Recreation and Facilities Manager.
11. Project Officer.
12. Project Officer.
13. Project Officer.
14. Landscape Architect.
15. Landscape Architect.
16. Facilities Co-ordinator.
17. Senior Landscape Architect.
18. Natural Resources Manager.
19. Bushfire Management Officer.
20. Biosecurity Officer Weeds.
21. Team Leader Invasive Weeds.
22. Development Assessment Administration Co-ordinator.
23. Contributions Development Officer.
24. Members of the Coast, Estuary and Floodplain Sub-Committee
25. New members of the Town Centre Master Plan Sub-Committee

Item 10.06 Draft Code of Conduct and Draft Procedures for the Administration of the Model Code of Conduct, has been addressed previously within the meeting.

Item 10.07 Delegation of Authority to the General Manager, has been addressed previously within the meeting.

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**10.08 MARCH 2021 ORDINARY COUNCIL MEETING - WAUCHOPE**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Conduct the March 2021 Ordinary Council meeting in the Port Macquarie Administration Building Council Chamber, hosted face to face in accordance with Section 747A of the Local Government Act 1993 and COVID-19 health orders.
2. Advise the public through appropriate communications that the venue for the March 2021 Ordinary Council meeting will not be held in Wauchope.

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**10.09 LEGAL FEES**

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*BLOCK RESOLVED: Turner/Alley*

That Council note the information in the Legal Fees report.

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**10.10 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2020**

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*BLOCK RESOLVED: Turner/Alley*

That Council note the Quarterly Budget Review Statement for the December 2020 Quarter.

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**10.11 MONTHLY BUDGET REVIEW - JANUARY 2021**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Adopt the adjustments in the "January 2021 Adjustments" section of the Monthly Budget Review – January 2021 report and associated attachment.
2. Amend the 2020-2021 Operational Plan to include all budget adjustments approved in this report.

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**10.12 INVESTMENTS - DECEMBER 2020**

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*BLOCK RESOLVED: Turner/Alley*

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

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### **10.13 INVESTMENTS - JANUARY 2021**

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*BLOCK RESOLVED: Turner/Alley*

That Council note the Investment Report for the month of January 2021.

Item 10.14 Relief Measures for the Impacts of COVID-19 and for Bushfire Impacted Residents, has been addressed previously within the meeting.

Item 10.15 2017-2022 Delivery Program and 2020-2021 Operational Plan - Progress Report as at 31 December 2020, has been addressed previously within the meeting.

Item 10.16 Glasshouse Biannual Report and Update on Glasshouse Plan 2020 - 2022 Actions, has been addressed previously within the meeting.

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### **10.17 BUSHFIRE DISASTER RECOVERY FUNDING**

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*BLOCK RESOLVED: Turner/Alley*

That Council note:

1. The Bushfire Disaster Recovery Funding Report which provides an update on monitoring and delivery of the Council and community projects funded under the NSW and Commonwealth Government bushfire recovery funds.
2. That a further update report will be provided at the August 2021 Council meeting.

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### **10.18 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Note the Development Activity and Assessment System Performance report for the second quarter of 2020-2021.
2. Note the determinations made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.

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## **10.19 WATER SUPPLY POLICY 2021**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Place on public exhibition the draft Port Macquarie-Hastings Council Water Supply Policy 2021 commencing as soon as practicable for a minimum of 28 days.
2. Note that a further report is planned to be tabled at the May 2021 Ordinary meeting of Council, detailing the submissions received from the public during the exhibition period.

Item 11.01 Port Macquarie Foreshore Bicentennial Walkway, has been addressed previously within the meeting.

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## **12.01 GRANT APPLICATIONS BIENNIAL REPORT**

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*BLOCK RESOLVED: Turner/Alley*

That Council note the Grant Applications Biennial Report, providing an update on grants that Council has applied for or obtained, for the 2020-2021 financial year to date.

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## **12.02 COVID-19 RECOVERY AND STIMULUS PROJECTS**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Note the COVID-19 Recovery and Stimulus Projects Report, providing an update on progress.
2. Note a further update report will be provided at the August 2021 Council meeting.

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### **12.03 POLICY REVIEW - MARKETS POLICY - POST PUBLIC EXHIBITION REPORT**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Note the submissions and surveys received following the exhibition of the draft Markets Policy.
  2. Adopt the revised draft Markets Policy as attached to this report.
  3. Thank those that made a submission during the exhibition of the Draft Markets Policy and advise of the outcome.
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### **13.01 NSW NORTH COAST REGION WASTE INVESTMENT REVIEW**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Note the NSW North Coast Region Waste Investment Review report prepared on behalf of NSW North Coast Region Councils; and
2. Defer further consideration of potential future regional scale residual waste infrastructure facilities pending release of the NSW Government 20-year waste strategy and subsequent review of Council's waste strategy.

Item 13.02 Intersection Improvements - William St/Munster St, Port Macquarie, has been addressed previously within the meeting.

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### **13.03 PORT MACQUARIE TRANSPORT NETWORK COMMUNITY CONSULTATIVE COMMITTEE MEMBERSHIP**

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*BLOCK RESOLVED: Turner/Alley*

That Council endorse the continued membership of the current Port Macquarie Transport Network Community Consultative Committee for a further twelve-month period in line with the Committee Charter.

Item 13.04 Ferry Operations, has been addressed previously within the meeting.

Item 13.05 Proposed Primary Airport Access Road - Intersection with Oxley Highway, has been addressed previously within the meeting.

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### **13.06 LAND ACQUISITION - HASTINGS RIVER DRIVE, PORT MACQUARIE**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Pursuant to Section 177 of the Roads Act 1993 make application to the Minister for Local Government and the Governor for the compulsory acquisition of Lot 2 Deposited Plan 1263240 for the purpose of public road.
2. Exclude all mines and minerals from the compulsory acquisition.
3. Pursuant to Section 10 of the Roads Act 1993 dedicate Lot 2 Deposited Plan 1263240 as public road concurrently with the publication of the Notice of Compulsory Acquisition in the NSW Government Gazette.
4. In its capacity as the Crown Land Manager of Reserve 210112 raise no objection to the compulsory acquisition.

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### **13.07 ACQUISITION OF EASEMENT FOR WATER SUPPLY - KING STREET, WAUCHOPE**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Pay compensation in the amount of \$5,000 (GST exclusive) to the owners of Lot 4 Deposited Plan 1184035 being, The Trustees of the Roman Catholic Church for the Diocese of Lismore, for the acquisition of an easement for water supply shown as (B) in plan of acquisition Deposited Plan 1268252.
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's legal costs reasonably incurred arising from the acquisition.

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### **13.08 ACQUISITION OF EASEMENT FOR WATER SUPPLY - OCEAN DRIVE, BONNY HILLS**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Pay compensation in the amount of \$2,000 (GST Exclusive) to the owners of Lot 4 Deposited Plan 844371, Aerotown Pty Ltd for the acquisition of an easement for water supply shown as (A) in plan of acquisition Deposited Plan 1264664.
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's legal costs reasonably incurred arising from the acquisition.



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### **13.09 LAND ACQUISITION - UPPER ROLLANDS PLAINS ROAD, UPPER ROLLANDS PLAINS**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Acquire from the owners of Lot 1 Deposited Plan 1156318, being W P & T J Burt, that part of Lot 1 Deposited Plan 1156318 more particularly described as Lot 2 in plan of acquisition Deposited Plan 1270413.
2. On acquisition of Lot 2 Deposited Plan 1270413 dedicate Lot 2 Deposited Plan 1270413 as road pursuant to Section 10 of the Roads Act 1993.
3. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's legal costs reasonably incurred arising from the acquisition.

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### **13.10 DEVELOPMENT ASSESSMENT PANEL - APPOINTMENT OF MEMBERS AND DELEGATED AUTHORITY**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Appoint Mr David Crofts, Mr Michael Mason, Mr Christopher Gee, Mr Tony McNamara and the Group Manager Development Assessment to be members of Council's Development Assessment Panel.
2. Provide delegated authority to the Development Assessment Panel pursuant to Section 377 of the Local Government Act 1993 to undertake development assessment related functions in accordance with the Development Assessment Panel Charter.
3. Appoint Mr David Crofts, Mr Michael Mason, Mr Christopher Gee and Mr Tony McNamara as Council's representatives on the Northern Regional Planning Panel on a rotational basis, noting Council has two (2) representatives per meeting.
4. Thank Mr Paul Drake for his service as Chair of the former Development Assessment Panel for the past twelve (12) years.
5. Thank Mr Robert Hussey for his service as an independent member of the former Development Assessment Panel for the past four (4) years.

Item 13.11 Kooloonbung Creek Flying-Fox Camp Management Plan Update, has been addressed previously within the meeting.

Item 13.12 Coastal Management Program Scoping Study - Post Exhibition Submissions Report, has been addressed previously within the meeting.

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**13.13 PLANNING PROPOSAL PP2014 - 14.1: LAND AT THE INTERSECTION OF HOUSTON MITCHELL DRIVE AND OCEAN DRIVE BONNY HILLS - CONSIDERATION OF SUBMISSIONS**

**APPLICANT: KING AND CAMPBELL PTY LTD**  
**OWNER: S J MIFSUD**

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*BLOCK RESOLVED: Turner/Alley*

That Council:

1. Endorse a revised Planning Proposal in relation to Lot 10 DP 615775 and Lot 6 DP 1210904, corner Houston Mitchell Drive and Ocean Drive, Bonny Hills, as contained in Attachment 2 of this report, that makes changes to the Land Zoning, Height of Buildings and Lot Size maps, and re-exhibit the Planning Proposal in accordance with the Gateway Determination.
  2. Endorse revised draft Development Control Plan (DCP) site-specific provisions, as contained in Attachment 3 and Attachment 4 of this report for the subject land and re-exhibit concurrently with the Planning Proposal.
  3. Delegate authority to the Director Development and Environment to make any minor amendments to numerical, typographical, interpretation and formatting errors, if required, to the revised Planning Proposal and draft Development Control Plan provisions prior to public exhibition.
  4. Notify all persons who lodged a submission of Council's decision and the re-exhibition of the revised Planning Proposal and draft Development Control Plan amendments.
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**13.14 BRIERLEY HILL ENVIRONMENTAL LAND EAST PLANNING AGREEMENT**

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*BLOCK RESOLVED: Turner/Alley*

That Council enter into the Brierley Hill Environmental Land East Planning Agreement (Attachment 1) which relates to Development Application (DA2008 - 440) for subdivision of land at The Point Drive, Port Macquarie.

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**CONFIDENTIAL SESSION**

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*RESOLVED: Hawkins/Alley*

1. That pursuant to section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Confidential Session of Council on the basis that items to be considered are of a confidential nature.
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2. That Council move into Closed Session to receive and consider the following items
- Item 15.01 T-19-10 Supply and Delivery of Road Construction Materials
- 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 15.02 T-20-35 Port Macquarie-Hastings Council Managed Print Services
- 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 T-21-12 IT Hardware Replacement Project
- 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 15.04 RFQ-20-30 Construction Quality Assurance Engineer for Cairncross Landfill Expansion Project
- This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- Item 15.05 T-20-31 Cairncross Landfill Expansion Stages 1A, 1C and 1E Construction
- This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- Item 15.06 T-20-36 Maria River Road Upgrade - Design and Environmental Approvals
- 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 15.07 T-20-37 Construction of Gordon Street Rehabilitation
- This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial
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information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

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: 6/0*

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

*AGAINST: Nil*

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### **15.01 T-19-10 SUPPLY AND DELIVERY OF ROAD CONSTRUCTION MATERIALS**

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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 8:12pm.

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

*RESOLVED: Hawkins/Griffiths*

That Council:

1. Accept the revised tenders from the following tenderers to be appointed to the panel arrangement for the Supply and Delivery of Road Construction Materials for a two (2) year period commencing 1 March 2021:
  - a) Hanson Construction Materials Pty Ltd;
  - b) Hurd Haulage Pty Ltd; and
  - c) Pacific Blue Metals Pty Ltd.with two (2) options to extend for a period of one (1) year each, such option(s) to be for the benefit of the Council and may be exercised only by the Council in its sole discretion.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of T-19-10.

*CARRIED: 5/0*

*FOR: Alley, Griffiths, Hawkins, Intemann and Turner*

*AGAINST: Nil*

Mayor Pinson returned to the meeting, the time being 8:13pm.

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

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## **15.02 T-20-35 PORT MACQUARIE-HASTINGS COUNCIL MANAGED PRINT SERVICES**

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*RESOLVED: Turner/Alley*

That Council:

1. Accept the tender from the trustee for The Evans Family Trust t/as Fuji Xerox Business Centre Mid North Coast at the Option 1a schedule of rates, for the provision of managed print services for a 60-month contract term commencing 1 July 2021.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Request for Tender T-20-35.

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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## **15.03 T-21-12 IT HARDWARE REPLACEMENT PROJECT**

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*RESOLVED: Hawkins/Intemann*

That Council:

1. Pursuant to Section 55 (3)(g) of the Local Government Act 1993, resolve to not invite tenders for the IT Hardware Replacement Project and seek a quote from HP PPS Australia Pty Ltd through NSW Government Contract 999 ICT End User Devices and Services Contract (Lot 1 Devices).
2. Note the Chief Executive Officer will exercise the delegation to enter into a contractual arrangement through NSW Government Contract 999 ICT End User Devices and Services Contract (Lot 1 Devices).
3. Affix the seal of Council to the necessary document.
4. Maintain the confidentiality of the documents and consideration in respect of the procurement for the IT Hardware Replacement Project.

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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**15.04 RFQ-20-30 CONSTRUCTION QUALITY ASSURANCE ENGINEER FOR CAIRNCROSS LANDFILL EXPANSION PROJECT**

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*RESOLVED: Griffiths/Intemann*

That Council:

1. Note the engagement of SMEC Australia Pty Ltd for \$283,548.00 (excl GST) for RFQ-20-30 Construction Quality Assurance Engineer for Cairncross Landfill Expansion Project.
2. Maintain the confidentiality of the documents and considerations in respect of Request for Quotation RFQ-20-30.

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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**15.05 T-20-31 CAIRNCROSS LANDFILL EXPANSION STAGES 1A, 1C AND 1E CONSTRUCTION**

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*RESOLVED: Hawkins/Alley*

That Council:

1. Note the engagement of Ditchfield Contracting Pty Ltd for \$6,333,214.18 (excl GST) for Request for Tender T-20-31 Cairncross Landfill Expansion Stages 1A, 1C and 1E Construction.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Request for Tender T-20-31.

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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**15.06 T-20-36 MARIA RIVER ROAD UPGRADE - DESIGN AND ENVIRONMENTAL APPROVALS**

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*RESOLVED: Griffiths/Alley*

That Council:

1. Note the outcomes of the procurement process for the design and environmental approvals for the Maria River Road Upgrade including the engagement of GHD Pty Ltd for the value of \$328,394 (excl GST).
2. Maintain the confidentiality of the documents and considerations in respect of Request for Quotation T-20-36.

*CARRIED: 6/0*  
*FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner*  
*AGAINST: Nil*

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### **15.07 T-20-37 CONSTRUCTION OF GORDON STREET REHABILITATION**

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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 8:15pm.

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

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

*RESOLVED: Hawkins/Turner*

That Council:

1. Accept the Tender from Eire Constructions Pty Ltd for the Lump Sum \$6,834,576.36 (excl GST) for Request for Tender T-20-37 Construction of Gordon Street Rehabilitation.
2. Affix the seal of Council to the necessary document.
3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-20-37.

*CARRIED: 5/0*

*FOR: Alley, Griffiths, Hawkins, Intemann and Turner*

*AGAINST: Nil*

Mayor Pinson returned to the meeting, the time being 8:17pm.

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

*RESOLVED: Alley/Turner*

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

*CARRIED: 6/0*  
*FOR: Alley, 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.

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The meeting closed at 8:24pm.

.....  
Peta Pinson  
Mayor



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**PRESENT**

**Members:**

Councillor Peta Pinson (Mayor)  
Councillor Lisa Intemann (Deputy Mayor)  
Councillor Sharon Griffiths  
Councillor Peter Alley  
Councillor Geoff Hawkins

**Other Attendees:**

Chief Executive Officer (Dr Clare Allen)  
Director Corporate Performance (Rebecca Olsen)  
Director Development and Environment (Melissa Watkins)  
Director Infrastructure (Dan Bylsma)  
Group Manager Governance (Michael Ferguson)  
Governance Support Officer (Bronwyn Lyon)

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The meeting opened at 5:00pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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

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**02 APOLOGIES**

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*RESOLVED: Griffiths/Hawkins*

That the apology received from Councillor R Turner be accepted.

*CARRIED: 5/0*

*FOR: Alley, Griffiths, Hawkins, Intemann and Pinson*

*AGAINST: Nil*

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**03 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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#### **04.01 RESIGNATION OF COUNCILLOR LEE DIXON**

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*RESOLVED: Intemann/Hawkins*

That Council:

1. Request the Chief Executive Officer write to the Electoral Commissioner, the Chief Executive of the Office of Local Government and the Chief Executive of Local Government NSW advising of Councillor Dixon's resignation as required under Section 285(b) of the Local Government (General) Regulations 2005.
2. Note that Council is not required to apply to the Minister for Local Government The Hon. Shelley Hancock MP, seeking application to dispense with a by-election to replace the casual vacancy left following the recent resignation of Councillor Lee Dixon, in line with Section 294 (2) of the NSW Local Government Act 1993.
3. Place on record its gratitude and appreciation to Lee Dixon for his service to Council and the Port Macquarie-Hastings community as a Councillor for the period 10 September 2016 to 28 February 2021, including an unplanned extension of the normal Council term due to COVID-19.

*CARRIED: 5/0*

*FOR: Alley, Griffiths, Hawkins, Intemann and Pinson*

*AGAINST: Nil*

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#### **07.01 OCEAN DRIVE DUPLICATION PROJECT**

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*MOVED: Alley/Hawkins*

That Council:

1. Note the current funding gap of \$30 Million for the Ocean Drive Duplication project.
2. Note the at risk nature of the \$60 Million State Government funding for this project should the shortfall amount of \$30 Million remain un-funded.
3. Note that Council needs to ensure that its overall debt levels do not unreasonably overburden future ratepayers and adversely impact on the services delivered.
4. Note resolution 10.08 Borrowing for Projects from 16 October 2019 Ordinary Council Meeting:

*RESOLVED: Levido/Intemann*

*That Council:*

1. *Note the importance of the following projects and prioritise them for planning and design:*
    - a) *Upgrade of Boundary Street, Port Macquarie from its intersection with Hastings River Drive to the Port Macquarie Airport entry based on current investigations and planning in an amount of \$15,000,000.00 for the complete project.*
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- b) Carry out upgrade works to Bril Bril Road, Rollands Plains based on prior discussions and investigations with the local community in an amount of \$6,000,000.00 for the complete project.
  - c) Carry out further works with respect to the “Schools to Schools” project from Kendall Public School, Kendall to Laurieton Public School, Laurieton, with reference to the existing Strategic Alignment Study and the high priority sections identified in consultation with the Schools to Schools local committee.
  - d) Carry out further works with respect to the “Beach 2 Beach” project from North Haven to Dunbogan, with reference to the proposed Strategic Alignment Study and in consultation with the Beach 2 Beach local committee.
  - e) Carry out investigations and planning with respect to undertaking tidal improvements to that part of the Lake Innes and Lake Cathie Estuarine System from the Ocean Drive bridge in a westerly direction.
2. Add to the 2019-2020 Operational Plan the components of planning and design for the projects listed above so as to substantially progress each, using internal and/or contracted resources so as to not prevent completion of other existing projects in the 2019-2020 operational plan.
  3. Request the General Manager to add the remaining planning and design work for the projects listed above, plus substantial further work on each project, to the draft 2020-2021 Operational Plan.
  4. Request the General Manager to fund the nominated planning and design work specified in point 2, above, with loan borrowings raised immediately to the amount of \$2,400,000.00.
  5. Request the General Manager to consider (in the current 2019-2020 operational plan, the draft 2020-2021 operational plan and in the review of the long term financial plan) the appropriate mitigation factors to offset the cashflow requirements (and operating performance impacts) of repaying the interest and principal associated with the above borrowings.
  6. Request the General Manager to consider additional borrowings up to \$25,000,000.00 in total to fund the balance of the projects listed 1a) and 1b) above and progressing the projects listed 1c), 1d) and 1e) above (in the draft 2020-2021 operational plan and in the review of the long term financial plan), together with the appropriate mitigation factors to offset the cash flow requirements (and operating performance impacts) of repaying the interest and principal associated with the additional borrowings.

CARRIED: 6/2

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

AGAINST: Griffiths and Pinson

5. Note that the detailed design of the upgrade of Boundary Street, Port Macquarie is due to be completed by June 2022 at a cost of \$900,000.
6. Confirm, as noted at the 16 October 2019 Ordinary Council Meeting, the importance of:
  - a) The upgrade of Bril Bril Rd, Rollands Plains project.
  - b) Further works on both “Schools to Schools” and “Beach to Beach” projects.

- c) Investigations and planning on the Lake Innes and Lake Cathie Estuarine System.
7. Continue to finalise the detailed design of the Boundary Street, Port Macquarie works as noted at the 16 October 2019 Ordinary Council Meeting, but cease to proceed with the remainder of the works until suitable funding can be identified, noting that this would reduce Council's current proposed forecast borrowings by an amount of \$14.1 Million.
8. Fund the \$30 Million for the Ocean Drive Duplication project by borrowing \$25 Million and funding \$5 Million from Council Reserves in order to progress the construction tender advertisement as a priority.
9. Note the opportunity costs of prioritising the Ocean Drive Duplication project over current proposed higher priority road network improvements including the Lake Road Duplication projects and John Oxley Drive duplication project.
10. Continue to liaise with the Federal and State Governments for funding assistance to mitigate impact on current proposed projects and work programs.
11. Prior to any recommendation to award the Ocean Drive Duplication construction contract:
  - a) Confirm the success, or otherwise, of significant additional funding assistance from the Federal and/or State Governments for the Ocean Drive Duplication project, Boundary Street Upgrade project, Lake Road Duplication projects and/or John Oxley Drive Duplication project.
  - b) Confirm the state government approval of the formal business case.
  - c) Finalise the Memorandum of Understanding (MOU) with the State Government confirming the delivery partnership with respect to this project.
12. Incorporate the Ocean Drive Duplication project and funding into the draft 2021/2022 Operational Plan and the Long Term Financial Plan.

#### **AMENDMENT**

*MOVED: Pinson/Griffiths*

That Council:

1. Note the current funding gap of \$30 Million for the Ocean Drive Duplication project.
2. Note the at risk nature of the \$60 Million State Government funding for this project should Council not fund the shortfall amount of \$30 Million.
3. Fund the \$30 Million by borrowing \$25 Million and funding \$5 Million from Council Reserves in order to progress the construction tender advertisement as a priority.
4. Note the opportunity costs of prioritising the Ocean Drive Duplication project over current proposed higher priority road network improvements including the Lake Road Duplication projects and John Oxley Drive duplication project.
5. Continue to liaise with the Federal and State Governments for funding assistance to mitigate impact on current proposed projects and work programs.
6. Confirm the success or otherwise of significant additional funding assistance from the Federal or State Governments for either the Ocean Drive Duplication project, Lake Road Duplication projects or John Oxley Drive Duplication project.

7. Incorporate the Ocean Drive Duplication project and funding into the draft 2021/2022 Operational Plan and the Long Term Financial Plan.

**THE AMENDMENT WAS PUT AND WAS LOST**

LOST: 2/3  
FOR: Griffiths and Pinson  
AGAINST: Alley, Hawkins and Intemann

**THE MOTION WAS PUT AND CARRIED**

*RESOLVED: Alley/Hawkins*

That Council:

1. Note the current funding gap of \$30 Million for the Ocean Drive Duplication project.
2. Note the at risk nature of the \$60 Million State Government funding for this project should the shortfall amount of \$30 Million remain un-funded.
3. Note that Council needs to ensure that its overall debt levels do not unreasonably overburden future ratepayers and adversely impact on the services delivered.
4. Note resolution 10.08 Borrowing for Projects from 16 October 2019 Ordinary Council Meeting:

*RESOLVED: Levido/Intemann*

*That Council:*

7. *Note the importance of the following projects and prioritise them for planning and design:*
  - a) *Upgrade of Boundary Street, Port Macquarie from its intersection with Hastings River Drive to the Port Macquarie Airport entry based on current investigations and planning in an amount of \$15,000,000.00 for the complete project.*
  - b) *Carry out upgrade works to Bril Bril Road, Rollands Plains based on prior discussions and investigations with the local community in an amount of \$6,000,000.00 for the complete project.*
  - c) *Carry out further works with respect to the "Schools to Schools" project from Kendall Public School, Kendall to Laurieton Public School, Laurieton, with reference to the existing Strategic Alignment Study and the high priority sections identified in consultation with the Schools to Schools local committee.*
  - d) *Carry out further works with respect to the "Beach 2 Beach" project from North Haven to Dunbogan, with reference to the proposed Strategic Alignment Study and in consultation with the Beach 2 Beach local committee.*
  - e) *Carry out investigations and planning with respect to undertaking tidal improvements to that part of the Lake Innes and Lake Cathie Estuarine System from the Ocean Drive bridge in a westerly direction.*
8. *Add to the 2019-2020 Operational Plan the components of planning and design for the projects listed above so as to substantially progress*

- each, using internal and/or contracted resources so as to not prevent completion of other existing projects in the 2019-2020 operational plan.
9. Request the General Manager to add the remaining planning and design work for the projects listed above, plus substantial further work on each project, to the draft 2020-2021 Operational Plan.
  10. Request the General Manager to fund the nominated planning and design work specified in point 2, above, with loan borrowings raised immediately to the amount of \$2,400,000.00.
  11. Request the General Manager to consider (in the current 2019-2020 operational plan, the draft 2020-2021 operational plan and in the review of the long term financial plan) the appropriate mitigation factors to offset the cashflow requirements (and operating performance impacts) of repaying the interest and principal associated with the above borrowings.
  12. Request the General Manager to consider additional borrowings up to \$25,000,000.00 in total to fund the balance of the projects listed 1a) and 1b) above and progressing the projects listed 1c), 1d) and 1e) above (in the draft 2020-2021 operational plan and in the review of the long term financial plan), together with the appropriate mitigation factors to offset the cash flow requirements (and operating performance impacts) of repaying the interest and principal associated with the additional borrowings.

CARRIED: 6/2

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

AGAINST: Griffiths and Pinson

5. Note that the detailed design of the upgrade of Boundary Street, Port Macquarie is due to be completed by June 2022 at a cost of \$900,000.
6. Confirm, as noted at the 16 October 2019 Ordinary Council Meeting, the importance of:
  - a) The upgrade of Bril Bril Rd, Rollands Plains project.
  - b) Further works on both "Schools to Schools" and "Beach to Beach" projects.
  - c) Investigations and planning on the Lake Innes and Lake Cathie Estuarine System.
7. Continue to finalise the detailed design of the Boundary Street, Port Macquarie works as noted at the 16 October 2019 Ordinary Council Meeting, but cease to proceed with the remainder of the works until suitable funding can be identified, noting that this would reduce Council's current proposed forecast borrowings by an amount of \$14.1 Million.
8. Fund the \$30 Million for the Ocean Drive Duplication project by borrowing \$25 Million and funding \$5 Million from Council Reserves in order to progress the construction tender advertisement as a priority.
9. Note the opportunity costs of prioritising the Ocean Drive Duplication project over current proposed higher priority road network improvements including the Lake Road Duplication projects and John Oxley Drive duplication project.
10. Continue to liaise with the Federal and State Governments for funding assistance to mitigate impact on current proposed projects and work programs.
11. Prior to any recommendation to award the Ocean Drive Duplication construction contract:

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- a) Confirm the success, or otherwise, of significant additional funding assistance from the Federal and/or State Governments for the Ocean Drive Duplication project, Boundary Street Upgrade project, Lake Road Duplication projects and/or John Oxley Drive Duplication project.
  - b) Confirm the state government approval of the formal business case.
  - c) Finalise the Memorandum of Understanding (MOU) with the State Government confirming the delivery partnership with respect to this project.
12. Incorporate the Ocean Drive Duplication project and funding into the draft 2021/2022 Operational Plan and the Long Term Financial Plan.

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

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The meeting closed at 5:45pm

.....  
Peta Pinson  
Mayor

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**Item: 05**  
**Subject: DISCLOSURES OF INTEREST**

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**RECOMMENDATION**

**That Disclosures of Interest be presented**

**DISCLOSURE OF INTEREST DECLARATION**

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

*(Refer to next page and the Code of Conduct)*



**Pecuniary Interest**

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

**Non-Pecuniary**

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

**Managing non-pecuniary conflicts of interest**

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

**SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION**

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

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

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

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

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

Last Updated: 3 June 2019

**Important Information**

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

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

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

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

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

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

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

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

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**Item: 07**

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

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

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**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 Number 12.01 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:

<b>Item No:</b>	<b>12.01</b>
<b>Subject:</b>	Event Sponsorship Program Grant - Round 2 2021
<b>Attachment Description:</b>	Round 2 2021 Event Sponsorship Program Evaluation Summary
<b>Confidential Reason:</b>	Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial advantage on a competitor of the Council. (Local Government Act 1993 - Section 10A(2)(d)(ii)).

