



PORT MACQUARIE-HASTINGS  
COUNCIL



# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 16 June 2021

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

**time:** 5:30pm

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

**Community Vision**

A sustainable high quality of life for all

**Community Mission**

Building the future together  
People Place Health Education Technology

**Council's Corporate Values**

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

**Community Themes**

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

# Ordinary Council Meeting

Wednesday 16 June 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: REMOTE ATTENDANCE AT MEETING**

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**RECOMMENDATION**

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

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

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

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**Item: 04****Subject: APOLOGIES**

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 19 May 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 and Legal Officer (Kirsty Callander)  
Governance Support Officer (Bronwyn Lyon)

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The meeting opened at 5:30pm.

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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 viewing on line.

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## **02 REMOTE ATTENDANCE AT MEETING**

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Nil.

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## **03 LOCAL GOVERNMENT PRAYER**

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Pastor Caroline Dennis from the LifeWay Church delivered the Local Government Prayer.

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#### **04 APOLOGIES**

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Nil.

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#### **05 CONFIRMATION OF MINUTES**

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*MOVED: Hawkins/Griffiths*

1. That the Minutes of the Ordinary Council Meeting held on 21 April 2021 be confirmed.
2. That the Minutes of the Extraordinary Council Meeting held on 3 May 2021 be confirmed.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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#### **06 DISCLOSURES OF INTEREST**

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Councillor Turner declared a Non-Pecuniary, Less Than Significant Interest in Item 12.09 - Port Macquarie Town Centre Master Plan Sub-Committee Strategic Planning Workshop Outcomes, the reason being that Councillor Turner is a director of Hort Property Pty Ltd which owns a property in the Port Macquarie CBD within the boundaries of the Port Macquarie Town Centre Masterplan area.

Councillor Griffiths declared a Pecuniary Interest in Item 14.02 - Request for Tender T-18-18 Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators, the reason being that Councillor Griffiths owns a business which supplies product to tenderers.

Councillor Hawkins declared a Non-Pecuniary, Less Than Significant Interest in Item 12.07 - DA2020 - 457.1 Multi Dwelling Housing and Strata Subdivision at Lot 14 DP1219811, No 91 The Ruins Way, Port Macquarie, the reason being that Councillor Hawkins knows the applicant, Rob Beukers of BR Consulting (the applicant) as Mr Beukers has done work for Councillor Hawkins and his wife.

Mayor Pinson declared a Pecuniary Interest in Item 14.01 - Sale of Surplus Land - 178 Nancy Bird Walton Drive Kew, the reason being that Mayor Pinson has an interest in purchasing land in the Local Government Area for industrial purposes.

Mayor Pinson declared a Pecuniary Interest in Item 14.02 - Request for Tender T-18-18 Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators, the reason being that Mayor Pinson has an interest in a company that may be asked to provide plant or services to any of the tenderers.

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## **07.01 FERRY FEES AND CHARGES**

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*RESOLVED: Pinson*

That Council:

1. Note the resolution of Council dated 21 April 2021 regarding the waiving of fees associated with the use of the ferry service until the Hibbard Ferry is reintroduced back into service.
2. Reinstate the fees and charges associated with the use of Council's ferry services for motorists without a resident concession sticker or annual pass.
3. Continue to waive fees for motorists holding a resident concession sticker or annual pass until 30 June 2021.

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

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## **07.02 PACIFIC HIGHWAY AND HOUSTON MITCHELL DRIVE INTERSECTION**

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*RESOLVED: Pinson*

That Council:

1. Note the attached correspondence from the Bonny Hills Progress Association Inc.
2. Note it is National Road Safety Week between 16 - 23 May 2021.
3. Note recent Federal funding announcement of \$48 million for the Harrington Overpass, Harrington.
4. Request the Chief Executive Officer write to Member for Port Macquarie The Hon Leslie Williams MP, Minister for Transport The Hon Andrew Constance MP and Minister for Regional Transport and Roads The Hon Paul Toole MP, requesting the urgent commencement of designs for a shovel ready overpass at the intersection of Houston Mitchell Drive and Pacific Highway via Transport for NSW.

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

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## **08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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*RESOLVED: Intemann/Alley*

That Council determine that the attachments to Item Numbers 09.05, 09.09, 10.01 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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## **SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Griffiths/Intemann*

That Standing Orders be suspended to allow Items 09.06, 09.12, 10.01, 10.03, 10.04, 10.05, 10.07, 11.01, 12.01, 12.02, 12.03, 12.04, 12.06, 12.07, 12.08, 12.09, 12.10 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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### **09.06 2017-2022 DELIVERY PROGRAM AND 2020-2021 OPERATIONAL PLAN - PROGRESS REPORT AS AT 31 MARCH 2021**

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*RESOLVED: Pinson/Griffiths*

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

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### **09.12 PROGRESS OF THE SUSTAINABILITY FRAMEWORK, CLIMATE CHANGE POLICY, CLIMATE CHANGE STRATEGY AND ACTION PLAN**

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*RESOLVED: Turner/Intemann*

That Council:

1. Note the progress on the development of the Sustainability Framework, (including the development of a draft Sustainability Policy).
2. Note the progress on the development of a draft Climate Change Policy.
3. Note that following consultation with the Sustainability Sub-Committee a further report is planned to be tabled at the July 2021 meeting of Council, presenting the draft Sustainability Policy and draft Climate Change Policy.
4. Note the progress on the development of the Climate Change Strategy and Action Plan.

*CARRIED: 4/2*

*FOR: Alley, Hawkins, Intemann and Turner*

*AGAINST: Griffiths and Pinson*

## 10.01 2020-2021 ROUND 2 COMMUNITY GRANT PROGRAM FOR ENDORSEMENT

### *RESOLVED: Pinson/Griffiths*

That Council pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2020-2021 Round 2 for the total amount of \$197,364.50 according to the following:

Organisation Name	Project	Funding
<u>Community Builders</u>		
St Agnes Care & Lifestyle	Aboriginal Students Incentive	\$5,000
Mrs York's Garden	Stairs to Macquarie Shelter	\$5,000
PM Neighbourhood Centre	Food Service Storage Shed	\$4,000
Douglas vale Conservation Group	Commercial Glasswasher	\$5,000
Hastings Orienteering Group	Signage	\$1,850
Wauchope District Memorial		
Hospital Volunteers Storage	Shelter for Volunteers Trailer	\$5,000
Bonny Hills Tennis Club	Court Surface Repair	\$5,000
Kendall Men's Shed	Upgrade electrical wiring to shed	\$2,948
Riding for the Disabled	Water tank installation	\$5,000
Hastings Valley Mountain Bike Riders		
Jolly Nose Map & Trail Signage		\$4,996
Creek to Creek Volunteers Group	Purchase of pressure cleaner	\$1,498
Cerebral Palsy Alliance	Technology equipment	\$5,000
Port Macquarie Surfing History Association	Port Macquarie Surfing Museum	\$4,900
	Sub-total	\$55,192
<u>Community Celebrations</u>		
Lake Cathie-Bonny Hills Lions Club	Carols by the Lake	\$2,826
Grace Church Port Macquarie	Sovereign Hills Christmas Carols	\$5,000
Bunyah Local Area Land Council	NAIDOC Family Fun Day 2021	\$5,000
	Sub-total	\$12,826
<u>Micro Grant</u>		
Port Macquarie Table Tennis Club	LED Lighting for Girl Guides Hall	\$966
Mid North Coast Writers Centre	Make Waves	\$1,000
KJC Aboriginal Artwork	NAIDOC Masquerade Ball	\$1,000
Wauchope-Bonny Hills		
Surf Lifesaving Club Inc	Create Grass Area for nippers	\$870.50
	Sub-total	\$3,836.50
<u>Youth</u>		
Port Macquarie Steiner School	Winter Lantern Festival	\$3,010
	Sub-total	\$3,010
<u>Heritage Grants</u>		
Royal Hotel Kew	Replacement of roof & gutters	\$3,000
Warren Lang	Restoration of fencing	\$3,000
	Sub-total	\$6,000

#### CCAT Grants

Comboyne Agricultural & Horticultural Association	Upgrade seating at Comboyne Showground	\$5,000
Beechwood-Pembroke CCAT	Repair Tennis Courts	\$5,000
Camden Haven CCAT	Beach to Beach pathway sec. D3	\$5,000
Telegraph Point Community Assoc.	Historical interpretive sign boards	\$5,000
Bonny Hills Progress Association	Storm water quality assessment	\$3,164
Long Flat Tennis Club	Refurbishment of tennis Courts	\$5,000
Pappinbarra Progress Association	Hall Signage	\$5,000
	Sub-total	\$33,164

#### Recovery & Resilience Grants

Byabarra Sports & Tennis Club	Three projects for health and wellbeing	\$10,000
Liberty Port Macquarie	Mobile outreach services	\$10,000
Telegraph Point Community Assoc. Inc.	Emergency Evac Centre Power Supply	\$9,336
Wauchope High School	Heath eating & well-being workshops	\$10,000
Headspace Port Macquarie	Spill the Bean	\$10,000
Greater Port Macquarie Dementia Friendly Community Alliance	Support residents with Dementia	\$10,000
Pappinbarra Progress Association	Get Ready Days	\$4,000
Make a Difference PM	Flood relief refurbishment project	\$10,000
Art House Industries	Community Strengthening Activities	\$10,000
	Sub-total	\$83,336

2. Congratulate all successful applicants and acknowledge their contribution through volunteering in our Local Government Area.

**CARRIED:** 6/0

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

**AGAINST:** Nil

### **10.03 DRAFT CULTURAL PLAN**

**RESOLVED:** Turner/Hawkins

That Council:

- Note the enthusiastic participation and commitment by the Cultural Steering Group in development of the Draft Cultural Plan 2021 - 2025.
- Place the Draft Cultural Plan on public exhibition from 21 May 2021 until 20 June 2021.
- Note that a further report will be tabled at the July 2021 meeting of Council, detailing the submissions received from the public during the exhibition period.

**CARRIED:** 6/0

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

**AGAINST:** Nil

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#### **10.04 TIDAL POOL AT OXLEY BEACH PORT MACQUARIE**

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*RESOLVED: Turner/Alley*

That Council note the information contained in this report.

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

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#### **10.05 PORT MACQUARIE AQUATIC FACILITY**

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Director Development and Environment tabled replacement Attachment 3 for this item.

*RESOLVED: Turner/Griffiths*

That Council:

1. Note the information contained within the Port Macquarie Aquatic Facility report
2. Place the Port Macquarie Aquatic Facility Layout Design presented within this report on Public Exhibition to seek feedback from the community for a minimum of 28 days
3. Request the Chief Executive Officer provide a report to the July 2021 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.

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

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#### **10.07 NAMING OF A ROAD AT LAURIETON**

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*RESOLVED: Pinson/Griffiths*

That Council name the laneway south of Hanley Street, between Lord and Norman Streets, Laurieton as "Kesby Lane".

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

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### **11.01 ECONOMIC DEVELOPMENT STRATEGY 2017-2021: SIX MONTHLY REPORT ON PROGRESS**

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*RESOLVED: Turner/Intemann*

That Council:

1. Note the six-monthly progress report on implementation of the 2017-2021 Port Macquarie-Hastings Economic Development Strategy.
2. Note development of a new Economic Development Strategy has commenced.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### **12.01 PETITION - KOALA HABITAT WITHIN THE FANTASY GLADES DEVELOPMENT DA 2019/934**

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*RESOLVED: Pinson/Intemann*

That Council:

1. Note the petition received by residents regarding the proposed Fantasy Glades development (DA 2019/934) and their concerns that koala habitat may be impacted as a result.
2. Write to the organisers of the petition outlining Council's actions.
3. Note that Council currently delivers a number of programs that support our koala populations, which include:
  - (a) Supporting the Joint Organisation Koala Recovery Ecologist position - <https://www.koalarecovery.org.au/key-projects/>
  - (b) Ongoing biosecurity works on Council owned and managed land which allows for natural regrowth and regeneration to occur.
  - (c) Investigation in to biodiversity stewardship sites to better manage current and future mitigation planting works that are required to mitigate the impacts of internal development.
  - (d) Implementation of the Port Macquarie-Hastings Koala Recovery Strategy.
4. Note that the draft Operational Plan for the 2021/2022 financial year includes the following additional actions:
  - Continue to ensure development compliance to achieve sound environmental outcomes - Vegetation Management Plans (VMP's), Koala Plans of Management (KPoM) developed, registered, implemented and monitored
  - Carry out reactive maintenance of Koala Food Trees and Koala Fencing on Link Rd (Ocean Drive).
  - Review the Koala Recovery Strategy 2018.
  - Tip Gravel Road Environmental Protect Biodiversity Conservation (EPBC) Act - Koala Management Plan.
  - Undertake a feasibility study for engineering solutions and initial concept design work to combat koala road strike.

- In partnership with the Joint Organisation, Koala Preservation Society and Department of Planning, Industry and Environment (DPIE) support the ongoing work of the Koala Recovery Partnership Program.
- 5. Request the Chief Executive Officer write to the Member for Port Macquarie, the Hon Leslie Williams MP, requesting that she make representation on behalf of Council and the community to the Minister for Energy and Environment, the Hon Matt Kean MP requesting that the Government seek to purchase the former Fantasy Glades site known as Lot 5 DP 524972 Parklands Close, Port Macquarie to preserve the koala habitat located on the subject land.
- 6. Note that DA 2019/0934 will be submitted to the Development Assessment Panel for determination in the first instance. Should a decision not be made at the Panel, the DA will then be referred to Council for determination.

**CARRIED:** 4/2

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

**AGAINST:** Griffiths and Hawkins

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## **12.02 DEVELOPMENTS, PUBLIC PLACE & EVENTS WASTE MINIMISATION AND MANAGEMENT POLICY - POST IMPLEMENTATION REVIEW**

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**RESOLVED:** Pinson/Hawkins

That Council:

1. Note the post implementation review of the Developments, Public Place & Events Waste Minimisation and Management Policy;
2. Undertake further engagement with the local development and construction industry with regard to potential adjustments to Council's fees and charges to incentivise positive waste minimisation and management outcomes.
3. Request the Chief Executive Officer bring back a report to the November 2021 Council Meeting on the outcomes of engagement with the local development and construction industry.

**CARRIED:** 6/0

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

**AGAINST:** Nil



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## **12.03 FERRY OPERATIONS**

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### **MOTION**

*MOVED: Pinson/Griffiths*

That Council:

1. Note the information provided in this report.
2. Note the community feedback received as part of the recent ferry engagement survey.
3. Note the average annual operating deficit of the ferry services over the last four years was \$941,400, and that any change in service level should consider an increase in ferry fees to cover this increased expense.
4. Note that a two-person operation on the Settlement Point Ferry may be required to meet Australian Maritime Safety Authority (AMSA) navigation requirements, which can also provide efficiency in loading and travel times. This would increase annual running costs by \$66,250 and require an approximate 10% increase in fees to recover this expense.
5. Implement a six week trial to extend the Hibbard Ferry hours of operation to 6.30am to 6.50pm weekdays outside of the school holiday period, funding this six week trial from the Ferry Reserve.
6. Request the Chief Executive Officer to report back to the November 2021 Ordinary Council Meeting, on the results and costs of the trial period.

### **AMENDMENT**

*MOVED: Turner/Alley*

That Council:

1. Note the information provided in this report.
2. Note the community feedback received as part of the recent ferry engagement survey.
3. Note the average annual operating deficit of the ferry services over the last four years was \$941,400, and that any change in service level should consider an increase in ferry fees to cover this increased expense.
4. Note that a two-person operation on the Settlement Point Ferry may be required to meet Australian Maritime Safety Authority (AMSA) navigation requirements, which can also provide efficiency in loading and travel times. This would increase annual running costs by \$66,250 and require an approximate 10% increase in fees to recover this expense.
5. Consider a six week trial to extend the Hibbard Ferry hours of operation to 6.00am-9.50am and 2.00pm-6.50pm weekdays (Additional 1 hour 15 minutes) funded from the Ferry Reserve. Continue to monitor the vehicle movements and vehicles Left on Bank (LOB) during the trial and report these back to a future Council meeting.
6. Note that a permanent increase to the Hibbard Ferry hours of operation to 6.00am-9.50am and 2.00pm-6.50pm weekdays would increase annual running costs by \$22,640 and require an approximate 3% increase in fees to recover this expense.

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**THE AMENDMENT WAS PUT AND WAS LOST**

LOST: 2/4

FOR: Alley and Hawkins

AGAINST: Griffiths, Intemann, Pinson and Turner

**AMENDMENT**

*AMENDMENT: Intemann/Alley*

That Council:

1. Note the information provided in this report.
2. Note the community feedback received as part of the recent ferry engagement survey.
3. Note the average annual operating deficit of the ferry services over the last four years was \$941,400, and that any change in service level should consider an increase in ferry fees to cover this increased expense.
4. Note that a two-person operation on the Settlement Point Ferry may be required to meet Australian Maritime Safety Authority (AMSA) navigation requirements, which can also provide efficiency in loading and travel times. This would increase annual running costs by \$66,250 and require an approximate 10% increase in fees to recover this expense.
5. Upon return to service of the Hibbard Ferry, extend the Hibbard Ferry hours of operation to conduct a six week trial to extend the Hibbard Ferry hours of operation to 6.00am-9.50am and 2.00pm-6.50pm weekdays (Additional 1 hour 15 minutes).
6. Continue to monitor the vehicle movements and vehicles Left on Bank (LOB) and report these back to a future Council meeting.
7. Note that a permanent increase to the Hibbard Ferry hours of operation to 6.00am-9.50am and 2.00pm-6.50pm weekdays would increase annual running costs by \$22,640.
8. Monitor the condition and erosion of the road access to the Hibbard Ferry, north side of Hastings River, and consider the need for bank stabilisation and/or road widening.

**THE AMENDMENT WAS PUT AND CARRIED**

CARRIED: 5/1

FOR: Alley, Hawkins, Intemann, Pinson and Turner

AGAINST: Griffiths

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

*RESOLVED: Intemann/Alley*

That Council:

1. Note the information provided in this report.
2. Note the community feedback received as part of the recent ferry engagement survey.
3. Note the average annual operating deficit of the ferry services over the last four years was \$941,400, and that any change in service level should consider an increase in ferry fees to cover this increased expense.



4. Note that a two-person operation on the Settlement Point Ferry may be required to meet Australian Maritime Safety Authority (AMSA) navigation requirements, which can also provide efficiency in loading and travel times. This would increase annual running costs by \$66,250 and require an approximate 10% increase in fees to recover this expense.
5. Upon return to service of the Hibbard Ferry, extend the Hibbard Ferry hours of operation to conduct a six week trial to extend the Hibbard Ferry hours of operation to 6.00am-9.50am and 2.00pm-6.50pm weekdays (Additional 1 hour 15 minutes).
6. Continue to monitor the vehicle movements and vehicles Left on Bank (LOB) and report these back to a future Council meeting.
7. Note that a permanent increase to the Hibbard Ferry hours of operation to 6.00am-9.50am and 2.00pm-6.50pm weekdays would increase annual running costs by \$22,640.
8. Monitor the condition and erosion of the road access to the Hibbard Ferry, north side of Hastings River, and consider the need for bank stabilisation and/or road widening.

**CARRIED:** 6/0

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

**AGAINST:** Nil

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#### **12.04 SEWAGE ISSUES IN BONNY HILLS AREA**

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**RESOLVED:** Pinson/Intemann

That Council:

1. Note the information provided in this report.
2. Include a Sewer Catchment Management Planning project in the 2021/2022 Operational Plan linking to the existing Urban Stormwater Management Planning project already listed in the draft Operational Plan.

**CARRIED:** 6/0

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

**AGAINST:** Nil

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#### **12.06 DRAFT PORT MACQUARIE-HASTINGS LOCAL HOUSING STRATEGY 2021-2041**

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**RESOLVED:** Intemann/Turner

That Council:

1. Place the Draft Port Macquarie-Hastings Local Housing Strategy 2021-2041 (Attachment 1) and supporting Background Reports (Attachments 2-6) on public exhibition for a period of 60 days in accordance with Council's Community Participation Plan.
2. Delegate authority to the Director Development and Environment to make any minor amendments to numerical, typographical, interpretation and

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formatting errors, if required, to the Draft Port Macquarie-Hastings Local Housing Strategy in preparation for public exhibition.

3. Receive a report on submissions to the Draft Port Macquarie-Hastings Local Housing Strategy at the completion of the public exhibition period.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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**12.07 DA2020 - 457.1 MULTI DWELLING HOUSING AND STRATA  
SUBDIVISION AT LOT 14 DP1219811, NO 91 THE RUINS WAY, PORT  
MACQUARIE**

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

Councillor Turner left the meeting, the time being 7:58pm.

Councillor Turner returned to the meeting, the time being 7:59pm.

**MOTION**

*MOVED: Intemann/Alley*

1. That DA2020 - 457.1 for a Multi Dwelling Housing and Strata Subdivision at Lot 14, DP 1219811, No. 91 The Ruins Way, Port Macquarie, be determined by granting consent subject to the recommended conditions.
2. That Council note that the Draft Port Macquarie-Hastings Local Housing Strategy recommends that Council develop Local Character Statements and/or place-specific controls for specific areas throughout the Local Government Area, in order to preserve the unique character of specific areas and ensure new and infill development does not adversely impact on the desired established character of a particular street, or neighbourhood, or area.

**AMENDMENT**

*MOVED: Pinson/Griffiths*

That Council, in relation to DA 2020 - 457.1 for a Multi Dwelling Housing and Strata Subdivision at Lot 14, DP 1219811, No. 91 The Ruins Way, Port Macquarie:

1. Has been made aware on numerous occasions of concerns being raised by the community in response to some new infill development proposals and the potential for these to change or have an adverse impact on the established character of a neighbourhood in some instances.
2. Refuse consent to DA202 - 457.1.

**THE AMENDMENT WAS PUT AND WAS LOST**

*LOST: 1/5*

*FOR: Pinson*

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

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**THE MOTION WAS PUT AND WAS CARRIED**

*RESOLVED: Intemann/Alley*

1. That DA2020 - 457.1 for a Multi Dwelling Housing and Strata Subdivision at Lot 14, DP 1219811, No. 91 The Ruins Way, Port Macquarie, be determined by granting consent subject to the recommended conditions.
2. That Council note that the Draft Port Macquarie-Hastings Local Housing Strategy recommends that Council develop Local Character Statements and/or place-specific controls for specific areas throughout the Local Government Area, in order to preserve the unique character of specific areas and ensure new and infill development does not adversely impact on the desired established character of a particular street, or neighbourhood, or area.

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

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**12.08 MEMBERSHIP OF THE SUSTAINABILITY ADVISORY SUB COMMITTEE**

*RESOLVED: Alley/Turner*

That Council:

1. Note the information provided in this report.
2. Accept the ten nominees as outlined in Table 1 as members of the Sustainability Advisory Sub-Committee.
3. Thank the unsuccessful applicants for their Expressions of Interest.