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**Item: 08**

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

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

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

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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](mailto: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 affective advocates for the community
- 1.3 Demonstrate leadership
- 1.4 Use innovative, efficient and sustainable practices
- 1.5 Ensure strong corporate and financial management that is transparent and accountable

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**Item: 10.01**

**Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

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

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### Alignment with Delivery Program

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

### RECOMMENDATION

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

### Discussion

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Planning Proposal – Lot 2 DP1091253 Beach Street Bonny Hills	19/04/16 Item 12.02	Discontinued by DPI	DDE	Sep-19 Nov-19 Feb-20 Nov-20 Apr-20 Jul-20 Sep-20 Mar-21	Remove.
Planning Proposal (PP2016-10.1) Beach Street, Bonny Hills	17/06/2020 Item 13.03	Discontinued by DPI	DDE	Sep-20 Oct-20 Nov-20 Mar-21	Remove.
Draft Roadside Vegetation Management Policy	23/09/2020 Item 13.05	Awaiting outcome from Councillor briefing	DI	Nov-20 Feb-21	Mar-21
Significant Road Safety Upgrade to Pacific Highway / Houston Mitchell Drive Intersection - response from Hon Leslie Williams MP	23/09/20 13.01	Awaiting response	CEO	Dec-20 Feb-21	Mar-21



<b>Report</b>	<b>Date &amp; Item of Resolution</b>	<b>Status</b>	<b>Reporting Officer</b>	<b>Previous Anticipated Date/s for Report</b>	<b>Current Anticipated Date for Report</b>
Declaration of a Climate Emergency - Actions	21/10/2020 Item 13.01		DDE		Mar-21
Draft Bain Park Master Plan - Post Exhibition Community Engagement	18/11/2020 Item 11.02		DDE		Mar-21
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/18 Item 14.05	On hold as per CEO advice	SG	Mar-20 Nov-20 Mar-21	Apr-21
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.	SG	Dec-19 Feb-20 Sep-20 Mar-21	Apr-21
MOU - Norfolk Island Regional Council - income and expenditure administration.	20/03/19 Item 09.02	Awaiting confirmation of financial data	CEO	Feb-21 Mar-21	Apr-21
Planning Proposal Request PP2011 - 9.3: The Ruins Way and South Blackwood, Port Macquarie	19/06/19 Item 13.06	In December 2020 Council extended the timeframe for submission of additional information to 31/1/21. An additional information package was received on 31/1/21 however the mandatory phase 1 site	DDE	Nov-20 Mar-21	Apr-21

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
		contamination assessment was not included. The assessment report will be submitted in February and due to reporting cycle/deadlines this will now be a report to the April 2021 ORD meeting.			
Land Acquisition Required as Part of the Long Flat Sewer Scheme - post exhibition	20/11/19 Item 13.13	Registration is with Land Title Office. Awaiting their response.	DDE	Feb-20 Aug-20 Oct-20 Feb-21 Mar-21	Apr-21
Naming of Roads in Laurieton	15/07/2020 Item 11.02	A new proposed name has been identified. Notify for public comment in March.	DDE	Sep-20 Nov-20 Mar-21	Apr-21
Draft Code of Meeting Practice	23/09/2020 Item 10.11	Waiting Councillor workshop on the Code of Meeting Practice prior to the final consideration of Council	CEO	Feb-21 Mar-21	Apr-21
Land classification - Lot 1 DP 545926 1 Commerce Street, Wauchope - post exhibition	23/09/2020 Item 15.03	Sale not yet finalised	DSG	Mar-21	Apr-21

<b>Report</b>	<b>Date &amp; Item of Resolution</b>	<b>Status</b>	<b>Reporting Officer</b>	<b>Previous Anticipated Date/s for Report</b>	<b>Current Anticipated Date for Report</b>
Establishment of a "Fly Neighbourly Agreement"	21/10/2020 Item 12.01	Stakeholder engagement continuing, including local aircraft operators and statutory authorities (eg CASA)	DCP	Feb-21	Apr-21
Mid North Coast Joint Organisation	09/12/2020 Item 10.03	Awaiting MNCJO March meeting	CEO	Mar-21	Apr-21
Key intersections for upgrade - costs and prioritisations	09/12/2020 Item 13.01		DI		Apr-21
Bonny Hills Reserves Draft Master Plan - post exhibition	09/12/2020 Item 11.02		DDE		Apr-21
Ferry Services	17/02/2021 Item 13.04		DI		Apr-21
Developments, Public Place & Events Waste Minimisation and Management Policy - impacts, fees, feedback	03/06/2020 Item 13.01		DCP		May-21
Planning Proposal (PP2017-11.1) The Chimneys, Homedale Road, Kew	17/06/2020 Item 13.03	Awaiting further supporting documentation from the proponent.	DDE	Sep-20 Oct-20 Mar-21	May-21
Lake Cathie - Illaroo Road Revetment Wall - Report on community engagement outcomes and future recommended steps	12/08/2020 Item 15.03	Community consultation ends March / April	DDE	Mar-21	May-21
Biodiversity Investigations and Stewardship Sites	23/09/2020 Item 15.07	Awaiting consultant's report.	DDE	Mar-21	May-21

<b>Report</b>	<b>Date &amp; Item of Resolution</b>	<b>Status</b>	<b>Reporting Officer</b>	<b>Previous Anticipated Date/s for Report</b>	<b>Current Anticipated Date for Report</b>
PMHC Sustainability Advisory Sub-Committee - Membership	18/11/2020 Item 10.17	Recruitment will start in March.	DDE	Mar-21	May-21
Sewage Issues in Bonny Hills	17/02/2021 Item 06.01		DI		May-21
Water Supply Policy 2021	17/02/2021 Item 10.19		DI		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
Draft s9.11 Airport Business Park Roads Contribution Plan	20/05/2020 Item 13.05	The development of a new Contributions Plan will be incorporated in the program for review of Council developer contributions framework.	DDE	Dec-20	Jun-21
Footpaving of Roads Policy - Review	01/07/2020 Item 13.01	To be considered in conjunction with development of the Regional Integrated Transport Strategy (RITS)	DDE	Dec-20	Jun-21
Sustainability and Climange Change Strategy - adaptation initiatives	09/12/2020 Item 13.06		DDE		Jun-21

<b>Report</b>	<b>Date &amp; Item of Resolution</b>	<b>Status</b>	<b>Reporting Officer</b>	<b>Previous Anticipated Date/s for Report</b>	<b>Current Anticipated Date for Report</b>
Land acquisition for future parallel taxiway at Port Macquarie Airport - post exhibition	12/08/2020 Item 12.05	Awaiting Ministers response to our application made in October 2020. Notification periods are lengthy and a report to Council would not be possible before August.	DDE	Dec-20 Mar-21	Aug-21
Bushfire Disaster Recovery Funding	17/02/2021 Item 10.17		DSG		Aug-21
COVID19 Recovery and Stimulus Projects	17/02/2021 Item 12.02		DSG		Aug-21
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.	10/08/16 Item 12.01		DDE		2021 (estimate)
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/16 Item 06.02	Awaiting Catholic Parish advice	CEO	Oct-18 Mar-19 Apr-19 Jul-19 Dec-19 Jun-20	TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Mayoral Discretionary Fund Allocations	CEO	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		
Legal Fees - Update Report (19/09/18 - Item 09.16)	DCP	Quarterly	Feb, May, Aug, Nov		
Development Activity and Assessment System Performance	DDE	Quarterly	May, Aug, Nov, Feb		
Port Macquarie Health and Education Precinct - Update Report (06/05/2020 - Item 13.03)	DSG	Quarterly	Aug, Nov, Feb, May	No Feb or May update report	As per resolution 18/11/20 Item 13.01
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		
Delivery Program – Six Monthly Progress	DCP	Biannual	Feb, Sep		
Update on Site Specific Planning Proposal Requests	DDE	Biannual	Apr, Oct		
Long Term Energy Strategy – Progress	DDE	Biannual	May, Nov		
Economic Development Strategy - Progress (20/11/2013 - Item 10.03)	DSG	Biannual	May, Nov		
Management of Flying-Fox Colony in Kooloonbung Creek Nature Reserve - Biannual	DDE	Biannual	Jul, February		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Progress Report (18/03/20 - Item 13.07)					
Local Strategic Planning Statement (19/02/2020 - Item 10.22)	DSG	Biannual	Aug, Feb	May-21	Awaiting CSP feedback and adoption
Mayoral and Councillor Fees (Setting of)	DCP	Annually	May		
Port Macquarie-Hastings Destination Management Plan 2020-2024 (20/05/2020 - Item 12.01)	DSG	Annually	Jun		
Council Policy - Status	DCP	Annually	Jul		
Recreation Action Plan – Status	DDE	Annually	Jul		
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DDE	Annually	Jul		
Local Preference Policy Outcomes	DCP	Annually	Aug		
Annual Report of the Activities of the Mayor’s Sporting Fund	DSG	Annually	Sep		
Council Meeting Dates	DCP	Annually	Sep		
Creation of Office - Deputy Mayor	DCP	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	DCP	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	DCP	Annually	Nov		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
identified (21/10/15 - Item 09.04)					
Performance of Property Investment Portfolio (20/11/19 - Item 10.17)	DDE	Annually	Nov		
Code of Conduct Complaints Annual Report	DCP	Annually	Dec		

**Attachments**

Nil



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**Item: 10.02**

**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 4 FEBRUARY TO 3 MARCH 2021**

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

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That Council note the Mayoral Discretionary Fund allocations for the period 4 February to 3 March 2021 inclusive.**

**Executive Summary**

To advise of the Mayoral Discretionary Fund allocations for the period 4 February to 3 March 2021.

**Discussion**

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

Donation to Starlight Superswim Fundraiser on behalf of Lesha Apthorpe	\$50.00
2 x Wreaths for Bangka Island Service and National Servicemen’s Day	\$160.00
Inspection & Assessment Fee for Street Light Glare Shield in Admirals Court Lakewood	\$189.00
	<b>\$399.00</b>

**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

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**Item: 10.03**

**Subject: AUSTRALIAN BUSINESS EXCELLENCE FRAMEWORK (ABEF)**

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

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### **Alignment with Delivery Program**

1.4.3 Deliver a customer focused service that provides the community a consistent experience of Council.

### **RECOMMENDATION**

**That Council adopt the recommendation to implement the Australian Business Excellence Framework (ABEF).**

### **Executive Summary**

The Australian Business Excellence Framework (ABEF) is an integrated leadership and management system that describes the elements essential to organisations sustaining high levels of performance. It can be used to assess and improve any aspect of an organisation, including leadership, strategy and planning, people, information and knowledge, safety, service delivery, product quality and bottom-line results. The ABEF provides organisations with assurance of their sustainable performance and is Australia's preferred framework for leadership and governance.

The ABEF is proven to bring about powerful changes in organisational performance and culture. Organisations using the ABEF are able to develop business resilience and an integrated focus on sustainable performance. The ABEF is based on enduring Principles of Business Excellence that form the basis of a unified theory of management. The ABEF can be used to improve any part of your organisation and to deliver the following benefits:

- Effective prioritisation of your improvement efforts to deliver maximum benefits
- Process efficiency and effectiveness through reduced waste and variation
- Empowered and motivated workforce with increased retention
- Increased productivity and reduced operational costs
- Focus on customer service delivering superior perception of value
- Sustainable performance by increasing stakeholder value

Additionally, the ABEF provides an umbrella under which a number of business initiatives can be integrated to form one coherent, cohesive organisational systems

model. Business initiatives that fit comfortably within the ABEF include: ISO 9001 series, Lean Six Sigma, Balanced Scorecard, Risk Management, Safety Management.

The ABEF is the only Australian model to be recognised internationally through the exclusive Global Excellence Models Council. Participation in the Council ensures that the ABEF reflects leading international best practice approaches to leadership drawing from other leading international models.

### **Discussion**

The Australian Business Excellence Framework (ABEF) describes the essential elements of organisational systems in seven categories and is based on twelve quality principals. Around 70 councils in Australia, including Port Stephens and Warringah Council, have adopted the Australian Business Excellence Framework (ABEF) to drive their continuous improvement programs.

When using the framework, the organisation first does an assessment in the seven areas covered by the principles (see attachment 1 for this information), This identifies areas for improvement that will bring the organisation closer to reflecting 'excellence' in each area. Over the longer term, integration of the framework aims to deliver:

- a strong organisational focus on service improvement
- increased responsiveness to community needs
- learning of continuous improvement tools
- improved organisational leadership capability; and
- ability to be an innovative organisation

The ABEF is a process for continual improvement, so to make the most of the framework Council will need to make a long-term commitment to its use. It cannot be applied to just one part. It also requires a commitment over several years and approaches social and corporate responsibility from a business perspective, while in the public sector the approach and drivers can be different.

The Australian Business Excellence Framework can be purchased from the SAI Global website for approximately \$80 as Councils current personal licence of the product prohibits the use of distribution. Council can use the framework on its own or get support from the SAI Global Excellence in Local Government (EiLG) program in integrating the framework.

### **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.  Councillor Briefing - The Australian Business Excellence Framework

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Item: 10.04

Subject: NOTICE OF MOTION - OCEAN DRIVE DUPLICATION - INTEREST COMPONENT OF LOAN FUNDING

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

**RECOMMENDATION**

**That Council:**

1. Note the resolution from the Extra-Ordinary Council Meeting held on 3 March 2021 where Council resolved (in part) to: “Fund the \$30 million for the Ocean Drive Duplication project by borrowing \$25 million and funding \$5 million from Council Reserves in order to progress the construction tender advertisement as a priority”.
2. Note that borrowings for the project will likely be repaid over 20 years.
3. Request the Chief Executive Officer write to Hon Leslie Williams MP (Member for Port Macquarie) and request State Government support to fund the interest component associated with the loan funding for the project, with Council then funding the \$25 million in principal repayments.

**Comments by Mayor** (if provided)

Nil.

**Attachments**

Nil

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**Item: 10.05**

**Subject: QUESTION WITH NOTICE - MEDIA CONTACT WITH COUNCILLORS**

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

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**RECOMMENDATION**

**That Council request the Chief Executive Officer provide a report to the April 2021 Ordinary Council meeting addressing the question regarding media contact with Councillors as listed.**

**Question from Councillor Hawkins**

Can the Chief Executive Officer confirm Council's policy on the ability of journalists and media outlets to interview or contact Councillors for comment on Council related matters?

**Comments by Councillor (if provided)**

Nil.

**Attachments**

Nil

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**Item:** 10.06

**Subject:** DRAFT OPERATIONAL PLAN 2021-2022, FEES AND CHARGES, REVENUE POLICY, AND RATING MAPS DOCUMENTS FOR PUBLIC EXHIBITION

**Presented by:** Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

1.4.1 Engage with the community on impacts and changes of operations.

### RECOMMENDATION

#### That Council:

1. Place the Draft Integrated Planning and Reporting (IP&R) documents on public exhibition for a period of 28 days from 18 March to 16 April 2021:
  - a) Draft Operational Plan 2021-2022.
  - b) Draft Fees and Charges 2021-2022.
  - c) Draft Revenue Policy 2021-2022.
  - d) Draft Rating Maps 2021-2022.
2. Note that a further report will be tabled at the June 2021 meeting of Council for the adoption of the 2021-22 IP&R documents, detailing the submissions received from the public during the exhibition period.

### Executive Summary

It is a Local Government statutory requirement for NSW Councils to develop the Integrated Planning and Reporting (IP&R) suite of documents as detailed above in this report, and for them to be endorsed by Council by 30 June in the year following a Council election. The legislation (Section 404 and 405 of the Local Government Act (1993)) also requires the IP&R documents be placed on public exhibition for a minimum of 28 days before being endorsed by the Council.

On the 21 June 2017, Council adopted the entire IP&R suite of documents, which included the 2017-2021 Delivery Program (DP). This document details the priorities of Council during their term of office. For this year, Council has reviewed the Four Year Delivery Program and developed the attached Draft Operational Plan 2021-2022 for 28 days public exhibition. The Operational Plan outlines the activities, performance measures, and budgets that will be undertaken for that year to achieve the commitments made in the Delivery Program.

In response to the COVID-19 pandemic, the Office of Local Government has provided NSW councils with flexibility to adjust to the rapidly shifting circumstances. A number of statutory deadlines were modified. The Office of Local Government Circular A700190 dated 1 May 2020 indicated that the existing four year Delivery

Program would apply for a further 12 months. Council elections were likewise deferred for another year now being scheduled in September 2021.

This report provides information relating to the Draft 2021-22 Operational Plan which reflects the further 12 months extension of the existing four year Delivery Program.

The total 2021-2022 budgeted expenditure, (excluding depreciation and loss on disposal of assets), will be \$194.1m, with total revenues expected to be \$208.9m. The overall budget position is forecast to be a balanced position for 2021-2022. Further information relating to the draft 2021-2022 budget can be found under the Financial and Economic Implications section of this report, and in the attached documents.

The 2021-2022 financial year will see Council continue to deliver/commence some major infrastructure works such as: the Hastings Regional Sporting Complex, Port Macquarie Town Centre Materplan (TCMP), Rainbow Beach Sports Fields, Port Macquarie Pool, Cairncross Waste Management Facility (expansion/improvements), Thrumster Recycled Water Interim Supply, Water Asset Replacement Programs, Sewer Assets replacement and maintenance programs, Kew Main Street Upgrade, Gordon Street Upgrade, Pappinbarra Bridge Replacement, and Road resurfacing and rehabilitation works,

In addition to delivering some major projects, Council will continue to deliver services such as water and sewer, library services, community, cultural services and waste services.

The purpose of this report is to seek approval to engage the community and other stakeholders, over the minimum 28 day exhibition period (18 March to 16 April 2021) to provide their feedback on the draft 2021-22 IP&R documents.

Following this period of consultation, a further briefing will be held with Councillors to discuss the community feedback. As a result, some changes may be made to the draft documents prior to final adoption.

Legislatively, the final planning documents are required to be presented to Council for consideration and adoption no later than 30 June 2021.

### **Discussion**

In 2009, the NSW Government adopted a new Integrated Planning and Reporting (IP&R) framework within the Local Government Act (1993) which legislates the way councils draw their plans together in consultation with their community, while also preserving local identity and working towards a sustainable future.

The framework included the development and annual review of the IP&R suite of documents. To comply with legislation Port Macquarie-Hastings Council has completed a review and developed its suite of planning documents following the September 2016 council election.

The Integrated Planning suite of documents consisted of:

- Towards 2030 - Community Strategic Plan (CSP)



- Delivery Program 2017-2021 (DP)
- Resourcing Strategy (RS) consisting of the Long Term Financial Plan (LTFP), Workforce Management Plan and Asset Management Strategy and Plan
- Annual Operational Plan (OP) including Fees and Charges, Revenue Policy and Rating Maps

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

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

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

Supporting the DP is the one year OP which includes individual projects and actions which will be undertaken during the 2020-21 financial year. This document is set out by the community themes that are consistent throughout the integrated suite of documents.

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

The proposed 2020-21 capital works program is included in the Operational Plan and totals \$58.64m.

Major commitments in capital works for 2021-22 include:

#### **Across the region**

- Town & Village Signage - \$50,000
- Review of Car Parking Strategy - \$127,947
- Bridgeworks and Road Rehabilitation Program - Undertake regular bridge and geotechnical road pavement tests to inform and develop programme - \$50,000
- Installation of new bus shelters as per the Community Passenger Transport Infrastructure Grant Scheme (CPTIGS) Program - \$176,000
- Undertake road resurfacing and rehabilitation works throughout the local government area in accordance with the rolling priority program and Pavement Management System - \$3,342,200
- Unsealed Road Gravel Resheeting - \$500,000
- Conduct sewer assets replacement and maintenance programs for Sewer Rehabilitation and Relining Works - \$1,000,000
- Deliver sporting facility renewal and upgrades program across the LGA - \$475,000
- Undertake regional master planning for recreational facilities - \$78,000
- Deliver park furniture renewals across the local government area, including donated seats program - \$156,000
- Deliver recreational walkway replacement program across the local government area - Pathway Renewals (various) - \$237,000

- Parks and Gardens Future Designs - Preparation of engineering designs in advance of construction programmes for Parks and Gardens - \$32,200
- Conduct water asset replacement and renewal programs for live water mains, water meters, renewals and minor works, pumps and switchboards - \$2,185,000
- Installation of new water supply services to residential and business property - to cater for new development - \$400,000

#### **Laurieton, Camden Haven and surrounds**

- Camden Haven Surf Life Saving Clubhouse - connect to sewer - \$100,000
- Camden Haven Surf Club Building - Contribution to design and approvals for new facility - \$40,000
- Kew Main Street Upgrade - \$1,211,316
- Laurieton Town Centre Master Plan - \$15,000
- Lorne Road Sealing - Commence detailed design and approvals - \$250,000
- O'Neills Bridge Replacement - Finalised Land Acquisition - \$81,977
- Beach to Beach - shared path project at Camden Haven – Detailed design, environmental approvals and commencement of construction - \$367,245
- Ocean Drive Shared Path Pacific Hwy to Glen Haven Drive - \$15,000
- School to School share path project - detailed design and planning approvals for highest priority sections - \$211,000
- Bonny Hills Recycled Water System Upgrade - \$777,144
- Camden Haven Waste Water Treatment Membrane Replacements - \$400,000
- Installation of Dedicated Generators for backup power supply to Sewerage Pumping Stations CH SPS #9 - \$80,000
- Installation of new Microwave Telemetry Links - Jolly Nose to BH WwTP - \$60,000
- Installation of new Microwave Telemetry Links -- Jolly Nose to CH WwTP - \$60,000
- Kew Sewerage Treatment Plant (STP) Upgrade, Complete project planning and commence construction (Multi-Year project) - \$500,000
- Deliver sporting facility renewal and upgrades program across the LGA - \$528,783
- Rainbow Beach Sports Fields - Commence construction of District Facilities - \$3,336,428
- Continue design and construction for Black Swan Terrace - Stormwater detention facility (multi-year project) - \$158,186
- North Haven Flood mitigation Works - investigation and concept design of remedial works - \$55,000
- Undertaken Panorama Drive/Binbilla Drive stormwater remediation works - \$420,000
- Commence preconstruction for an elevated reservoir at Bonny Hills - \$50,000
- Commence preconstruction works for the Kew (Area 15) Reservoir - \$50,000
- Continue construction of the Southern Arm Water Trunk Main (D750) - Pacific Hwy Bonny Hills - \$50,000
- Preconstruction Works - Trunk Main from Bonny Hills to Kew (Area 15) Reservoir - All Stages - \$ 250,000

#### **Port Macquarie**

- Finalise development planning for the Port Macquarie Airport Business and Technology Park - (multi-year project) - \$60,000
- Operate and maintain Port Macquarie Airport in accordance with regulatory, safety and security requirements - Maintenance and refurbishment of Council-owned Hangars - \$30,000

- Port Macquarie Airport Parallel Taxiway Stage 1 and General Aviation (GA) - pavement renewal – finalise construction - (multi-year project) -\$100,000
- Continue to monitor, plan and implement the Port Macquarie Airport Biodiversity Certification Strategy and related environmental approvals - \$100,000
- Undertake Building Rectification Works for 1 Commerce Street Building - \$100,000
- Boundary Street Upgrade - Detailed Design and Environmental Approvals - \$429,000
- Commence Construction of the Lake Road / Jindalee Road / Fernhill Road Intersection upgrade (Multi Year) - \$250,000
- Commence detailed design and approvals for Lake Road Duplication (Ocean Drive to Chestnut Road) (Multi-year) - \$200,000
- CSU-Googik Connection Consultancies - \$90,000
- Gordon Street Upgrade - Road Resurfacing, Stormwater flood mitigation and water main renewal works (multi-year project) - \$6,380,152
- Maria River Road - \$300,000
- Ocean Drive (South of Port Macquarie) Site Remediation - \$30,000
- The Hatch Rd - Reseal Sections - Investigation and design for sealing 3kms of Rd - \$50,000
- Transport Network Improvement Planning Project - Options Assessment and Strategic Business Case (Including Review of Orbital Road Options) - (Multi Year Project) - \$119,074
- Commence construction of Horton Street pedestrian facilities (between William and Clearance Streets) - \$32,604
- Centrifuge upgrade and Process Optimisation at PM WwTP - \$100,000
- Continuation of Preconstruction of Thrumster Sewerage Treatment Plant (Area 13) - Phase 1 - \$50,000
- Installation of Dedicated Generators for backup power supply to Sewerage Pumping Stations PM SPS#64 - \$120,000
- Port Macquarie Sewer Pump Station 21 Refurbishment - \$100,000
- Port Macquarie Waste Water Treatment Plant Odour control mitigation works - \$107,000
- Design & Preconstruction works for upgrade of Sewerage Pump Station #71, 18 & 2 (PMSPS71) - \$212,010
- Replacement of 2nd Effluent Pump at Port WwTP - \$150,000
- Aquatic facilities - renewal of assets at end of useful life - \$150,000
- Port Macquarie Pool - Continuation of Strategic Concept and Business Case development - \$748,215
- Hastings Regional Sporting Complex - Completion of pre-construction (multi-year project) - \$712,637
- Port Macquarie Town Centre Master Plan (TCMP) improvements - Port Macquarie Foreshore Walk Project Construction - \$3,100,000
- Thrumster Sports Fields - - Detailed design and approvals - \$406,441
- McInherney Park - Contribution to public amenities in new boat storage facility - \$120,000
- Town Green Central & West/Playground - \$267,489
- Westport Park - continue boat ramp parking upgrade - \$937,000
- Stormwater Remediation - 35 Hart Street - \$40,000
- Install solar energy PV systems at Port Macquarie (Kingfisher Road), Wauchope and Kew waste transfer stations - \$395,000

- Kingfisher Waste Transfer Station Upgrade - Kingfisher Road Rehabilitation - \$650,000
- Preconstruction / construction of Widderson St Reservoir Roof Replacement - \$50,000
- Thrumster Recycled Water Interim Supply - Rising Main to Thrumster Reservoir - Booster Pumping Station and Interim Reservoir - undertake construction - \$3,100,000
- Carry out reactive maintenance to Koala Food Trees and Koala Fencing on Link Rd (Ocean Dr) - \$50,000

#### **Wauchope, Rural and surrounds**

- Bril Bril Road Sealing - Investigations and concept design - \$385,390
- Design and Construction of the Pappinbarra Bridge Replacement - \$2,000,000
- Kindee Bridge – structural repairs and bridge replacement Optioneering to ensure bridge remains serviceable (multi-year project) - \$30,000
- Kindee Bridge - Immediate Structural Repairs - \$372,878
- Kindee Bridge Upgrade - Detailed Design - \$30,000
- Pembroke Road - Stoney Creek Bridge Upgrade - Detailed Design - \$350,000
- Pembroke Road Beechwood Rd & Stoney Creek Rd - \$2,980,000
- Undertake a detailed traffic analysis of the Sancrox/Thrumster/Fernbank growth area to identify high priority works - \$100,000
- Installation of new Microwave Telemetry Links - - Rosewood/Bago to Wauchope WwTP - \$60,000
- Carry out playground equipment replacement program: Charlie Watt Reserve, Telegraph Point - \$85,000
- Carry out playground equipment replacement program: Moroko Park, Pembroke - \$85,000
- Cairncross Waste Management Facility (WMF) Expansion / Improvements - (multi-year project) - Finalise construction of new landfill cell (1A, 1C, 1E) in accordance with Development Consent - \$3,165,000
- Commencement of design for the Water treatment/Filtration Plant at Cowarra dam - \$100,000
- Construction of Rock Ramp to secure water level at Koree Island Pumping Stations Intake Pool - \$150,000
- Construction planning for the Sancrox Reservoir to Area 13 (Thrumster) trunk main (DN750) - \$34,297
- Installation of in-line monitoring instruments at Koree Island River intake - \$100,000
- Wauchope WTP Augmentation - \$800,000
- Microwave link Cowarra to Rosewood - \$60,000
- Pre Construction of Cowarra to Wauchope Backfeed PS - \$100,000

#### Supplementary documents

The full listing of rates, fees and charges, relevant statutory regulations and the proposed income generated is contained in the Revenue Policy and Fees and Charges documents. The supplementary documents to the Operational Plan are:

- Draft Fees and Charges;
- Draft Revenue Policy; and
- Draft Rating Area Maps.

### Fees and Charges and Revenue Policy

Council delivers a wide range of chargeable services to the community. In determining the appropriate level of fees to be charged, a range of issues are considered such as what is fair and equitable, and how much the service costs to provide.

Taking these principles into account, the 2021-2022 fees and charges for services in a number of categories have been reviewed and adjusted as appropriate. These adjustments apply to categories where the individual costs are met by the user of the service, where Council operates in a competitive marketplace or Council provides services on a commercial basis.

### Rates

The Local Government Minister's allowable increase for the 2021-2022 financial year has been set at 2.0% and has been applied in full.

### Water Charges

Water charges will continue to be charged under the current two-tier water pricing tariff structure. The overall yield from annual water charges and usage charges is proposed to increase by 2.0% for the 2021-2022 financial year. Recycled water will be charged at 50% of the potable water charge for non-residential properties and 80% for residential properties.

The Department of Industry has determined that with water becoming an increasingly scarce resource both locally and globally, it is appropriate that local water utilities focus on influencing water demand through increasing emphasis on usage based pricing. Best practice water supply pricing requires utilities to provide strong pricing signals to encourage efficient water use. With this in mind, the water usage charge has been increased and the water access charge has been reduced over a 3-year period with the goal that 75% of water income will be derived from usage charges by 2021-2022, in line with best practice recommendations. The tier 1 water usage charge has been increased by 14c per kl and the access charge for a 20mm meter has reduced from \$178.00 in 2020-2021 to \$171.00 in 2021-2022.

### Sewer Charges

All properties connected or capable of connection, to the sewerage system will be subject to an annual charge. In addition, properties such as major regional shopping centres, caravan parks, flats, retirement homes, motels, clubs, hotels, schools and backpacker hostels will be required to pay an additional charge based on the amount of water consumed. The annual sewerage charge has been increased by 2.0% in line with the general fund rate peg approved by IPART.

### Onsite Effluent charges

Properties with an on-site effluent management system will be charged an on-site effluent management fee based on the risk of the system. This fee has been increased by 2.0% for 2021-2022.

Stormwater charges

Council charges a stormwater levy on all urban properties (except vacant land) that are in the residential and business rating categories and where a stormwater management service is provided. The base stormwater levy has remained unchanged since it was introduced by the State Government in 2006-2007.

Domestic Waste Management charges

The charges to apply to domestic waste management are determined in accordance with the Reasonable Cost guidelines issued by the Office of Local Government. All properties with a domestic waste management service available to their property will be charged an annual charge under Section 496 of the *Local Government Act 1993*.

Other Waste Management charges

All properties with a non-domestic waste management service will be charged an annual charge under Section 501 of the *Local Government Act 1993*.

Other fees

A number of new fees have been introduced, with more significant changes as follows:

- Introduction of an administration fee for Family History Enquiries at the cemeteries
- New fee for bank traces on unidentified payments: where monies are received into Council's bank account and correct remittance details have not been provided by the payer, the bank performs a trace on these amounts for a fee to identify the source
- New fees for the Light It Up Package and Live Stream Package at The Glasshouse
- Introduction of usage fees for Special Events on Hay Street Reserve
- Introduction of a waste management contamination reloading fee

In addition to the above, a new Settlement Shores Maintenance Fee has been introduced to facilitate the outstanding works in the Ballina and Newport Canals. The introduction of this fee (for up to 4 years) aligns to the Council resolution of September 2020 and will support the recoupment of the forward funded \$800k of works in the Ballina and Newport Canals in the 2021-2022 financial year to replenish beaches and support private infrastructure, reducing long term maintenance in these two canals. Further engagement with the Settlement Shores estate residents will take place about expanding this reduced long term maintenance approach across the remainder of the Settlement Shores Canal estate

**Options**

Council could adopt the recommendation as proposed.

Council could seek additional information on the content of the IP&R suite of documents prior to placing on exhibition noting this would delay the proposed

minimum 28 days exhibition period (18 March - 16 April 2021) and potentially impact ability to meet legislative timeframes for adoption of the planning suite of documents.

**Community Engagement and Internal Consultation**

In line with legislative requirements Councils are required to place the draft Integrated Planning and Reporting documents on public exhibition for a minimum of 28 days, allowing for public submissions to be received during this time.

The purpose of this engagement is to ensure that all stakeholders including the Port Macquarie-Hastings community, Councillors and Council staff, are able to access, and provide feedback on the development, implementation and review of the draft 2021-22 IP&R documents which are the:

- Draft Operational Plan 2021-2022;
- Draft Fees and Charges 2021-2022;
- Draft Revenue Policy 2021-2022; and
- Draft Rating Maps 2021-2022;

Feedback gathered through the exhibition period will be used to inform Council when finalising the IP&R suite of documents, which will be presented to Council for adoption in June 2021.

The ways in which Council will engage with the community during the public exhibition period are described in Table 1 and align to Councils Engagement Policy.

For this engagement, it has been deemed appropriate to inform and consult with the community using a variety of methods as detailed in table 1.

Table 1

Engagement Level	Definitions	Engagement Techniques
<b>1. Inform</b>	To provide stakeholders with balanced and objective information to assist in understanding the problem, alternatives, opportunities and/or solutions.	<ul style="list-style-type: none"> <li>• Fact sheets</li> <li>• Website</li> <li>• Media release</li> <li>• E news drop</li> <li>• Council display at Libraries and Customer Service Centres</li> <li>• Social Media</li> </ul>
<b>2. Consult</b>	To obtain stakeholder feedback on analysis alternatives and/or decisions. To work directly with stakeholders throughout the process to ensure that the stakeholders' concerns are consistently understood and considered.	<ul style="list-style-type: none"> <li>• 3 Pop ups at Port Macquarie, Laurieton and Wauchope</li> <li>• Live Facebook Q &amp; A</li> <li>• Public Exhibition</li> <li>• Have your Say - website</li> <li>• SLT and Exec discussions</li> <li>• Assess submissions and respond to the questions within each submissions</li> </ul>

All submissions received during this period will be acknowledged, considered and reviewed in a workshop with Councillors.

All community members that made a submission will receive a response, following the June 2021 Council meeting.

Internal consultation has taken place with:

- Councillors;
- Executive; and
- Group Managers

**Planning and Policy Implications**

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

**Financial and Economic Implications**

The Resourcing Strategy, Revenue Policy and Fees and Charges documents contain a detailed explanation of the financial implications associated with the 2021-2022 Operational Plan.

Summary of Budget Impacts

The 2021-2022 budget forecasts a balanced position as shown in Table 2.

Table 2

<b>Budget Summary Table Surplus/(Shortfall)</b>	
	2021 - 2022 Draft Budget \$'000
<b>Operating Budget</b>	
Operating Income	202,368 ^
Developer Provided Asset Contributions	6,500 ^
Operating Expenses (excl. Interest Expense, Depreciation, Loss on Disposal of Assets)	(115,810) *
Interest Expense	(2,158) *
<b>Net Operating Budget</b>	<b>90,900</b>
<b>Capital Items</b>	
Net transfers to reserves	(14,747)
Purchase of Assets	(58,639) *
Developer Provided Assets	(6,500) *
Loan Principal Repayments	(11,014) *
<b>Net Capital Result</b>	<b>(90,900)</b>
<b>Budget Result surplus/(shortfall)</b>	<b>-</b>

Excluding depreciation and loss on disposal of assets the total expenditure is \$194.1m which includes the items in Table 2 marked with an \*. These are:



- \$115.8m operational costs
- \$2.2m interest expense
- \$58.6m in capital works
- \$6.5m in developer provided assets
- \$11.0m in loan repayments

Total projected income is \$208.9m consisting of items in Table 2 marked with an ^. These are:

- \$202.4m in operating income
- \$6.5m in developer provided asset contributions

In addition to a balanced budget position, the 2021-2022 budget forecasts an operating surplus of \$2,377k on a consolidated basis and an operating deficit of \$7,162k for Council's general fund. Whilst the consolidated operating result is strong, the general fund operating result is forecast to be negative, however it is noted that there are a number of factors impacting this result including:

- a number of new and/or non-recurrent expenditures which have been prioritised and included in the draft budget to meet longer term strategic goals. Although contributing to a negative operating result in 2021-2022, these items may be one-off in nature and generally will not impact the operating result going forward. These include various land use planning studies, various strategic property investigations, review of a number of plans and strategies, and the Greater Port Macquarie Marketing Strategy and Brand Deployment;
- cyclical expenditure items which are forecast to occur in 2021-2022, which however do not impact every financial year, such as the Local Government election costs and asset revaluations;
- impact of cost shifting from other levels of government. In 2019-2020, the impact was estimated to be \$15.4m, noting that there may be other impacts which cannot be fully quantified at this stage. Cost shifting impacts Council's available funds to deliver quality services and infrastructure, and its operating performance. It represents a significant financial impost on Council and highlights a significant level of funding which could otherwise be utilised on, for example, service delivery, new infrastructure works, increased maintenance / asset renewal expenditure, and/or improve Council's operating position. Although Council does also receive grant funding from other levels of government that greatly assists in the provision of services and infrastructure to the community, this is often tied to specific projects / purposes, as opposed to being available for general operations funding. As a standalone item, without the impact of cost shifting, the operating performance ratio for General Fund would be met.