*CARRIED: 4/2*  
*FOR: Alley, Hawkins, Intemann and Turner*  
*AGAINST: Griffiths and Pinson*

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**12.09 PORT MACQUARIE TOWN CENTRE MASTER PLAN SUB-COMMITTEE STRATEGIC PLANNING WORKSHOP OUTCOMES**

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

*RESOLVED: Hawkins/Intemann*

That Council:

1. Note the information contained within the Port Macquarie Town Centre Master Plan Sub-Committee Strategic Workshop Outcomes report.
2. With one exception (Priority No. 3 – Police Station Site) adopt the outcomes as priorities for the Port Macquarie Town Centre Master Plan Sub-Committee and that funding be allocated in future Operational Plans and budgets accordingly.
3. Resolves, with respect to the Police Station Site to:

- 
- a) Endorse current efforts to support appropriate Heritage Listing of the Police Constables Cottage; and
  - b) Endorse the Town Centre Master Plan Sub-Committee urgently facilitating high level concept designs for the site on behalf of the community.
  - c) Noting points a) and b) above, also incorporate appropriate design and pre-construction funding in future Operational Plans and budgets as per other TCMP priority projects.
4. Note the NSW Department of Planning, Industry and Environment's Draft Regional City Action Plan for Port Macquarie - Objective 9 - respect, protect, embrace and celebrate the distinctive culture, character and heritage of Port Macquarie.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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**12.10 REVISED PLANNING PROPOSAL PP2014 - 14.1: LAND AT THE INTERSECTION OF HOUSTON MITCHELL DRIVE AND OCEAN DRIVE BONNY HILLS - POST EXHIBITION - CONSIDERATION OF SUBMISSIONS**  
**APPLICANT: KING AND CAMPBELL PTY LTD**  
**OWNER: S J MIFSUD**

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*RESOLVED: Intemann/Hawkins*

That Council:

1. As a result of the consideration of submissions, endorse the Planning Proposal in relation to Lot 10 DP 615775 and Lot 6 DP 1210904, corner Houston Mitchell Drive and Ocean Drive as exhibited, and take the necessary steps under Section 3.36 of the Environmental Planning and Assessment Act 1979 to finalise Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 54) to give effect to the Planning Proposal.
  2. Approve the exhibited draft Development Control Plan provisions, incorporating the amendments as referred to in this report, as an amendment to the Port Macquarie-Hastings Development Control Plan 2013, to commence on notification of the Local Environmental Plan in point 1 above on the NSW Legislation website.
  3. Within 28 days, publish a public notice of Council's decision to approve the amendment to the Port Macquarie-Hastings Development Control Plan 2013, as referred to in point 2 above in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000.
  4. Delegate authority to the Director Development and Environment to make any minor amendments to numerical, typographical, interpretation and formatting errors, if required, to the Planning Proposal and draft Development Control Plan provisions in finalising the matter.
  5. Note that a roundabout off Houston Mitchell Drive at Forest Parkway, Bonny Hills is the preferred intersection treatment and location in order to provide safe vehicular access to the subject land and adequate separation between intersections.
-

- 
6. Take reasonable steps to facilitate road widening, if required, and consider future funding arrangements, for the construction of a roundabout off Houston Mitchell Drive at Forest Parkway, Bonny Hills.
  7. Notify all persons who lodged a submission of Council's decision.

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

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### **13 ITEMS TO BE DEALT WITH BY EXCEPTION**

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*RESOLVED: Griffiths/Alley*

That Items 09.01, 09.02, 09.03, 09.04, 09.05, 09.07, 09.08, 09.09, 09.10, 09.11, 09.13, 09.14, 10.02, 10.06, 12.05 be considered as a block resolution.

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

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*RESOLVED: Alley/Turner*

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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### **09.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

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*BLOCK RESOLVED: Alley/Turner*

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

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### **09.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 8 APRIL TO 5 MAY 2021**

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*BLOCK RESOLVED: Alley/Turner*

That Council note the Mayoral Discretionary Fund allocations for the period 8 April to 5 May 2021 inclusive.

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### **09.03 REMOTE ACCESS TO COUNCIL MEETINGS**

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*BLOCK RESOLVED: Alley/Turner*

That Council:

1. Permit Councillors to attend Council meetings by audio-visual means subject to approval of individual requests under approved circumstances until 31 December 2021.
  2. Consider and resolve the outcome of each application on its merits subject to the conditions of providing remote access to Councillors.
  3. Not unreasonably withhold approval for Councillors to attend Council meetings by audio-visual means within the approved conditions.
  4. Adopt the conditions of approving remote access to Council meetings as included in Attachment 1 to this report.
- 

### **09.04 2021-2022 COUNCILLOR AND MAYORAL FEES**

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*BLOCK RESOLVED: Alley/Turner*

That, in relation to Councillor remuneration for the 2021-2022 financial year, Council:

1. Pursuant to the provisions of section 248(2) of the Local Government Act 1993, Council set the annual fee payable to a Councillor for the financial year commencing 1 July 2021 to be \$24,810.
  2. Pursuant to the provisions of section 249(3) of the Local Government Act 1993, Council set the annual fee payable to the Mayor for the financial year commencing 1 July 2021 to be \$86,090 (this amount includes the fee payable to a Councillor).
- 

### **09.05 LEGAL FEES**

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*BLOCK RESOLVED: Alley/Turner*

That Council note the information in the Legal Fees report.

Item 09.06 2017-2022 Delivery Program and 2020-2021 Operational Plan - Progress Report as at 31 March 2021, has been addressed previously within the meeting.

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#### **09.07 POLICY REVIEW - DEBT RECOVERY POLICY**

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*BLOCK RESOLVED: Alley/Turner*

That Council:

1. Place on public exhibition for a minimum of 28 days the revised Debt Recovery Policy.
2. Note that a further report will be considered at the July 2021 meeting of Council, detailing the submissions received from the public during the exhibition period.

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#### **09.08 POLICY REVIEW - LOANS TO INCORPORATED SPORTING BODIES & INCORPORATED COMMUNITY GROUPS POLICY**

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*BLOCK RESOLVED: Alley/Turner*

That Council:

1. Place on public exhibition for a minimum of 28 days, the Loans to Incorporated Sporting Bodies and Incorporated Community Groups Policy that is proposed for rescission.
2. Note that a further report will be considered at the July 2021 meeting of Council, detailing the submissions received from the public during the exhibition period.

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#### **09.09 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2021**

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*BLOCK RESOLVED: Alley/Turner*

That Council note the Quarterly Budget Review Statement for the March 2021 Quarter.

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#### **09.10 MONTHLY BUDGET REVIEW - APRIL 2021**

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*BLOCK RESOLVED: Alley/Turner*

That Council:

1. Adopt the adjustments in the "April 2021 Adjustments" section of the Monthly Budget Review – April 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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#### **09.11 INVESTMENTS - APRIL 2021**

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*BLOCK RESOLVED: Alley/Turner*

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

Item 09.12 Progress of the Sustainability Framework, Climate Change Policy, Climate Change Strategy and Action Plan, has been addressed previously within the meeting.

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

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*BLOCK RESOLVED: Alley/Turner*

That Council:

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

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#### **09.14 DRAFT LOCAL GOVERNMENT ELECTIONS CARETAKER PERIOD POLICY**

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*BLOCK RESOLVED: Alley/Turner*

That Council adopt the draft Local Government Elections Caretaker Period Policy.

Item 10.01 2020-2021 Round 2 Community Grant Program for Endorsement, has been addressed previously within the meeting.

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#### **10.02 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - APRIL 2021**

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*BLOCK RESOLVED: Alley/Turner*

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

1. Phoebe Bentley to receive \$450.00 to assist with the expenses she will incur travelling to and competing at the 2021 Australian Swimming Championships on the Gold Coast.



Item 10.03 Draft Cultural Plan, has been addressed previously within the meeting.

Item 10.04 Tidal Pool at Oxley Beach Port Macquarie, has been addressed previously within the meeting.

Item 10.05 Port Macquarie Aquatic Facility, has been addressed previously within the meeting.

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#### **10.06 POLICY REVIEWS - BEACH DRIVING AND DOGS IN PUBLIC OPEN SPACES**

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*BLOCK RESOLVED: Alley/Turner*

That Council:

1. Note the information contained within this report for the Draft policies for Beach Driving and Dogs in Public Open Spaces.
2. Place the Draft policies for Beach Driving and Dogs in Public Open Spaces presented within this report on Public Exhibition from 24 May to 20 June 2021.
3. Request the Chief Executive Officer provide a report to the July 2021 Ordinary Council Meeting outlining community feedback received during the public exhibition period.

Item 10.07 Naming of a Road at Laurieton, has been addressed previously within the meeting.

Item 11.01 Economic Development Strategy 2017-2021: Six Monthly Report on Progress, has been addressed previously within the meeting.

Item 12.01 Petition - Koala Habitat within the Fantasy Glades Development DA 2019/934, has been addressed previously within the meeting.

Item 12.02 Developments, Public Place & Events Waste Minimisation and Management Policy - Post Implementation Review, has been addressed previously within the meeting.

Item 12.03 Ferry Operations, has been addressed previously within the meeting.

Item 12.04 Sewage Issues in Bonny Hills Area, has been addressed previously within the meeting.

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## **12.05 WATER SUPPLY POLICY 2021 - OUTCOME OF PUBLIC EXHIBITION**

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*BLOCK RESOLVED: Alley/Turner*

That Council:

1. Note the feedback received from the community on the Draft Water Supply Policy 2021 Policy during the exhibition period.
2. Adopt the Water Supply Policy 2021 and supporting documents.

Item 12.06 Draft Port Macquarie-Hastings Local Housing Strategy 2021-2041, has been addressed previously within the meeting.

Item 12.07 DA2020 - 457.1 Multi Dwelling Housing and Strata Subdivision at Lot 14 DP1219811, No 91 The Ruins Way, Port Macquarie, has been addressed previously within the meeting.

Item 12.08 Membership of the Sustainability Advisory Sub Committee, has been addressed previously within the meeting.

Item 12.09 Port Macquarie Town Centre Master Plan Sub-Committee Strategic Planning Workshop Outcomes, has been addressed previously within the meeting.

Item 12.10 Revised Planning Proposal PP2014 - 14.1: Land at the Intersection of Houston Mitchell Drive and Ocean Drive Bonny Hills - Post Exhibition - Consideration of Submissions, APPLICANT: King and Campbell Pty Ltd, OWNER: S J Mifsud, has been addressed previously within the meeting.

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## **CONFIDENTIAL SESSION**

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*RESOLVED: Intemann/Griffiths*

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

Item 14.01 Sale of Surplus Land - 178 Nancy Bird Walton Drive Kew

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

- 
- person with whom the Council is conducting (or proposes to conduct) business.
- Item 14.02 Request for Tender T-18-18 Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators
- This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- Item 14.03 T-21-10 Tree Maintenance and Management 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.
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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#### **14.01 SALE OF SURPLUS LAND - 178 NANCY BIRD WALTON DRIVE KEW**

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Mayor Pinson declared a Pecuniary Interest in this matter, vacated the Chair, left the room and was out of sight during the Council's consideration, the time being 8:38pm.

The Deputy Mayor assumed the Chair.

*RESOLVED: Griffiths/Hawkins*

That Council:

1. Dispose of surplus land at 178 Nancy Bird Walton Dr, Kew, being Lot 1, Deposited Plan 729726 and Lot 100 (Part), Deposited Plan 1130726, and comprising 12,793m<sup>2</sup> land in total, by a private treaty sale utilising a registered real estate agent.
  2. Request the Chief Executive Officer to negotiate with potential purchasers to secure an advantageous financial outcome to Council, not less than the amount as detailed in the body of this report.
  3. Allocate the sale proceeds to Council's Property Reserve should a successful sale be completed.
  4. Note that a further report will be presented to Council detailing the outcomes of the disposal process.
  5. Maintain the confidentiality of the documents and considerations in respect of Sale of Surplus Land - 178 Nancy Bird Walton Drive, Kew.
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CARRIED: 5/0  
FOR: Alley, Griffiths, Hawkins, Intemann and Turner  
AGAINST: Nil

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#### **14.02 REQUEST FOR TENDER T-18-18 PROVISION OF HIRE SERVICES - CONTRACT PLANT, ANCILLARY EQUIPMENT AND PLANT OPERATORS**

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Mayor Pinson declared a Pecuniary Interest in this matter and remained out of the room.

Councillor Griffiths declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:40pm.

*RESOLVED: Hawkins/Alley*

That Council:

1. In accordance with Section 55(3)(i) of the Local Government Act 1993, due to the extenuating circumstances, being the prioritisation of staff resources in response to the drought, fire and flood events over the past 18 months, resolves not to call open tenders for the Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators.
2. Request the Chief Executive Officer to enter into negotiations to vary the panel contracts for T-18-18 for the Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators with the following 55 contractors appointed to the panel arrangement for T-18-18 for a further period of twelve (12) months to 30 June 2022:
  - AJ & JA Wilson Family Trust
  - AS & S Collins t/as Mortons Creek Haulage
  - Blanch Earthmoving Pty Ltd
  - Booker Backhoe Bobcat & Tipper Hire Pty Ltd
  - Bridle Concrete Resources
  - CJ Hoogland t/as Hoogland Plant Hire
  - CNC Roads
  - Coastal Hire & Sales
  - Coates Hire Operations Pty Ltd
  - Conplant Pty Ltd
  - CSC Industries Pty Ltd t/as Platinum Excavation and Plant Hire
  - Ditchfield Contracting Pty Ltd
  - DJ & D Coombes
  - Eire Constructions Pty Ltd
  - Elf's Excavations
  - Fenech Group Pty Ltd
  - FJ & BJ Lyon Pty Ltd
  - Garry Hooper Haulage Pty Ltd
  - GC & LR Mellor t/as Midcoast Tipper Hire
  - G H Lindsay Earthmoving Pty Ltd

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- Glenn Martin Backhoe Hire
  - HC & K Bennett Pty Ltd
  - Hobbs Rural Services
  - Hollfields Plumbing Excavation
  - Jim Anderson Earthmoving
  - JR & EG Richards Pty Ltd
  - Keegan Civil Pty Ltd
  - Kennards Hire Pty Ltd
  - Lake Cathie Excavations
  - Laurie Mascord Backhoe Hire
  - LinCon Earthmoving Pty Ltd
  - Magnum Haulage & Excavations Pty Ltd
  - Manton Building & Excavations
  - Marden Alliance Pty Ltd t/as Marden Civil
  - Marschall Bobcat Service
  - Master Hire Pty Ltd
  - Mid Coast Cranes Pty Ltd
  - Mid North Coast Hydro Digging & Service Locating Pty Ltd
  - Mid North Coast Water Tankers Pty Ltd
  - Mitchbrook Management Pty Ltd t/as Mitchbrook Construction
  - ML & LT Swan
  - ONeills Backhoe Services Pty Ltd
  - Port Cranes Pty Ltd
  - Redhead Machinery Pty Ltd
  - Rollers Australia Pty Ltd
  - Schmutter Earthmoving & Demolition Pty Ltd
  - Specialised Pavement Services Pty Ltd
  - Stephen McNeilly Bobcat & Tipper Hire
  - Steve Wallis Transport
  - TFH Hire Services Pty Ltd
  - Tutt Bryant Equipment
  - Tyrrells Earthmoving t/as Next Level Earthworks
  - Winicki Excavations
  - XXXDirtworx Pty Ltd t/as M C Dirtworx; and
  - YI Constructions.
3. Delegate to the Chief Executive Officer the authority to negotiate and sign the contract extension agreements with the 55 contractors appointed to the panel arrangement for T-18-18 for twelve (12) months to 30 June 2022.
4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-18-18.

CARRIED: 4/0  
FOR: Alley, Hawkins, Intemann and Turner  
AGAINST: Nil

Councillor Griffiths returned to the meeting, the time being 8:42pm.

The Mayor returned to the meeting, the time being 8:42pm.

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

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### **14.03 T-21-10 TREE MAINTENANCE AND MANAGEMENT SERVICES**

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*RESOLVED: Griffith/Hawkins*

That Council:

1. Accept tenders from the following tenderers to be appointed to a panel arrangement for Tree Maintenance and Management Services:
  - a) Mid North Coast Tree Services Pty Ltd
  - b) Port Tree Fella Pty Limited
  - c) Timothy James MCGRATH
  - d) Troy John ROBERTS
  - e) Woodvale Tree Services Pty Ltdfor an initial period of two (2) years commencing 1 June 2021 with two (2) options for extension for a further period of two (2) years at the initial expiry, and then a further one (1) year at expiry of the first extension, for a total combined contract period of five (5) years. Such options are to be for the benefit of Council and may be exercised only by Council at its sole discretion.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-21-10.

*CARRIED: 6/0*

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

*AGAINST: Nil*

*MOVED: Alley/Hawkins*

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

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 8:46pm.

.....  
Peta Pinson  
Mayor

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Item: 06  
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>Signed:</b>	<b>Date:</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:
  - (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
  - (a) Your "relative" is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (i)
  - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c)
  - (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

## Non-Pecuniary

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

### Managing non-pecuniary conflicts of interest

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



## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

*This form must be completed using block letters or typed.*

*If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.*

<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: 08**

**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.

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

# 1 Leadership and Governance

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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

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**Item: 09.01**

**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
Trialling Of Parklets In The Port Macquarie Town Centre	16/05/18 Item 10.02	Council is still working the relevant approvals - current occupations.	DDE	Aug-20	Jun-21
Land classification - Lot 1 DP 545926 1 Commerce Street, Wauchope - post exhibition	23/09/2020 Item 15.03	On public exhibition	DSG	Mar-21 Apr-21	Jun-21
Mid North Coast Joint Organisation	09/12/2020 Item 10.03	Awaiting MNCJO March meeting minutes	CEO	Mar-21 Apr-21 May-21	Jun-21
2021-2022 IP&R Documents - post exhibition	17/03/2021 Item 10.06		DCP		Jun-21
Relief Measures for Flood and Storm Impacted Residents - Update Report	24/03/2021 Item 04.01		DCP		Jun-21
Aboriginal Advisory Group Membership	17/03/2021 Item 11.02		DSG		Jun-21

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Proposed sale and closure of Granny Bell Lane, North Haven - post exhibition	17/03/2021 Item 13.05	28 day exhibition period delayed due to workload redirected to flood event	DI	May-21	Jun-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	Jul-21
Biodiversity Investigations and Stewardship Sites	23/09/2020 Item 15.07	Awaiting consultant's report.	DDE	Mar-21 May-21	Jul-21
Key intersections for upgrade - costs and prioritisations	09/12/2020 Item 13.01	Delayed due to workload redirected to flood event recovery efforts & to align with Traffic Network report for Jul-21	DI	Apr-21 Jun-21	Jul-21
Bonny Hills Reserves Draft Master Plan - post exhibition	09/12/2020 Item 11.02	Delayed due to workload redirected to flood event recovery efforts	DDE	Apr-21 May-21 Jun-21	Jul-21
Traffic Network	17/03/2021 Item 13.01		DI		Jul-21
PP2011 - 9.3: Revised Planning Proposal Request - South Blackwood Street, Port Macquarie - response from DPIE	17/03/2021 Item 13.06	Awaiting additional information / studies required from applicant	DDE	Jun-21	Jul-21
T-20-41 Kew Main Street Upgrade	21/04/2021 Item 15.01	Negotiations ongoing and awaiting design information from consultant	DI	Jun-21	Jul-21

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Draft Cultural Plan	19/05/2021 Item 10.03		DSG		Jul-21
Port Macquarie Aquatic Facility - post exhibition	19/05/2021 Item 10.05		DDE		Jul-21
Policy Review - Debt Recovery Policy - post exhibition	19/05/2021 Item 09.07		DCP		Jul-21
Policy Review - Loans to Incorporated Sporting Bodies & Incorporated Community Groups Policy - post exhibition	19/05/2021 Item 09.08		DCP		Jul-21
Policy Reviews - Beach Driving and Dogs in Public Open Spaces - post exhibition	19/05/2021 Item 10.06		DDE		Jul-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)	DSG	Dec-20 Jun-21	Aug-21
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

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Sustainability and Climate Change Strategy - adaptation initiatives	09/12/2020 Item 13.06	Awaiting consideration from Sustainability Advisory Sub-Committee in July 2021	DDE	Jun-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
Sale of Surplus Land - 178 Nancy Bird Walton Drive, Kew - outcomes of disposal process	19/05/2021 Item 14.01		DSG		Aug-21
Draft Sustainability Policy and Draft Climate Change Policy	19/05/2021 Item 09.12	Being presented to Sustainability Advisory Committee in July 2021	DSG	Jul-21	Aug-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 Jun-21	Sep-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 Jun-21	Sep-21
Fernbank Creek and Sancrox Planning Investigation -	17/03/2021 Item 13.08		DSG		Sep-21



Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Gateway Determination					
Coastal Protection Options - Illaroo Road, Lake Cathie	21/04/2021 Item 13.06	Postpone to after Council Elections	DDE	Jun-21	Sep-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.	DSG	Dec-20 Jun-21	Oct-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.	DDE	Aug-20	Oct-21
Ferry Operations - Vehicle Movements & Vehicles Left on Bank Monitoring	19/05/2021 Item 12.03		DI		Oct-21
Draft Port Macquarie-Hastings Local Housing Strategy 2021-2041 - post exhibition	19/05/2021 Item 12.06		DDE		Oct-21
North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan - post exhibition	21/04/2021 Item 13.02		DI		Nov-21
Developments, Public Place & Events Waste minimisation and Management	19/05/2021 Item 12.02		DCP		Nov-21

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Policy - outcomes of engagement					
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 Jun-21	Dec-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)		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
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 18/11/2020 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		
Long Term Energy Strategy – Progress	DDE	Biannual	May, Nov	Jun-21	Awaiting further information on power purchasing agreement
Economic Development Strategy - Progress (20/11/2013 - Item 10.03)	DSG	Biannual	May, Nov		
Update on Site Specific Planning Proposal Requests	DDE	Biannual	Jun, Dec		
Management of Flying-Fox Colony in Kooloonbung Creek Nature Reserve - Biannual Progress Report (18/03/20 - Item 13.07)	DDE	Biannual	Jul, February		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Local Strategic Planning Statement (19/02/2020 - Item 10.22)	DSG	Biannual	Aug, Feb	May 21 Jun 21	Awaiting CSP feedback and adoption
Mayoral and Councillor Fees (Setting of)	CEO	Annually	May		
Port Macquarie-Hastings Destination Management Plan 2020-2024 (20/05/2020 - Item 12.01)	DSG	Annually	Jun		
Council Policy - Status	CEO	Annually	Jul		
Recreation Action Plan – Status	DDE	Annually	Jul		
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DSG	Annually	Jul		
Local Preference Policy Outcomes	DCP	Annually	Aug		
Annual Report of the Activities of the Mayor's Sporting Fund	DSG	Annually	Sep		
Council Meeting Dates	CEO	Annually	Sep		
Creation of Office - Deputy Mayor	CEO	Annually	Sep		
Audit Committee Annual Report	CEO	Annually	Sep		
Annual Report of Disability Discrimination Act Action Plan	DSG	Annually	Sep		
Legislative Compliance Register	CEO	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	CEO	Annually	Oct		
Council's Annual Report	DCP	Annually	Nov		
Update Report - Impact of cost shifting for the previous financial year including any additional categories of cost-shifting that have been identified (21/10/15 - Item 09.04)	DCP	Annually	Nov		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Performance of Property Investment Portfolio (20/11/19 - Item 10.17)	DSG	Annually	Nov		
Code of Conduct Complaints Annual Report	CEO	Annually	Dec		

**Attachments**

Nil

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**Item: 09.02**

**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 6 MAY TO 2 JUNE 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 6 May to 2 June 2021 inclusive.**

### **Executive Summary**

To advise of the Mayoral Discretionary Fund allocations for the period 6 May to 2 June 2021.