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

- focus on Council's integrated planning and reporting to drive the operational plan. Throughout the course of 2021-2022, Council will develop the new 10-year Community Strategic Plan (CSP) in consultation with the community. The CSP is the highest level plan that Council prepares and identifies the community's priorities and aspirations for the future and plans strategies for achieving those goals. The completion of the CSP and understanding the community's needs and priorities in relation to service levels and delivery will help drive the delivery programs and operational plans of the coming periods;
- continued focus on ensuring Council's fees and charges structure is appropriate;
- continued review of depreciation and appropriateness of underlying assumptions.

#### Financial Assistance Grant

It should be noted that the 2021-2022 draft budget includes grant funding from the Federal Government in the form of a Financial Assistance Grant, (\$9.5m). The budget has assumed a small uplift from the 2020-2021 levels. Any reduction to this funding could impact upon Council's ability to deliver services.

It should also be noted that the Federal Government has in recent years made advance payments of the annual allocation of the Financial Assistance Grant. Council is required to bring these revenues to account in the year in which they are received as opposed to the year to which they relate. The 2021-2022 draft revenue budget in effect includes the second half of the 2021-2022 annual allocation and the first half of the 2022-2023 annual allocation (assuming the latter, which will be held in restricted cash until 2022-2023, is paid in advance). Should the Federal Government cease payment in advance, this will have a significant impact on the monies actually received in 2021-2022 and therefore on the operating result for this period. It is noted however that this is a timing issue only and overall monies received across the 2 years will not be impacted.

#### Draft Works Program

As part of the development of the 2021-2022 Operational Plan, a review of the 2020-2021 works program has been ongoing. This review has focused on the current and projected status of projects in light of a variety of factors and the latest data has identified a number of projects which need to be re-prioritised to the next financial year. As such these projects, totalling \$21.5m, will be reallocated from the 2020-2021 works program and considered for incorporation into the 2021-2022 Operational Plan.

A significant factor in the above review has been the level of Carry-Over projects each year. A certain amount of carry-overs is to be expected each year when projects are impacted by, for example, adverse weather conditions. Indeed, the delivery of some of the projects within the 2020-2021 Operational Plan has been delayed due to impacts associated with local flooding and wet weather conditions. This has required the redeployment of resources for disaster management to support the immediate needs of the community in regards to these unplanned events across our LGA in 2020-2021 as well as delays associated with inclement weather and access to sites.

It has however been noted that the level of carry-overs in recent years has been significant and this has prompted a detailed review by Management. This review has identified a number of supplementary impacts, such as procurement / contractor mobilisation delays, land acquisition delays, emergency response and time critical grant funded projects that arise after finalisation of the works program. The review has however also identified some major impacts, being the inclusion of the total project budget for multi-year projects in year 1 and a level of delivery detail being unknown and detailed planning not having yet been performed (due to the stage of the project) at the time of budget adoption.

On this basis, further refinement has occurred in the compilation of the works program in the draft 2021-2022 Operational Plan.

It should be noted that whilst this has reduced the total financial allocation for the draft 2021-2022 works program in comparison to previous years, it is not the intention to actually deliver less, rather to ensure initial budgets and final delivery are more closely aligned.

The specific projects moving to the 2021-22 Operational Plan are outlined in the Monthly Budget Report - February 2021, which is included as a separate item in this agenda.

It is noted that subsequent to finalising the draft 2021-2022 works program, there have been recent developments regarding Ocean Drive and Timber Bridges.

At the 3 March 2021 Extraordinary Council meeting, Council resolved, (in part), as follows:

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#### **07.01 OCEAN DRIVE DUPLICATION PROJECT**

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#### **THE MOTION WAS PUT AND CARRIED**

*RESOLVED: Alley/Hawkins*

*That Council:*

*8. Fund the \$30 Million for the Ocean Drive Duplication project by borrowing \$25 Million and funding \$5 Million from Council Reserves in order to progress the construction tender advertisement as a priority.*

*12. Incorporate the Ocean Drive Duplication project and funding into the draft 2021/2022 Operational Plan and the Long Term Financial Plan.*

*CARRIED: 5/0*

*FOR: Alley, Griffiths, Hawkins, Intemann and Pinson*

*AGAINST: Nil*

In addition, Council has recently secured \$19.5m in funding under the Fixing Country Bridges Program, for the upgrade of 17 timber bridges across the LGA.

The 2 projects above are significant for the LGA and whilst preliminary amounts have been included in the draft 2021-2022 works program, the full impact on the works program included in the draft Operational Plan and Long Term Financial Plan is currently being assessed.

Rates and Charges Review

At the 17 June 2020 Ordinary Council meeting, and in relation to Rates and Charges, Council resolved, (in part), as follows:

**10.07 MAKING OF RATES AND CHARGES FOR 2020-2021, ADOPTION OF THE FEES AND CHARGES AND REVENUE POLICY FOR 2020-2021**

**THE MOTION WAS PUT AND CARRIED**

*RESOLVED: Pinson/Intemann*

18. During the 2020-2021 financial year, review all rating categories and their applicable base rates and ad valorem rates across the LGA, including a briefing to Councillors prior to finalisation of the draft 2021/2022 operational plan.

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

A briefing to Councillors in relation to the above was held 24 February 2021.





During the current financial year, analysis has been performed on Council's current rating structure, including benchmarking with other Council's. This preliminary analysis has indicated that Council's average rates are generally reasonable when compared to other Councils.

It is noted that the Port Macquarie Business CBD rate is higher than the average. This rate includes a component relating to the Town Centre Master Plan, (TCMP). The TCMP was introduced to facilitate the funding of a range of works specific to the Port Macquarie CBD. The monies levied are held in a specific reserve and have been used to fund a range of CBD works over the years. Since 1994, \$4.1m in CBD maintenance works and \$19.6m in CBD capital works have been funded, the latter including projects such as Kooloonbung Creek, the Town Square, the Town Green Master Plan Implementation and Foreshore works.

It is further noted that an Exposure Draft Bill on Local Government Rating Reform has been released which includes potentially significant changes to rating categories and sub-categories.

The update of a Rating Structure is a significant piece of work. On the basis of the above, it is proposed that Council will perform more in-depth analysis during 2021-2022, in conjunction with the Local Government Rating Reform.

**Attachments**

1.  Draft Operational Plan 2021-2022
2.  Attachment 1 - Draft Fees and Charges 2021-2022
3.  Attachment 2 - Draft Revenue Policy 2021-2022
4.  Attachment 3 - Draft Rating Maps 2021-2022

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**Item: 10.07**

**Subject: MONTHLY BUDGET REVIEW - FEBRUARY 2021**

**Presented by: Corporate Performance, Rebecca Olsen**

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### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. **Adopt the adjustments in the "February 2021 Adjustments" section of the Monthly Budget Review – February 2021 report and associated attachment.**
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 February 2021.

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 shortfall position unchanged at the end of February 2021 at \$345,133 as outlined in the below table.

#### Monthly Budget Review Summary

<b>Original Budget as at 1 July 2020</b>	<b>Shortfall</b>	<b>(\$676,730)</b>
Plus adjustments:		
July Review	Balanced	\$0
August Review	Surplus	\$151,102
September Review	Surplus	\$63,165
October Review	Balanced	\$0
November Review	Balanced	\$0
January Review	Surplus	\$117,330
February Review	Balanced	\$0
<b>Forecast Budget Position for 30 June 2021</b>	<b>Shortfall</b>	<b>(\$345,133)</b>

**Discussion**

Each month, Council's budgets are reviewed by Group Managers and Directors with any required adjustments reported. The purpose of this report is to provide Council with an up to date view of the current actual financial position in comparison to the 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.

February 2021 Adjustments

The commentary below is to be read in conjunction with the "Forecast Budget Statement for the Year Ended 30 June 2021" on page 4 of this report. Further details on individual transactions are provided in Attachment "February 2021 Budget Review".

February Budget Adjustments

Council was awarded Grants and Contributions totalling \$0.635m during the month of February 2021. This amount comprised grant Income of \$0.281m in the areas of Business & Industry, Parks & Recreation, Natural Resources and Infrastructure Planning. Contributions were also taken up from the Lyons Club for Lake Cathie Skate Park and from the retention of bonds relating to defects liability.

A Budget Variance was also approved by Executive relating to the Airport Parallel Taxiway project design and approvals for \$0.18m.

Works Program Review

As part of the development of the 2021-2022 Operational Plan, a review of the 2020-2021 works program has been ongoing. This review has focused on the current and projected status of projects in light of a variety of factors and the latest data has identified a number of projects which need to be re-prioritised to the next financial year. As such these projects, totalling \$21.5m, will be reallocated from the 2020-2021 works program and considered for incorporation into the 2021-2022 Operational Plan.

A significant factor in the above review has been the level of Carry-Over projects each year. A certain amount of carry-overs is to be expected each year when projects are impacted by, for example, adverse weather conditions. Indeed, the delivery of some of the projects within the 2020-2021 Operational Plan has been delayed due to impacts associated with local flooding and wet weather conditions. This has required the redeployment of resources for disaster management to support the immediate needs of the community in regards to these unplanned events across our LGA in 2020-2021 as well as delays associated with inclement weather and access to sites.

It has however been noted that the level of carry-overs in recent years has been significant and this has prompted a detailed review by Management. This review has identified a number of supplementary impacts, such as procurement / contractor

mobilisation delays, land acquisition delays, emergency response and time critical grant funded projects that arise after finalisation of the works program. The review has however also identified some major impacts, being the inclusion of the total project budget for multi-year projects in year 1 and a level of delivery detail being unknown and detailed planning not having yet been performed (due to the stage of the project) at the time of budget adoption.

On this basis, further refinement has occurred in the compilation of the Works Program in the draft 2021-2022 Operational Plan.

It should be noted that whilst this has reduced the total financial allocation for the draft 2021-2022 works program in comparison to previous years, it is not the intention to actually deliver less, rather to ensure initial budgets and final delivery are more closely aligned.

The specific projects moving to the 2021-22 Operational Plan are outlined in the attachment '*February 2021 Budget Review*'. Refer also to the Draft 2021-22 Operational Plan which is included as a separate item in this agenda.



## Forecast Budget Statement for the Year Ended 30 June 2021

	2020-21 Original Budget '\$000	Carry Overs '\$000	Approved Adj YTD '\$000	Prior Month Forecast '\$000	Current Month Adj '\$000	Works Program Review '\$000	2020-21 Full Year Forecast '\$000
<b>Operating Activities Movements</b>							
<b>Income from continuing operations</b>							
Rates and Annual Charges	105,087			105,087			105,087
User Charges and Fees	36,935		(879)	36,056			36,056
Interest Received	6,490			6,490			6,490
Grants and Contributions	44,517	2,897	7,943	55,357	635	(5,153)	50,839
Other Operating Receipts	4,109		407	4,516			4,516
<b>Expenses from continuing operations</b>							
Employee Costs	(54,590)		(58)	(54,648)			(54,648)
Materials and Contracts	(42,330)	(3,244)	(1,543)	(47,116)	(13)	1,208	(45,921)
Depreciation	(49,177)			(49,177)			(49,177)
Interest Paid	(2,512)			(2,512)			(2,512)
Other Operating Payments	(15,075)		(63)	(15,138)			(15,138)
Loss on Disposal of Assets	(3,000)		1,500	(1,500)			(1,500)
<b>Operating result from continuing operations</b>	<b>30,454</b>	<b>(347)</b>	<b>7,307</b>	<b>37,415</b>	<b>622</b>	<b>(3,945)</b>	<b>34,092</b>
<b>Restricted Asset Movements</b>							
Transfer from Restricted Assets	68,784	8,411	5,216	82,411	180	(16,308)	66,283
Transfer to Restricted Assets	(52,930)		(6,505)	(59,435)	(47)	0	(59,482)
<b>Net Revenues (Used in)/Provided by in Restricted Assets</b>	<b>15,854</b>	<b>8,411</b>	<b>(1,289)</b>	<b>22,976</b>	<b>133</b>	<b>(16,308)</b>	<b>6,801</b>
<b>Property, Plant and Equipment Movements</b>							
Purchase of Assets	(84,892)	(8,064)	(5,687)	(98,643)	(755)	20,253	(79,145)
Developer Provided Assets	(6,500)			(6,500)			(6,500)
<b>Net Revenues (Used in)/Provided by Property, Plant and Equipment Activity</b>	<b>(91,392)</b>	<b>(8,064)</b>	<b>(5,687)</b>	<b>(105,143)</b>	<b>(755)</b>	<b>20,253</b>	<b>(85,645)</b>
<b>Financing Activities Movements</b>							
Proceeds from Borrowings and Advances	2,700			2,700			2,700
Repayments of Borrowings and Advances	(10,470)			(10,470)			(10,470)
<b>Net Revenues (Used in)/Provided by Financing Activity</b>	<b>(7,770)</b>	<b>-</b>	<b>-</b>	<b>(7,770)</b>	<b>-</b>	<b>-</b>	<b>(7,770)</b>
<b>Net Result (Incl Depreciation)</b>	<b>(52,854)</b>	<b>-</b>	<b>-</b>	<b>(52,522)</b>	<b>-</b>	<b>-</b>	<b>(52,522)</b>
Add Back: Non Cash Items	52,177			52,177			52,177
<b>Budget Surplus/(Shortfall)</b>	<b>(677)</b>	<b>-</b>	<b>331</b>	<b>(345)</b>	<b>0</b>	<b>0</b>	<b>(345)</b>

Note that 'Other Operating Payments' includes items such as electricity, street lighting, insurances, waste levy, emergency services levies.

**Options**

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

**Community Engagement and Internal Consultation**

Not applicable.

**Planning and Policy Implications**

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


**Financial and Economic Implications**

Attachment 1 to this report contains information of each individual budget adjustment by Division and Section. The budget movements within this report maintain the budget shortfall of \$345,133.

**Statement by Responsible Accounting Officer**

*“The adopted original budget result for 2020-2021 was a shortfall of \$676,730. As at 28 February 2021, this shortfall position has decreased to \$345,133. Although an improved position when compared to the original budget, this position is still 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 during the remainder of the financial year”.*

**Attachments**

1.  February 2021 Budget Review

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**Item: 10.08**

**Subject: INVESTMENTS - FEBRUARY 2021**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the Investment Report for the month of February 2021.**

#### **Executive Summary**

- Total funds invested as at 28 February 2021 equals \$334,580,112.
- Interest for the month of February was \$484,312.
- The year-to-date investment income of \$4,405,715 represents 70% of the total annual investment income budget of \$6,321,696.
- Council's total investment portfolio performance for the financial year to date was 2.34% above the benchmark (2.42% against 0.08%), benchmark being the Bank Bill reference rate as at 28 February 2021.

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 +2.28% p.a., outperforming bank bills by 2.07% p.a. and around 11 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 0.10% until its objectives of full employment and inflation are reached, with rates to be low for a very long period of time. The RBA Board is "not expecting to increase the cash rate for at least three years".
- 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 the RBA cutting interest rates in November, 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.

- Council's exposure to institutions that fund fossil fuels is 59% of the total portfolio.
- PMHC remains amongst the best performing Councils in the state of NSW where deposits are concerned, earning on average, more than \$2m in additional interest income compared to its peers.

**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 28 February 2021, comply with this Act.

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

As at 28 February 2021, the investments held by Council totalled \$334,580,112 and were attributed to the following funds:

General Fund	143,072,190
Waste Fund	19,967,757
Water Fund	117,078,827
Sewer Fund	52,979,928
Sanctuary Springs Fund	47,111
Broadwater	1,434,299
	<b>334,580,112</b>

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.

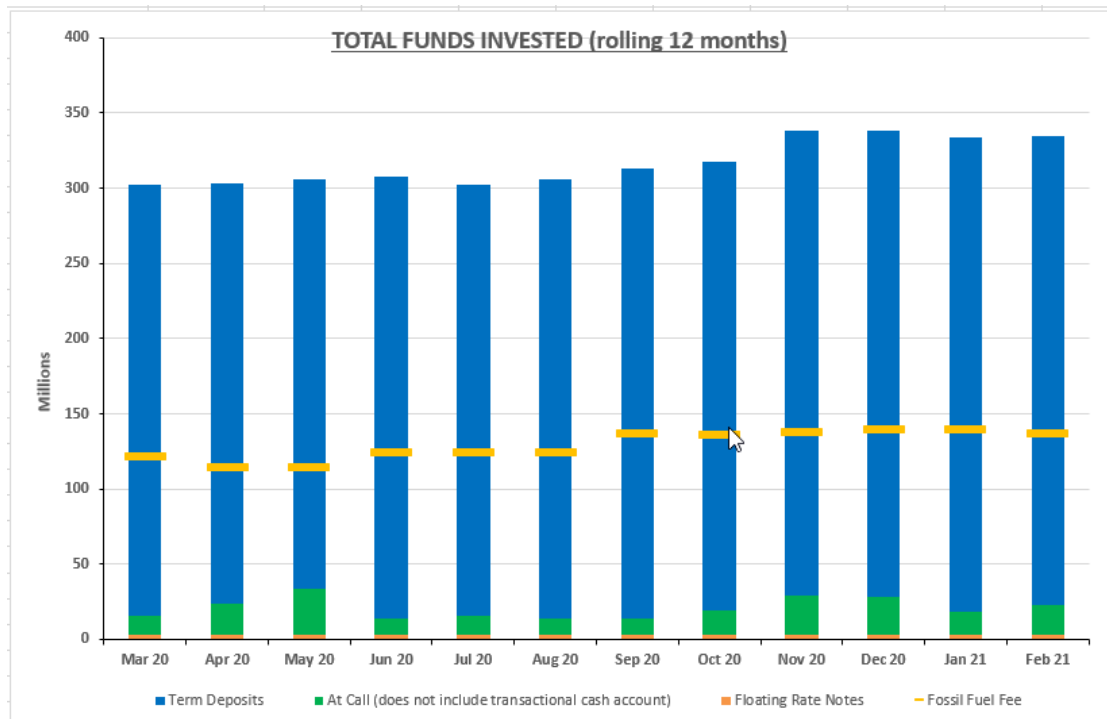
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$334,580,112), and total investments held as per Imperium's attached monthly report (\$334,637,595). 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.

In relation to Council's exposure to financial institutions that fund fossil fuels, the following provides a summary:

Financial institutions funding fossil fuels	Purchases since 01/07/20 (\$)	Purchases since 01/07/20 (%)	Amount invested at 28/02/21 (\$)	Amount invested at 28/02/21 (%)
Yes	41,510,000	54.62%	197,580,112	59.05%
No	34,500,000	45.38%	137,000,000	40.95%
	<b>76,010,000</b>		<b>334,580,112</b>	

The following graph shows total investments on a rolling 12-month basis:



During the month of February, total investments remained static as compared to January 2021.

**BoQ acquisition of ME Bank**

The Bank of Queensland has confirmed it will acquire 100% of ME Bank for \$1.325bn. Once the acquisition is finalised, all ME Bank assets will effectively have the exposure of its parent company, BoQ. That is, if Council holds ME Bank assets it will now have a larger exposure to BoQ. At this point in time Council has no exposure to ME Bank assets but if it invests in ME Bank in the future the exposure to BoQ will have to be considered.

**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 term deposits. 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 2.34% above the benchmark (2.42% against 0.08%) and year to-date income is 70% 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 - February 2021
2.  Port Macquarie-Hastings Council Portfolio - February 2021

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Item: 10.09

Subject: CLIMATE EMERGENCY DECLARATION CONSIDERATIONS

Presented by: Strategy and Growth, Jeffery Sharp

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### Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

### RECOMMENDATION

#### That Council:

1. Acknowledge the contribution of members of the community to the climate change conversation in particular, the Hastings Climate Emergency Alliance and the Port Macquarie Sustainability Network.
2. Acknowledge the evidence-based science for climate change and the serious threat that climate change poses to our current and future way of life and the Earth's ecosystems.
3. Acknowledge that a successful response to climate change requires immediate and ongoing cross-sectoral action by government, business and the broader community at all levels.
4. Confirm that Council's response to climate change is an essential element of Council's overall approach and commitment to sustainability.
5. Acknowledge Council's response to climate change and sustainability needs to be locally focussed and holistic, requiring a structured and co-ordinated approach across all Council functions.
6. Acknowledge that declaring a climate emergency needs to be supported with strong policy and the supporting commitment and actions to implement it with substance.
7. Request the Chief Executive Officer, as a priority:
  - a) Finalise the Sustainability Framework and
  - b) Work with the Sustainability Sub-committee to develop a Climate Change Policy, Climate Change Strategy and Action Plan
8. Not declare a Climate Emergency, but rather make representations to Local, State and Federal Government seeking leadership in mitigating the impacts of climate change in conjunction with the adoption of a Port Macquarie-Hastings Climate Change Policy.
9. Receive a report on the progress of items 7(a) and (b) above to the May 2021 Council Meeting.

#### Executive Summary

Locally, climate change poses a growing threat to our community and to Council, environmentally, socially and economically.

A successful response to the challenge of meeting appropriate emission reduction targets and adapting to climate change impacts will require cross-sectoral action by



government, business and the broader community at all levels and across all jurisdictions (local, national and global).

Council's response to climate change needs to be considered as an essential element of Council's broader efforts to create a sustainable future for Port Macquarie-Hastings across all areas of its responsibilities (environment, social, economic and governance).

It also requires a holistic approach to ensure that sustainability is embedded in everything that we do and that our response to climate change can be directed in a co-ordinated way that results in the greatest impact.

Any declaration of a climate emergency by a council requires policy and planning support to ensure that the declaration effectively mobilises meaningful action. It should also be acknowledged that an individual council, such as ours, has limited influence on a national or global scale in respect of climate change and that it is at a local level where the real change can occur if there is a commitment to making this change.

It is considered that a *Sustainability Framework* will appropriately deliver the required support to effect change. It is proposed that the *Sustainability Framework* would sit at the highest level of Council's Hierarchical Planning Framework to ensure that sustainability is incorporated in all of Council's planning and policy work and embedded across Council's activities. The development of a Climate Change Policy and Climate Change Strategy and Action Plan will then ensure the *Sustainability Framework* is cascaded throughout Council and has a foundation in all Council's activities and decisions.

This report recommends that Council acknowledge that based on the best evidence based science available that the world is facing a climate emergency and that Council has an important role in responding to that emergency on behalf of our community. In acknowledging this, the report also recommends that a Sustainability Framework be finalised based on the information provided and that along with the Sustainability Sub-committee, develop a Climate Change Policy, Climate Change Strategy and Action Plan.

In committing to these actions it is recommended that Council not declare a Climate Emergency at this time, but rather make representations to Local, State and Federal Government seeking leadership in mitigating the impacts of climate change in conjunction with the adoption of a Port Macquarie-Hastings Climate Change Policy.

### Discussion

At the 21 October 2020 Ordinary Council Meeting the following resolution was carried:

*RESOLVED: Alley/Intemann*

*In recognition of the urgent need for action on climate change:*

*1. That Council notes:*

- a) The NSW Government has committed to an aspirational objective of achieving net zero emissions by 2050.*

- b) *Australia is a signatory to The Paris Agreement (within the United Nations Framework Convention on Climate Change).*
  - c) *The NSW Bushfire Inquiry report (dated 31 July 2020), stated “The season showed us what damage megafires can do, and how dangerous they can be for communities and firefighters. And it is clear that we should expect fire seasons like 2019-2020, or potentially worse, to happen again” and “Climate change as a result of increased greenhouse gas emissions clearly played a role in the conditions that led up to the fires and in the unrelenting conditions that supported the fires to spread”.*
  - d) *The Jardine Lloyd Thompson Local Government Key Risk Report for 2019, identifies “natural catastrophe / climate change” amongst the top four risks for Local Government.*
  - e) *The information in the Climate Change Information report 13.06 of Port Macquarie-Hastings Ordinary Council Meeting of 18 March 2020, that outlines the risks of temperature increases, rising sea levels, extreme rainfall and drought events and increased risks of bushfire that will affect our local community.*
  - f) *The Australian Medical Association declared in September 2019 that climate change is a health emergency and will cause:*
    - i. *higher mortality and morbidity from heat stress.*
    - ii. *injury and mortality from increasingly severe weather events.*
    - iii. *increases in the transmission of vector-borne diseases.*
    - iv. *food insecurity resulting from declines in agricultural outputs.*
    - v. *a higher incidence of mental ill-health.*
  - g) *Over 1,780 jurisdictions in 31 countries have declared a Climate Emergency.*
2. *That it be noted:*
- a) *Council has adopted a Long Term Energy Strategy to aim to source 100% of its electricity from renewable sources by 2027.*
  - b) *Council has adopted floodplain management plans that recognize a 900mm Sea Level Rise by 2100 and 10% increases in rainfall severity events.*
  - c) *Council’s Operational Plan for 2020-2021 includes action for the employment of a sustainability officer and development of a Sustainability and Climate Change Strategy.*
3. *That Council request the General Manager present a Charter to the November 2020 Council Meeting to support the implementation and establishment of a technical based Sustainability Sub-Committee to assist Council in the development and implementation of Council’s sustainability and Climate Change Strategy.*
4. *That Council request the General Manager provide a briefing to Councillors before the end of 2020 and a report to the March 2021 meeting to enable Council to more fully consider actions required following a Declaration of a Climate Emergency.*

*CARRIED: 5/2*

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

This report relates specifically to Item 4 of the above resolution regarding Council’s consideration of a Climate Emergency Declaration (CED) and in response to submissions made to Council by members of the Port Macquarie-Hastings community to declare a Climate Emergency.

## 1. Climate change - Its Impacts and Implications for Local Government

Both Intergovernmental Panel on Climate Change (IPCC) reports and CSIRO reports show that climate change has already resulted in observed increases in global temperature, sea level rise and in some cases significant changes to rainfall and weather patterns. Without immediate action being taken, climate change is projected to cause further changes in global temperature and sea level rise, significant changes to rainfall and weather patterns and increased incidences of extreme and dangerous weather events including storms, cyclones, floods and droughts.

The threats from climate change demand a range of responses that may be broadly classified as mitigation and adaptation strategies.

Mitigation refers to the reduction of climate change impacts via broad scale behaviour change. Mitigation strategies principally rely on impacts of climate change being reducible via the contribution to collective global implementation of 'greenhouse gas' emissions reduction strategies. This may involve, amongst other things, improved energy efficiency, sequestration programs and educational or behaviour change programs.

Adaptation strategies respond to the impacts that will already be locked into the climate system regardless of the success of any current or future mitigation strategies deployed, and managing these changes in the present and the future. In Australia, all levels of government have differentiated yet complementary responsibilities in preparing Australia for the current and future impacts of climate change.

A successful response to the challenge of meeting appropriate emission reduction targets and adapting to climate change impacts will require cross-sectoral action by government, business and the broader community at all levels and across all jurisdictions (local, national and global).

Locally, climate change poses a growing threat to our community and to Council, environmentally, socially and economically. From regionally-specific concerns about sea level rise and its land use planning implications, to wide ranging environmental concerns about biodiversity loss including its effects on tourism, our community expects Council to take action to preserve our community and lifestyle for future generations.

## 2. Implications of Declaring a Climate Emergency

A review of the history of Climate Declarations has revealed that when the idea was first developed for a *Climate Emergency Declaration* (CED) by councils, it was envisioned in two parts.

The first part being an acknowledgement by a motion of council that a community is in a climate emergency. This acknowledgement represents the start of a council's work to develop an emergency response.

The second part being a *Climate Emergency Declaration* as a motion of council representing the moment council publicly and formally enters into an emergency

mode. Many councils have "*declared a climate emergency*" as their first step with no clear intent and framing of the actions to be taken in responding to the CED.

To be formally listed as a CED by the Climate Emergency Declaration and Mobilisation in Action group (CEDAMIA) / ICEF (International Climate Emergency Forum), Council need only include the first part, which they define as a "*a clause clearly declaring or acknowledging the Climate Emergency*".

However, if there is no accompanying significant commitment, the CED can be seen as tokenistic or symbolic and may not meet the expectations of the community and higher levels of government. The utility of a declaration as a political vehicle to drive all levels of government to action is acknowledged. It is important to balance that with the importance of developing a *Sustainability Framework* identifying demonstrable actions.

If Council were to declare a Climate Emergency, the declaration should be supported by appropriate strategic and operational planning and policy, sufficiently detailed so that the consequent action is unambiguous at a practical level and the commitment is clear and strongly intended. This implies that a considerable amount of preparation is needed prior to any formal declaration of a climate emergency.

Council makes decisions that impact future generations (e.g. roll-out of infrastructure, planning for future settlements) and as such needs to be actively assessing and responding to the direct and indirect risks and challenges that climate change presents. However, as these risks and challenges are likely to change over time, it will be difficult to effectively manage the issue in an ad-hoc and reactive manner. Robust decision-making frameworks minimise future uncertainty as issues and information emerge and become important. In fact, this has been identified as the priority for Australian local governments:

*Local governments will better respond to the challenges of climate change in an environment where adaptive responsibilities are clear, response and evaluation frameworks are consistent across jurisdictions, approaches to mainstreaming climate change adaptation are implemented, and decisions are made on the basis of the best data and information.*

(National Climate Change Adaptation Research Facility (NCCARF), 2013)

Council's development of a *Sustainability Framework* and associated *Climate Change Policy*, *Climate Change Strategy* and *Action Plans* would provide a clear path forward.

### 3. Sustainability Framework

Council is required to consider its environmental, community and social, economic and financial and governance and leadership responsibilities in our decision-making and activities, in a way that meets the needs of our present community and creates a foundation for future generations to meet their own needs. Council's response to climate change is an essential element of Council's overall approach to sustainability.

To show leadership and a commitment to sustainability, Council has recognised the need for a structured and co-ordinated approach to ensure that this commitment is represented across all that we do.

It is proposed that this is done by developing a *Sustainability Framework*, which will recognise and connect Council's commitment to sustainability, whilst guiding the path for future growth and maturity.

The *Sustainability Framework* will sit at the highest level of the Council's Planning Hierarchy Framework to ensure that sustainability is incorporated in all of Council's planning and policy work.

The purpose of the *Sustainability Framework* would be to:

- a) Document the Council's current sustainability plans, strategies and measurement approaches;
- b) Understand the issues, risks and opportunities for Council and ensure we are addressing the social, environmental, economic and governance impacts of our organisation sustainably;
- c) Identify a structure and hierarchy of sustainability priorities that reflects what matters most to the community and relevant stakeholders;
- d) Encourage and lead a culture of sustainability to be developed throughout the organisation and community;
- e) Ensure that any gaps in our approach to sustainability are identified and addressed;
- f) Ensure accountability for sustainable outcomes by setting objectives, targets and metrics.

Council will need to engage with all relevant stakeholders in the delivery of the above items.

The *Sustainability Framework* would also provide the foundation to consolidate Council's current and future approach to issues affecting sustainability (including climate change) and will deliver a culture of sustainable practice across the organisation.

Further detail of the proposed Sustainability Framework is provided as **Attachment 1**.

#### 4. Responding to climate change in the context of the Sustainability Framework

If Council acknowledges that climate change is a serious threat to our current and future way of life and the Earth's ecosystems, then evidence-based best practice identifies that Council's response to our changing climate needs to be holistic to reflect the broad impacts of climate change across our community and ensure an integrated response. Leadership and commitment from the elected Council and Council's Executive is also required if Council's response to climate change is to be successful.

The *Sustainability Framework* would drive the required holistic response to climate change across Council's operations.

Council can continue to implement already-identified climate change actions to Council (e.g. the Long-Term Energy Strategy) while prioritising the finalisation of the *Sustainability Framework* and the development of a *Climate Change Policy*, *Climate Change Strategy* and *Action Plans*.

The Climate Change Policy will establish Council's commitment to respond effectively to Climate Change and define Council's role in reducing its carbon emissions; adapting to the projected impacts of climate change and supporting the community to do the same.

The Climate Change Action Planning will be guided by the peer-reviewed *C40 Cities Climate Action Planning Framework*, which was developed to support cities in developing climate action plans that are aligned with the objectives of the Paris Agreement.

The four key components of climate action planning according to the Framework are:

1. Emissions neutrality - developing a pathway to delivering an emissions neutral Council and community
2. Resilience to climate hazards - demonstrating how we will adapt and improve its resilience to the climate hazards that may impact our community now and in future climate change scenarios.
3. Inclusivity and benefits - engaging with the community to inform the planning, outline the social, environmental and economic benefits expected from implementing the plans, and establish ways to ensure equitable distribution of these benefits across our population
4. Governance and collaboration - detailing Council's governance and capacity as well as identifying the partners who need to be engaged in order to accelerate the delivery of the mitigation targets and resilience goals.

A key element of the action planning will be to identify and prioritise those actions that provide the greatest opportunity to accelerate the reduction of our carbon emissions, and actions that respond to the greatest areas of risk to Council and community.