### **Discussion**

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

Donation of Glasshouse Vouchers to Hastings Rotaract's Charity Ball fundraiser	\$200.00
Donation of Glasshouse Vouchers for fundraiser for Muddletop House at Telegraph Point	\$200.00
Donation of Glasshouse Vouchers to Heroes Without Capes fundraiser	\$200.00
Donation to Rotary Club of PMQ Big Dig Fundraiser	\$250.00
Floral Bouquet to Betty Boyd on the passing of Bill Boyd	\$75.00
	<b>\$925.00</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: 09.03**

**Subject: REVIEW OF THE MID NORTH COAST JOINT ORGANISATION**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the information contained in this Review of the Mid North Coast Joint Organisation report.**

### **Executive Summary**

The purpose of this report is to provide an update on developments relating to ongoing funding for the Mid North Coast Joint Organisation and any other related issues.

### **Discussion**

#### **1. Creating Value for Member Councils**

Since its inception, the MNCJO has attracted \$1,198,608 in grant funding. This includes funding for projects that would not have received funding if individual Council submissions had been made. This is particularly the case in relation to the Bushfire Community Recovery and Resilience Program (IRCC - \$225,635) and the Increasing Resilience to Climate Change Program (\$73,000), both of which have a Regional focus.

#### **2. Achievements**

Achievements include:

- Completion of the 'Why Local Government Matters' research;
- Delivery of key outcomes of the Hastings Macleay Koala Recovery Partnership which has involved koala monitoring (through the use of 'audio moth' technology and specially bred dogs); koala habitat assessment; engagement with landholders and programs in schools.
- Sponsorship of a Disaster Preparedness Officer to provide advice and support to councils and to local communities in response to recent weather events (bushfire, drought and flooding);
- Engagement of consultants to explore opportunities to engage in a Biodiversity Stewardship Project and to assess the viability of entering the Carbon Market



- Establishment of a 'Resilience Partnership' with Charles Sturt University and the local community which links University study to the development of resilience projects in the local community;
- Submission of a regional response to the government's commitment to a road re-classification process that includes the handover of regional roads back to the State Government;
- Securing funding to purchase a Simtable for use by councils and the local community which can be used to simulate the impact of serious weather events on local communities;
- Development of a bridge prospectus;
- Provision of an over-arching submission to TfNSW to promote JO engagement in the delivery of a significant program of works under the Fixing Country Bridges Program;
- Engagement, from a JO perspective, in a Climate Change Risk Readiness Program which includes participation by Port Macquarie Hastings and Kempsey Shire Councils;
- Built strong relationships with key agencies to facilitate delivery of services to local communities. Agencies include: TfNSW; Regional NSW, the Department of Planning, Industry and Environment; Local Government NSW; the Office of Local Government; the Auditor- General; Regional Development Australia, Local Government Procurement; Local Land Services.

### 3. Financials

Since its inception, the MNCJO has had considerable success in attracting funds to undertake projects across the region. Most of this funding comes from the State Government and is closely connected to the findings of the 'Why Local Government Matters' research and actions outlined in the Statement of Strategic Priorities (particularly around climate change and community resilience). Refer to attached table (Attachment 2) which provides a funding profile by major projects and operations

### 4. Planning for the Future and Building Sustainability

On April 9, 2021, the MNCJO Board and Associate Members held a planning workshop to review the MNCJO Statement of Strategic Priorities. The workshop was facilitated by Professor Roberta Ryan, from the University of Newcastle and focused on the current status of identified priorities, actions and activities; possible future priorities; consideration of what has been working well and consideration of challenges facing the on-going sustainability of the MNCJO. A revised version of the Statement is attached.

Much of what was identified in the Statement of Strategic Priorities remains current but will be refreshed to reflect current challenges. Key challenges relate to:

- The sustainability of the MNCJO and associated with this;
- The lack of a regional brand;
- Biodiversity;
- Koala Recovery;
- Resilience;
- Water, waste and sewerage;
- Digital connectivity;

- Housing;
- Skills shortages.

The MNCJO has been a strong advocate for the community across the region and has been successful in attracting a significant amount of funding from the NSW State Government. It is expected that administration contributions from these applications will contribute to the on-going operation of the MNCJO however, additional funding will be required in the medium to longer term to ensure the on-going sustainability of the JO.

The MNCJO will be sustainable if resources are available to enable the continuation of a high level of service to local communities and if Member Councils continue to see value in the role of the MNCJO itself, including in relation to advocacy. Member Councils and adjacent councils have demonstrated the value of working together on a number of issues. These include:

- The transfer of regional roads back to the State Government;
- Sharing resources and lessons learned as part of the Fixing Country Bridges Program;
- Forming a 'Resilience Partnership' with Charles Sturt University;
- Working on issues around Affordable Housing; the Fire and Emergency Services Levy and Tropical Soda Apple
- Collaboration around the upcoming local government elections in terms of TV advertising, potential candidate information sessions etc.

Further shared servicing opportunities might be possible in WH&S, IT, HR, Contract Management, Industrial Relations and communications. This is an option for existing Member Councils of the MNCJO, however, opportunities might also arise if councils outside of the existing JO wish to join as Members or Associate Members or if the MNCJO were to become an Associate Member of another JO.

The MNCJO will soon undertake a cost benefit analysis on the sustainability of continuing to comprise three Member Councils. If adjacent councils were to join the MNCJO it is reasonable to assume there would be an immediate and positive impact on the financial sustainability of the JO and on the capacity of a larger JO to attract additional funding.

Hunter, Central NSW and Canberra JOs have a membership comprising 10 councils and each has fulltime, dedicated staff in Executive positions. Illawarra with 4 councils and Namoi with 5 also have full time staff in Executive Officer roles. The addition of one or two adjacent Councils could have a similar impact on the MNCJO.

### **Options**

Council has the option to resolve in line with the recommendations included in this report or to resolve in some other manner.

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

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

**Planning and Policy Implications**



There are no specific planning and policy implications in relation to this report, however if PMHC was to withdraw from the MNCJO, then it is likely that the MNCJO would cease to exist with only two member Councils.

**Financial and Economic Implications**

If Council resolves not to contribute any funds to the MNCJO and if no other member Council chooses to do so and / or the NSW government do not contribute any further operational funds to the MNCJO, then it is likely that the MNCJO will be unable to trade and will effectively cease to exist. If this were to occur, this in itself would not have any direct financial implications for Council.

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

**Attachments**

1.  MNCJO Statement of Strategic Priorities 2021
2.  Funding Profile by Major Projects and Operations

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**Item: 09.04**

**Subject: DISCLOSURE OF INTEREST RETURN**

**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 Disclosure of Interest returns for the following positions:**

- 1. Development Assessment Panel member x 2.**

### **Executive Summary**

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

### **Discussion**

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

1. Development Assessment Panel member x 2.

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

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

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

### **Options**

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

**Community Engagement and Internal Consultation**

Internal Consultation

- Group Manager Governance.
- Chief Executive Officer.
- Director Development and Environment.

**Planning and Policy Implications**

There are no planning or policy implications.

**Financial and Economic Implications**

There are no financial or economic implications.

**Attachments**

Nil



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Item: 09.05

Subject: MAKING OF RATES AND CHARGES FOR 2021-2022, ADOPTION OF THE FEES AND CHARGES AND REVENUE POLICY FOR 2021-2022

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. Make an Ordinary Rate – Residential, pursuant to Section 494 of the Local Government Act, for 2021-2022 of (0.25172 cents) in the dollar with a Base Amount of \$626.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Residential Defined Urban Centres'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 49.61%.
2. Make an Ordinary Rate – Residential, pursuant to Section 494 of the Local Government Act, for 2021-2022 of (0.28082 cents) in the dollar with a Base Amount of \$526.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Residential Other'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 39.66%.
3. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2021-2022 of (0.54547 cents) in the dollar with a Base Amount of \$626.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Business Defined Urban Centres'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 20.09%.
4. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2021-2022 of (2.40857 cents) in the dollar with a Base Amount of \$626.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Business Port Macquarie CBD'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 5.19%.
5. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2021-2022 of (0.47540 cents) in the dollar with a Base Amount of \$526.60 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Business Other'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 30.82%.
6. Make an Ordinary Rate – Farmland, pursuant to Section 494 of the Local Government Act, for 2021-2022 of (0.28078 cents) in the dollar

with a Base Amount of \$647.30 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Farmland'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 30.72%.

7. **Make a Special Rate – Residential, pursuant to Section 495 of the Local Government Act, for 2021-2022 of (0.06277 cents) in the dollar for all rateable land within the Broadwater Special Rate area outlined in the attached rating maps.**
8. **Make a Special Rate – Residential, pursuant to Section 495 of the Local Government Act, for 2021-2022 of (0.13382 cents) in the dollar for all rateable land within the Sanctuary Springs Special Rate area outlined in the attached rating maps.**
9. **Make an Annual Charge for Waste Management Services – Domestic, pursuant to Section 496 of the Local Government Act, for 2021-2022 on all rateable land, categorised as Residential or Farmland, to which a domestic waste service is (or able to be) provided. The Domestic Waste Annual Charge will be based on the type of service received:**

<b>Type of Service</b>	<b>Charge for 2021/22</b>
Standard service – 240 litre fortnightly general waste	\$488.00
Minimiser service – 140 litre fortnightly general waste	\$428.00
Excess service – 240 litre weekly general waste	\$721.00
Half standard service – 240 litre fortnightly general waste (multi-unit dwellings only)	\$268.00
Half excess service – 240 litre weekly general waste (multi-unit dwellings only)	\$386.00
Half minimiser service - 140 litre fortnightly general waste (multi-unit dwellings only)	\$239.00
Half special weekly service (multi-unit dwellings only)	\$328.00
Availability charge on vacant land	\$79.00
Availability charge on land not receiving full charge (multi-unit dwellings only)	\$143.00
Additional recycling service – 240 litre fortnightly	\$76.00
Additional organics service – 240 litre weekly	\$98.00
Additional weekly garbage service – 240 litre general waste	\$373.00
Additional weekly garbage service – 140 litre general waste (multi-unit dwellings only)	\$283.00
On application only special weekly service – 140 litre weekly general waste	\$603.00
Minimum waste charge – single dwellings	\$428.00

10. **Make an Annual Charge for Waste Management Services – Other, pursuant to Section 501 of the Local Government Act, for 2021-2022 on all rateable land, categorised as Business, to which a waste service is**

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

Type of Service	Charge for 2021/22
Commercial weekly service – 140 litre general waste	\$594.00
Commercial excess service – 240 litre weekly general waste	\$709.00
Commercial half weekly service – 140 litre fortnightly general waste (shared)	\$322.00
Commercial half excess service – 240 litre weekly general waste (shared)	\$380.00
Availability charge on vacant land – business properties	\$79.00
Commercial availability charge on land not receiving full charge	\$79.00
Commercial additional recycling service – 240 litre fortnightly	\$76.00
Commercial additional organics service – 240 litre weekly	\$98.00
Commercial additional weekly garbage service – 240 litre general waste	\$372.00
Commercial additional weekly garbage service – 140 litre general waste	\$283.00
Waste management access charge	\$31.00