### Options

Council has a number of options available:

1. Proceed in accordance with the recommendations; or
2. Council could choose to declare a Climate Emergency in the absence of supporting policies and frameworks. However, unless it can be ensured that Council's internal adaptive capacity (that is, its ability to respond to potential climate change impacts) is robust, then there is a risk that specific adaptation actions will be ad-hoc and constrained by limited resourcing and political support; or
3. Resolve in some other manner.

This report recommends Option 1.

**Community Engagement and Internal Consultation**Internal:

- Group Manager Strategy
- Group Manager Environment and Regulatory Services

External

A summary of the submissions received by Council in October 2020, in anticipation of the Notice of Motion to declare a climate emergency at the 21 October 2020 Ordinary Council meeting is provided as **Attachment 2**.

Councillor Briefing

There was a Council Briefing provided to Councillors on 25 November 2020.



**Planning and Policy Implications**

Adoption of the recommendations in this report will result in the development of a Sustainability Framework and a Climate Change Policy, Climate Change Strategy and Action Plan to underpin the Framework. The Sustainability Framework will be incorporated into Council's Planning Framework and will inform future strategies and plans.

**Financial and Economic Implications**

There are no direct financial and economic implications in relation to this report. Following the adoption of the recommended Climate Change Strategy and Action Plans, it is likely that a redistribution of budget will be required to address the priority actions and will be presented to Council at that time.

**Attachments**

1.  Attachment 1 - Proposed Sustainability Framework
2.  External Submissions Summary - Notice of Motion to Declare a Climate Emergency Ordinary Council Meeting 2020 10 21

# 2 Your Community Life

## What we are trying to achieve

A healthy, inclusive and vibrant community.

## What the result will be

We will have:

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

## How we will get there

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



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Item: 11.01

Subject: RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND  
SUB-COMMITTEE - FEBRUARY 2021

Presented by: Strategy and Growth, Jeffery Sharp

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#### Alignment with Delivery Program

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

#### RECOMMENDATION


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

1. Stella Tijou receive \$350.00 to assist with the expenses she will incur travelling to and competing in Harvey Norman Tarsha Gale Cup. Stella has been selected as a member of the St George Dragons U19's Girls Rugby League Team. The competition is being played at various venues throughout NSW including Newcastle, Sydney, Penrith & Camden.

#### Executive Summary

The Mayor's Sporting Fund Sub-Committee met on Thursday 25 February and considered an application for financial assistance from Stella Tijou who is travelling to compete in the Harvey Norman Tarsha Gale Cup (Rugby League). The application was supported by the Sub-Committee, on the proviso that confirmation was received that this is not a paid or sponsored team position. Staff subsequently confirmed this was the case and in accordance with Item 08 (attached), the Mayor's Sporting Fund Sub-Committee submits the above recommendation for Council's approval.

#### Attachments

1.  Extract from Minutes - 2021 Mayors Sporting Fund Sub-Committee - Meeting 2021 02 25

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Item: 11.02

Subject: FORMATION OF ABORIGINAL ADVISORY GROUP

Presented by: Strategy and Growth, Jeffery Sharp

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### Alignment with Delivery Program

2.2.1 Support and advocate for all community sectors.

### RECOMMENDATION

#### That Council:

1. Establish an Aboriginal Advisory Group to support on-going engagement with local Aboriginal stakeholders.
2. Rescind the currently suspended Aboriginal Advisory Committee.
3. Adopt the Aboriginal Advisory Group Charter.
4. Call for expressions of interest from the community and identified organisations to be members of the Aboriginal Advisory Group for a four-year term.
5. Request the Chief Executive Officer table a future report seeking Council endorsement of the membership of the Aboriginal Advisory Group.
6. Note that the newly formed group will be required to adopt an agreed name at their first meeting.

### Executive Summary

To help strengthen the relationships and to give the local Aboriginal community a voice within Council to assist with decision making & reconciliation, it is recommended that a new formal 'group' is established in our governance framework for the purpose of ongoing consultation with local Aboriginal stakeholders and community members.

This report presents the draft Aboriginal Advisory Group Charter which outlines the Groups objectives, functions, meeting practice and membership. It is proposed that with Council endorsement of the Charter, staff will call for expressions of interest for community members and identified organisations to join the group for a four-year term.

### Discussion

Historically, Council had an Aboriginal Advisory Committee(AAC) who provided appropriate assistance, advice and guidance to Council on a range of matters. However, the AAC have not met since 2013 and in 2016, the Committee was suspended with the intent to establish an Aboriginal Advisory Group in its place under the Cultural Steering Group. To date this has not occurred and is now the subject of this report.

Without a current Aboriginal Advisory Group, Council do not have a central point of contact, or the ability to seek broader Aboriginal and Torres Strait Islander community views on issues affecting their community in the Port Macquarie-Hastings or Council's work more broadly.

To address both issues of establishing appropriate processes for ongoing consultation on issues and decisions relating to local Aboriginal community including heritage and culture, and the decision to no longer have a dedicated Aboriginal Liaison Officer, establishing the Aboriginal Advisory Committee is paramount to strengthening our ongoing relationships with the Aboriginal and Torres Strait Islander community.

The draft Aboriginal Advisory Group Charter (attached) outlines the objectives, key functions and membership of the Group to ensure that all members of the community are represented, segments from the Charter are as follows:

**Objectives:**

- To advise Council on Council projects and issues which support and affect the Aboriginal and Torres Strait Islander Community including Council programs, services, projects and celebrations, to ensure we build a community that respects the rights of all people and encourages self-determination and equity.
- To assist Council in implementation, monitoring and review of Council Policies.
- To provide and receive two-way feedback from the community regarding issues relating to our Aboriginal and Torres Strait Islander Cultural Heritage.

**Key functions:**

- Review, consult and provide feedback to Council on the development of a Port Macquarie-Hastings Council Reconciliation Action Plan
- Provide a forum in which Council and community leaders can discuss and debate, plan and progress local and regionally significant Aboriginal and Torres Strait Islander community inclusion outcomes that continue the growth of our community and our places in the Port Macquarie-Hastings Local Government Area.
- Support Council in promoting appropriate celebrations with the Aboriginal and Torres Strait Islander people and wider community.
- Discuss issues of mutual concern in relation to Council policy, strategy or direction, so that they can be resolved to the benefit of both the Aboriginal and non-Aboriginal communities.
- Provide advice and guidance to Council on the development of Council cultural projects including public art and interpretative signage.
- Be outcomes focused and assist in determining appropriate budget requests for Council led Aboriginal and Torres Strait Islander programs and events in the community.

**Membership:**

Voting Members

- One representative and one alternate from the organisations listed below:
  - Birpai Local Aboriginal Land Council

- Bunyah Local Aboriginal Land Council
- Bearlay Aboriginal Interagency
- Hastings Aboriginal Education Consultative Group (AECG)
- Werin Aboriginal Corporation Medical Clinic
- Aboriginal Employment organisation
- Tribal Wave Assembly
- Two representatives from Traditional Owners
- Four Aboriginal and Torres Strait Islander community members

#### Council Representatives

- Voting representatives
  - Mayor
  - Director Strategy and Growth
  - Group Manager Community
- Non-voting representatives
  - Community Inclusion Team Leader
  - Community Inclusion Trainee (Identified Position)

During consultation with local Aboriginal representatives involved in the formative steps toward proposing a new Aboriginal Reference Group, it was agreed by those present that the newly formed Aboriginal Advisory Group will determine the name of the group at their first meeting.

#### **Options**

Council may choose to:

1. Adopt the Charter, and request to undertake Expressions of Interest for membership of the Group, or
2. Request further information from staff regarding the formation of the new Group.

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

External Engagement has been undertaken with representatives from the below organisations and Elders in the community over several group meetings:

- Birpai Local Aboriginal Land Council
- Bunyah Local Aboriginal Land Council
- Bearlay Aboriginal Interagency
- Hastings Aboriginal Education Consultative Group (AECG)
- Werin Aboriginal Corporation Medical Clinic
- Tribal Wave Assembly

Internal engagement has occurred with the Group Manager Governance with regard to the development of the draft Group Charter.

**Planning and Policy Implications**

There are no planning and policy implications in relation to this report. However, this report does relate to and will assist with:

- Delivery Program 1.1.3
- Community Inclusion Plan 2020 - 2021 - OP Action 2.4.1.5

**Financial and Economic Implications**

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

**Attachments**

1.  Draft Charter Aboriginal Advisory Group

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Item: 11.03

Subject: BAIN PARK MASTER PLAN - POST PUBLIC EXHIBITION  
COMMUNITY ENGAGEMENT

Presented by: Development and Environment, Melissa Watkins

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### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. Note the information contained within the Bain Park Master Plan Public Exhibition Outcomes Report - February 2021 (Attachment 1).
2. Recognise the community engagement that has been undertaken regarding the Draft Bain Park Master Plan, and thank the key stakeholder groups and community for their feedback.
3. Adopt the amended Draft Bain Park Master Plan (Rev 4) (Attachment 2), which includes minor amendments as outlined in this report.
4. Request the Chief Executive Officer consider funding opportunities for implementation of the Bain Park Master Plan through development of future Operational Plans and relevant State and Federal government grant programs.

### Executive Summary

At the Ordinary Council Meeting held on 18 November 2020, Council resolved to place the Draft Bain Park Master Plan (Rev 3) (**Attachment 3**) on public exhibition for 28 days from 19 November 2020 to 16 December 2020, and requested the General Manager provide a report to the March 2021 Ordinary Council Meeting outlining community feedback during the public exhibition period.

This report considers the submissions received, outlines amendments to the Master Plan, and recommends that the amended Draft Bain Park Master Plan (Rev 4) (**Attachment 2**) be adopted.

### Discussion

On 18 November 2020, Council resolved as follows in respect of the Draft Bain Park Master Plan:

#### *That Council:*

1. Note the information in the Community Engagement Report A - Bain Park Master Plan - November 2019.

2. *Note the information in the Community Engagement Report B - Bain Park Master Plan - October 2020.*
3. *Thank the stakeholders who made submissions during the engagement process and advise them of the outcome.*
4. *Place the Draft Bain Park Master Plan on public exhibition from 19 November until 16 December 2020.*
5. *Request the General Manager provide a report to the March 2021 Ordinary Council Meeting outlining community feedback provided during the public exhibition period."*

Council's key objective in undertaking this review is to produce an overall Bain Park Master Plan (Master Plan) which provides clear direction for all future works.

The public exhibition period for the Master Plan is now complete. There were a total of 102 pieces of feedback received across four platforms (i.e. Feedback forms, online via Have Your Say, Email and Verbal), with 32 submissions made.

Submissions made during this time have been considered when developing the updated draft Master Plan (Rev 4) (**Attachment 2**). The challenge in developing the next revision of the draft Master Plan (Rev 4) has been to balance varying community preferences with Council's commitment to delivering recreational facilities to encourage a healthy, inclusive and vibrant community now and into the future.

Changes to the draft Master Plan (Rev 4) are listed below:

- Retraction of outdoor dining specific to Waterman's Café:
  - Seating in this location will be for public use
  - Any application for outdoor dining by Waterman's Café will be reviewed in line with Council's Outdoor Dining Policy.
- Removal of Omnicare sensory garden:
  - Omnicare has advised that following further consideration and concerns over the safety of clients and staff, and the security of premises of a public facility, that the proposed Omnicare Sensory garden, if built, will not be open to the community.

Detailed consideration of the submissions received is included later in this report.

### Options

Council can opt to:

1. Adopt the Bain Park Master Plan (Rev 4) (**Attachment 2**) as presented, which includes minor changes based on feedback provided during the exhibition period, as outlined in this report; or
2. Request modifications be made to the Bain Park Master Plan (Rev 4); or
3. Not adopt the Bain Park Master Plan (Rev 4); or
4. Resolve in some other manner.

This report recommends option 1.

### Community Engagement and Internal Consultation

Key stakeholder groups and the broader community were invited to participate in a variety of engagement methods during the period September 2019 - December 2020.

The Draft Bain Park Master Plan (Rev 3) (**Attachment 3**) was last considered at the Ordinary Council Meeting held on 18 November 2020 where it was resolved to place the Draft Bain Park Master Plan (Rev 3) on public exhibition for 28 days from 19 November 2020 to 16 December 2020.

The public exhibition period is a formal process undertaken prior to finalisation of the Master Plan and subsequent recommendation for adoption. During this period, the Community Engagement team undertook the following activities to promote the public exhibition period and encourage the community to have their say:

- Have Your Say project page
- Media release / Heart of the Hastings newsletter
- Social media posts
- Targeted email campaign (stakeholders / Chamber of Commerce / CCAT)
- Temporary signage at Bain Park displaying Draft Master Plan
- Two pop-up stands (Bain Park and IGA supermarket, Wauchope CBD)
- Letterbox drop (Avondale Street and Range Street)
- Walk around to High Street businesses
- Posters in IGA supermarket / Waterman's Café / Wauchope Community Arts Council (WCAC) and other nearby locations
- Draft Master Plan copies and feedback forms in all Customer Service Centres and Wauchope Library.

The key stakeholder groups and broader community were asked for open ended feedback on the draft Master Plan in the context of the consultation that had been undertaken over the previous year. No specific surveys or prompts were used.

A series of engagement activities were undertaken to promote and seek feedback during the public exhibition period, these included:

- Direct email with key stakeholders
- Social media campaign
- Print media (Heart of the Hastings Newsletter feature)
- Signage in Bain Park
- Posters put up in High Street shops
- Feedback boxes installed at Wauchope Library
- Pop-up information stands
- Have Your Say project page.



Below is a summary of Engagement Reports and Master Plan revisions undertaken during the community engagement period.

Initial Engagement Sep – Oct 2019	Stage 2 Engagement Aug – Oct 2020	Stage 3 Engagement Nov 2020 – Feb 2021
<ul style="list-style-type: none"> <li>• Have Your Say</li> <li>• Pop-up in the park</li> <li>• Planning workshop</li> <li>• Wauchope Community Arts Council consultation</li> </ul>	<ul style="list-style-type: none"> <li>• Key Stakeholder consultation</li> <li>• Focus group meetings</li> <li>• Master Plan updates</li> <li>• Stakeholder acceptance of Revision 3</li> </ul>	<ul style="list-style-type: none"> <li>• Have Your Say</li> <li>• Pop-ups in Bain Park and Wauchope IGA</li> <li>• Social and print media</li> <li>• Signage in Bain Park</li> <li>• Posters in High St shops</li> </ul>
Community Engagement Report A: Nov 2019	Community Engagement Report B: Oct 2020	Public Exhibition Outcomes Report: Feb 2021
Draft Bain Park Master Plan (Rev 0) Mar 2020	Draft Bain Park Master Plan (Rev 1) Jun 2020 (Rev 2) Sep 2020 (Rev 3) Sep 2020	Draft Bain Park Master Plan (Rev 4) Feb 2021

A total of 102 pieces of feedback were received across four platforms (i.e. via Feedback forms, Have Your Say, Email and Verbal), with 32 submissions made in response to the Draft Bain Park Master Plan (Rev 3) (**Attachment 3**).

Submissions received during the public exhibition period were varied with a mix of support and opposition for a variety of design elements. Submissions should be considered in the context of prior community engagement outcomes and the intensive stakeholder consultation that informed the development of previous revisions of the draft Master Plan. This means that in some instances (such as the options for the two community buildings) design options will reflect the desire of key stakeholders.

The four areas of greatest interest (categorised by theme) were:

- vegetation;
- the treatment of community buildings;
- artwork and interpretive elements;
- the playground location

These themes (and responses) have been summarised below, with detailed feedback and responses across all themes tabled in the Bain Park Public Exhibition Outcomes Report - February 2021 (**Attachment 1**).

Vegetation

There is a strong preference to retain and enhance this green space, including at the High Street entry, with the addition of mature trees and endemic species (including Lasiandra trees), and the removal of weed species. The draft Master Plan

accommodates much of this feedback with the exception of identifying the lasiandra trees at the High Street entry as being significant.

Design outcome: Lasiandra trees be included in planting palette throughout the park. No change to High Street entry - the intent of which is to be open with a focus on original Bain Park gates and artwork with views into the park.

#### Buildings

The sentiment around the Community Arts Hall and Rotary Youth Hall largely reflects the outcomes of significant consultation undertaken with the WCAC - with an acknowledgement of the aesthetic and acoustic qualities of the current Arts Hall. Council has a clear understanding of the desire of WCAC to retain the existing hall either in its current location or relocated closer to the park with the addition of improved amenities. This consultation, along with meetings held with Wauchope Rotary, will inform the design options for these community facilities. An outlier request to relocate both community halls and replace them with a new, multi-use, two-storey building is not in keeping with community views.

Design outcome: Existing design options for these buildings is unchanged.

#### Artwork / Interpretive elements / Acknowledgements

The Master Plan is an overarching high level plan for the future development of Bain Park and does not include detailed design of artwork, sculptural elements, acknowledgements, furniture or equipment. A number of statements supporting ongoing consultation during the future detailed design of elements have been included in the Master Plan.

Design outcome: No change to Master Plan.

#### Playground Location

The community voiced a strong desire to keep the playground in its existing location, citing distance from the public toilets, Waterman's Café and other High Street businesses as key reasons supporting the current location. Some residents feared that relocating the playground to the south of the park would result in an increase in anti-social behaviour that may impact their safety and properties.

While acknowledging these concerns Council are prioritising the future need to increase the size of the playground in response to the predicted growth of our region. Bain Park is already a destination area for locals and visitors from across the region and it is anticipated to continue (and increase) once the playground is updated.

The relocation of the playground to the south of the park is informed by the NSW Everyone Can Play guidelines that make the space more accessible across a range of criteria. In addition, Crime Prevention through Environmental Design (CPTED) principles will be incorporated into the design to discourage anti-social behaviour.

Design outcome: Playground to be relocated to south of park.

The challenge in developing the next revision of the draft Master Plan (Rev 4) has been to balance varying community preferences with our commitment to delivering recreational facilities to encourage a healthy, inclusive and vibrant community now and into the future.

Changes to the draft Master Plan (Rev 4) are listed below.

- Retraction of outdoor dining specific to Waterman’s Café:
  - Seating in this location will be for public use
  - Any application for outdoor dining by Waterman’s Café will be reviewed in line with our Outdoor Dining Policy.
  
- Removal of Omnicare sensory garden:
  - Omnicare has advised that following further consideration and concerns over the safety of clients and staff, and the security of premises of a public facility, that the proposed Omnicare Sensory garden, if built, will not be open to the community.

A summary of the themes, key issues and Council’s response to these are included in the tables below:

Theme	Key Issues	PMHC Comments/Response
<b>Vegetation</b>	<ul style="list-style-type: none"> <li>• Concerned about cost of installing, maintaining and storing an artificial Christmas tree.</li> <li>• Against plastic Christmas tree.</li> <li>• Love provision of the Christmas tree.</li> <li>• Lasiandra trees near High Street are original trees that instigated the Lasiandra Festival, please retain / Wauchope is a Lasiandra town / we need lasiandra trees towards the front of the park.</li> <li>• Remove weed trees now.</li> <li>• Allow trees to provide shade.</li> <li>• Retain grass on amphitheatre.</li> <li>• Retain trees, garden beds and open green space; introduce mature trees with colour; do not remove mature trees.</li> </ul>	<ul style="list-style-type: none"> <li>• In previous years the Wauchope Chamber of Commerce and Industry (WCCI) have managed the installation of an artificial Christmas tree supported by Council grants - infrastructure included to facilitate this option in future.</li> <li>• WCCI will continue to be responsible for determining Christmas decorations in the Park (which may be to decorate a live tree).</li> <li>• Provision for succession planting of weed trees with large native trees is included.</li> <li>• In addition to existing trees, the Master Plan allows for extensive planting of mature, shade bearing trees.</li> <li>• Large trees, low understory planting and a wide paved entrance retain some green space at High Street and reinforce visual connectivity into the park.</li> <li>• Paved plaza designed to accommodate pedestrian</li> </ul>

Theme	Key Issues	PMHC Comments/Response
	<ul style="list-style-type: none"> <li>Concerned about the loss of green space at entry due to paved plaza to High Street.</li> </ul>	<ul style="list-style-type: none"> <li>traffic into the park and to support circulation around artwork.</li> <li>Lasiandras will be considered as part of planting palette for the park. The intent of the High Street entry is to be open with a focus on original Bain Park gates and artwork.</li> </ul>
<b>Buildings</b>	<ul style="list-style-type: none"> <li>Retain buildings spend money elsewhere in the community.</li> <li>Retain buildings in current location with upgrades.</li> <li>Retain character of Arts Hall (acoustics and aesthetic).</li> <li>Relocate existing buildings (Option 2).</li> <li>New Community Arts Hall in Bain Park using elements of existing building.</li> <li>Relocate both existing buildings elsewhere in Wauchope and build a high capacity, two-storey, large multi-use facility including conference and meeting rooms overlooking Bain Park.</li> </ul>	<ul style="list-style-type: none"> <li>Significant community engagement was undertaken with Wauchope Community Arts Council (WCAC) and Wauchope Rotary.</li> <li>Council has a clear understanding of the desire of WCAC to retain the existing hall either in its current location or relocated closer to the park.</li> <li>The proposal to relocate both existing buildings is not within the scope of the project. The potential for business activities to be undertaken in the building remains possible by arrangement with building managers.</li> </ul>
<b>Artwork / Interpretive elements / Acknowledgements</b>	<ul style="list-style-type: none"> <li>Opportunity for artwork from Birpai community / locally sourced.</li> <li>Include interpretive geological signage pertaining to Bago Bluff</li> <li>Retain Bain Park Gates / not off to one side.</li> <li>Sculptures / display about local history is far more appropriate than a human sundial</li> </ul>	<ul style="list-style-type: none"> <li>The design of all public art introduced to the park will be subject to community consultation. Public art shall leverage opportunities for cultural and historical expression through working with public artists and in consultation with Bunyah Local Aboriginal Land Council and abovementioned community groups.</li> </ul>

Theme	Key Issues	PMHC Comments/Response
	<p>at the High Street entry.</p> <ul style="list-style-type: none"> <li>• No need for two war memorials in Wauchope / do not move the war memorial to Bain Park (cites lack of seating/shade, hard surfaces and visibility).</li> <li>• Uninspiring design shown on Master Plan for High Street entry.</li> <li>• Concerned that terraced sandstone block amphitheatre will be costly and restrict usage of the park.</li> <li>• Creative elements are supported such as the free form "Gaudi" inspired seating, Human sun dial (incorporates community memorial), War memorial, sensory garden, and interpretive sculpture with up lighting.</li> <li>• Wauchope Garden Club recognition through interpretive element.</li> <li>• Lions Club ongoing request to install three, inter-connected sundials at the High Street entry to the park in the immediate future prior to roll out of the Master Plan.</li> <li>• Treatment of centenarian plaques when weed trees removed.</li> </ul>	<ul style="list-style-type: none"> <li>• Master Plan is a high level design and does not represent the detail of individual artworks.</li> <li>• Bain Park Gates are being retained - location supports an open entry to the park with interpretive elements.</li> <li>• Wauchope's culture and history to be woven into the landscape through design details and interpretive art installations.</li> <li>• The addition of the war memorial in Bain Park was in response to a unanimous request by the Wauchope RSL Sub Branch via written submission. This is not a replacement of the existing memorial on High Street but an additional memorial.</li> <li>• Recognition of other community groups to be determined at detail design phase.</li> <li>• Sundials are included at the Avondale Street entry. Interpretive sculpture with up-lighting is a key feature of the High Street entry along with the historic Bain Park gates. Shade from proposed tree planting at this entry will impact the function of the sundials in this location.</li> <li>• Community consultation will be undertaken on any changes/reinterpretation into the design for the centenarian trees and plaques, and the volunteer memorial (specific consultation with businesses and individuals listed on the sign).</li> </ul>

Theme	Key Issues	PMHC Comments/Response
<p><b>Playground location</b></p>	<ul style="list-style-type: none"> <li>• Upgrade playground and retain in current location.</li> <li>• Renovate the existing playground, add shade and save money.</li> <li>• Concern that playground is too far away from public toilets.</li> <li>• Parents like to sit at café and watch children in the playground / playground too far away from café.</li> <li>• Retain bike path in current location.</li> <li>• Concerned that proposed playground location will impact residents and create safety concerns for them.</li> </ul>	<ul style="list-style-type: none"> <li>• Increasing the size of the playground is necessary to respond to the future growth of the region and the fact that the park will continue to attract locals and visitors from across the region.</li> <li>• The existing playground was installed in 2012 and scheduled for replacement in 2022. It has limited capacity to expand in the current location due to the presence of large trees and root systems in that area.</li> <li>• Shaded playground / water play area - relocated to improve connectivity to school and improved passive surveillance.</li> <li>• The proposed integration of buildings into the park, and the inclusion of a small stage is incompatible with a playground in its current location.</li> <li>• We acknowledge the distance from the playground to the public toilets has increased. However, the toilet location still remains accessible as per the NSW Everyone Can Plan guidelines and is supported by an accessible pathway.</li> <li>• We encourage active supervision of children using our playgrounds at all times.</li> <li>• See anti-social behaviour responses for residents' safety concerns.</li> </ul>
<p><b>Play equipment / elements</b></p>	<ul style="list-style-type: none"> <li>• Include play fountain with waterslide, monkey bars, flying fox, rock wall, slip and slide, tree house with TV, camping zone,</li> </ul>	<ul style="list-style-type: none"> <li>• Community consultation will be undertaken prior to the detailed design of playground equipment and inclusions.</li> </ul>

Theme	Key Issues	PMHC Comments/Response
	<p>climbing trees with soft fall, provisions for drought for water play to continue (underground water tank). Multi-use oval for ball play and Frisbee.</p> <ul style="list-style-type: none"> <li>• Model the playground and waterpark on the Tamworth Regional Park.</li> <li>• Exercise area for people and dogs.</li> <li>• Waterpark is expensive to maintain and not useful year-round and too far from toilets.</li> <li>• I absolutely love every suggested enhancement to the Bain park precinct and believe that this park when completed will become a very family friendly venue that can be enjoyed by all.</li> <li>• The active elements of playgrounds, water play, and the bike tracks are supported, and we anticipate this will encourage community participation.</li> <li>• The overall layout of the activity spaces is not supported due to interruption of noise from play on performances and lack of ability to supervise children while watching a performance.</li> </ul>	<ul style="list-style-type: none"> <li>• A variety of activities and activations in Bain Park gives people options to use the recreation space as they choose and in a socially responsible manner in terms of how they do so and how they supervise children.</li> <li>• Bain Park is not a designated off-leash dog area. Wauchope has an existing dog off leash area at Blackbutt Park, with another proposed at the Hastings Sporting Fields facility. Inclusion of water play is dependent on funding.</li> <li>• Water play was identified as a desired inclusion during community consultation; funding sources and detailed design will occur following the adoption of the Master Plan.</li> <li>• The proposed integration of buildings into the park, and the inclusion of a small stage is incompatible with a playground in its current location.</li> <li>• Council encourages active supervision of children using our playgrounds at all times.</li> </ul>
<p><b>Car parking</b></p>	<ul style="list-style-type: none"> <li>• Opposed to reducing the width of Avondale Street (by approximately 1m) due to busy road at</li> </ul>	<ul style="list-style-type: none"> <li>• Reconfiguration of the roadway is to formalise parking and improve vehicular circulation (and safety) in accordance with</li> </ul>

Theme	Key Issues	PMHC Comments/Response
	<p>school drop off and pick up and cost of changing road.</p> <ul style="list-style-type: none"> <li>• Leave the car park in existing location as it offers easy access to community buildings and Bain Park.</li> <li>• Locate car park at the far [southern] end of Bain Park near the school.</li> <li>• The reversing of the carpark and building space a clever idea, as the buildings can 'spill' out onto the park. This will give much more versatility of use.</li> <li>• Concerned about lack of parking (particularly on Friday's when community members, many in wheelchairs or with limited mobility, attend a regular event at the Arts Hall).</li> </ul>	<p>current standards. Road design will be carried out by a suitably qualified Engineer.</p> <ul style="list-style-type: none"> <li>• Design does not allow for incursion on parkland for car parking.</li> <li>• The addition of an accessible pathway around the park and better integration of the park to the community buildings provides improved access to Avondale Street parking.</li> </ul>
<p><b>Anti-social behaviour / safety</b></p>	<ul style="list-style-type: none"> <li>• Concerned about safety and security in the park (such as lighting).</li> <li>• Ensure non-slip surfaces on pathways.</li> <li>• Can the new design make the children's playground safer or make it more difficult for after hours, anti-social behaviour to occur.</li> <li>• Concern that shelters close to residential properties will put residents/property at risk.</li> <li>• Avondale Street is actually a cul-de-sac with a handful of residents within close proximity to the</li> </ul>	<ul style="list-style-type: none"> <li>• Updated and improved lighting is provided for in the Master Plan.</li> <li>• Crime Prevention through Environmental Design (CPTED) principles will be incorporated into the design to discourage anti-social behaviour.</li> <li>• Changing the location of the playground increases the actual and perceived likelihood of detection and apprehension.</li> <li>• Passive surveillance is not the responsibility of residents, it occurs naturally as spaces are used more - the theory being that the more spaces are visited by legitimate users, let less they are visited by those</li> </ul>



Theme	Key Issues	PMHC Comments/Response
	<p>proposed location. There is minimal natural surveillance especially in evenings (when damage to structures and equipment is more likely to occur).</p> <ul style="list-style-type: none"> <li>Residents should not be responsible for passive surveillance of park in proposed location.</li> <li>Some incidents of vandalism to the Youth Hall and damage to cars. Concerned about safety of those using car park if it cannot be seen from Bain Park.</li> </ul>	<p>who may display anti-social behaviour.</p>
<p><b>Inclusion / Accessibility</b></p>	<ul style="list-style-type: none"> <li>Accessibility for people with mobility issues. Access and visibility for people with vision, hearing and other forms of impairment.</li> <li>Consultation with Bunyah Aboriginal Land Council.</li> <li>All paths wide enough for 2 wheelie walkers to walk side by side.</li> <li>Include disability friendly equipment in playground.</li> <li>Incorporate sensory garden into the play area and where the special needs community can use it.</li> </ul>	<ul style="list-style-type: none"> <li>Detailed design of the playground will involve consultation where these elements can be considered following NSW Everyone Can Play guidelines.</li> <li>Proposed promenade pathway is 3.5m wide.</li> <li>Bunyah Aboriginal Land Council are considered key stakeholders.</li> </ul>
<p><b>Public Toilets</b></p>	<ul style="list-style-type: none"> <li>Retain existing toilet block with improvements.</li> <li>We need the disabled toilet to be upgraded to a fully accessible change room with the hoist and bed as the Community Hall is</li> </ul>	<ul style="list-style-type: none"> <li>Existing toilet block to be replaced with new amenities to include an adult change table.</li> <li>Current delivery is included in Stage 3 (of 7). Flexibility in the staging of works depending on funding, condition of</li> </ul>

Theme	Key Issues	PMHC Comments/Response
	<p>used every Friday be disabled people and several in wheelchairs.</p> <ul style="list-style-type: none"> <li>• Prioritise the upgrade of the public toilets.</li> </ul>	<p>existing assets, and priorities as identified by the community.</p>
<p><b>Seating / shade / BBQs</b></p>	<ul style="list-style-type: none"> <li>• Sheltered picnic tables - what a positive improvement.</li> <li>• Include accessible seating / solar panels run BBQs.</li> <li>• Regular cleaning schedule for BBQs.</li> <li>• Don't locate too closely to residents.</li> <li>• Formed/shaped seating to reflect culture and history of Wauchope not Barcelona (Not "Gaudi" inspired mosaics).</li> </ul>	<ul style="list-style-type: none"> <li>• Detailed design of furniture (bubblers/BBQs/picnic tables etc.) will in accessible options.</li> <li>• Design details pertaining to formed seating will be subject to community consultation.</li> <li>• Solar power options can be explored during detailed design phase.</li> </ul>
<p><b>Community Garden / Sensory Garden</b></p>	<ul style="list-style-type: none"> <li>• Concerns over safety of clients and staff, and security of premises of a public facility; the proposed Omnicare Sensory garden will not be open to the community.</li> <li>• Include reclaimed water / water tanks to save money.</li> <li>• Maintenance of sensory garden to be managed post Omnicare involvement.</li> </ul>	<ul style="list-style-type: none"> <li>• Sensory garden has been removed from the Master Plan following further consideration from Omnicare.</li> </ul>
<p><b>Circulation</b></p>	<ul style="list-style-type: none"> <li>• No need for 3.5m pathway, too much concrete.</li> <li>• People will walk through the centre of the park not around the circular path.</li> <li>• Retain centre pathway, create a winding, smaller path.</li> </ul>	<ul style="list-style-type: none"> <li>• Pathway width to accommodate passing prams, mobility scooters and wheelchairs.</li> <li>• Circulation has been designed to best facilitate access to all areas of the park while maintaining a larger open space within the centre of the park.</li> </ul>

Theme	Key Issues	PMHC Comments/Response
	<ul style="list-style-type: none"> <li>Concern that the circular pathway and placement of activities does not support large events and market stalls. Currently when people attend this event, they enjoy being able to see their family from the mound, to the play area and to the market stalls.</li> </ul>	<ul style="list-style-type: none"> <li>The design includes substantial open space with the specific purpose to support large events and market stalls. This includes the provision of power, water and a place for a temporary stage and considers population growth and greater activation of the space.</li> </ul>
<b>Outdoor dining</b>	<ul style="list-style-type: none"> <li>Private business (Waterman's Café) should not take up public space.</li> <li>The seating elements at the park entrance are welcomed but should be inclusive of general patronage not limited to a single business's outdoor dining.</li> </ul>	<ul style="list-style-type: none"> <li>Proposal has been amended to provide opportunity for public seating.</li> <li>Any application for outdoor dining by Waterman's Café will be reviewed in line with our Outdoor Dining Policy.</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>A sheltered bike-lock facility as more and more people use bicycles.</li> <li>Improved facilities such as the lighting, including solar powered options, stage options, undercover areas, power provisions, water provisions are all welcomed.</li> <li>What is the lifespan of completed project?</li> </ul>	<ul style="list-style-type: none"> <li>The lifespan of elements of the Master Plan varies considerably (vegetation, buildings, playground etc.). Currently our playgrounds are designed for a 10-year life.</li> <li>Options for electric car charging and e-bikes to be included in detailed design.</li> <li>Bike-lock facilities are provided for at both entrances to the park - tree cover provided.</li> </ul>

**Planning and Policy Implications**

The site is Council Managed Crown Land and zoned as RE1 (Public Recreation). A majority of proposed works included in the draft Master Plan will be considered Exempt Development or Development permitted without consent in accordance with State Environmental Planning Policy (Infrastructure) 2007.

The proposed new or modified community facilities buildings will require Development Approval.

### Financial and Economic Implications

Council engaged the services of a quantity surveyor to prepare a budget estimate for the Draft Bain Park Master Plan. The budget estimate for delivery of the Master Plan is \$6.56 million, which includes approximately \$1.9 million for landscaping, shelters and furniture, \$2.1 million for new community centre, \$850,000 for car parking and road upgrades, \$530,000 for lighting and irrigation, \$790,000 for shaded playground and pump track, and \$390,000 for shaded a water play area.

A staging plan has been incorporated into the Draft Bain Park Master Plan (Rev 4) (**Attachment 2**) which breaks the project down into smaller packages. This would facilitate a staged delivery over time as funding becomes available, however funding has not been identified at this time. The suggested stages are as follows:

- **Stage 1** - \$680,000 for main entrances, interpretive sculptures and promenade path
- **Stage 2** - \$790,000 for shaded playground, pump track and sculptural seating area
- **Stage 3** - \$2,950,000 for new buildings, upgrade of old toilets, and upgrade of carparks
- **Stage 4** - \$720,000 for amphitheatre, covered stage and multi-purpose lawn
- **Stage 5** - \$390,000 for shaded water play area
- **Stage 6** - \$500,000 for shelters, perimeter landscaping and outdoor dining area
- **Stage 7** - \$530,000 for irrigation, lighting and Wi-Fi

The Master Plan offers opportunities for Council to continue its partnership with the Wauchope community to deliver valuable community assets. Recent collaborations with the Rotary Club of Wauchope achieved outcomes such as the Wauchope Dog Off-leash Park and picnic shelters along the Riverside Walk. The community could support Council deliver parts of Bain Park Master Plan through offering its services, materials, labour or through seeking grant funding.

Council was invited to apply for \$3 million funding from the NSW Government through the Public Spaces Legacy Program. Council is eligible to participate in this

scheme as we are successful in accelerating the review of Development Applications as monitored monthly by Planning NSW.

Council has applied for the following projects:

- \$1.5 million Stage 1 and Stage 2 Bain Park Master Plan;
- \$1.1 million Westport Park Playground Destination Play Space; and
- \$400k Town Beach Amphitheatre.

The State Government announcement of approved projects is expected late June 2021 and projects must be completed by 31 December 2022.

Council has identified the potential use of development contributions to fund part(s) of the project. This will be further investigated and considered as this project advances.

There are also a range of grant programs at both state and federal level that could support implementation of the master plan - refer to below table for examples of relevant grants.

<b>Grant</b>	<b>\$ Amount</b>	<b>Council contribution</b>
Everyone Can Play (NSW Government)	\$50,000 to \$200,000	Match \$1 for \$1
NSW Infrastructure Grant (Office of Responsible Gambling)	<ul style="list-style-type: none"> <li>• Arts &amp; Culture: \$50,000 to \$200,000 available per project</li> <li>• Disaster Readiness &amp; Community Infrastructure: \$10,000 to \$200,000 available per project</li> <li>• Sport &amp; Recreation: \$100,000 to \$300,000 available per project</li> </ul>	Match \$1 for \$1
2022 Building Better Regions Fund (BBRF)	Up to \$10 million per project	Match \$1 for \$1
2021/22 Walking and Cycling Program	Each application Cycling \$35,000 minimum grant, Walking \$20,000 minimum grant.	\$0 but contribution viewed favourably
2021 Stronger Country Communities Fund	Bucket of \$300 million	Match \$1 for \$1




Financial implications will also be realised in the form of future operation and maintenance costs. An uplift in maintenance budget will be required to cover both changes brought on by the Bain Park Master Plan, and also to increase the level of

service to that of a regional level park (i.e. equivalent to the level of service applied to Town Green in Port Macquarie).

The most significant impact is associated with the water play area, which based on prior investigations for a similar sized facility would equate to an additional \$70,000 per annum. Funding for the additional maintenance will be considered as the project progresses (i.e. delivery of the various stages) and in conjunction with development of a future Operational Plan. The below table provides a high level comparison of the current versus anticipated future maintenance costs:

Asset type	Current costs	Forecast costs	Comments
Buildings	\$20,000 - 40,000 / annum	TBC	Further information will be provided to Council once feasibility study has been undertaken.
Landscape	\$6,000 / annum	\$30,000 / annum	Uplift in level of service from once every three weeks to once per week. Allowance incorporated for plant mortality (assumed 10% replacement per year), cleaning of furniture, annual re-surfacing of timber elements etc.
Playground	\$5,000 / annum	\$80,000 / annum	Increase in overall playground from current size from approx. 450m <sup>2</sup> to 900m <sup>2</sup> in the master plan (stage 2). Addition of water play in stage 5 will require a significant uplift in operational budget to address costs associated with water quality and preventative maintenance / scheduled replacement of MEP components.
Art	N/A	TBC	Further information will be provided to Council once sculpture has been defined.

### Attachments

1.  Bain Park Master Plan - Public Exhibition Outcomes Report - February 2021
2.  Bain Park Master Plan (Rev 4)
3.  Draft Bain Park Master Plan (Rev 3)

# 3 Your Business and Industry

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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

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**Item:** 12.01

**Subject:** EVENT SPONSORSHIP PROGRAM GRANT - ROUND 2 2021

**Presented by:** Strategy and Growth, Jeffery Sharp

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### Alignment with Delivery Program

3.1.3 Implement Major Events Strategy.

### RECOMMENDATION

That Council pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Event Sponsorship Program Round 2, 2021 in the total amount of \$17,500 to:

Event Name, Organiser & Ranking	Sponsorship Recommended
1. <b>Festival of the Sun</b> (Sand Events Pty Ltd)	<b>\$5,000</b>
2. <b>Dropknee Sessions</b> (Clayton Pickworth)	<b>\$2,500</b>
3. <b>David 'Goose' Gosby Memorial</b> (Port Macquarie Bodyboarding Association)	<b>\$3,000</b>
4. <b>MotoFest Wauchope</b> (Motorcycle Friendly Town Wauchope)	<b>\$5,000</b>
5. <b>Winter Wonderland</b> (North Haven Bowling & Recreation Club Ltd.)	<b>\$2,000</b>
<b>Total allocated this round</b>	<b>\$17,500</b>

### Executive Summary

The current round of Council's Event Sponsorship Program opened in mid-December and closed in mid-February 2021, for events to be held in the second half of 2021. The PMHC Event Sponsorship Program aims to support event organisers to develop, promote, execute and sustain locally grown long-term major events. Major events are an important and growing part of our local economy and add to the vibrancy of our region.

Five eligible applications were received, with two of these events having received sponsorship through this program previously (2020 David 'Goose' Gosby Memorial and 2020 MotoFest Wauchope). The Panel members were unanimous in their decision that all five events were worthy recipients of funding, to varying degrees and in accordance with anticipated impact and outcomes.



**Discussion**

In applying for funding under Council’s Event Sponsorship Program, applicants are required to demonstrate that their proposed event is either a driver of significant overnight visitation (i.e. a measurable economic impact, evidenced by previous data collected), or has the potential to grow to ‘major event’ status with a significant economic impact and/or destination exposure and a notable digital reach. Due to COVID restrictions and an unpredictable traveller market, we have relaxed overnight visitation requirements to encourage continued demand for the grants. In addition, KPI’s associated with the allocation of funding (as per the previous round) are focused on destination exposure and targeted visitors numbers where possible.

Events that are held in the Camden Haven, Hinterland and Wauchope areas are also looked upon favourably in an attempt to provide a better spread of events throughout the region and support for businesses and community outside Port Macquarie.

Typically, there are four grants consisting of \$5,000 allocations on offer per round, with \$40,000 allocated to the Program each year. Council has the discretion to offer less than \$5,000 per recipient, with the opportunity to allocate to a larger number of applicants per round. In addition, Council reserves the right to leave funds in the Sponsorship Program pool unallocated if an insufficient number of quality applications are received. A maximum of three re-occurring allocations to any one event can be made under this program.

Applicants are also required to detail how the \$5,000 grant will be spent, with the proposed spending required to go towards marketing activities that assist in attracting out-of-region visitors.

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

Table 1- Program Criteria & Weightings

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

Following completion of their individual assessments, the panel met to discuss each application and make a final assessment. Based on criteria weightings, applicants were ranked and funds allocated. 65% of funds are payable prior to the event, with the remaining 35% paid upon satisfactory acquittal (evidenced by visitor data and proven marketing).

A summary of the panel's assessment of each applicant is detailed in confidential Attachment 1.

*The confidential attachment titled "Round 2, 2021 Event Sponsorship Program Evaluation Summary" 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)).*

Since the sponsorship program's inception in 2015, 56 allocations of sponsorship totalling \$223,500 have been made to local events (refer Attachment 2 for full details of the sponsorship distribution to date).

### **Options**

Council may choose to:

1. Endorse the final assessment of the internal review panel and funding allocations.
2. Not endorse the final assessment of the internal review panel - either seeking further information, not expending any of the allocated budget for this round of funding, or re-opening this round of funding and calling for new applications.

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

Round 2 of the Event Sponsorship Program was promoted to the community through various Council communication channels.

Internal consultation, including the internal assessment panel, included:

- Council's Executive Group
- (Former) Acting Group Manager Economic & Cultural Development
- Events Manager
- Group Manager Community
- Project Officer - Events
- Project Officer - Destination & Culture
- Project Officer - Waste

### **Planning and Policy Implications**


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

### **Financial and Economic Implications**

Since February 2015, Council has allocated \$223,500 to the Event Sponsorship Program with an economic impact of approximately \$12 million being realised (based on increased visitor nights as a direct result of these events).

Under the 2020/2021 budget, Council has allocated \$40,000 (total) for two contestable funding rounds for the Event Sponsorship Program. Should Council choose to adopt Option 1 from this report, \$17,500 will be allocated from this budget to the five events recommended.

**Attachments**

1. Confidential - Round 2 2021 Event Sponsorship Program Evaluation Summary (Confidential)
2.  History of allocations under the Event Sponsorship Program

# 4 Your Natural and Built Environment

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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



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Item: 13.01

Subject: NOTICE OF MOTION - TRAFFIC NETWORK

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

### RECOMMENDATION

That Council:

1. Note the rapid growth in population of the Port Macquarie Hastings (PMH) Local Government Area (LGA), with the growth likely to continue at an accelerating rate into the future.
2. Note the impact this is having on many aspects of the liveability of the PMH LGA, but especially on the region's road network.
3. Note that the Pacific Highway and Oxley Highway are critically important major thoroughfares for our local community (key components of our local traffic network), but fall outside Council's area of responsibility for strategic planning and funding.
4. Urgently seek alignment and support from the State Government to adopt an Integrated Strategic Network "Masterplan" approach to upgrading the road network for the community focusing on priority projects as below, irrespective as to whether they are Local or State roads, notwithstanding the fact that almost all these projects will likely require significant funding contributions from State and / or Federal Governments.
  - Oxley Highway Upgrade - Wrights Road to Lake Road
  - Lake Road duplication and upgrade - Ocean Drive to Oxley Highway
  - John Oxley Drive duplication and upgrade - Wrights Road to The Ruins Way
  - Pacific Highway intersection upgrades
  - Boundary Street duplication and upgrade
  - Alternative access into the Health and Education Precinct
  - Alternative access to the Airport
  - Improved east/west connections from Ocean Drive to Oxley Highway
5. Request the Chief Executive Officer to prioritise a Councillor / staff workshop to develop the network planning further, confirm the individual projects within a staged/phased framework and develop a community engagement plan with Local, State and Federal Government representatives to seek their input and support.
6. Develop a Joint Local Government / State Government "Integrated Strategic Road Network Masterplan" outlining the strategic priority projects and indicative timeframes, with a report back to Council in July 2021 to outline the Plan.

7. **Engage with the Federal Government so that (principally via local members) they are at all times well informed and current with respect to Council's priorities and likely funding pressure points.**

**Comments by Councillor** (if provided)

It has always been the case that the "spine" of the Road network within the Port Macquarie Hastings Local Government Network has consisted of two roads that do not "belong" to council; the Pacific Highway and the Oxley Highway. These roads belong to and are controlled and funded by the Federal and State Governments. Council has always been aware of this & when considering our road network and its functionality and future growth, has factored that into our planning and operational considerations to the maximum extent reasonably possible.

It is now Federal Government Policy to encourage and support the growth of "designated Regional areas" at an even greater pace than in the past and, the Port Macquarie Hastings Region is such a designated area. The NSW State government has done similarly and has designated Port Macquarie a Regional City. Council's own Economic Development Policies and Strategies have clearly acknowledged this and leveraged the opportunities that such high level policies create to a significant level.

The result of all these initiatives has been that the PMH LGA has experienced very strong growth in recent years and that growth is now continuing at unprecedented levels, and all indications and studies indicate that this is likely to be sustained. The pressures on our road network have a clear "Epi-centre" – and that is the intersection of the Oxley Highway and John Oxley Drive / Wrights Road and all along to Lake Road. The problem at this juncture is accentuated by the ever increasing "local" traffic utilising the Pacific Highway from the expanding community within the southern parts of our LGA and also from the rapid growth in the western parts of our LGA (especially in and around Wauchope and, in the future, around Sancrox). In essence, both the Pacific and Oxley Highways (where they enter and exit our LGA are dual purpose roads – they are commuter highways for all the population and they are key "local roads" within our local network. That has significant ramifications for our community when we enter and exit such roads (viz at Houston Mitchell Drive, the Oxley Highway / Pacific Highway and the Oxley Highway at Wrights Rd and Lake Rd to name just 4).

The recent focus by the State Government on upgrading the duplication of Ocean Drive (heartily welcomed by council), must however be seen in the context of being simply a small part of the overall complex jigsaw that is our road network. It has become abundantly clear that it is inefficient to address the problem piecemeal. What is required is an overall Masterplan that addresses the entire network in clearly designated stages. And because the "spine" of the network belongs to the two higher levels of government – they need to be co –signatories to the plan and committed participants to the process of determining the priorities and the funding responsibilities.

The criticality of doing this becomes even more obvious when it is considered that council's financial resources alone cannot possibly fund the works that are necessary over the next few years; indeed, over several decades. It is further complicated when

the legislated requirement for council to plan for and operate to **annual** Operating Plans and budgets is considered.

At the end of the day, we all – Federal, State and Council – are responsible for planning and delivering the best, most efficient solutions for our local community and this is only realistically possible with respect to our road network, if we find a better way to plan and work together.

What has prompted me to put forward this motion is that Council has agreed to potentially set aside several very high priority projects in order to proceed with a lower priority project (the completion of the duplication of Ocean Drive) when, at the end of the day, doing this work to Ocean Drive alone, will not fix the communities problem.

We must ensure that when we look at problems of this scale, we scrutinize the total problem with all the key stakeholders, and agree a staged funded pathway to providing the community with a total solution.

**Attachments**

Nil

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**Item: 13.02**

**Subject: QUESTION WITH NOTICE - TIDAL POOL AT OXLEY BEACH, PORT MACQUARIE**

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

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### RECOMMENDATION

**That Council request the Chief Executive Officer provide a report to the April 2021 Ordinary Council Meeting addressing the question regarding the proposed tidal pool at Oxley Beach, Port Macquarie as listed.**

### Question from Councillor Turner

Noting recent reports in the Port News and other media that planning and design of a tidal pool at Oxley Beach is underway, and noting that it is not a Council project, and noting further that no community consultation has occurred around site selection and potential impacts – including, but not limited to, environmental, heritage, public amenities, traffic, and car-parking – can the Chief Executive Officer advise Council how the community can be engaged (a process normally undertaken by Council) to ascertain the community's view on the construction of a tidal pool at Oxley Beach?

### Comments by Councillor (if provided)?

After reading the reports that a proposed tidal pool is planning to be constructed at Oxley Beach, it appears that in this instance the cart has been put before the horse. Members of the community have been asking how they can have their say on the proposal, or whether it is a fait accompli. The absence of any consultation on the Oxley Beach proposal has been compared with the extensive community consultation on the site selection and scope for the proposed Port Macquarie Aquatic Centre at Macquarie Park.

Oxley Beach is land (and water) that belongs to the NSW Crown. In the past, The NSW Government has consulted extensively on foreshore projects – either through outsourcing to Council (as occurred with plans for upgrading the Port Macquarie breakwall) and through its own channels (as occurred in the EOI for the proposed sale of the Plaza Car-park in Short Street, Port Macquarie). In both these cases, the community had extensive input which shaped the outcome. In the case of the breakwall, many insights were gained from the community which made the final plan significantly better. In the case of the Plaza car-park, the community consultation eventually meant that the sale of the land didn't proceed due to the lack of alignment of the developer's vision with the community's values. In both cases, the community consultation was significant and an important part of the process.



Noting that the proposed development on Oxley Beach is not a Council project, the absence to date of any community consultation is something that could potentially cause unrealistic community expectations, thus posing a potential risk to Council, as the project progresses.

**Attachments**

Nil

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**Item:** 13.03

**Subject:** ROADSIDE VEGETATION MANAGEMENT POLICY - OUTCOME OF PUBLIC EXHIBITION

**Presented by:** Infrastructure, Dan Bylsma

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

**That Council:**

1. **Note the feedback received from the community on the Draft Roadside Vegetation Management Policy during the exhibition period.**
2. **Note the amendments to the Draft Roadside Vegetation Management Policy.**
3. **Adopt the Roadside Vegetation Management Policy for implementation.**

#### Executive Summary

At the Ordinary Council meeting held on 6 May 2020, Council resolved to place the DRAFT Roadside Vegetation Management Policy on public exhibition from 13 May 2020 to 10 June 2020.

A report was presented to the 23 September 2020 Ordinary Council Meeting detailing the 13 submissions received from the community during the exhibition period and presenting an amended Policy based on the submissions. At that meeting, Council resolved:

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#### **13.05 ROADSIDE VEGETATION MANAGEMENT POLICY - OUTCOME OF PUBLIC EXHIBITION**

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*RESOLVED: Griffiths/Hawkins*

*That Council defer adoption of the Roadside Vegetation Management Policy pending further advice via a briefing from the Acting General Manager and a report presented to the November 2020 Council meeting.*

**CARRIED:** 7/0

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

**AGAINST:** Nil

A Councillor briefing was held on 7 October 2020 where the draft Roadside Vegetation Management Policy was discussed. Following the briefing, a further briefing was requested following more research by Council Staff on other like Councils in NSW and their approach to roadside vegetation management. The subsequent briefing held on 03 March 2021.

Following the briefings, a further amendment has been made to the management principles.

This report presents the amended Roadside Vegetation Management Policy (attached) for adoption and re-outlines the details of the 13 submissions received from the community during the exhibition period held in mid-2020.

The Draft Roadside Vegetation Management Policy applies to all vegetation within the sealed and unsealed road network and documents the service provision principles. The level of service is based on the approved budget in any given year and will change as the annual budget is increased or decreased, however the principles will remain largely unchanged.

As a result of the detailed submissions and discussion with Councillors, a number of amendments and additions have been made to the Draft Roadside Vegetation Management Policy. The revised Policy is presented for adoption by Council (refer to Attachment 1).

### Discussion

At the Ordinary Council meeting held on 16 May 2020, Council resolved as follows:

#### **13.01 ROADSIDE VEGETATION MANAGEMENT POLICY**

*BLOCK RESOLVED: Alley/Turner*

*That Council:*

- 1. Place the Roadside Vegetation Management Policy on public exhibition commencing from 13 May 2020 for a minimum of 28 days.*
- 2. Note that a further report will be tabled at the 15 July 2020 meeting of Council, detailed the submissions received from the public during this exhibition period.*
- 3. Note the report on the Roadside Vegetation Management Policy and current work practices completed by Australian Road Research Board (ARRB).*
- 4. Give consideration to the recommendations from ARRB in respect to funding and resources for vegetation management during the development of future year Operational Plans.*

A report was tabled at the 15 July 2020 Ordinary Council meeting where the following was resolved:

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#### **13.03 ROADSIDE VEGETATION MANAGEMENT POLICY - COMMUNITY CONSULTATION**

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*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.

A report was tabled at the 23 September 2020 Ordinary Council meeting where the following was resolved:

### **13.05 ROADSIDE VEGETATION MANAGEMENT POLICY - OUTCOME OF PUBLIC EXHIBITION**

*RESOLVED: Griffiths/Hawkins*

*That Council defer adoption of the Roadside Vegetation Management Policy pending further advice via a briefing from the Acting General Manager and a report presented to the November 2020 Council meeting.*

*CARRIED: 7/0*

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

*AGAINST: Nil*

A briefing was held with Councillors on 07 October 2020. Following the briefing, a further briefing was requested following more research by Council Staff on other like Councils in NSW and their approach to roadside vegetation management. The subsequent briefing held on 03 March 2021.

Due to the further briefing being requested by Councillors a report wasn't presented to the November 2020 Council meeting as resolved. This report is now presenting the amended Roadside Vegetation Management Policy to Council for adoption.

A copy of the original Draft Policy with the highlighted amendments is included as Attachment 2.

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

The Draft Policy was made available for public comment from 13 May 2020 to 10 June 2020 (28 days).

During the public exhibition period, 172 people viewed the PMHC "Have Your Say" site, 65 people downloaded the document and 11 people made submissions via the website. Two additional submission were received outside the PMHC "Have Your Say" site, with 13 submissions received in total.

The table below summarise of this activity.

Document Name	Downloads and Views	Submissions
DRAFT Roadside Vegetation Management Policy	65	11

Vegetation Management Practice Review - ARRB	18	
Other Submissions (Postcards, Emails, CRMs)		2
<b>Total</b>	<b>83</b>	<b>13</b>

Four key themes were identified across the 13 submissions:

- Rural road safety, particularly sight distance, noting a need for increases to services provided
- Pedestrian safety on road edges
- Vegetation clearing for fire safety
- Weed control

A Summary of the submissions with Council’s responses are included as Attachment 3 to this report.

The submissions, in full, will be provided to Councillors under separate cover to this report.

**Options**

Council has the option to:

- Adopt the Roadside Vegetation Management Policy as amended.
- Noting the amendments re-exhibit to the community for further comments.
- Decline the amended Roadside Vegetation Management Policy and request further amendments and/or further information.

**Planning and Policy Implications**




The Roadside Vegetation Management Policy will document the way in which adopted budgets for roadside vegetation management are applied to provide a service to the community.

The Policy does not specifically detail the level of the service as this relates to the adopted budget in any given year. As the Policy is based on current practice, it does not alter the current service provided but rather ensures the current practice is documented and transparent to the community.

**Financial and Economic Implications**

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

**Attachments**

1.  Policy - Roadside Vegetation Management
2.  Policy - Roadside Vegetation Management - Amendments to Draft
3.  Draft Roadside Vegetation Management Policy - Community Responses

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**Item:** 13.04

**Subject:** PACIFIC HIGHWAY INTERSECTION WITH HOUSTON MITCHELL DRIVE

**Presented by:** Infrastructure, Dan Bylsma

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### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council note the information provided in this report.**

#### Executive Summary

Council received advice from The Hon Leslie Williams MP, Member for Port Macquarie on 3 February 2021 regarding the Pacific Highway intersection with Houston Mitchell Drive.

#### Discussion

At the 23 September 2020 Ordinary Council Meeting, it was resolved:

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### **13.01 NOTICE OF MOTION - SIGNIFICANT ROAD SAFETY UPGRADE TO PACIFIC HIGHWAY/HOUSTON MITCHELL DRIVE INTERSECTION**

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#### **MOTION**

*MOVED: Pinson/Alley*

*That Council:*

- 1. Note the current dangerous configuration and speed limit of Pacific Highway and Houston Mitchell Drive intersection.*
- 2. Note the planned growth in the Lake Cathie / Bonny Hills area that is likely increase the use of this intersection into the future.*
- 3. Request the Acting General Manager write to the Hon Leslie Williams MP, Member for Port Macquarie, to seek urgent representation to the Minister for Regional Transport and Roads, the Hon Paul Toole MP, for road safety upgrades to the intersection.*

#### **AMENDMENT**

*MOVED: Alley/Turner*

*That Council:*

1. *Note the current dangerous configuration and speed limit of Pacific Highway and Houston Mitchell Drive intersection.*
2. *Note that Council, based on information contained in the November 2018 Bitzios report, resolved to write to the Minister for Roads and the Member for Port Macquarie in December 2018 (resolution 12.01 12/12/2018) regarding traffic congestion at the Oxley Highway intersections with the Pacific Highway, Wrights Road and Lake Road and that these intersections remain of significant concern to traffic congestion in the Port Macquarie-Hastings LGA.*
3. *Note that Port Macquarie-Hastings is designated as a Regional Growth Area and much of this planned growth is in the Lake Cathie / Bonny Hills area and is likely to increase the use of the Pacific Highway and Houston Mitchell Drive intersection into the future.*
4. *Request the General Manager write to the Hon Leslie Williams MP, Member for Port Macquarie, to seek urgent representation to Minister for Roads and Transport, the Hon Andrew Constance MP and the Minister for Regional Transport and Roads, the Hon Paul Toole MP requesting immediate road safety improvements and an eventual fly-over upgrade to the Pacific Highway / Houston Mitchell Drive intersection to address urgent road safety issues.*
5. *Request the General Manager report back to Council in December 2020 on responses received from the Member for Port Macquarie, Hon Leslie Williams MP.*

**THE AMENDMENT WAS PUT AND CARRIED**

CARRIED: 4/3

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

**THE AMENDMENT BECAME THE MOTION**

MOVED: Alley/Turner

*That Council:*

1. *Note the current dangerous configuration and speed limit of Pacific Highway and Houston Mitchell Drive intersection.*
2. *Note that Council, based on information contained in the November 2018 Bitzios report, resolved to write to the Minister for Roads and the Member for Port Macquarie in December 2018 (resolution 12.01 12/12/2018) regarding traffic congestion at the Oxley Highway intersections with the Pacific Highway, Wrights Road and Lake Road and that these intersections remain of significant concern to traffic congestion in the Port Macquarie-Hastings LGA.*
3. *Note that Port Macquarie-Hastings is designated as a Regional Growth Area and much of this planned growth is in the Lake Cathie / Bonny Hills area and is likely to increase the use of the Pacific Highway and Houston Mitchell Drive intersection into the future.*
4. *Request the General Manager write to the Hon Leslie Williams MP, Member for Port Macquarie, to seek urgent representation to Minister for Roads and Transport, the Hon Andrew Constance MP and the Minister for Regional Transport and Roads, the Hon Paul Toole MP requesting immediate road safety improvements and an eventual fly-over upgrade to the Pacific*

*Highway / Houston Mitchell Drive intersection to address urgent road safety issues.*

5. *Request the General Manager report back to Council in December 2020 on responses received from the Member for Port Macquarie, Hon Leslie Williams MP.*

### **AMENDMENT**

MOVED: *Pinson/Griffiths*

That Council:

1. *Note the current dangerous configuration and speed limit of Pacific Highway and Houston Mitchell Drive intersection.*
2. *Note that Port Macquarie-Hastings is designated as a Regional Growth Area and much of this planned growth is in the Lake Cathie / Bonny Hills area and is likely to increase the use of the Pacific Highway and Houston Mitchell Drive intersection into the future.*
3. *Request the General Manager write to the Hon Leslie Williams MP, Member for Port Macquarie, to seek urgent representation to Minister for Roads and Transport, the Hon Andrew Constance MP and the Minister for Regional Transport and Roads, the Hon Paul Toole MP requesting immediate road safety improvements and an eventual fly-over upgrade to the Pacific Highway / Houston Mitchell Drive intersection to address urgent road safety issues.*
4. *Request the General Manager report back to Council in December 2020 on responses received from the Member for Port Macquarie, Hon Leslie Williams MP.*

### **THE AMENDMENT WAS PUT AND CARRIED**

CARRIED: 5/2

FOR: *Alley, Dixon, Griffiths, Intemann and Pinson*

AGAINST: *Hawkins and Turner*

### **THE AMENDMENT BECOMES THE MOTION AND WAS PUT**

RESOLVED: *Pinson/Griffiths*

That Council:

1. *Note the current dangerous configuration and speed limit of Pacific Highway and Houston Mitchell Drive intersection.*
2. *Note that Port Macquarie-Hastings is designated as a Regional Growth Area and much of this planned growth is in the Lake Cathie / Bonny Hills area and is likely to increase the use of the Pacific Highway and Houston Mitchell Drive intersection into the future.*
3. *Request the General Manager write to the Hon Leslie Williams MP, Member for Port Macquarie, to seek urgent representation to Minister for Roads and Transport, the Hon Andrew Constance MP and the Minister for Regional Transport and Roads, the Hon Paul Toole MP requesting immediate road safety improvements and an eventual fly-over upgrade to the Pacific Highway / Houston Mitchell Drive intersection to address urgent road safety issues.*



4. *Request the General Manager report back to Council in December 2020 on responses received from the Member for Port Macquarie, Hon Leslie Williams MP.*

*CARRIED: 7/0*

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

*AGAINST: Nil*

The Acting General Manager sent a letter to The Hon Leslie Williams MP on 16 October 2020 per point 3 of the above resolution - see Attachment 1.

A response was received from The Hon Leslie Williams MP on 3 February 2021 and is provided in line with point 4 of the above resolution - see Attachment 2.

Per the advice received; Transport for NSW has conducted a speed zone review of this intersection and the findings will be released in the coming weeks. Furthermore, an investigation has been carried out to explore options to improve safety at the intersection.

### **Options**

Council have the option to resolve in line with the recommendation or in some other manner.

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

No engagement or consultation was undertaken.



### **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.  Correspondence - Acting General Manager to Leslie Williams MP - Houston Mitchell Drive Pacific Highway intersection - 2020 10 16
2.  Response - Leslie Williams MP to CEO - Houston Mitchell Drive Pacific Highway intersection - 2021 02 03

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Item: 13.05

Subject: PROPOSED SALE AND CLOSURE OF GRANNY BELL LANE,  
NORTH HAVEN

Presented by: Infrastructure, Dan Bylsma

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

##### That Council:

1. Commence the process to formally close the section of public road known as Granny Bell Lane, North Haven, as legislated under the Roads Act 1993, with the intent to transfer the land to the owners of 17 Granny Bell Lane.
2. Publicly exhibit the intent to close the public road for twenty-eight (28) days as per Part 4 Division 3 of the Roads Act 1993.
3. Request the Chief Executive Officer bring a report back to the 19 May 2021 Ordinary Council meeting detailing the outcome of the public exhibition, including any submissions received.

#### Executive Summary

The purpose of this report is to detail the outcomes of recent investigations into Granny Bell Lane, North Haven in response to representation from the adjacent property owners.

#### Discussion

Granny Bell Lane is a single lane sealed access road off Eames Avenue, North Haven that provides access to one property, 17 Granny Bell Lane. Access to neighbouring properties is provided by Eames Avenue and private road, refer to **Figure 1** below.

Due to ongoing maintenance issues it is proposed that the road is formally closed and transferred to the owners of 17 Granny Bell Lane.

Section 38 of the Roads Act 1993 (NSW), details where and how a Council may close a Council public road:

*38A When council may close council public road*

*A council may propose the closure of a council public road for which it is the roads authority if—*

- a) the road is not reasonably required as a road for public use (whether for present or future needs), and
- b) the road is not required to provide continuity for an existing road network, and
- c) if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.



• Figure 1:Granny Bell Lane - North Haven

The road was originally dedicated to Council as part of the subdivision of the land in 1972, and was sealed as a condition of a later DA around 2004. There is no record of the road itself being gazetted by Council as a public road, though the road name was gazetted in 2004. This appears to have been done following closure of the adjoining lots 11 and 12 DP1062721 to the owners at 17 Granny Bell Lane and 7 Eames Avenue respectively and appears to have occurred as a result of negotiation with land owners. This gazette implies the land for Granny Bell Lane is in fact Road Reserve, however, it is not currently listed as a Council asset, nor is it financially commissioned or accounted for.