11. **Make an Annual Charge for Water Availability and a charge per kilolitre for Water Usage, pursuant to Section 501 and 502 of the Local Government Act, for 2021-2022 on all rateable land, to which a water service is (or able to be) provided. The Water Annual Charge will be based on water meter size:**

Size of water meter connection	Charge for 2021/22
20 mm including vacant properties and equivalent tenants	\$171.00
25 mm	\$272.00
32 mm	\$453.00
40 mm	\$714.00
50 mm	\$1,124.00
80 mm	\$2,889.00
100 mm	\$4,517.00
150 mm	\$10,185.00
200 mm	\$18,110.00
Fire service - 32mm	\$226.50
Fire service - 40mm	\$357.00
Fire service – 50 mm	\$562.00
Fire service – 80 mm	\$1,444.50
Fire service – 100 mm	\$2,258.50
Fire service – 150 mm	\$5,092.50
Fire service – 200 mm	\$9,055.00
Step 1 usage charges – per kilolitre	\$3.45



Step 2 usage charges – per kilolitre	\$6.90
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12. **Make an Annual Charge for Sewer Availability, pursuant to Section 501 of the Local Government Act, for 2021-2022 on all rateable land, to which a sewer service is (or able to be) provided. Make a usage charge for sewerage usage, pursuant to Section 502 of the Local Government Act, for 2021-2022 on Caravan Parks, Retirement Homes, Motels, Clubs, Hotels, Schools, Backpacker Hostels, Flats, Major Regional Shopping Centres. The Sewer charges are as follows:**

Service	Charge for 2021/22
Pressure Sewer	\$893.70
Connected or available (excluding churches and halls)	\$923.70
Non-rateable (other than churches & halls S555)	\$735.40
Non-rateable (S556)	\$923.70
Unconnected (S548a)	\$592.80
Non-rateable (churches & halls S555)	\$592.80
Usage Charge - per kilolitre	\$1.37

13. **Make an Annual Charge for Recycled Water Availability, pursuant to Section 501 of the Local Government Act, for 2021-2022 on Port Macquarie urban area business/commercial/council facilities where a reclaimed water service is provided. Make a usage charge for recycled water usage, pursuant to Section 502 of the Local Government Act, for 2021-2022 where a recycled water service is provided. The recycled water annual charges are based on meter size:**

Recycled Metre size - Business/Commercial/Council Facilities only	Charge for 2021/22
20 mm	\$85.50
25 mm	\$136.00
32 mm	\$226.50
40 mm	\$357.00
50 mm	\$562.00
80 mm	\$1,444.50
100 mm	\$2,258.50
150 mm	\$5,092.50
200 mm	\$9,055.00
Usage Charge - per kilolitre	\$1.72

Recycled Metre size - Residential properties to be serviced by dual scheme (i.e. Two meters per property)	Charge for 2021/22
20 mm	\$136.80
25 mm	\$217.60
32 mm	\$362.40

40 mm	\$571.20
50 mm	\$899.20
80 mm	\$2,311.20
100 mm	\$3,613.60
150 mm	\$8,148.00
200 mm	\$14,488.00
Usage Charge - per kilolitre	\$2.76

14. **Make an Annual Charge for Stormwater Management Services, pursuant to Section 496A of the Local Government Act, for 2021-2022 on each parcel of rateable land for which the service is available. The stormwater annual charges are as follows:**

Service	Charge for 2021/22
Residential	\$25.00
Residential - Strata	\$12.50
Business - Strata	\$12.50
Business – 0m2 to 350m2	\$25.00
Business – 351m2 to 700m2	\$50.00
Business – 701m2 to 1,000m2	\$75.00
Business – 1,001m2 to 1,400m2	\$100.00
Business – 1,401m2 to 1,750m2	\$125.00
Business – 1,751m2 to 2,100m2	\$150.00
Business – 2,101m2 to 2,450m2	\$175.00
Business – 2,451m2 to 2,800m2	\$200.00
Business – 2,801m2 to 3,200m2	\$225.00
Business – 3,201m2 to 3,500m2	\$250.00
Business – 3,501m2 to 3,850m2	\$275.00
Business – 3,851m2 to 4,200m2	\$300.00
Business – 4,201m2 to 4,600m2	\$325.00
Business – 4,601m2 to 4,900m2	\$350.00
Business – 4,901m2 to 5,200m2	\$375.00
Business – 5,201m2 to 5,600m2	\$400.00
Business – 5,601m2 to 5,950m2	\$425.00
Business – 5,951m2 to 6,300m2	\$450.00
Business – 6,301m2 to 6,600m2	\$475.00
Business > 6,600m2	\$500.00

15. **Make an Annual Charge for Onsite Effluent Services, pursuant to Section 501 of the Local Government Act, for 2021-2022 on each parcel of rateable land for which the service is provided. The Onsite Effluent annual charge are based on the risk of the system:**

System	Charge for 2021/22
Low risk system	\$39.80
Medium risk system	\$78.50
High risk system	\$112.20
Small commercial	\$224.40
Large commercial	\$279.50

16. **Adopt the following Integrated Planning and Reporting (IPR) documents:**
  - a) **Fees & Charges 2021-2022, (subject to recommendation 17 as follows)**
  - b) **Revenue Policy 2021-2022**
  - c) **Rating Maps 2020-2021**
17. **Place the “Town Square Reserve Event Fees” and “Environment and Regulatory Fees”, as detailed in the body of this report, on public exhibition for a period of 28 days, and adopt these fees following this period should no submissions be received against the proposed fees.**
18. **Set the interest rate on overdue rates and charges at 6.0% from 1 July 2021 to 30 June 2022 in accordance with the Office of Local Government directive.**

### **Executive Summary**

The rates and annual charges for 2021-2022 have to be formally ‘made’ by Council resolution under Section 535 of the Local Government Act 1993. This report encompasses the rates and annual charges along with the fees and charges that are included in the 2021-2022 Revenue Policy that require formal adoption by Council.

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

### **Discussion**

The Fees and Charges document and Revenue Policy are an integral part of the Integrated Planning and Reporting (IPR) suite of documents. These documents outline Council’s rating structure and the fees and charges to be applied to the 2021-2022 financial year.

#### **Rates and Annual Charges**

The Ordinary Rate structure detailed in the recommendation to this report incorporates an increase in Council’s General Rating Income of 2.0% for 2021-2022, which is the rate peg increase approved by IPART. The same increase (2.0%) has been applied to all the annual charges, excluding stormwater and waste. The base stormwater annual charge has remained unchanged since its inception in 2006-2007. The Domestic Waste Management Charges are determined in accordance with the Reasonable Cost guidelines issued by the Office of Local Government. The rates and annual charges structure has remained unchanged from the Draft Revenue policy that was placed on exhibition.

#### **Fees and Charges**

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

*Rates & Annual Charges:*

Council has received advice, post exhibition, from the Office of Local Government (OLG) that the statutory Section 603 certificate fee will be \$85.00 in 2021-2022, which is consistent with 2020-2021. In addition, the Interest Rate on Overdue Rates & Charges which is determined by the OLG has been set at 6% for the financial year 2021-2022.

*Settlement Shores Maintenance Fee:*

Included in the Draft Operational Plan was a fee of 0.0006154c in the \$ to be applied to the land value of properties within the Settlement Shores Canals to facilitate the outstanding works in the Ballina and Newport Canals. Following engagement with local residents, this fee has now been removed pending further analysis.

*Special Event Glasshouse Hay Street Reserve Usage Fees:*

These fees were included in the Draft Fees and Charges, however both fees have been increased by \$10.00 per day.

General Use - \$190.00 per day

Commercial Use - \$460.00 per day

Charitable - No Charge

*Town Square Reserve Event Fees:*

These fees were included in the Draft Fees and Charges but with an amount of zero in error, the correct amount is shown below.

Event Town Square Reserve Usage Fees: No Closure or Quarter Closure

General Use - \$190.00 per day

Commercial Use - \$460.00 per day

Charitable - No Charge

Event Town Square Reserve Usage Fees: Half Closure

General Use - \$209.00 per day

Commercial Use - \$506.00 per day

Charitable - No Charge

Event Town Square Reserve Usage Fees: Full Closure

General Use - \$218.50 per day

Commercial Use - \$529.00 per day

Charitable - No Charge

*Environment and Regulatory:*

Two new fees have been added for Companion Animals, these are

1. Adoption of a Cat - \$200.00
2. Adoption of a Dog - \$400.00

These fees replace a calculated fee used previously based on such as vet costs and microchipping.

It is noted that the Town Square Reserve Event Fees and Environment and Regulatory Fees above are essentially new fees when compared to the Draft document. On this basis, these fees will be publically exhibited and recommended for adoption as part of the complete Fees & Charges subsequent to this period and assuming no submissions are received that change the outcome of these fees.

**Options**

It is a statutory requirement that Council adopt its Integrated Planning and Reporting suite of documents by 30 June 2021.

**Community Engagement & Internal Consultation**

The draft revenue policy and fees and charges documents were placed on public exhibition from 18 March 2021 to 30 April 2021. The consultation process undertaken is outlined in the “Integrated Planning and Reporting (IPR) Suite of Documents” report included in this meeting.


**Planning & Policy Implications**

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

**Financial & Economic Implications**

The making of the rate and adoption of the fees and charges will allow Council to raise the income that is required to undertake the works included in the 2021-2022 Operational Plan.

**Attachments**

1.  2021-2022 Fees & Charges
2.  2021-2022 Revenue Policy
3.  2021-2022 Rating Maps



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**Item: 09.06**

**Subject: PAYMENT OF WATER FUND AND SEWER FUND DIVIDEND FOR THE YEAR 2019-2020**

**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. Note the achievement of substantial compliance with each of the best practice guidelines (NSW Best Practice Management Guidelines for Water Supply and Sewerage, August 2007) of:**
  - (a) Strategic Business Planning**
  - (b) Pricing**
  - (c) Water Conservation**
  - (d) Drought Management**
  - (e) Performance Reporting**
  - (f) Integrated Water Cycle Management**
- 2. Authorise the application to the NSW Government for approval to pay a dividend of \$932,175 to the General Fund from the surplus in Water Supply operations for the 2019-2020 financial year.**
- 3. Authorise the payment of \$103,575 for tax equivalents to the general fund from the Water Supply operations for the 2019-2020 financial year.**
- 4. Authorise the application to the NSW Government for approval to pay a dividend of \$873,099 to the General Fund from the surplus in the Sewerage Fund for the 2019-2020 financial year.**
- 5. Authorise the payment of \$97,011 for tax equivalents to the general fund from the Sewerage Fund for the 2019-2020 financial year.**
- 6. Determine that if successful in its application, the dividend will be allocated to the Business Improvement Initiatives reserve.**

#### **Executive Summary**

This report provides Council with information on Council's compliance with NSW Best Practice Management Guidelines for Water Supply and Sewerage.

In addition, the recommendation will allow Council to apply for payment of a dividend from the Water Supply and Sewerage Funds to General Fund for the year ended 30 June 2020.

**Discussion**

Where a Council Water or Sewerage operation has:

- an operating surplus for the year in question, and
- a sufficient cumulative operational surplus over the last three years

it may be eligible to make a dividend payment from the surplus if it meets the following requirements:

1. Demonstrates best-practice management compliance through an independent compliance audit report.
2. Obtains an unqualified financial audit report for its water supply/and or sewerage business(es).
3. Resolves in a council meeting open to the public that it has achieved “substantial compliance” with each criterion of the Best Practice Management Guidelines. The criterion is set out in table 1 of the guidelines which is attached.
4. Successfully undergoes a review of the Council overhead distribution to Water and Sewerage for the year in question.