Historically, the road has received ad-hoc maintenance, though current practices mean maintenance is often assessed as low risk and is not undertaken until the road degrades to a condition that becomes high risk.

Closing the road and transferring ownership to a private access allows the owners to maintain the road themselves.

The Australian Accounting Standards Board specifies that, *the cost of an item of property, plant and equipment shall be recognised as an asset if, and only if:*  
(a) *it is probable that future economic benefits associated with the item will flow to the entity; and (b) the cost of the item can be measured reliably.*

**Table 1** provides a summary of the attributes and valuations of the road.

Land and Road Areas				
Approximate Land Area = 2313.50m <sup>2</sup>				
Approximate Physical Road Area = 831.19m <sup>2</sup>				
Asset Type	Area m <sup>2</sup>	Unit Rate	Current Replacement Cost	Expected Annualised Maintenance Cost
Flush Seal Surface - Urban Local	831.19	\$9.24	\$7,680.20	\$812/year
Flexible Pavement - Urban Local	831.19	\$37.25	\$30,961.83	
<b>Total Assumed Costs</b>			<b>\$38,642.03</b>	

This land represents little commercial value as it is predominantly covered by the existing access to 17 Granny Bell Lane and would require a “right-of way” to formalise the existing access.

If closed and sold commercially, in consideration of the need to maintain a right-of-way access, and factoring in the rural, primary production classification, the estimated value is **\$20,203**. This is contingent on a competitive sale of land, when in practicality, the land is only of value to the owners of 17 Granny Bell Lane for access purposes.

If divided and the portion fronting Eames Avenue was sold as residential, based on average residential land values within the street, indexed and pro-rata at 2021 value is approximately **\$225,996**. This would also require the construction of an alternate access to 17 Granny Bell Lane. Alternate access would impact adjoining land owners and potential construction costs are estimated at \$50,000 - \$100,000, in addition to drainage and acquisition/compensation costs.

It is expected when final costs are undertaken there will be little to no benefit to undertake this option.

Given the inherent maintenance costs and liability, selling the land to the owners of 17 Granny Bell Lane for a nominal fee would be appropriate to ensure a fair outcome with greater public benefit. Preliminary discussions with the owners of 17 Granny bell Lane, they have indicated their preference for this course of action.

In discussion with the owners of 17 Granny Bell Lane, it was proposed that each party would pay their required legal fees, with Council responsible for the plans to facilitate the transfer of land and completing jetpatching prior to sale.

**Options**

Council may choose to adopt has the following options:

- a) Adopt the recommendation of the report
- b) Investigate alternative access to 17 Granny Ball Lane and proceed with the closure and sale of the road
- c) Maintain the current arrangement and maintenance practices
- d) Resolve in some other manner.

**Community Engagement and Internal Consultation**

Council staff have consulted with the owners of 17 Granny Bell Lane. No other external consultation has been undertaken for this report.

Internal consultation has been completed with:

- Property and Leasing Coordinator
- Transport and Stormwater Operations Manager
- Transport and Stormwater Planning Manager
- Group Manager Infrastructure Planning

**Planning and Policy Implications**

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

Should Council resolve to adopt the recommendations of this report, it would need to comply with the requirements if the Roads Act 1993 (NSW) including public notice and consideration of any submissions and formal objections raised. The Act also requires that notices be sent to the owners of each parcel of land affected by the proposed boundaries.

**Financial and Economic Implications**

The direct financial implications in relation to this report will be for the costs associated with undertaking the closure and subsequent sale of the public road, including surveying, advertising and legal costs. It is estimated to cost approximately \$5,000 for the closure and transfer of the land.

The longer-term economic implications of closing Granny Bell Lane and transferring it to the owners of 17 Granny Bell Lane reduce Council's maintenance expenditure and liability.

**Attachments**

Nil

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Item: 13.06

Subject: PP2011 - 9.3: REVISED PLANNING PROPOSAL REQUEST -  
SOUTH BLACKWOOD STREET, PORT MACQUARIE

APPLICANT/OWNER: VILRO PTY LTD

Presented by: Development and Environment, Melissa Watkins

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

That Council:

1. Note the identification of the Planning Proposal Application by Love Project Management Pty for finalisation by 30 June 2021 under the NSW Public Spaces Legacy Program.
2. Note the significant work undertaken by the Proponent and landholder since Council's resolution of June 2019 to achieve a residential development outcome on Lot 499 DP1258597; protection of Koala habitat under SEPP Koala Habitat, and other positive environmental outcomes.
3. Not support the revised Planning Proposal Application submitted in January 2021 to rezone Part Lot 499 DP1258597, Port Macquarie on the grounds of unresolved and significant environmental issues and inconsistency with section 1.3 object (e) of the Environmental Planning and Assessment Act, 1979.
4. For the reasons outlined in 3 above, not forward the revised Planning Proposal to the Department of Planning, Industry and Environment for a Gateway Determination under Section 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979.
5. Advise the Proponent that a new combined Planning Proposal Application and Development Application (DA) may be considered, based on a limited release area identified in Figure 2 of the report, and addressing:
  - a) the recommendations of the NSW Biodiversity Conservation Division of the Department of Planning Industry and Environment letter to Council dated 24 February 2021.
  - b) the requirements of Council's Planning Proposal Policy.
6. Notify the Department of Planning Industry and Environment of Council's decision.

### Executive Summary

On 29 January 2021, Council received an amended Planning Proposal application for Lot 499 DP1258597 near Blackwood Street, Port Macquarie. The application seeks to amend the Port Macquarie-Hastings Local Environmental Plan 2011 by:

- Amending the Land Zoning (LZN) Map
- Amending the Lot Size (LSZ) Map
- Amending the Floor Space Ratio (FSR) Map
- Amending the Height of Building (HOB) Map
- Amending the Koala Habitat (KHA) Map.

The amended application responded to concerns raised in an assessment report on the Planning Proposal to Council in June 2019 (Item 13.06). The report recommended that Council not support the long running planning proposal application (2011). However, Council deferred consideration of the matter pending mediation between the parties for *“the purpose of working towards potential modifications to the application that seek to achieve optimal outcomes for all parties, including protection of koala habitat under the Koala SEPP and other positive environmental outcomes”*.

The amended application now seeks to change planning controls over a lesser area of land (4.36) hectares within Lot 499 DP1258597, which is the un-subdivided residue associated with the Ascot Park residential subdivision. The location is shown in Figure 1.

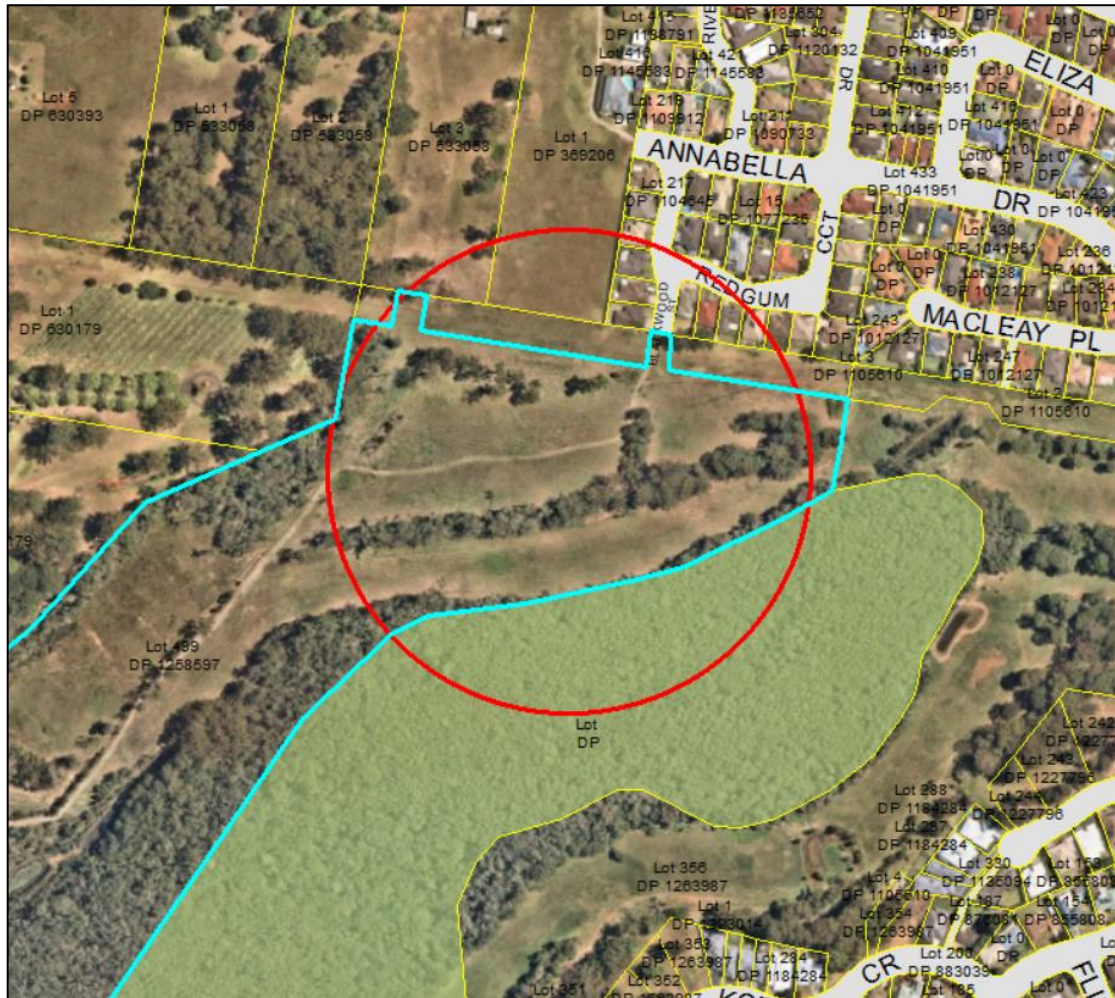


Figure 1 Site location and context

A copy of the Proponent's amended application is included at **Attachment 1**.

The proposal continues to present significant issues in its current form and is not supported. There is, however an opportunity for the Proponent to present a new application to Council incorporating revisions to their proposal in line with the discussion in the report. This would involve a reduced residential area; expanded environmental conservation zoning; an acceptable layout to minimise and mitigate the potential impacts on the adjacent Lake Innes Nature Reserve; a lesser change to Koala Habitat mapping; and execution of a planning agreement and vegetation management plan with Council to protect and manage conserved areas.

If the proposal is amended in the manner discussed in the report, the revisions are considered to be more likely to be accepted by Council and relevant State Agencies.

This report is not a planning proposal. A formal planning proposal document for submission to the Department of Planning, Industry and Environment Gateway would be prepared as the first step in a rezoning process, if an application is supported by Council.



Current zoning of the land the subject of the request is part RU1 Primary Production under *Port Macquarie-Hastings Local Environmental Plan (LEP) 2011*. Development for residential subdivision and housing is prohibited in the zone.

The planning area described in the report contains known *Core Koala Habitat* (SEPP Koala Protection) and *Serious and Irreversible Impact Species (Vegetation)* under the *Biodiversity and Conservation Act*.

The Proponent for the application is Love Project Management Pty Ltd on behalf of landowners; Vilro Pty Ltd. Associated entity to the original request/s and applications, Charley Bros Pty Ltd, are no longer party to the proposal.

### **Disclosure**

The application states that a Political Donations and Gift Disclosure Statement is not required.

However, under section 10.4(4) of the *Environmental Planning and Assessment Act 1979* ('the Act') a person who makes a relevant planning application to a council is required to disclose the following reportable political donations and gifts (if any) made by any person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- a) all reportable political donations made to any local councillor of that council
- b) all gifts made to any local councillor or employee of that council.

An application to amend the local environmental plan is a relevant planning application.

A reference in sections 10.4(4) and 10.4(5) of the Act to a reportable political donation made to a 'local councillor' includes a reference to a donation made at the time the person was a candidate for election to the council.

A disclosure has not been made at this time.

### **Background**

#### June 2019: Council Meeting - Planning Proposal Assessment Report

On June 2019, Council resolved to defer a decision on a 2011 Planning Proposal request for The Ruins Way and South Blackwood Street at Port Macquarie West.

The application sought to rezone un-subdivided residue land at Ascot Park and Innes Lake Estate (then Lot 340 DP1251842 and Lot 399 DP1241278), Port Macquarie to R1 General Residential as an extension of existing subdivision. The report recommended that Council not proceed with the proposed change of zone for any of the three nominated areas on the basis of unacceptable environmental impact and other matters relating to planning outcomes, and strategic and site specific merit.

Council deferred a decision, resolving instead to mediate with the Proponent and the landowners as follows:

*RESOLVED: Turner/Hawkins*

*That Council:*

- 1. Defer consideration of this item.*
- 2. Request the General Manager schedule a Councillor briefing on the proposal as soon as practical.*
- 3. Request the General Manager convene a meeting with the Proponent and their representatives and relevant Council staff for the purpose of working towards potential modifications to the planning proposal that seek to achieve optimal outcomes for all parties, including protection of koala habitat under SEPP 44 and other positive environmental outcomes.*
- 4. Request the General Manager provide a report back to Council regarding the outcomes of this meeting and any amendments to the Planning Proposal, once Council staff are in a position to finalise this review.*

*CARRIED: 8/0*

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

*AGAINST: Nil*

#### Mediation

Consistent with Council's resolution, mediation between the parties commenced in June 2019 with the aim of working towards potential modifications to the Planning Proposal application to achieve the outcomes envisaged by Council. A site visit and follow-up meeting occurred on 17 July 2019. Council expectations included clarification of the landowner's intent and landowner offers to modify the proposal as a clear basis for further discussion as intended by Council i.e. amended concepts addressing or resolving the issues raised in the June 2019 Council report.

A period of information exchange between the parties over various zone options and the involvement of State Agencies (Biodiversity Conservation Division and the Grafton Office of NSW Planning Industry and Environment) occurred from 17 July 2019 up until 10 December 2020. Council staff wrote to the Proponent acknowledging the positive steps taken in working towards a modified rezoning plan for South Blackwood area and confirmed Council's requirements for a revised planning proposal application by 31 January 2021, based on the recommendations detailed in a letter from the Biodiversity and Conservation Division of the Department of Planning Industry and Environment to the Proponent in September 2020.

On 3 March 2021, Council convened a meeting with the Proponent and landholder to advise of a letter dated 25 February 2021 from the NSW Biodiversity Conservation Division (BCD) outlining their ongoing concerns in relation to unresolved environmental issues (**Attachment 2**). Discussions included options for progressing a planning proposal and Council's report to the 17 March Ordinary Council meeting.

To assist with discussion, Council staff presented and later issued the Proponent, with a map indicating a possible supportable zone concept based on the comments and recommendations detailed in the BCD letter (Figure 2).



Figure 2 PMHC Minimum Acceptable Zone Concept based on BCD recommendations.

BCD Advice 25 February 2021 - Key issues

The BCD letter confirms that some limited residential development could be supported in the planning area, but that there are significant environmental issues that require careful management to avoid and minimise impacts on biodiversity values.

Key concerns and recommendations include:

- Narrow and fragmented application of environmental zoning, which is not supported.
- The need for broader application of zone E2 Environmental Conservation to incorporate and protect High Environmental Value land under the North Coast Regional Plan, which includes habitat for critically endangered native guava plants, primary koala habitat and mapped Coastal Wetlands.
- A planning agreement and vegetation management plan to commit the landholder to protecting and managing E2 Environmental Conservation zoned land.
- Rezoning only suitable land within the Urban Growth Area for residential housing.

#### Key elements to progressing a planning proposal

The following are considered key to achieving acceptable and optimal planning, development and environmental outcomes consistent with Council's resolution of 19 June 2019.

- Completion of the project for finalisation by 30 June 2021 under the NSW Government Public Spaces Legacy Program. There is a major risk that the proposal would not be completed by 30 June 2021 due to the legal steps in the planning process and uncertainty as to whether a Gateway determination would be granted by the Department to proceed. The Department of Planning Industry and Environment advice is that a reasonable timeframe for completion of a modified planning proposal in relation to part Lot 499 would be 12 months from the time of a Gateway Determination to proceed.
- A new combined Planning Proposal Application and Development Application, consistent with the NSW Government strategic and site specific merit test for planning proposals, ministerial directions issued under Section 9.1 of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (SEPPs), and other relevant government legislation and policy.
- NSW Biodiversity and Conservation Division (BCD) support for a proposed change of zone.
- Department of Planning Industry and Environment (DPIE) support for and approval of a Koala Plan of Management (KPOM) for the land in question, and potential modifications to existing KPOMs relating to Lot 499.

#### Historical Context

##### *Golf Course and Residential subdivision 1988 (DA1988/248).*

In September 1988, Council approved an 18-Hole Golf Course and 231 lot residential subdivision (DA1988/248) neighbouring Lake Innes Nature Reserve. A series of modifications to the development consent since that time increased the number of lots from 230 to over 250 lots, and re-oriented the subdivision layout (including bushfire and stormwater measures) closer to, and in some instances over the planned golf course and adjoining Nature Reserve. Apart from initial clearing for fairways and greens in the late 1980's, there has been no substantive works undertaken by the developer/land owner in relation to the golf course since approval in 1988. The developer advises that a reduced private course for personal use only is proposed and indicated a clear intent to develop areas of remaining residue and planned golf course areas for future housing if permitted.

Initial Planning Proposal Application 2011

In 2011 the Proponent wrote to Council seeking to rezone remaining areas of rural land separating the above residential subdivision from the adjoining reserve. Council agreed to include the request in its Strategic Land Use Planning Program pending submission of a rezoning investigation reports, payment of fees and submission of studies detailing the status of conservation outcomes in the area.

The request remained in draft form and was unable to be progressed for a long period of time due to gaps in information and concerns with environmental impacts.

Council considered a Planning Proposal Assessment report in June 2019, where it was resolved:

*RESOLVED: Turner/Hawkins*

*That Council:*

5. *Defer consideration of this item.*
6. *Request the General Manager schedule a Councillor briefing on the proposal as soon as practical.*
7. *Request the General Manager convene a meeting with the Proponent and their representatives and relevant Council staff for the purpose of working towards potential modifications to the planning proposal that seek to achieve optimal outcomes for all parties, including protection of koala habitat under SEPP 44 and other positive environmental outcomes.*
8. *Request the General Manager provide a report back to Council regarding the outcomes of this meeting and any amendments to the Planning Proposal, once Council staff are in a position to finalise this review.*

*CARRIED: 8/0*

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

*AGAINST: Nil*

In December 2020, Council's Bi-Annual Update Report on Site Specific Planning Proposals noted a substantial amount of work having been undertaken by all parties in respect of The Ruins Way matter since June 2019. The report also noted:

- That a decision is pending in respect of the strategic and site specific merit of the long running Planning Proposal application.
- That key issues and BCD concerns remained unresolved.
- That in the event that the timeframe is not achievable, the proposal may need to be discontinued with a further report presented to Council if this is the case.
- That there is a major risk to completion by the end date due to steps in the process and uncertainty as to whether a Gateway Determination would be granted by the Department to proceed.
- That the matter to be re-presented to Council in March 2021 for a decision.

Noting that the planning proposal has been unresolved for a decade, there has been numerous legislative changes during this time that have compounded the environmental constraints required to be addressed. Unfortunately, this has impacted on the direction and progression of the application. The introduction of the *Biodiversity Conservation Act 2016* and the listing of the Native Guava is a recent

example of this. *State Environmental Planning Policy (SEPP) (Coastal Management) 2018* and *SEPP (Koala habitat Protection) 2018* are other examples. Additionally, reforms within state agencies over this time has also seen a shift in focus on assessment noting the legislative amendments that have occurred.

#### NSW Public Open Space Legacy Program 2020

The Legacy Program is part of the State's ongoing work to protect the health of the community, provide economic and jobs stimulus in response to COVID-19 pandemic. Funding will be released from early 2021 provided performance improvements can be achieved between 1 September 2020 and 30 June 2021. As a long running and unresolved rezoning application, The Ruins Way matter is nominated for completion in Council's formal Participation Agreement with the NSW Department of Planning Industry and Environment under the Program. Under the agreement the planning proposal is required to be completed by 30 June 2021. This timeframe is not considered achievable given the current status of the proposal.

#### EXISTING SITUATION

##### Description of the Site and Surrounds

The 2021 Planning Proposal Application seeks to rezone Part Lot 499 DP 1258597, focusing on the area shown in Figure 1.

Lot 499 is located at west Port Macquarie, off Blackwood Street and is approximately 320m south of John Oxley Drive Port Macquarie. The site is around 1,230m west of Lake Innes Neighbourhood Centre. Current access is via Blackwood Street.

Site characteristics include:

- Large frontage to key infrastructure easements for electricity and water supply.
- Additional transecting electricity infrastructure.
- Large site frontage to Lake Innes Nature Reserve.
- Areas of designated Coastal wetlands and Coastal Wetlands Proximity Area under SEPP Coastal Management 2018.
- Remnant vegetation strips which form key known north-south and east-west habitat corridors for threatened and vulnerable species.
- Cleared grassland strips associated with undeveloped golf course approval,
- Drainage to Lake Innes Nature Reserve;
- Developing areas as low rise, low density housing lots.
- Surrounding developing areas to the north and south west.

##### Land Ownership and Existing Approvals

Lot 499 is registered to Vilro Pty Ltd. Existing approvals relating to the subject planning proposal application for Lot 499 include 291 Residential Subdivision (DA2005/547), and approved golf course, residue and retained habitat (corridors) under DA1988/248. The golf course and residential subdivision are discussed in the following section of the report.

DESCRIPTION OF THE PLANNING PROPOSAL

- January 2021 Revised Planning Proposal Application

A revised Planning Proposal package was uploaded to Council on Friday 29 January 2021.

- Description of the Revised Planning Proposal Application

The application includes an indicative zone development concept that could occur on the site under the proposed controls.

The following table provides a comparison between the current planning controls applying to the site and the controls proposed in the Proponent’s current application:

Subject Site Area (only)	Existing	Proposed
Land Zoning (LZN)	RU1 Primary Production	Part R1 General Residential, Part E2 Environmental Conservation, and Part E3 Environmental Management.
Minimum Lot Size (LSZ)	40 hectares	450m <sup>2</sup>
Maximum Height of building (HOB)	NA	8.5m
Floor Space Ratio	NA	1:1
Koala Habitat Map	Yes, all of site (clause 7.5)	Retained habitat and environmental areas.

- Possible Development Scenario

The indicative concept proposes 22 lots:

- 3 dual occupancy corner sites;
- 13 x 450m<sup>2</sup> residential housing lots;
- 1 x 2671m<sup>2</sup> medium density lot; and
- 5 low density lots ranging in size from 476m<sup>2</sup> to 567m<sup>2</sup>.

A copy of the indicative concept is shown in Figure 3. Note that consideration of subdivision design merit would occur at DA stage, should the planning proposal proceed to that point.

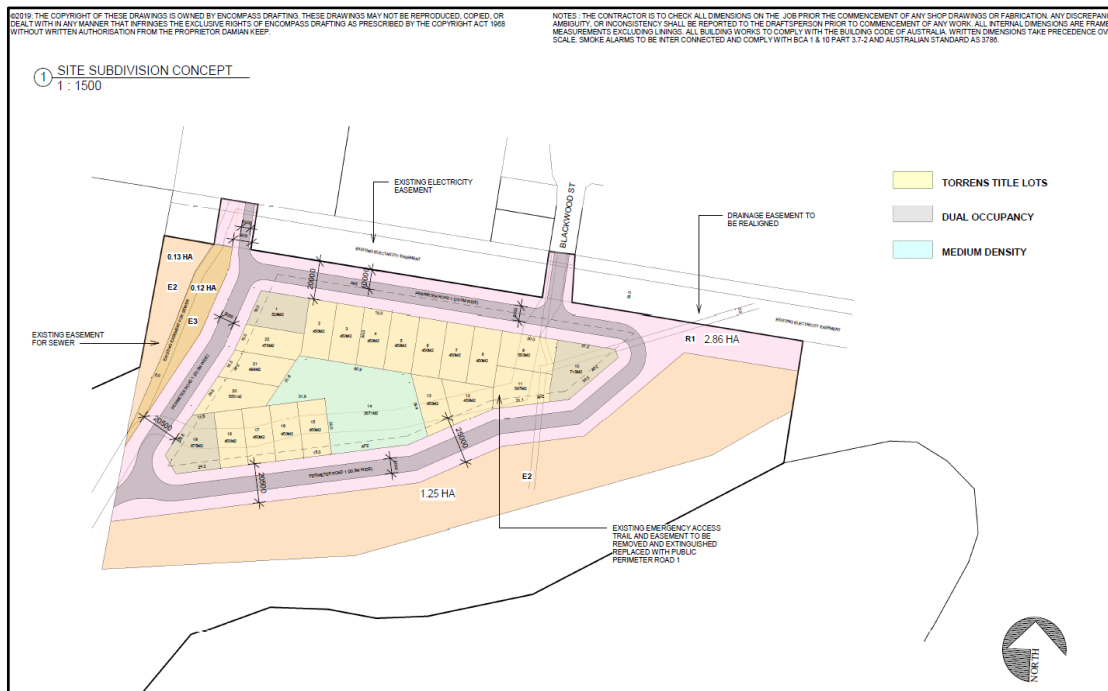


Figure 3 Subdivision and Zone Concept Plan by Love Project Management

The Proponent’s proposed concept design would provide access from Blackwood St to the north, and a potential secondary access to developing land in the northwest. In addition, the design would allow future road access to undeveloped residue land to the east towards The Ruins Way, and south towards Ascot Park. This land is held by the developers.

The plans are indicative only to illustrate the type and scale of development possible on the land if the rezoning proceeded.

- January 2021 - Supporting Studies

The submission included the following information and documents:

1. Application Form (29 January 2021).
2. Planning Proposal Amendment Report, Love Project Management Pty Ltd (29 January 2021).
3. Deposited Plan (DP1258597).
4. Property Title (LRS) Vilro Pty Ltd .
5. Concept Development Plans (29.1.2021).
6. Aboriginal heritage Report (27.4.2018).
7. Bushfire Hazard Assessment (January 2021).
8. Response to BCD Consultation - Love Project Management Pty Ltd 28 January 2021).
9. Koala Plan of Management JB Enviro (January 2021).
10. Preliminary BDAR JB Enviro (January 2021).
11. Draft Amended Zone Map.
12. Draft Amended Minimum Lot Size Map.
13. Draft Amended Koala Habitat Map.
14. Draft Amended Height of Building Map.
15. Draft Amended Floor Space Ratio Map.



16. Dwg Files; Subdivision concept and site survey (data files).

Late documents included:

- Phase 1 Environmental Site Contamination Assessment.

Omitted documents include:

- Political Disclosure
- Summary of Supporting Studies.

<p>Planning Proposal Amendment Report (2021)</p>	<p>The report outlines the nature of the proposal, the changes to planning controls sought, and concludes that the site is suitable for future housing and subdivision based on</p>
<p>Aboriginal Heritage Report (2018)</p>	<p>The report, prepared by Birpai Local Aboriginal Land Council in 2018, and in response to a request for Charlie Bros Pty Ltd, details the results of a site survey in March 2018. The report concludes that the proposed development is not considered to impact upon or have any significance for the local Aboriginal community and their cultural heritage. In addition, no site recording is considered necessary based on no material traces, evidence or expressed knowledge of Aboriginal land use on the site.</p>
<p>Bushfire Hazard Assessment (2021)</p>	<p>The report considers the NSW government requirements for Planning Proposals on bushfire prone land. A Strategic Bushfire Study is required and included. The study is premised on the assumption that future land uses will not contain 'Special Fire Protection Purposes'. Council will need to consult with the NSW Rural Fire Service in relation to the proposal and must demonstrate that the objectives for draft LEPS are adequately addressed:</p> <ul style="list-style-type: none"> <li>- to protect life, property and the environment from bushfire, by discouraging the establishment of incompatible land use in bushfire prone areas, and</li> <li>- to encourage sound management of bushfire prone areas.</li> </ul>

<p>Proponent Response to BCD (2021)</p>	<p>The response provides a short summary response to the BCD written advice to the Proponent in September 2020, which details their concerns and outlining requirements for progressing a Planning Proposal for a small area off Blackwood Street.</p>
<p>Koala Plan of Management (KPOM) (2021)</p>	<p>The KPOM states that it has been prepared under the <i>Koala Habitat Protection State Environmental Planning Policy (SEPP) 2020</i> to accompany a planning proposal to rezone approximately 2.86ha of land in the northern corner of Lot 499 DP1258597 off Blackwood Street. The study is limited to ‘the study area/site’ which is described as the site, and the adjacent land within 100m.</p> <p>The study identifies 16 Koala Food Trees plus 4 young saplings for removal. Proposed mitigation measures including habitat retention and protection (limited to study area); specific DCP planning provisions (study area only) to ensure 10/50 clearing under the NSW Rural Fires Act will not encroach into areas of retained vegetation; and offset planting as supplementary planting in retained vegetation strips.</p>
<p>Preliminary Biodiversity Assessment Report (BDAR) (2021)</p>	<p>The BDAR identifies:</p> <ul style="list-style-type: none"> <li>• High Environmental Value (HEV) elements within the ‘study area’ including Core Koala habitat, Native Guava and Scrub Turpentine on and adjacent to ‘the site’;</li> <li>• Potential Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast vegetation;</li> <li>• Serious and Irreversible Impact Species (SAIL) - Swift Parrot, Native Guava and Scrub Turpentine - within the ‘Study area’;</li> <li>• Core Koala Habitat;</li> <li>• 16 Koala Food Trees, and 4 Saplings to be removed within the proposed R1 General Residential zone;</li> <li>• Impact/s on Koala requiring offset/s;</li> </ul>

Phase 1 Site contamination Assessment	The report concludes that the site is likely to be suitable for rezoning as Residential land, and specifies requirements for any exported fill material in Section 6.1.
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## ASSESSMENT OF THE PLANNING PROPOSAL

### Summary

The following assessment of the Planning Proposal application has been based on an amended application received by Council on 31 January 2021, and on 9 February 2021. Copies included in **Attachment 1** of this report.

The planning proposal application is assessed against the Department of Planning Industry and Environment document 'A Guide to Preparing Planning Proposals' and 'A Guide to Preparing Local Environmental Plans'. The following sections address the Assessment Criteria established by the NSW Government to assist in determining the strategic merit and justification for a planning proposal application:

Part 1 Objectives and Intended Outcomes

Part 2 Explanation of the Proposed Provisions

Part 3 Justification

- The need for the planning proposal
  - Q1. *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*
  - Q2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*
- Relationship to Strategic Planning Framework (Assessment Criteria)
  - Q3. *Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*
  - Q4. *Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?*
  - Q5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*
  - Q6. *Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*
- Environmental, social and economic considerations
  - Q7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*
  - Q8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*
  - Q9. *Has the planning proposal adequately addressed any social and economic effects?*
- Commonwealth and State interests
  - Q10. *Is there adequate public infrastructure for the planning proposal?*

*Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*


Part 1 Objectives and Intended Outcomes

The proposed amendments sought to *Port Macquarie-Hastings Local Environmental Plan 2011* are mapping changes as follows:

Map Change	Details
Amendment to the Zone Map	
Amendment to Minimum Lot Size Map	
Amendment to Height of Building Map	
Amendment to Floor Space Ratio Map	

YOUR NATURAL AND BUILT ENVIRONMENT



Map Change	Details
Amendment to Koala Habitat Map	

The intended outcome of the application as stated by the Proponent is “urban development and habitat management across the subject land that is:

- Able to be serviced with essential infrastructure;
- Compatible with the local environment;
- Well designed to facilitate social wellbeing; and
- Compatible with surrounding land uses”.

The Proponent’s objective is to “provide planning based controls which enable urban development to undertaken whilst achieving the above outcomes. The Proponent further contends that a Planning Proposal for the land in question will facilitate the long term management of urban bushland. Portions of the land have been identified as suitable and capable of being developed to provide additional residential accommodation, and areas of the land have been identified as suitable for environmental management. The proposal has been assessed as being able to provide a sustainable outcome”.

The principal reasons provided by the Proponent for the application are “to provide additional housing opportunities for a residential growing population” and “to assist in the long term management of land surrounded by urban zoned land”. A brief assessment response is:

1. It is agreed that the provision of additional housing in this location will make a positive contribution towards housing opportunities for a growing population.
2. It is agreed that the proposal would provide some partial protection for a small component of land surrounding the proposed residential footprint. However, it discounts BCD and Council preliminary advice provided to the Proponent in September 2020 that retaining a rural zoning over remaining habitat within the larger rural zoned and un-subdivided residue on Lot 499 is not supportable due to the High Environmental Value of the vegetation and importantly that protection and retention of these areas were the basis for past subdivision approvals for the land.
3. The environmental constraints of the land have not been adequately resolved at this point in time. The following concerns are raised with the current proposal:
  - The proposal focuses on a small site area of 4.36 hectares, without addressing the broader context, and environmental value of a much larger

rural residue of around 30 hectares as consistently advised by Council and BCD from 2019 onwards.