Any dividend taken from the water and sewerage funds is able to be transferred to the General Fund and is unrestricted.

For the 2019-2020 financial year, Council meets the surplus requirements for both the Water Supply operations and the Sewerage operations.

**Requirement 1 – Best Practice Criteria**

In August 2007, the NSW Department of Water & Energy issued the final guidelines for the Best Practice Management of Water Supply and Sewerage Operations. The intent of the Best Practice Guidelines is to ensure compliance with six Best Practice Management criteria.

The six Best Practice criteria are:

1. Strategic Business Planning
2. Pricing (including Developer Charges, Liquid Trade Waste Policy and Approvals)
3. Water Conservation
4. Drought Management
5. Performance Reporting
6. Integrated Water Cycle Management

Within each of the above six criteria there is a required outcome that needs to be met and indicators that demonstrate the achievement of the outcome. In accordance with the guidelines, Council has endeavoured to meet all criteria as addressed in the guidelines and to demonstrate the achievement of the criteria.

The achievement of the criteria is required to be audited by an independent external Auditor. Council has recently appointed NSW Public Works Advisory to undertake the best practice compliance audit for the 2019-2020 financial year. A copy of the final audit report is attached.

The audit concluded that “Port Macquarie-Hastings Council has demonstrated “substantial compliance” with Best Practice Management of Water Supply and Sewerage in line with the DPIE-Water Guidelines as applicable for the year ended 30<sup>th</sup> June 2020”.

*Requirement 2- Unqualified Financial Audit Report*

The independent Audit Report on the Special Purpose Financial Reports for Water and Sewerage was included in Council's Annual Statements for the 2019-2020 financial year. The audit report was unqualified and therefore meets the criteria in the guidelines. A copy of the audit report is attached.

*Requirement 3- Council Resolution*

It is recommended that Council resolve that it has achieved “substantial compliance” with each criterion of the Best Practice Management Guidelines.

*Requirement 4 - Overhead Distribution*

Council recently engaged Thomas Noble & Russell to undertake the overhead review for the 2019-2020 financial year. The conclusion of that review was that “nothing has come to our attention that causes us to believe that the reallocation of overheads to Council's water and sewer business activities disclosed in the special purpose financial statements for the year ended 30 June 2020 is not fair and reasonable”. A copy of this report is attached.

*Application*

Once Council complies with the abovementioned criteria, Council is able to apply for permission to pay a dividend from the Water Supply and Sewerage operations. The dividends total \$932,175 for water supply and \$873,099 for sewerage services for the financial year 2019-2020. The payment of the dividend is subject to approval by the NSW Government and approval may or may not be granted. The payment of tax equivalents totalling \$200,586 is not subject to approval from the NSW Government.

*Water Charges*

Water charges will continue to be charged under the current two-tier water pricing tariff structure. The annual water charge and usage charges for 2021-2022 in the draft Operational Plan are proposed to increase by 2.0% in line with the general fund rate peg. Recycled water will continue to 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 3 years commencing 2019-2020 with the goal that 75% of water income will be derived from usage charges by 2021-2022, in line with best practice recommendations. These charges will have to be monitored each year to ensure they stay within best practice guidelines.

*Allocation of Dividend to Reserves*

Council recently resolved to adopt The Australian Business Excellence Framework. The framework provides a systematic and structured approach to improve the performance of an organisation's strategy and governance. The



framework will drive Council's continuous improvement program with a focus on bringing the organisation closer to reflecting excellence in each of the core areas and assist Council in achieving and sustaining high levels of performance. As Council looks to the future, it is looking to drive change and transformation, ensure alignment of strategic priorities across the business and provide excellence in frontline services and customer experience. It is expected that half of the allocation will contribute to the funding of the key transformational projects. The remaining allocation will be required for necessary Digital Technology and system improvements.

As reported to the March 2021 Ordinary Meeting of Council, 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

### **Options**

Council has the option of applying for approval to take a dividend of \$1,805,274 from the water and sewerage funds or it can choose not to apply. If Council chooses to apply it must resolve that it has achieved "substantial compliance" with each of the criterion in the Best Practice Guidelines.

Council may choose to resolve that if successful the dividend be used for certain purposes, or it may choose not to limit the application of the funds.

### **Community Engagement & Internal Consultation**

Consultation has occurred with the Water and Sewerage sections, Executive Team and independent auditors.





### **Planning & Policy Implications**

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

### **Financial & Economic Implications**

A total dividend from surplus of \$1,805,274 is payable by the Water Supply and Sewerage operations. In addition, tax equivalents of \$200,586 are also payable. These funds are unrestricted and can therefore be spent on any General Fund activity that Council sees fit.

**Attachments**

1.  Best Practice Guidelines - Table 1
2.  2019-2020 Best Practice Compliance Final Audit Report
3.  2019-2020 Special Purpose Audit Report
4.  2019-2020 Overhead Audit Report

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**Item: 09.07**

**Subject: MONTHLY BUDGET REVIEW - MAY 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 "May 2021 Adjustments" section of the Monthly Budget Review – May 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 May 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 position unchanged and at the end of May 2021 at a surplus of \$36,666 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
March Review	Surplus	\$220,000
April Review	Surplus	\$161,799
May Review	Balanced	\$0
<b>Forecast Budget Position for 30 June 2021</b>	<b>Surplus</b>	<b>\$36,666</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.

**May 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 5 of this report. Further details on individual transactions are provided in Attachment "May 2021 Budget Review".

**May Budget Adjustments**

Council was awarded grants totalling \$138K during the month of May 2021. This comprised of a grant for \$83.7k from Transport for NSW for Pedestrian Facilities and another grant for \$50k for the rollout of the Online DA Planning Portal.

Budget Variance Requests were approved by Executive relating to the Car Parking Strategy engagement (\$90k) and Water Network Maintenance Activities (\$1.14m). Further budget variances relate to the reallocation of funding for Gordon Street Rehabilitation totalling (\$1.231m), Jindalee Road Asphaltting works in the amount of (\$1.239m) and Comboyne Road Stabilisation works totalling (\$331k). These are accounting entries only and have no impact on Council's budget position.

A reserve transfer of \$26k was also initiated to enable the high level concept design of the Police Precinct to proceed.

Funding initially identified as being required for the 2020/21 Timber Bridges program has now been reallocated as matching funding under the newly announced Fixing Country Bridges Program in the 2021/22 Financial Year (\$350k).

All other adjustments are accounting entries only and have no impact on Council's budget position or accounts

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	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		(739)	36,196		36,196
Interest Received	6,490			6,490		6,490
Grants and Contributions	44,517	2,897	2,551	49,965	(1,097)	48,868
Other Operating Receipts	4,109		416	4,525		4,525
<b>Expenses from continuing operations</b>						
Employee Costs	(54,590)		74	(54,516)		(54,516)
Materials and Contracts	(42,330)	(3,244)	(417)	(45,990)	(1,022)	(47,012)
Depreciation	(49,177)		1,400	(47,777)		(47,777)
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>4,722</b>	<b>34,830</b>	<b>(2,119)</b>	<b>32,711</b>
<b>Restricted Asset Movements</b>						
Transfer from Restricted Assets	68,784	8,411	(16,361)	60,834	421	61,255
Transfer to Restricted Assets	(52,930)		(6,422)	(59,352)		(59,352)
<b>Net Revenues (Used in)/Provided by in Restricted Assets</b>	<b>15,854</b>	<b>8,411</b>	<b>(22,783)</b>	<b>1,482</b>	<b>421</b>	<b>1,903</b>
<b>Property, Plant and Equipment Movements</b>						
Purchase of Assets	(84,892)	(8,064)	20,174	(72,782)	1,698	(71,084)
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>20,174</b>	<b>(79,282)</b>	<b>1,698</b>	<b>(77,584)</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>0</b>	<b>0</b>	<b>(7,770)</b>	<b>0</b>	<b>(7,770)</b>
<b>Net Result (Incl Depreciation)</b>	<b>(52,854)</b>	<b>0</b>	<b>2,113</b>	<b>(50,740)</b>	<b>0</b>	<b>(50,740)</b>
Add Back: Non Cash Items	52,177		(1,400)	50,777		50,777
<b>Budget Surplus/(Shortfall)</b>	<b>(677)</b>	<b>-</b>	<b>713</b>	<b>37</b>	<b>0</b>	<b>37</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 leaves the budget position unchanged at a surplus of \$36,666.

**Statement by Responsible Accounting Officer**

*"The adopted original budget result for 2020-2021 was a shortfall of \$676,730. As at 31 May 2021, this position is a surplus of \$36,666. This position is considered to be a satisfactory result for the year".*

**Attachments**

1.  May 2021 - Monthly Budget Review



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**Item: 09.08**

**Subject: INVESTMENTS - MAY 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 May 2021.**

#### **Executive Summary**

- Total funds invested as at 31 May 2021 is \$338,605,610.
- Interest for the month of May was \$518,915.
- The year-to-date investment income of \$5,961,295 represents 94% of the total annual investment income budget of \$6,321,696.
- Council's total investment portfolio performance for the financial year to date was 2.02% above the benchmark (2.08% against 0.06%), benchmark being the Bank Bill reference rate as at 31 May 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 +2.11% p.a., outperforming bank bills by 2.05% p.a. and over 12 times the official cash rate. This has been very strong given deposit rates have 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 does not expect the conditions for a rate hike "*to be met until 2024 at the earliest*".
- The RBA also noted that there have not been any signs of stress in the financial system and that 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 remain low, as opposed to loss of capital.
- With the RBA cutting interest rates in November 2020, 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 60% 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 \$2.4m 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|cddb291-68a4-4d81-8aee-b3733958e5ca|bd0cff62-3134-4e81-9f7e-de4e65feb428|en-AU>

### Current Investments

Council is required to undertake investments in accordance with section 625 of the *Local Government Act 1993*. This report provides details of Council's investments, and certifies that all funds that Council has invested as at 31 May 2021, comply with this Act. All investments have been made in accordance with the Act and Regulations, and Council's Investment Policy.

As at 31 May 2021, the investments held by Council totalled \$338,605,610 and were attributed to the following funds:

General Fund	141,976,855
Waste Fund	18,970,902
Water Fund	121,377,631
Sewer Fund	54,760,865
Sanctuary Springs Fund	48,992
Broadwater	1,470,365
	<hr/>
	<b>338,605,610</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.