- BCD advice for compensatory protection of important environmental values located within the balance of the rural residue is not addressed.
- The potential impact of the proposal on *Coastal Wetlands* and *Proximity Area to Coastal Wetlands* under *SEPP Coastal Management 2018* needs to be supported with appropriate environmentally zoned buffers.
- The proposal does not adequately address *serious and Irreversible Impact Species (SAIS)* under the *Biodiversity Conservation Act*, including Native Guava (*Rhodomyrtus psidioides*), and Scrub Turpentine (*Rhodamnia rubescens*), and Biconvex Paperbark (*Melaleuca biconvexa*) which is listed as *Vulnerable* under the *BC Act* and *EPBC Act*.
- The proposal appears to abandon approved golf course fairways and habit linkages under DA1988/248.
- The proposal appears to discount endorsed commitments for habitat retention under koala plans of management and vegetation management plans for east - west, and north-south koala and fauna movement/s under DA2005/547.
- The proposal does not adequately consider or address potential amendments to existing and approved koala plans of management affecting this location.

### Part 3 Justification

#### A. The Need for the Planning Proposal

*Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

The planning proposal application is not the result of the endorsed local strategic planning statement for Port Macquarie-Hastings - Shaping Our Future 2040. It does however propose development of an identified urban investigation area, included and mapped in the *North Coast Regional plan 2036* and *Port Macquarie-Hastings Urban Growth Management Strategy 2036*.

*Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Preparation and completion of a planning proposal for the subject planning area is the only mechanism to achieve a change to existing planning controls.

#### B. Relationship to the Strategic Planning Framework

*Q3. Will the planning proposal give effect to the North Coast Regional Plan 2036?*

The North Coast Regional Plan 2036 identifies three (3) Principles for guiding growth on the North Coast.

#### Principle 1: Direct Growth to identified Urban Growth Areas (UGA)

*To achieve a balance between urban expansion and conservation of natural and environmental assets, the regional plan identifies the limits to urban growth for each local government area. The UGAs help to maintain the distinctive character of our local communities; direct growth away from significant farmland and sensitive ecosystems, and enable efficient planning for infrastructure and services.*

**Comment:**

Lot 499 contains a small portion of land in the North West extent that is mapped and defined for urban investigation as part of the Urban Growth Area (UGA) for Port Macquarie-Hastings. Importantly, the included area is also mapped in the plan as 'Coastal Strip' and 'Potential High Environmental Values' (HEV).

Principle 2: Manage the Sensitive Coastal Strip.

*The coastal strip (or Zone) comprises land east of the Pacific Highway. The area is ecologically diverse, with wetlands, estuaries, significant farmland and areas of local, state and National significance. The area is also exposed to natural hazards and risks such as flooding, coastal inundation, erosion and recession. To safeguard the strip, the regional plan limits development in this area, and only minor and contiguous variations to the boundary will be considered by the State government.*

**Comment:**

Lot 499 is located within the Coastal Strip as defined in the Regional Plan. Lot 499 is known to contain areas of HEV, core koala habitat, legislated coastal wetlands, and is exposed to natural hazards, including bushfire and flooding. Only a small and clearly defined area of around 1.3ha hectares within the UGA is considered suitable for future urban release.

Principle 3: Provide Great Places to Live and Work in a Unique Environment.

*The regional plan emphasises the need for cities and centres to be the focus for housing diversity, jobs and activities to reduce pressure on the environment and maximise the advantages of the North Coast's unique environment.*

**Comment:**

As noted above, a small area of land in the North West extent of Lot 499 is identified in the regional plan for investigation to determine its suitability for future housing. An assessment of the suitability of the site is the purpose of this report.

*Q4. Will the planning proposal give effect to a relevant local strategic planning statement/strategy that has been endorsed by the department (i.e. Port Macquarie-Hastings Shaping Our Future 2040 and Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036)?*

Towards 2030 Community Strategic Plan

Towards 2030 Community Strategic Plan is an overarching 10-year plan prepared by Council and the community, and based on community priorities. The plan outlines the community's objectives for each of the themes identified in the plan:

- Leadership and Governance
- Your Community Life

- Your Business and Industry
- Your Natural and Built Environment

Proceeding with a rezoning for a small modified footprint to R1 General Residential could implement the objectives and community aspirations expressed in the plan.

Shaping our Future 2040

A Local Strategic Planning Statement (LSPS) for Port Macquarie-Hastings was published on the NSW legislation website on 30 September 2020. Shaping Our Future sets out a 20-year vision for Port Macquarie-Hastings, and its role is to:

- Identify the special characteristics that contribute to local identity and make our area special.
- Recognise our shared community values and how they will be maintained or enhanced.
- Direct how we manage future change.
- Identify and give effect to relevant directions located within the North Coast Regional Plan.
- Identify gaps of knowledge where further strategic planning work is needed.
- Link Council’s strategies and plans to the implementation of the NSW Government’s Strategic Plans.
- Shape planning controls to facilitate future planning directions.

A small planning area would be broadly in keeping with the direction for strategic planning decisions outlined in the LSPS if rezoned. A brief summary assessment of the Proponent’s proposal against the following Strategic Planning Principles of the LSPS is outlined in the following Table:

No.	Planning Principle	Comment
1.	Result in sustainable outcomes for our community now and into the future; considering Environmental, Social, and Economic factors and risks;	Subject to satisfying the views of government agencies as discussed in the report, around 1.3 hectares within the UGA may be suitable for future housing development.
2.	Work in an adaptive management framework that allows the review and amendment of Council’s planning policies to ensure that our unique scenic landscape qualities, ecological and biodiversity values are recognised;	The proposal would complete planning for urban housing with some positive environmental outcomes in this location, if rezoned as discussed in the report. It is noted that conservation of the northern habitat linkages on Lot 499 is consistent with the original planned and promoted environmental outcomes for sustainable housing development at Innes Lake and Ascot Park residential estates under DAs 1988/248 and 2005/547.
3.	Positively contribute to our built environment;	A minor 1.3ha extension of residential release at South Lindfield for future housing is in keeping with previous strategic planning for this area. No further expansion of the UGA in the area is supported due to the known



		environmental sensitivity of the precinct, and its importance to the persistence of a viable local koala population. Refer comments relating to environmental impacts elsewhere in the report.
4.	Enhance equity, social inclusion and community participation;	It is proposed to ensure that the community is involved in decision making for the precinct from the outset.
5.	Be robust, future-focused and evidence based;	Investigation of the broader rural residue land in this location now provides an evidence base for limiting further expanded development in the area.
6.	Facilitate transparent collaboration processes and involve stakeholders and the community early.	Community consultation would occur as early in the process as practical. In this case to notify landholders of a report to council considering options for commencement of planning investigations if supported for the northern extent of Lot 499.

Port Macquarie-Hastings Urban Growth Management Strategy (UGMS) 2036

Council’s policy in the UGMS for future residential development is to promote housing in the right locations; ensure efficient use of infrastructure; avoid environmental impacts; and enhance the character and natural qualities of the location; and in the public interest.

The environmental aims of the Strategy are to accommodate a growing population while avoiding areas of high environmental value; concentrate growth to within existing centres; protect and manage native vegetation; plan for climate change; and incorporate measures to such as buffers to protect environmental values and avoid land use conflict.

If modified to reduce the residential component, conserve High Environmental Value land on Lot 499 with an appropriate Environmental Conservation zone, and increase the separation distance between residential development and adjoining and adjacent environmental values, the proposal could attain broad consistency with these principles. Enhancement of the character and natural qualities of the location could be attained through a combined rezoning and development application process to secure housing, environmental, urban design and character outcomes.

*Q5. Is the planning proposal application consistent with applicable State Environmental Planning Policies?*

State Environmental Planning Policies relevant to the Planning Proposal application are as follows:

*SEPP No. 36 Manufactured Housing Estate*

The SEPP aims to facilitate manufactured housing on certain land on which caravan parks are permitted as a contemporary form of medium density housing.



A change of zone will affect permissibility of MHE development under the SEPP. If zoned to R1 General Residential MHE development will be permitted with consent.

However, MHE development is likely unachievable on the site based on designated 'Special purpose development' requirements under NSW Rural Fire Service Guidelines. The designation imposes additional APZ and mitigation requirements for vulnerable forms of development, which cannot be achieved on the site without impacting on important environmental features.

*SEPP (Coastal Management) 2018.*

The aim of this Policy is to manage development in the coastal zone and protect the environmental assets of the coast. The subject land is identified as being located within the 'Coastal Zone'.

Lot 499 is affected by identified 'Coastal Wetlands' and 'Proximity Area for Coastal Wetlands'. The following controls, are relevant:

*Division 1 – Coastal wetlands and littoral rainforests area*

*Clause 10 – Development on certain land within coastal wetlands and littoral rainforests area.* The proposed development footprint is not within a mapped coastal wetland area.

*Clause 11 – Development on land in proximity to coastal wetlands or littoral rainforest.* The site area is located within the mapped proximity area to mapped 'Coastal Wetlands'. An assessment of the impact in regard to the provisions of this policy will apply at the time of future development applications for the land.

Future development must avoid impacts on the biophysical, hydrological or ecological integrity of the adjacent wetland, and ensure quantity and quality of surface and ground water flows to and from the adjacent coastal wetland is acceptable. It is considered that any planning proposal should provide adequate buffers to sensitive coastal wetlands. This still requires resolution.

*SEPP Koala Habitat Protection 2020*

*This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline—*

- a. by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- b. by encouraging the identification of areas of core koala habitat, and*
- c. by encouraging the inclusion of areas of core koala habitat in environment protection zones.*

The planning proposal application is supported by a draft Koala Plan of Management.

While the BCD has not undertaken a thorough review of the plan, Council's Natural Resources Team have reviewed the draft document and note that an approved KPOM under DA 2005/547 applies to Lot 499. Also noted are multiple modifications to DA2005/547 and numerous instances of noncompliance with the approved KPOM.

Under the approved KPOM, the Proponents planning area is identified, mapped and described as containing *core koala habitat* under the SEPP with direct connectivity to Lake Innes Nature Reserve. The plan suggests a resident population of up to 20 koalas.

It is the view of Council's Natural Resources staff that the entirety of retained vegetation within and adjacent the Proponents planning area, and in fact all vegetation across Lot 499 DP1258597 is of High Environmental Value.

Based on this assessment, Natural Resources staff do not support a partial rezoning of this will only support a rezoning based on conservation of all existing habitat corridors

1. The urban investigation area of Lot 499 DP 1258597 is supported for rezoning as R1 under the following conditions;
  - a. All the Coastal SEPP wetland area must include an ecological buffer from the proposed development area of 100m as outlined in the Port Macquarie-Hastings Development Control Plan 2013. *An ecological buffer does not contain roads, APZ or development associated infrastructure and would be managed as an Environmental Conservation zone in perpetuity under an agreement between the developer and Council with an associated Vegetation Management Plan (VMP).*
  - b. All Native Guava is to be identified across the entire Lot and a 50m ecological buffer applied to the proposed development area with Environmental Conservation zoning across the ecological buffer to be managed as above. Specific management measures regarding the on-going success of Native Guava is to be included within the VMP.
  - c. The remainder of the Lot currently zoned RU1 of 499 DP 1258597 is to be zoned as Environmental Conservation under the Port Macquarie-Hastings LEP 2011 and managed accordingly.

#### *SEPP 55 Remediation of Land*

This policy specifies that the consent authority must not consent to the carrying out of any development unless it has considered whether the land on which the development is proposed is contaminated and/or is required to be remediated for its intended use. The site is not mapped as being subject to potential contamination from past land uses.

A Preliminary Phase 1 Geotechnical and Contamination Assessment undertaken on behalf of the developer concludes that that the site is likely to be suitable for rezoning as Residential land. Should contamination be discovered during future subdivision works, the type of contamination is likely to be of a sort /type that will be able to be remediated on site or taken away for appropriate disposal.

#### *Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*

There are some minor inconsistencies, which require the agreement of an authorised officer of the Department of Planning, Industry and Environment prior to completing a planning proposal for the land in question. The minor inconsistencies with the Local Planning Directions issued under section 9.1 of the EP&A Act are as follows:

#### *2.6 Remediation of Contaminated Land*

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. Council has obtained a Preliminary Site Contamination Assessment indicating that the site area in question is suitable for all permitted purposes if rezoned.

#### *4.4 Planning for Bushfire Protection*

The objective of this direction are:

- a. to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- b. to encourage sound management of bush fire prone areas.

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. As referenced in the report, the site is designated bushfire prone land and bushfire prone land 'buffer'. There are three technical inconsistencies with the requirements of this Direction, relating to subclauses (4) to (6) of the Direction:

Subclause (4) requires consultation with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to undertaking community consultation. Preliminary consultation with the NSW RFS has occurred. However, no formal response has been received by Council at the time of writing of the report. Further consultation with the RFS will occur if any Gateway Determination for a Planning Proposal in relation to the site is granted by DPIE.

Subclause (5) requires that the Planning Proposal introduce controls that avoid planning inappropriate developments in hazardous areas. The proposal relies on the current controls and assessment process, and technically is inconsistent by not introducing further controls.

Depending on the interpretation of subclause (6), it is required that the planning proposal contain development application details. If this is the case, then this is a further inconsistency.

#### *5.10 Implementation of Regional Plans*

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. A Planning Proposal must be consistent with a regional plan.

In this case, proceeding with a Planning Proposal for a small defined area could achieve consistency with the intent of the regional plan, its vision, goals and directions, or actions.

### C. Environmental, Social and Economic Considerations

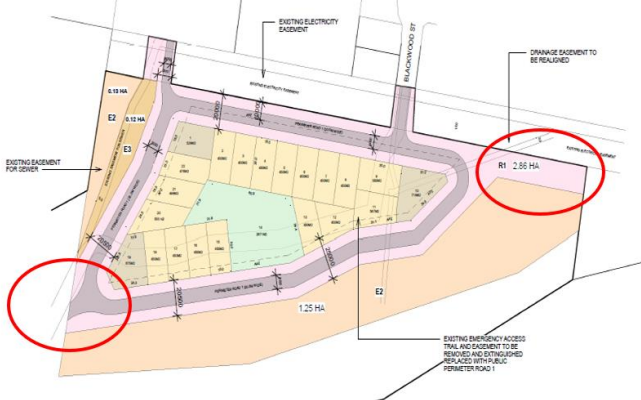
*Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*


Biodiversity Conservation Act


The Biodiversity Conservation Act (Bio Con 2016) applies and is relevant to this proposal and any future development applications resulting from a rezoning of the subject land. As part of the Act, lands are identified on a values map and threshold tool. This tool provides information that triggers the Biodiversity Offsets Scheme threshold and more relevant in this context it exemplifies areas of high biodiversity significance.

The Proponent received detailed requirements from the Biodiversity Conservation Division of DPIE for progressing a supportable planning proposal for the planning area off Blackwood Street in September 2020. The matters raised by BCD have not been satisfactorily addressed by the Proponent. The BCD conclude that there is a limited scope for residential development in the Proponents planning area as described in earlier sections of the report, and as confirmed to the Proponent in their 25 September 2020 letter to Love Project Management. It is the view of the BCD that there are significant environmental issues that require careful management to avoid and minimize impacts on biodiversity values. The issues are detailed in the following Table:

Issue	BCD comment
<p><b>Extent of Urban Investigation Area</b></p>	<p>The amended planning proposal application applies to a study area of 4.36 ha. It proposes to rezone approximately 2.86 ha of land to R1 General Residential, 1.38 ha to E2 Environmental Conservation and 0.12 ha to E3 Environmental Management under the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 and to amend the minimum lot size map to 450 m<sup>2</sup> for the R1 zoning. Most of the land identified in the planning area is mapped as <i>Investigation Area – Urban Land</i> in the North Coast Regional Plan 2036, as shown in Figure 1 below.</p> <div data-bbox="469 1245 1161 1666" data-label="Image"> </div> <p data-bbox="469 1671 1267 1727"><b>Figure 1. Mapped Investigation Area – Urban Land in the North Coast Regional Plan 2036</b></p> <p>BCD support the planning area being expanded to include the land to the south of the mapped urban land investigation area. However, the Division does not support land that was not mapped for urban investigation land being rezoned to R1 without adequate justification.</p>
<p><b>Proposed subdivision and road network</b></p>	<p>The proposed subdivision layout provided with the planning proposal shows a road network extending toward the east, as shown in Figure 2 below.</p>

Issue	BCD comment
	 <p><b>Figure 2 Proposed subdivision layout showing road network to the east and southwest (circled in red).</b></p> <p>BCD do not consider these roads should be enabled as a result of the planning proposal as there is no broader strategic plan for adjoining residential development, and as we have previously commented there are significant environmental constraints in the adjoining lands that should preclude further residential development.</p> <p>The proposed layout also indicates that a more substantial road network to the west is proposed. There is currently only an access track in this location. The planning proposal report indicates that there is a requirement for emergency bushfire access for Ascot Park to the west.</p> <p>BCD would not support a rezoning that enabled any further extension of residential development in the southern Charley Brothers/Vilro land, as no further areas have been identified as urban growth areas, and there has been no strategic plan to support this.</p> <p>Also, as discussed below this could sever a north-south habitat link.</p>
<p><b>Primary koala habitat</b></p>	<p>The planning proposal identifies vegetation within the area to be zoned R1 as primary koala habitat. Residential development in this area will directly impact on koalas through the loss of such habitat and will likely introduce threats to koalas including dogs and vehicular traffic; possibly making them more stressed and susceptible to disease such as chlamydia.</p> <p>BCD have not reviewed the draft Koala Plan of Management (KPoM) in detail as this would be required at a future development application stage and is not required as part of a planning proposal.</p> <p>BCD note that the KPoM discusses the importance of habitat linkages and provides a map that shows the extent of koala habitat areas that were burnt in the catastrophic 2019/2020 fires. The only map to describe koala habitat linkages is a regional corridors map prepared in 2002 by Scotts.</p> <p>BCD recommend the KPOM be updated to include a map that describes the local linkages that are described in the KPOM text, if rezoned.</p>
<p><b>Local habitat linkages</b></p>	<p>A previous draft KPOM (May 2017) identified an east-west habitat link south of the planning area, as shown in Figure 3 below.</p>

Issue	BCD comment
	 <p><b>Figure 3. Earlier draft KPOM by Naturecall dated May 2017 with habitat links and corridor mapping</b></p> <p>As the planning proposal report states, the vegetation retained on the western side creates a habitat linkage to the retained habitat area recently approved by the Port Macquarie Hastings Council. The planning proposal report states that no road will bisect habitat. However, a constructed road network to Ascot Park south of the planning area would bisect this habitat linkage.</p> <p>The BCD has long maintained the importance of a north south corridor linkage along the western boundary of the Vilro land. BCD letter dated 21 September 2016 discussed the status of the cemetery land and the recommendation for a configuration that included a habitat link for native wildlife. This would connect habitat from the Lake Innes Nature Reserve to koala habitat in the north, such as within the E2 land in South Lindfield that will become a council reserve. Such linkages are not only important in enabling koalas to access feed trees but also to allow for fauna movements if for example there are bushfires.</p> <p>BCD note the recent sale of the cemetery land and this will become a private crematorium. There is no certainty for how native vegetation will be managed in the future in this adjoining land. A viable north south linkage is needed and should not be bisected by a fully formed road.</p>
<p><b>Threatened species and BDAR requirements</b></p>	<p>BCD previously recommended (September 2020) targeted surveys be undertaken on land that has not been identified as High Environmental Value (HEV) land for other reasons, but that could provide habitat for species-credit species such as <i>Petaurus norfolcensis</i> (squirrel glider) and <i>Litoria aurea</i> (green and golden bell frog). We also recommended a further and systematic targeted threatened plant survey for native guava (<i>Rhodomyrtus psioides</i>).</p> <p>The BDAR outlines the fauna and flora surveys and these appear to have been done in accordance with the Biodiversity Assessment Method (BAM) and relevant survey guidelines. However, we have not reviewed the BDAR in detail and note that we could provide such advice at development assessment stage if requested.</p> <p>BCD note the surveys for the squirrel glider involved the use of five cameras over four weeks, with a total effort of 140 trap nights, but it is not clear if there was regular spraying of the tree trunks and fresh baits provided which are</p>

Issue	BCD comment
	<p>needed to attract the animals and would demonstrate sufficient survey effort rather than the recommended Elliot traps. While we accept that the surveys that have been undertaken are adequate to determine the likely presence of HEV in the planning area, the BDAR should be updated at the development application stage to clarify how the surveys for squirrel glider were undertaken.</p> <p>Figure 15 in the BDAR maps a koala habitat polygon. The BCD has been advised that a BAM Koala Survey guide is being prepared. It is expected this will be available soon, and, if so, it should be referenced in the BDAR. Until this time, the BCD advises that connectivity between PCTs with confirmed koala presence must be considered in the overall extent of the species polygon, with justification for decisions provided in the BDAR. The koala species polygon in the BDAR should be updated at the development application stage.</p> <p>BCD do not consider the BDAR assessment of Serious and Irreversible Impacts (SAIIs) provides sufficient advice for the decision maker in accordance with Section 9.1 and 9.1.2 of the BAM 2020, particularly actions and measures taken to avoid indirect impacts on the species at risk of an SAI. The SAI assessment in the BDAR should be updated at the development application stage.</p>
<p><b>Extending E2 zonings</b></p>	<p>BCD support the proposed rezoning of land to E2 in the southern and western parts of the planning area. However, both areas are narrow and have a large perimeter to surface area ratio with greater threat exposure and which could become isolated.</p> <p>As stated previously, the BCD's preference would be that all land currently zoned RU1 Primary Production across the broader area is assessed to identify and confirm HEV land. Such areas would then be zoned E2, given RU1 is no longer an appropriate zone in this location. While we accept that this is not occurring for this planning proposal, the E2 zone area proposed in the south should be extended to the coastal wetland / Lake Innes Nature Reserve (LINR) boundary as shown in Figure 4 below.</p>  <p><b>Figure 4. Approximate boundary for land that should be rezoned to E2 (outlined in yellow) which includes both the Coastal Management SEPP</b></p>



Issue	BCD comment
	<p><b>coastal wetland (blue polygon) and a cleared area to the Lake Innes NR that is within the wetland proximity area (blue hatched area).</b></p> <p>Although this area is currently slashed it could be rehabilitated to form a vegetation buffer to the wetland and LINR and would be a suitable area to establish the koala feed trees that are proposed to offset the loss of primary koala habitat.</p> <p>Studies have shown that koalas need to vary their habitat and feeding requirements seasonally (Ellis et al 1995). The future development to be enabled by the planning proposal would effectively reduce the diversity of koala habitat (and concomitantly feed trees) available in the area, by reducing the available Wet Sclerophyll Forests (Grassy Sub-formation) leaving predominantly Coastal Swamp Forest. While individual Tallowwood, Forest Red Gum and Swamp Mahogany primary koala feed trees, together with other secondary feed trees, are present in the Coastal Swamp Forest community, habitat diversity and availability of koala browse trees across a broader area will be reduced by this future development.</p> <p>Furthermore, the future development to be enabled by the planning proposal is likely to remove areas of koala habitat situated in areas outside drainage lines, leaving only lower lying areas. Cold air drainage is a significant issue for koalas, particularly in winter when energy requirements are higher (see Ellis et al 1995) and indeed, was used as a predictor in the NSW Government Koala Habitat Suitability Model.</p> <p>Hence, maintaining and promoting habitat in areas outside low-lying Coastal Wetlands is an important element of protecting the variety of koala habitat present. Replanting the proposed E2 buffer with a variety of koala feed tree species would therefore assist with ensuring diversity of koala habitat for seasonal habitat partitioning.</p> <p>The Department has produced koala habitat revegetation guidelines available at <a href="https://www.environment.nsw.gov.au/research-and-publications/publications-search/koala-habitat-revegetation-guidelines">https://www.environment.nsw.gov.au/research-and-publications/publications-search/koala-habitat-revegetation-guidelines</a>. These provide evidence-based recommendations including tree planting (8-10 metres apart) and optimal sizes and locations for koala feed tree planting. Any revegetation to create koala habitat should reference these guidelines and other supporting information on the local government resources for koala conservation on the Department's website.</p> <p>This planning proposal offers an opportunity to appropriately zone the coastal wetland as it has high environmental conservation values, is mapped as coastal wetland in the Coastal Management SEPP, adjoins the LINR and is not appropriate to remain as RU1 zoned land. The planning area should be expanded to include the privately owned coastal wetland south of the existing planning area so that this is also zoned E2 (see Figure 3 above).</p> <p>The area proposed to be zoned E3 in the western part of the planning area would be better zoned E2 to better protect habitat including for the critically endangered native guava. This is however a matter for the council given there is an existing sewer easement located in this area that we understand may need to be maintained from time to time.</p> <p>The relocation of the existing electricity easement and location of any stormwater management infrastructure associated with the residential development should not be located within the land to be zoned E2.</p>

Issue	BCD comment
<p><b>Threatened ecological communities</b></p>	<p>The consultant has concluded in the BDAR that no threatened ecological communities (TECs) occur in the study area as the areas do not meet the geomorphological criteria and the soil profile tests have demonstrated no evidence of sorting or layering associated with alluvial processes. The consultant supports his position by drawing on a review of papers by Preston and Adam (2004a, 2004b) and states this is the current accepted and adopted industry and current NSW government approach, and the approach followed by the NSW Land and Environment Court.</p> <p>There are however more recent guidelines dated 2018 prepared by the NSW Threatened Species Scientific Committee (TSSC) to assist interpretation of the concepts and terms in the listing criteria given in the Biodiversity Conservation (BC) Regulation 2017, which discuss the current format of the NSW Threatened Species Scientific Determinations. The guidelines are available at <a href="https://www.environment.nsw.gov.au/resources/threatenedspecies/1AGuidelines20180302.pdf">https://www.environment.nsw.gov.au/resources/threatenedspecies/1AGuidelines20180302.pdf</a>.</p> <p>These guidelines state that the NSW TSSC “has developed a format for listing of threatened ecological communities that contains the following elements:</p> <p><i>Parts 1 &amp; 2: Section 1.6 of the Act defines an ecological community as “an assemblage of species occupying a particular area”. These features of an ecological community are described in Parts 1 and 2 of this Determination, respectively.</i></p> <p><i>Part 3: Part 3 of the Determination describes the eligibility for listing of the ecological community in Schedule 2 of the Act according to criteria as prescribed by the Biodiversity Conservation Regulation 2017.</i></p> <p><i>Part 4: Part 4 of the Determination provides additional information <u>intended to aid recognition of this community in the field. Rather than being diagnostic, information in Part 4 is a guide to assist recognition and given natural variability, along with disturbance history, the ecological community may sometimes occur outside the typical range of variation in the features described in Part 4</u>”. (added underlining)</i></p> <p>As the TSSC has expressed a clear intention to revise the coastal floodplain threatened ecological community (TEC) determinations to accord with the new format, the BCD continues to advise that all coastal floodplain vegetation (including regenerating areas) within the study area should be considered as a TEC despite any underlying geology.</p> <p>The definition of an ecological community is discussed under 4.1 of the guidelines, which state that.</p> <p><i>“The BC Act (section 1.6) defines an ecological community as ‘an assemblage of species occupying a particular area’. This definition closely follows modern scientific texts (e.g. Begon et al. 2006) and embodies three requirements (Preston &amp; Adam 2004a):</i></p> <ul style="list-style-type: none"> <li><i>i) the constituents of a community must be species;</i></li> <li><i>ii) the species need to be brought together into an assemblage; and</i></li> <li><i>iii) the assemblage of species must occupy a particular area.”</i> <p>The consultant has also advised that:</p> </li></ul>



Issue	BCD comment
	<p><i>“It is these fundamental ecological attributes and their interaction (eg. Abiotic and biotic interactions) which define the overwhelming majority of EECs via their particular area e.g. the edaphic situation where it has evolved, and hence developed to match the defining assemblage... The bioregion is not such a critical influence, as demonstrated by EECs which stretch over more than one bioregion. It is a high level location descriptor (i.e. the range of the EEC), with subsequent criteria provided to refine the definition of the ‘particular area’ that causes the ‘assemblage of species’ (e.g. LGA, elevations, landforms, and soil landscapes) to separate EECs from non-EECs e.g. Coastal sandplain swamp forest from alluvial floodplain swamp forest. This is fundamental ecology. “</i></p> <p>Under Section 4.2.2, the guidelines discuss the ‘particular area’ and state that:</p> <p><i>“In NSW, the Land and Environment Court and the Court of Appeal have held that it is sufficient to specify the bioregions in which a community occurs and the local government areas in which it has been recorded (Preston &amp; Adam 2004a). Consequently, for most ecological communities listed in NSW, the ‘particular area’ is defined by one or more bioregions”</i></p> <p>The guidelines also state:</p> <p><i>“The question of whether supplementary descriptors can be determinative regarding the occurrence of a listed community at a given location has been controversial. Some environmental consultants have argued that a listed community cannot be present at a site if the features of the site do not match the supplementary descriptors in the Final Determination, irrespective of whether the assemblage of species and particular area match those described in the Final Determination (e.g. NSWLEC 1022).</i></p> <p><i><u>This determinative interpretation is rarely consistent with the NSW TSSC’s intent in providing information about supplementary descriptors to assist identification of a community. Courts have generally taken a broad (non-determinative) interpretation of supplementary descriptors (e.g. NSWLEC 2971 - VAW Kurri Kurri vs Scientific Committee 2003, NSWLEC 7703). Preston &amp; Adam (2004b) stress that supplementary descriptors... “cannot be used as a substitute for a description of the assemblage of species and the particular area in which the community is located. Rather they should be seen as a valuable adjunct.” This reasoning stems from the statutory definition of an ecological community. Nonetheless determinative interpretations of supplementary descriptors continue to be presented (e.g. NSWLEC 1022), and it is important that wording of Determinations gives guidance as to whether a broad interpretation is intended.”</u></i> (added underlining)</p> <p>Accordingly, the consultant’s argument that the bioregion is not a critical influence in determining the criteria for a TEC, cannot be accepted nor can the definitions that the consultant has used to describe the particular area (e.g. edaphic criteria, LGA, elevations, landforms, and soil landscapes). As discussed above, these supplementary descriptors are important additional information but are not key to defining an ecological community according to the definition in the BC Act.</p>

Issue	BCD comment
<b>Impacts on the adjoining Lake Innes Nature Reserve</b>	<p>The planning proposal does not consider the Department's <i>Guidelines for development adjoining land managed by the Office of Environment and Heritage</i> as previously recommended. If the planning proposal proceeds and is placed on public exhibition, we will seek the advice of the NSW National Parks and Wildlife Service (NPWS) about the potential impacts arising from the proposed rezoning to provide a consolidated response.</p> <p>The guidelines (see <a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Development-guidelines/guidelines-for-developments-adjoining-land-managed-by-OEH-130122.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Development-guidelines/guidelines-for-developments-adjoining-land-managed-by-OEH-130122.pdf</a>) cover issues such as stormwater runoff, wastewater, management implications relating to pests, weeds and edge effects, fire and the location of asset protection zones, boundary encroachments and access through NPWS estate lands, visual, odour, noise, vibration, air quality and amenity impacts, threats to ecological connectivity and groundwater dependent ecosystems and cultural heritage.</p> <p>While the guidelines are for considering impacts at the development assessment stage, a planning proposal should consider how the rezoning to enable a residential subdivision could negatively impact on the LINR and how these impacts could be minimised and mitigated at the planning proposal stage. For example, issues such access into the LINR and stormwater management should be considered.</p>
<b>Planning Agreement</b>	<p>The planning proposal report refers to a Vegetation Management Plan (VMP) that will guide the management of the reserves including that no public access (e.g. footpath or road) will pass through them.</p> <p>The planning proposal should be supported by a planning agreement between the council and the landholder that commits the landholder to protecting and managing the E2 zoned land through the preparation and implementation of a VMP. This should include a sub-plan containing specific measures for the protection and management for threatened entities such as the native guava, including consideration of whether the area should be fenced to restrict access from the reserve areas into the residential area to reduce injury and mortality risks for koalas.</p>

Council's Natural Resources staff have reviewed the amended application and concluded that:

- The proposal is unable to be supported in its current form given the significant constraints in the planning area and within the balance of the un-subdivided rural residue component of Lot 499 DP1258597, particularly areas of High Environmental Value.
- Appropriate zoning should be applied to all High Environmental Value elements on Lot 499.
- Revisions could be made to the Proponent's concept that would likely allow it to be supported, based on the following principles:
  - a. All SEPP Coastal Wetland areas to be zoned E2 Environmental Conservation under the Port Macquarie-Hastings LEP 2011 and managed accordingly.
  - b. An ecological buffer from any proposed development area of 100m as outlined in the Port Macquarie-Hastings Development Control Plan 2013. *An ecological buffer does not contain roads, APZ or development associated infrastructure and would be managed as an Environmental Conservation*

*zone in perpetuity under an agreement between the developer and Council with an associated Vegetation Management Plan (VMP).*

- c. All Native Guava to be identified across the entirety of Lot 499 and a 50m ecological buffer applied with Environmental Conservation zoning across the ecological buffer to be managed as above.
- d. Specific management measures regarding the on-going success of Native Guava via a Vegetation Management Plan.
- e. The remainder of the Lot currently zoned RU1 of 499 DP 1258597 to be zoned as E2 Environmental Conservation.

*Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

### Bushfire and Flooding

A significant bushfire risk exists for the planning area due to its proximity to the Lake Innes Nature Reserve and retained habitat. A Bushfire Hazard Analysis by David Pensini Pty Ltd supports the Proponent's revised application. Due to the long running and revised nature of the application together with the sensitivity of the planning area, Council has sought preliminary feedback from the NSW Rural Fire Service. At the time of writing of the report, a response had not been received. However, all requirements of the RFS, particularly in relation to vegetation removal for asset protection purpose will need to be balanced against environmental values and requirements.

Future subdivision and housing development will be required to comply with the NSW Rural Fire Service Guide for councils, planners, fire authorities and developers (*Planning for Bushfire Protection 2019*), potentially limiting the extent of achievable development.

Council has discussed the bushfire risk with the Proponent, noting that any form of residential development will need to satisfy the requirements for containment of APZs within the residential footprint. A decision by Council in support of proceeding with a Planning Proposal will require further consultation with the NSW Rural Fire Service.

Flooding up to and including the PMF must be considered when undertaking strategic land use planning for environmental planning instruments and planning proposals.

The adjoining Lake Innes Nature Reserve and 'Proximity Area to Coastal Wetlands (affecting the site) is mapped as *Flood Planning* and *Probable Maximum Flood* land subject to Clause 7.3 and 7.4 of Port Macquarie-Hastings Local Environmental plan 2011.

*Q9. Has the planning proposal adequately addressed any social and economic effects?*

Staff have noted the developing nature of land to the north and north-west of the planning area and the Proponent's statement that development of the planning area will provide new opportunities for a diversity of housing types. Apart from noting the accessibility of reticulated services, no further discussion in relation to the social and

economic impact of the proposal is discussed in the revised application. These considerations should be included in new applications for the land in the future.

*Q10. Is there adequate public infrastructure for the planning proposal?*

Access to the site is available via Blackwood Street and the existing road network in Annabella Downs.

Council's Infrastructure Section advise that Blackwood Street is able to service only the number of lots shown in the "Subdivision Concept" plan and should not be the first stage of a through road to Ascot Park. The road width (Blackwood Street) is acceptable only for the likely volume of traffic generated by the conceptual layout. It is noted that extension of the road network south and eastward from the conceptual layout is also not supported on environmental grounds as discussed in earlier sections of the report.

Sewerage and Water Supply is available to the site. Registered plans of subdivision relating to Lot 499 DP1258597 show various easements for access and services, fire trail, water and sewer supply, and drainage bisecting the development site. Detailed investigation for infrastructure servicing arrangements has not been made at this stage due to the significant and unresolved environmental issues discussed on the report. An existing transmission line is proposed to be relocated clear of future development lots by the Proponent, and must be clear of future environmental protection zones. Consultation with relevant Authorities on the planning proposal application is required, if progressed.

Extension of, or upgrade to existing services and existing infrastructure to service future development if rezoned, will be at full cost to the developer.

Preparation of Planning Agreements and Vegetation Management Plans if required, will be at full cost to the developer, and include provisions for payment of costs to Council for acquisition and maintenance of assets and services.

Asset Protection Zones to protect future development are required to be wholly contained within a residential zone footprint, exclusive of lot boundaries and in accordance with the requirements of the NSW Rural Fire Service.

*D. Commonwealth and State Interests*

*Q11. What are the views of state and Commonwealth public authorities?*

At this stage, Council has sought preliminary feedback from the Grafton Office of the Department Planning Industry and Environment (DPIE), the NSW Rural Fire Service, the Biodiversity and Conservation Division (DPIE) in relation to the amended planning proposal application.

The views of the Grafton Office of DPIE and the BCD are discussed in the report.

Conclusion

The staff assessment, and agency advice, is that the proposal cannot be supported in its current form due to the expected impact on High Environmental Value land.

The assessment provides an evidence base for supporting around 1.3ha area of land for future residential development only.

Based on the long running nature of the current application and significant unresolved issues, the current rezoning matter is not supportable and should therefore be concluded.

It is open to the Proponent to consider a future submission to Council, requesting preparation of a Planning Proposal for South Blackwood, subject to satisfactory resolution of the outstanding environmental matters detailed in this report.

### **Options**

Council's options are:

1. Do nothing. The subject land and adjoining rural residue land would remain rurally zoned.
2. Resolve to prepare a Planning Proposal to rezone part Lot 499 DP DP1258597 to R1 General Residential, and E2 Environmental Conservation on the basis of the Proponent's amended application of January 2021. There is a significant risk that any planning proposal submitted on the basis of current information may be refused by the State Government if planning and environmental issues are not satisfactorily addressed.
3. Resolve to notify the Proponent that Council does not support their application at this time, and that it will instead notify the Proponent that Council may consider a new application involving a smaller development footprint on Lot 499 DP1258597 for rezoning to R1 General Residential, E2 Environmental Conservation in line with the discussion and recommendations in this report. The priority of any such request should be considered as part of Council's overall strategic planning program.
4. Resolve to progress a Council led Planning Proposal based on the advice and recommendations of the Biodiversity and Conservation Division of DPIE.

Option 1 does not provide any scope for development of the land.

Option 2 is not recommended for the reasons outlined in the report, and on the basis that Council has insufficient information and justification on which to base a decision to proceed with preparation of a planning proposal to rezone the land as proposed by the Proponent. There is also a major risk that the Department of Planning Industry and Environment will not grant a Gateway Determination and authorisation to proceed.

Option 3 has been discussed with the Proponent and landholder, and is recommended. The option would allow for development outcomes which are more in keeping with Council's 2019 resolution for optimal development and environmental outcomes, and the known environmental sensitivity of the location.

Option 4 may result in additional costs to Council for post Gateway Determination requirements, if granted.

The Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) requires councils to notify a Proponent when the council decides not to prepare a

planning proposal. The Proponent then has 42 days from notification to request a review of the council's decision. The review process is administered by the DPIE.

A planning proposal request which has been amended after Council has resolved to not support the matter is not eligible for a Rezoning Review. The revised planning proposal request would need to be submitted to Council as a new planning proposal request.

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

If progressed, community engagement in relation to a Planning Proposal prepared in relation to Lot 499, will need to be carried out consistent with a Gateway Determination issued by the NSW Government and Council's Community Participation Plan (2019).

There has been internal consultation involving Development and Environment staff, Infrastructure Staff and Strategy and Growth staff. Preliminary discussions have been undertaken with BCD, NSW Rural Fire Service and the Grafton Office of the DPIE.

### **Planning and Policy Implications**

The planning process for making an amending local environmental plan (LEP) to alter or make changes to land use zones or development controls involves preparation of a Planning Proposal document that explains the intended effect of a proposed amending LEP.

A LEP is a legal instrument, and a statutory document. The plan must give effect to the objectives of the EP&A Act, the North Coast Regional Plan 2036, and the council and community derived Community Strategic Plan (CSP).

The Department of Planning Guidelines for planning proposals and local environmental plans emphasise the importance of strategic planning in determining whether the land is appropriate for the identified future use, providing certainty for future landowners and investors, and ensuring that future users are not exposed to unexpected or unreasonable development costs.

Under the Guidelines, Council has a responsibility to provide a level of certainty to the Government Gateway. This means ensuring that the land is suitable and acceptable for the proposed use and that the identified land can be reasonably and practically developed for its intended purpose. It is not appropriate to accede assessment of relevant environmental, social, economic and other site specific merit considerations, or obligations to later development applications under Part 4 of the EP&A Act.

Formal notification of any application for the preparation of a Planning Proposal that is not supported by the Council is regulated under the Environmental Planning and Assessment Regulation 2000. Council is required to notify a proponent in writing as soon as practicable after a decision not to proceed.

The proponent then has 42 days, if desired, to request that the relevant Planning Panel or the Commission review the proposal. A guide to preparing local environmental plans sets out lodgement requirements, including fees and information a proponent must provide to the Department in order for a review to be undertaken.



Only the same application that was initially presented to Council will be reviewed by the Planning Panel or Commission. The Planning Panel or Commission will undertake a strategic and site specific merit assessment of the rezoning review proposal.

### **Financial and Economic Implications**

A Stage 1 rezoning fee of \$6,700 has been paid consistent with Council's Fees and Charges Schedule. The fee is significantly less than the current rate, and resources expended in pre-lodgement discussions, further review and reassessment of the amended application, staff-proponent negotiations, and reporting requirements since 2011 has expended the fee paid by the landowner.



There are no changes proposed to Council's Section 7.11 or Section 7.12 Development Contributions Plans, or Development Servicing Plans for Water and Sewer, in connection with the planning proposal. Development contributions will apply to the future development of the land.

The up-front cost of extension of services to the land including a suitable extension of Blackwood Street to serve future development will be at the expense of the developer. Preparation and establishment of any voluntary planning agreement and vegetation management plan will be at full cost to the developer, if progressed.

Costs associated with establishment and management of any E2 zoned land will be at the expense of the developer/landowner.

Long-term maintenance and replacement of developer provided assets dedicated to Council as a consequence of the rezoning and development of the land for residential purposes (for example roads, water mains, sewerage, stormwater, footpaths and street lighting, fire trails if acquired) will be an ongoing expense to Council.

### **Attachments**

1.  Amended Planning Proposal Application - Love Project Management - January 2021
2.  BCD Response - Revised Planning Proposal - Charley Vilro Land South Lindfield - Signed DY 20210224

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Item: 13.07

Subject: ACQUISITION OF EASEMENT FOR WATER SUPPLY - OXLEY  
HIGHWAY, SANCROX

Presented by: Development and Environment, Melissa Watkins

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### 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. Pay compensation in the amount of \$5,000 (GST Exclusive) to the owner of Lot 2 Deposited Plan 1085627, Ditchfield Holdings Pty Limited, for the acquisition of an easement for water supply shown as (A) in plan of acquisition Deposited Plan 1268955.
2. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, pay the landowner's legal costs reasonably incurred arising from the acquisition.

#### Executive Summary

This report recommends the payment of compensation for the acquisition of an easement for water supply arising from the augmentation of Council's water supply between Sancrox and Wauchope.

#### Discussion

Council at its Ordinary Meetings of 17 February 2021 (Item 13.07), 9 December 2020 (Item 13.05) and 18 November 2020 (Item 13.05) considered reports on the acquisition of an easement for water supply required as part of the augmentation of Council's potable water supply between Sancrox and Wauchope. The acquisition of the easement depicted in **Attachments 1 and 2**, is the final easement to be acquired in the successful rollout of this project.

Agreement on compensation has now been reached with the owner of Lot 2 Deposited Plan 1085627, Ditchfield Holdings Pty Limited, for the acquisition of the easement shown as (A) in plan of acquisition Deposited Plan 1268955.

With the prior written consent of the owner of Lot 2 Deposited Plan 1085627, the water pipe has previously been laid in the land.

#### Options

Nil

**Community Engagement and Internal Consultation**

There has been ongoing engagement with the landowner and his legal representative and ongoing consultation between Council's Infrastructure Division and Development and Environment Division.

**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 landowner to the payment of compensation as assessed by a valuer having regard to the statutory provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*. 'Just' compensation has been assessed by Council's Consulting Valuer at \$5,000 (GST Exclusive). A written offer in this amount has been made to the landowner. As written acceptance to the offer has been received, the matter of the payment of compensation is now reported to Council for approval.

In addition to the value of the easement, pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, Council is required to meet the legal (land conveyancing) costs incurred by the landowner arising from the acquisition. These costs are estimated at \$1,500 (GST Exclusive). There is funding in the current Operational Plan to meet the compensation and acquisition costs.

It is therefore recommended that Council pay the agreed compensation and landowner legal costs.

**Attachments**

1.  Survey Plan Highlighting Easement to be Acquired
2.  Aerial Image Depicting General Location of Easement to be Acquired

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Item: 13.08

Subject: FERNBANK CREEK AND SANCROX PLANNING INVESTIGATION

Presented by: Development and Environment, Melissa Watkins

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

##### That Council:

1. Note the preparation of the draft Fernbank Creek and Sancrox Villages Structure Plan and endorse this document for public exhibition for a period of not less than 28 days, subject to Item 2 below.
2. Note that public exhibition of the draft Fernbank Creek and Sancrox Villages Structure Plan will not commence until such time as a Gateway Determination in relation to the Le Clos Sancrox Planning Proposal, facilitating public exhibition of this Planning Proposal, is issued by the New South Wales Minister for Planning and Public Spaces.
3. Endorse the Planning Proposal in Attachment 3 of this report (the Le Clos Sancrox Planning Proposal) pursuant to section 3.33 of the *Environmental Planning and Assessment Act 1979* to amend the Port Macquarie-Hastings Local Environmental Plan 2011 in relation to Lots 1-52 DP0776681 and part of Lot 1 DP1009991 in accordance with the Planning Proposal.
4. Forward the Planning Proposal to the New South Wales Minister for Planning and Public Spaces for a Gateway Determination under section 3.34 of the *Environmental Planning and Assessment Act 1979*, and request that the Gateway Determination authorise Council to be the local plan-making authority.
5. Delegate authority to the Chief Executive Officer to make any required minor or administrative amendments to the above documentation prior to public exhibition, should the documents proceed through to public exhibition.
6. Request that the Chief Executive Officer prepare draft infrastructure contributions and finance documentation in relation to the Le Clos Sancrox Planning Proposal. This documentation is to be provided to Council for consideration of concurrent public exhibition with the Le Clos Sancrox Planning Proposal and the draft Fernbank Creek and Sancrox Villages Structure Plan.
7. Receive a further report following the public exhibition of the above documentation, should a Gateway Determination be received, providing information on any submissions received.
8. Receive a further report detailing the reasons why a Gateway Determination was not received if such a determination is not received to allow Council to consider alternative options in relation to the draft

## Fernbank Creek and Sancrox Planning Investigation and Le Clos Sancrox Planning Proposal.

### Executive Summary

At its Ordinary Meeting of 20 February 2019, it was Council resolved to: ....  
*Immediately commence Stage 1 planning to prepare an Outline Plan for Sancrox-Fernbank Creek as detailed in the UGMS and Invite the Le Clos Sancrox landowners to submit a planning proposal in parallel with Stage 1 planning in order to assist in informing the planning process....* Subsequently, the subject Stage 1 planning has commenced and the subject Le Clos Sancrox Planning Proposal has been submitted to Council.

More recently, at its Ordinary Meeting of 18 March 2020, it was resolved that Council:

- *...In consideration of submissions received in relation to the public exhibition of the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper, associated Fact Sheet and the information contained within this report, prepare a Fernbank Creek and Sancrox Planning Investigation Area Structure Plan,*
- *Note the lodgement of a Planning Proposal for 'Le Clos Sancrox' and continue to review this information in accordance with Council's resolution of 20 February 2019, to assist in informing the planning process for the wider Sancrox and Fernbank Creek area, noting that these investigations are in the early stages and;*
- *Advise the Proponent that the Le Clos Sancrox Planning Proposal will not be progressed to the NSW Department of Planning, Infrastructure and Environment requesting a Gateway Determination until such time as the Draft Sancrox and Fernbank Creek Planning Investigation Area Structure Plan has been approved by Council for exhibition...*

In relation to the first dot point above, the subject 'Fernbank Creek and Sancrox Planning Investigation Area Structure Plan' (currently presented as the draft Fernbank Creek and Sancrox Villages Structure Plan or draft Structure Plan) has been prepared and this report recommends that it be placed on public exhibition. This public exhibition is intended to seek further feedback from the community and other stakeholders in the finalisation of the draft Structure Plan.

In relation to the second and third dot points above, the subject Planning Proposal for 'Le Clos Sancrox' (referred to as the Le Clos Sancrox Planning Proposal) has now been assessed and this report recommends that the Planning Proposal be referred to the Minister for Planning and Public Spaces requesting a Gateway Determination.

It should be noted that Council has previously resolved to exhibit both the Le Clos Sancrox Planning Proposal and draft Fernbank Creek/Sancrox Structure Plan together. In order to achieve this, as outlined within the report to Council's Ordinary Meeting of 15 July 2020, the exhibition of the draft Structure Plan must be delayed until such time as a Gateway Determination by the NSW Minister for Planning and Public Spaces is made in relation to the Le Clos Sancrox Planning Proposal in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.

Consultation between Council Staff and the Department of Planning, Industry and Environment in relation to the Le Clos proposal has indicated that such determination may be achievable within four weeks of the referral of the Planning Proposal to the Minister.

In addition to the above, an infrastructure contributions and finance framework (which may incorporate a voluntary planning agreement) will be required in order to ensure the equitable and orderly development of the Le Clos Sancrox site. The infrastructure contributions and finance framework provisions are currently being investigated by staff in consultation with the Principal Applicant (the LCS Estates Pty Ltd) and the subsequent draft documentation is likely to be finalised prior to any public exhibition of the draft Structure Plan and Le Clos Planning Proposal. As such, this report also recommends that the draft infrastructure contributions and finance documentation be reported to Council for consideration of concurrent public exhibition with the Le Clos Sancrox Planning Proposal and the draft Fernbank Creek and Sancrox Villages Structure Plan, upon completion of this draft documentation.

### Discussion

At its Ordinary Meeting of 20 February 2019, Council resolved as follows:

*That Council:*

- 1. Note the information in the February 2019 Strategic Land Use Planning - Fernbank Creek and Sancrox Report.*
- 2. Note that a Greater Sancrox Area Structure Plan was tabled at the Council Meeting in February 2015 and deferred pending adoption of the UGMS.*
- 3. Note that according to landowner representatives, the Le Clos Sancrox owners have all now committed to acting as a single entity to achieve a co-ordinated planning outcome.*
- 4. Immediately commence Stage 1 planning to prepare an Outline Plan for Sancrox-Fernbank Creek as detailed in the UGMS.*
- 5. Invite the Le Clos Sancrox landowners to submit a planning proposal in parallel with Stage 1 planning in order to assist in informing the planning process.*
- 6. Allow the General Manager to adequately resource this program.*
- 7. Include regular updates on this matter in the biannual Site Specific LEP Amendments Update Report in March and September of each year.*

In relation to item 4 above, the subject Stage 1 planning has commenced. In relation to item 5, the Le Clos Sancrox Planning Proposal has been submitted to Council.

More recently, at its Ordinary Meeting of 18 March 2020, Council resolved as follows:

*That Council:*

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

*to assist in informing the planning process for the wider Sancrox and Fernbank Creek area, noting that these investigations are in the early stages.*

*4. Advise the Proponent that the Le Clos Sancrox Planning Proposal will not be progressed to the NSW Department of Planning, Infrastructure and Environment requesting a Gateway Determination until such time as the Draft Sancrox and Fernbank Creek Planning Investigation Area Structure Plan has been approved by Council for exhibition.*

*5. Exhibit both the Le Clos Sancrox Planning Proposal and Draft Fernbank Creek/Sancrox draft structure plan together, once the necessary preliminary planning work for the structure plan is completed.*

In relation to item 2 above, the subject 'Fernbank Creek and Sancrox Planning Investigation Area Structure Plan' (currently presented as the draft Fernbank Creek and Sancrox Villages Structure Plan or draft Structure Plan) has been prepared and is included as **Attachment 1** to this report.

The development of this draft Structure Plan has been based on:

- Submissions received from the community and other stakeholders (including State Government Departments) in relation to the public exhibition of the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper and associated Fact Sheet between 22 January 2020 and 19 February 2020.
- Planning investigations undertaken during the development of draft Fernbank Creek and Sancrox Villages Structure Plan, which have included consideration of aspects such as biodiversity, heritage, environmental hazards, natural resources, social, economic and liveability considerations and infrastructure.
- Ongoing consultation with the community and other stakeholders (including State Government Departments) during above planning investigations.

In relation to items 3 and 4 above, the Le Clos Sancrox Planning Proposal has now been assessed. It is recommended that the Planning Proposal now be referred to the Minister for Planning and Public Spaces requesting a Gateway Determination.

The Le Clos Sancrox Planning Proposal has been modified throughout the assessment process in response to identified constraints and opportunities. This has likely resulted in some inconsistencies between the LCS Estates Pty Ltd Planning Proposal Report main document and the associated attachments. Any such inconsistencies are intended to be amended at the same time that comments from the Minister for Planning and Public Spaces are addressed following referral of the documents for Gateway Determination.

It should also be noted that, in addition to the LCS Estates Pty Ltd proposal included within Appendix D of **Attachment 2** of this report, Council Staff have also included Lot 49 DP0776681, Lot 2 DP0776681 and part of Lot 1 DP1009991 as part of the Planning Proposal included within **Attachment 2**. This inclusion is due to the location of this land within and directly adjacent to the LCS Estates Pty Ltd proposal. Whilst it is understood that the respective landholders do not form part of the LCS Estates Pty Ltd consortium, inclusion of this land will provide the opportunity to achieve coordinated planning outcomes on behalf of the wider community. Each respective landholder of the abovementioned properties has been consulted in relation to the proposal, and will continue to be consulted throughout the Planning Proposal and planning investigation process as relevant.

In relation to item 5 above, Council has resolved to exhibit both the Le Clos Sancrox Planning Proposal and draft Fernbank Creek/Sancrox structure plan together. In order to achieve this, as outlined within the report to Council's Ordinary Meeting of 15 July 2020, the exhibition of the draft Structure Plan must be delayed until such time as a Gateway Determination by the New South Wales Minister for Planning and Public Spaces is made in relation to the Le Clos Sancrox Planning Proposal in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*. Consultation between Council Staff and the Department of Planning, Industry and Environment in relation to the Le Clos proposal has indicated that such determination may be achievable within four weeks of the referral of the Planning Proposal to the Minister.

In addition to the above, an infrastructure contributions and finance framework (which may incorporate a voluntary planning agreement) will be required in order to ensure the equitable and orderly development of the Le Clos Sancrox site. The infrastructure contributions and finance framework provisions are currently being investigated by Council Staff in consultation with the Principal Applicant and the subsequent draft documentation is likely to be finalised prior to any public exhibition of the draft Structure Plan and Le Clos Planning Proposal. As such, this report recommends that the draft infrastructure contributions and finance documentation be reported to Council for consideration of concurrent public exhibition with the Le Clos Sancrox Planning Proposal and the draft Fernbank Creek and Sancrox Villages Structure Plan, upon completion of this draft documentation.

### Options

Options available to Council in relation to the progression of the subject draft Structure Plan and Planning Proposal are outlined below:

- Option 1 - Continue to progress the Fernbank Creek and Sancrox Planning Investigation and the Le Clos Sancrox Planning Proposal in accordance with the Recommendations of this report
- Option 2 - Not progress the subject draft Structure Plan and Planning Proposal
- Option 3 - Resolve in some other fashion.

In relation to the Option 2 and not proceeding with the draft Structure Plan, this option would involve discontinuing the preparation of the draft Structure Plan. In order to formalise this process, Council could resolve to amend the UGMS to remove Action 6 (Preparation of an Outline Plan (Stage 1 investigations) for the Fernbank Creek and Sancrox potential future growth areas). In accordance with the provisions of the North Coast Regional Plan (NCRP), this action would likely remove strategic context to facilitate the progression of the Fernbank Creek site, due to this site being located within the 'Coastal Zone' as defined within the NCRP.

Notwithstanding the above, the Sancrox components of this proposal (including Le Clos Sancrox) may be able to proceed, likely 'in part' only due to site specific planning constraints, in accordance with the Variation Criteria contained within Appendix 1 of the NCRP. This could occur through the progression of appropriately justified individual Planning Proposals, as this area is outside of the constrained 'Coastal Zone' as defined within the NCRP. This approach would initially reduce burden on Council resources by removing the requirement to progress the draft



Structure Plan and associated documentation. However, additional long term burden may be borne by Council in assessing multiple site specific Planning Proposals on a case by case basis without the strategic framework of a Structure Plan.

It is likely that consequently, the cumulative cost and benefit of this development to the community will not be appropriately considered without an overall strategic assessment. This may result in the cumulative demand for infrastructure not being adequately considered and therefore investigated into the future. It is also likely to result in fragmented and poor quality social and environmental outcomes as conservation and community development decisions will be made on a case by case basis rather than in consideration of wider community requirements.

In relation to the Le Clos Planning Proposal, this option would involve not seeking Gateway Determination from the Minister for Planning and Public Spaces, but rather informing the Principal Applicant that the Planning Proposal is not supported by Council. In this scenario, an option would be available to the Principal Applicant to have decision reviewed by Department of Planning, Industry and Environment as part of a rezoning review process.

This report recommends Option 1.

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

#### Internal Consultation

Internal Council consultation in relation to the preparation of the draft Structure Plan was undertaken as part of an internal working group on 17 September 2019. Feedback from this working group has been used to inform the development of a subsequent Discussion Paper and Fact Sheet.

#### External Consultation

The Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper and associated Fact Sheet were formally placed on public exhibition for a period of 28 days from 22 January 2020 until 19 February 2020. During this period, feedback from the community was sought through:

- Addressed letters and fact sheets posted to landholders within and adjoining the Planning Investigation Area,
- A landholder workshop / presentation at Council's Port Macquarie Customer Service Centre on 6 February 2020,
- Provision of information on Council's website,
- Advertisement in local print media on 22 and 29 January and 5 and 12 February 2020; and
- A 'pop up' session held at Sovereign Place Town Centre, Thrumster on 12 February 2020.

45 submissions were received as a result of this public exhibition, including submissions from six government agencies, being Transport for New South Wales, the Department of Planning, Industry and Environment (Planning Division), Essential Energy, the Department of Primary Industries (Agriculture), the Department of Primary Industries (Fisheries) and the Department of Planning, Industry and

Environment (Biodiversity Conservation Division). The main topics raised within these submissions included:

- Notwithstanding some objections to future development within the subject area, overall support for the Structure Planning process.
- Concern regarding the proposed expansion of the Sancrox Quarry.
- Where development occurs, a preference for large (rural residential) lots.
- Where development occurs, a preference for high density living.
- The need to address traffic congestion on the Oxley Highway.
- The need to consider ecological constraints and opportunities.
- The need to address road safety issues on Fernbank Creek Road.
- The value of creating a residential corridor on the eastern side of the Pacific Highway between Thrumster and Fernbank Creek and keeping industrial land on the western side of the Pacific Highway in this location.
- Potential noise impacts from roads on existing and future development.
- The need to improve public transport links within the area.
- A preference to maintain the existing character and amenity of the Fernbank Creek and Sancrox area.
- The need to retain existing vegetation (particularly mature trees and vegetated corridors).
- Avoidance of areas of high environmental risk such as flood prone and bushfire prone land.
- The importance of considering and minimising land use conflict.
- The need to ensure high quality community facilities and services.
- The importance of high quality transport, pedestrian and cyclist links.
- The importance of high quality urban amenity outcomes.
- The importance of ensuring high quality services are available to service the existing and future population of the area such as electricity, sewerage and NBN (broadband internet).
- The importance of considering water security and climate change in land use planning.
- The need to consider sequence and staging of land release.
- The need to consider the subject planning investigation with regard to other relevant state and local planning policies, statements, directions, strategies and plans.
- Protecting the remaining koala population in Port Macquarie after recent bushfires, and the relationship between the bushfire requirements for future development and ecology as a whole will be a critical consideration for this project.
- In addition to investigating the potential impacts of the Sancrox Quarry, the projected lifespan should be established to assist with the sequence of land release, including development within Areas A1, B1 and B3.
- If the proposed suitability of the long term light industrial investigation area to the east of Area B1 can be demonstrated, the strategic structure planning for it and the surrounding lands should be undertaken in a holistic manner to avoid introducing any additional incompatible land uses or constraints.
- Support for undertaking assessment of mapped important farmland using the North Coast Regional Plan Appendix B: Important Farmland Interim Variation Criteria in consultation with the Department of Primary Industries and the DPIE (Planning and Assessment) to determine recommendations for the farmland

consistent with the North Coast Regional Plan along with the undertaking of an Agricultural Impact Statement.

- A request that the Structure Plan include an updated traffic study to identify likely traffic impacts on the classified (State) roads; the impact on any and all affected intersections and the surrounding road network.
- That Council should refer to Goal 1 of the North Coast Regional Plan to further elaborate the vision for the Port Macquarie - Hastings Local Government Area.
- That development in the investigation area be focused to areas of least biodiversity and should implement the 'avoid, minimise offset' hierarchy.
- That Council should take a precautionary approach when determining biodiversity value.
- The Structure Plan should be informed by an assessment of Aboriginal Cultural Values.
- Council should adopt a more holistic approach to assessing the suitability of the Sancrox locality to higher density urban land use.
- Rather than relying solely on future development of greenfield sites, that Council should re-examine and strengthen other opportunities to cater for anticipated population growth through mechanisms such as urban consolidation.
- The occurrence of key threatening processes as a result of the planning proposal should be considered as part of the planning investigation.
- The Department of Primary Industries (Fisheries) policy and guidelines for fish habitat conservation and management should be considered as part of the planning investigation.

The above issues raised within the submissions received have been considered during the preparation of the draft Structure Plan.

Ongoing stakeholder consultation in relation to the progression of the draft Structure Plan has also been undertaken with various project stakeholders including landholders, community members and Government Agencies. This consultation has included a community information session on 24 September 2020 and a Government Agency reference group meeting on 30 November 2020.

The draft Fernbank Creek and Sancrox Villages Structure Plan is recommended to be placed on public exhibition for a period of 28 days to seek further feedback from the community and other stakeholders in the finalisation of the draft Structure Plan.

In relation to consultation associated with the Le Clos Planning Proposal, consultation will be undertaken in accordance with relevant statutory requirements as part of the planning process, which occurs post-Gateway Determination. However, it can be noted that it is likely that the proposal may not be considered to be low impact as it is not consistent with the current pattern of surrounding land use zones and land uses. On this basis, the requirement for a 28-day public exhibition period may be determined by the Minister for Planning and Public Spaces in relation to this proposal.

Proactive consultation with State Government Agencies undertaken by the Principal Applicant to date in relation to this proposal has included consultation with representatives of the Department of Planning, Industry and Environment's Planning Division, as well as the Biodiversity and Conservation Division and the Department of Education. Feedback received by the Principal Applicant as a result of this consultation has been considered during the development of the proposal.

A pre-lodgement meeting has also been held between Council Staff and the Principal Applicant to discuss the Planning Proposal. Feedback provided to the Principal Applicant as a result of this pre-lodgement meeting has also informed the development of the planning proposal.

Proactive community consultation undertaken to date by the Principal Applicant has occurred as part of the development of a Social Impact Assessment, which accompanies the planning proposal documentation. Feedback received as a result of this consultation has been reported to be generally positive, with amenity impacts such as noise from the nearby animal boarding establishment and quarry having been considered in the design of the concept subdivision plan.

#### Councillor Briefings

A briefing in relation to the Fernbank Creek and Sancrox Planning Investigation was provided to Councillors in December 2019. During this briefing, an overview of the progress of the investigation was provided. This overview included a summary of actions undertaken as a result of Council's Resolutions in relation to this matter at its Ordinary Meeting on 20 February 2019, future actions proposed to progress the project and the associated scheduled timeframes.

#### **Planning and Policy Implications**

Preparation of the subject 'Stage 1 investigations' for the Fernbank Creek and Sancrox potential future growth areas was included as Action 4.5.1.15 within Council's 2019 - 2020 Operational Plan and Action 6 of Council's Urban Growth Management Strategy.

Relevant Council policies have also been considered during the development of the draft Structure Plan and preparation and assessment of the Le Clos Planning Proposal, including Council's Planning Proposal Policy.

#### **Financial and Economic Implications**



Council has allocated \$150,000 to the development of the subject 'Stage 1 investigations' for the Fernbank Creek and Sancrox potential future growth areas. To date, these funds have been used to resource specialist studies and administrative costs associated with the development of the draft Structure Plan. The project is operating below budget. However, the Structure Plan is currently in draft form and further specialist and administrative resources may be required to complete this project. Ongoing overhead resources (such as Council Staff time) would also be required to continue with the progression of Structure Plan investigations.

Notwithstanding the above, the provision of resources to the progression of this documentation will facilitate the strategic high level identification of the economic, social, environmental and infrastructure opportunities and constraints of the site. This would provide a framework for more detailed conservation and development investigations such as planning proposal, development control plan and development

contributions investigations to achieve strategic and balanced long-term land use outcomes within the Planning Investigation Area.

In relation to the Le Clos Planning Proposal, the 'Stage 1' lodgement and review fee has been paid by the Principal Applicant. A 'Stage 2' fee will be applicable to the exhibition and finalisation phase of the Planning Proposal, should Council resolve to proceed with this proposal.

**Attachments**

1.  Draft Fernbank Creek and Sancrox Villages Structure Plan
2.  Draft Le Clos Planning Proposal

**Subject: CONFIDENTIAL SESSION**

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**RECOMMENDATION**

- 1. That Council move into Confidential Session to receive and consider the following items:**
  - Item 15.01 T-20-38 Provision of Lifeguard Services**

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
  - Item 15.02 T-20-04 Provision of General Concreting Services**

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