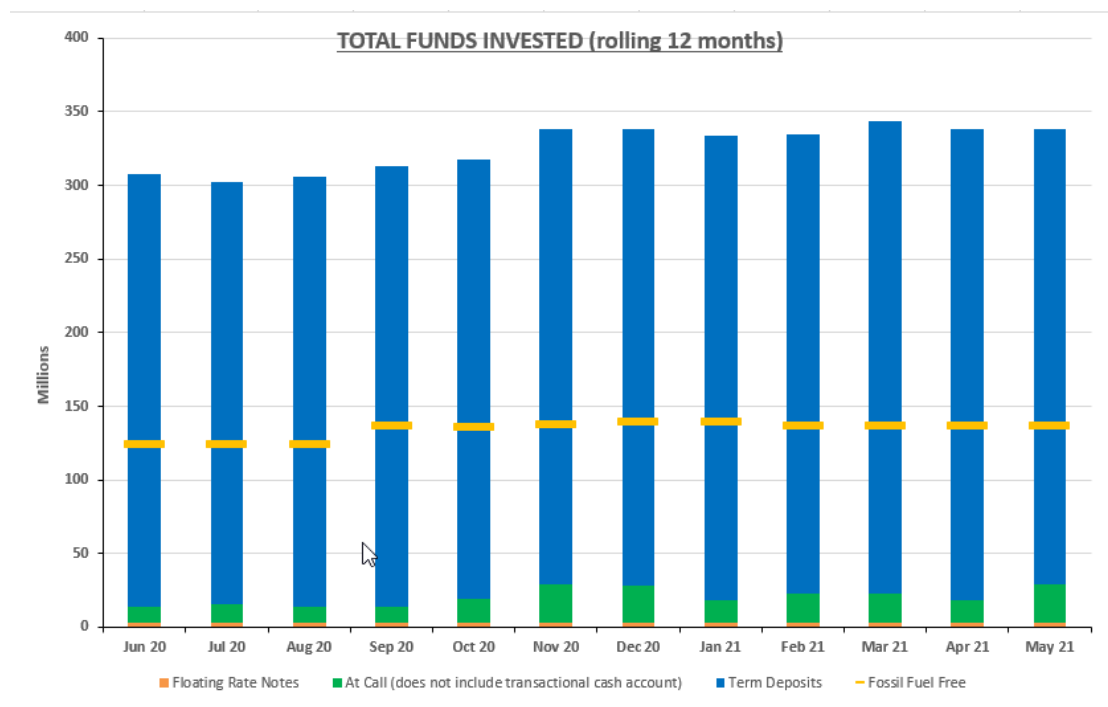
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$338,605,610), and total investments held as per Imperium's attached monthly report (\$338,659,546). 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 31/05/21 (\$)	Amount invested at 31/05/21 (%)
Yes	59,530,000	63.31%	201,605,610	59.54%
No	34,500,000	36.69%	137,000,000	40.46%
	<b>4,030,000</b>		<b>338,605,610</b>	

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



During the month of May, total investments remained static as compared to April 2021.

### 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 2.02% above the benchmark (2.08% against 0.06%) and year to-date income is 94% 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 Investment Report - May 2021
2.  Port Macquarie-Hastings Council Valuation Report - May 2021

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**Item: 09.09**

**Subject: UPDATE OF FLOOD AND STORM EMERGENCY**

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

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**Alignment with Delivery Program**

1.3.1 Provide effective leadership and equity.

**RECOMMENDATION**

**That Council:**

- 1. Note the information included in this Update of Flood and Storm Emergency report.**
- 2. Continue to waive relevant Council fees and charges associated with building / construction, in relation to owners of properties and local businesses which have been damaged or destroyed in the March 2021 Flood and Storm Emergency.**
- 3. Continue to waive fees to alter sewerage management facilities under section 68.**
- 4. Continue to waive Council tipping fees (not including State Government levies unless waived by the State Government) for local government area residents and businesses' flood damaged waste, including building materials, furniture, fittings, personal items at Council's waste transfer stations until 31 December 2021.**
- 5. Continue to waive Council fees (not including State Government levies unless waived by the State Government) for bulk kerbside collection of flood damaged waste for local government area residents until 31 December 2021.**
- 6. Make application to the NSW Environment Protection Authority (EPA) for an extension to the waste levy exemption for flood damaged waste arising from the March 2021 Flood and Storm Emergency to 31 December 2021.**
- 7. Note that remaining measures (including amendments to various fees and charges as outlined in the body of the report) will revert to pre-Flood and Storm Emergency adopted fees and charges status from 21 June 2021.**
- 8. Note that members of the community can seek assistance in times of hardship under the provisions of Council's Rates and Charges Hardship Assistance Policy.**

**Executive Summary**

In March 2021, the Port Macquarie-Hastings LGA and surrounding regions were subject to unprecedented flood and storm activity, with large scale damage and a significant number of people forced to evacuate. As Council and the Community have worked through the recovery process and assessment of the full impacts, with the area being declared a natural disaster zone, it is recognised that the impact on our

community has been great and recovery will be ongoing for a significant period of time. It is also noted that the current challenges come on the back of many difficult months following the 2019 bushfires and floods, and the COVID-19 pandemic.

The Port Macquarie-Hastings Council LGA suffered the greatest amount of damage from the floods and storm activity when compared to surrounding areas. The recovery process is well underway, however the scale of the impacts cannot be underestimated. As well as the impact on our community's homes and businesses, there has been a large amount of damage to Council assets, with a large amounts of roads, bridges, parks and recreation spaces, amongst others, needing repair work.

The purpose of this report is to outline the current status of the impact on Council as an organisation and the status of relief measures implemented by Council to assist the local community.

### Discussion

At an Extraordinary Meeting of Council on 24<sup>th</sup> March 2021, Council resolved as follows:

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#### **04.01 RELIEF MEASURES FOR FLOOD AND STORM IMPACTED RESIDENTS**

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**RESOLVED:** *Hawkins/Intemann*

*That Council:*

1. *Note the provisions included in Council's 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.*
2. *Waive the fees and charges as detailed in this report, in relation to owners of properties and local businesses which have been damaged or destroyed in the March 2021 Flood and Storm Emergency. These fees and charges include:*
  - a) *Interest on rates and charges.*
  - b) *Direct debit dishonour fees.*
  - c) *Tipping fees for local government area residents and businesses' flood damaged waste, including building materials, furniture, fittings, personal items at Council's waste transfer stations as at 22 March 2021.*
  - d) *Fees for bulk kerbside collection of flood damaged waste for local government area residents.*
  - e) *Relevant Council fees and charges associated with building / construction.*
  - f) *Fees for food shop inspections.*
  - g) *Fees for public health inspections.*
  - h) *Animal impound and maintenance fees*
  - i) *Fees to alter an existing sewerage management facility under section 68.*
  - j) *Licence fees / application fees for activities on Council-managed land.*
  - k) *Fees for the use of the Innovation Hub.*
  - l) *Road Occupation fees under Section 138 for clean-up purposes.*



3. *Delegate approval to the Chief Executive Officer to enter into a formal agreement with an eligible applicant to repay outstanding rates and charges by periodical payments on a payment arrangement, where the applicant is the owner of a property which has been damaged or destroyed in the March 2021 Flood and Storm Emergency.*
4. *Extend the above Rates and Charges provisions to non-residential property owners.*
5. *Request the Chief Executive Officer to consider contacting the Chairs of the Sub-working Groups of the COVID-19 Recovery Working Group, for their assistance in a community-led recovery.*
6. *Note that contact has been made with BlazeAid regarding their possible assistance, especially in terms of repairing fences destroyed during this disaster event.*
7. *Congratulates the Chief Executive Officer, Directors and staff in moving quickly and decisively to enact Council's Business Continuity (Emergency) Plan and also for working seamlessly with multiple State, Federal and other agencies to implement significant support initiatives for our community.*
8. *Request the Chief Executive Officer to urgently contact the Federal members, Dr David Gillespie MP, Federal Member for Lyne and Mr Pat Conaghan MP, Federal Member for Cowper, to request immediate deployment of Australian Defence Force personnel to specific areas of concern in our region to assist with clean-up and recovery.*
9. *Request the Chief Executive Officer to provide an update report on this matter to the June 2021 Ordinary Council meeting.*

CARRIED: 5/0

FOR: Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

In accordance with resolution 9 above and as outlined in the Executive Summary, the purpose of this report is to provide an update of the various impacts on Council of the Flood and Storm Emergency, and the status of the relief measures that were implemented by Council to support our Port Macquarie-Hastings community.

#### Costs of the Emergency

At the time of writing this report, Council has spent approximately \$8m on emergency and recovery works, with an additional \$1.7m in tipping fees incurred in association with transferring debris to the tip as part of the clean-up. Current assessments of future restoration works indicate costs will be upwards of \$70m. The following outlines some of the major impacts and associated cost estimates at this time:

- Immediate reconstruction costs of infrastructure assets are estimated to be \$19.5m across approximately 80 assets
- Subsequent restoration / replacement of approximately 40 infrastructure assets is estimated to cost a further \$31.8m
- The above works are likely to span 2 years
- There are 13 landslips and coastal erosion restoration projects that will require approximately \$2.6m
- Replacement of boardwalks, (2 projects), has been estimated to cost \$4.0m
- There are marine assets requiring approximately \$2.0m
- Repair and replacement of public open space assets across 32 projects is estimated to cost \$2.1m, with Rocks Ferry requiring an additional \$10m

Assessment of the above impacts is ongoing and a number of assistance measures have been announced by State and Federal Governments. However, given the magnitude of damages, it will be some time before the impacts can be fully quantified and before the exact timeframes for when damaged assets can be restored can be determined. Whilst a lot of information has been gathered to inform the above assessments, matters such as insurance claims, resourcing / contractor availability to carry out restoration works, availability of natural disaster funding are still being worked through. Council is also investigating the use of a specific project “flood cell”, with the benefits of delineating costs and accountability. This will allow Council to focus on the recovery and restoration process, whilst still delivering important assets and services to the community.

In light of the above, action points have been included in the 2021-2022 Operational Plan, (that is part of the agenda of this Council meeting), that address the reconstruction, repair and replacement of assets at a high level. As assessments are refined and specific costs and timing in relation to each project become clearer, these will be added to the Operational Plan through future Monthly Finance Review reports to Council. This has also meant that Council has had to re-prioritise / amend a number of actions when compared to the draft Operational Plan and further amendments may be required as the situation evolves.

#### Hardship Provisions

As noted above, Council resolved at the Extraordinary Council meeting held on 24<sup>th</sup> March 2021 to implement a number of financial relief measures to support members of the community and local businesses who were impacted by the Flood and Storm Emergency.

As an update to the above, the following is noted:

- At the time of writing this report, a number of requests for hardship assistance for Rates and Charges had been received, with approximately 19 payment arrangements entered into and/or interest on outstanding amounts waived.
- At the time of writing this report, 3 animal impound and maintenance fees had been waived.
- The Charles Sturt University Innovation Hub (the Hub), currently run and managed by Council’s Economic Development team, was made available for complimentary access to local businesses and individuals directly impacted by floods. The primary user of this access was The Birdon Group, with 29 local staff rotating through The Hub to continue business operations, including engineering design, tender-writing, and recovery planning. Charles Sturt University approved a temporary expansion of The Hub into staff facilities to cater for the temporary increase in demand from paid and complimentary users. At the time of writing this report, \$11k in fees for use of the Hub had been waived.
- At the time of writing this report, Council has waived tipping fees for the community totalling \$555k.



### Community Support Programs

Over the past 10 weeks, Council has supported the community recovery from the devastating flood event. From 24 March, we set up Flood Outreach Centres firstly in Port Macquarie, closely followed by Laurieton, to ensure that impacted community members could access the support and advice they needed firstly in emergency care and followed by more longer-term support. We have also completed over 29 mobile outreach sessions across the LGA including Wauchope, Comboyne, Telegraph point, North Shore, Byabarra, Pappinbarra, Beechwood, Long Flat, Rollands Plains. The number of visitors to our Flood Outreach (recovery) Centres has exceeded 4800 visits.

From Monday 19 April to Monday 31 May Council also conducted 12 Community Flood Meetings to update the community on Council's response and to hear from the community about their needs and issues around the event and the recovery effort. Over 290 community members attended these meetings.

Council also established a Local Recovery Committee with a number of sub committees to support Community recovery including an Infrastructure and Environment Sub Committee, a Health and Wellbeing Subcommittee. Each committee had Council staff and local representatives that were working in the recovery space. These then reported up to the Regional Recovery Committee.

On the evening of Tuesday 1 June Council with the support of Community Champions held an online event to hear stories from the community response and to look to the future on how to improve our approach.

Council will continue to work with the community to understand where areas of improvement are when responding to and recovering from a natural disaster and we will be working on developing and updating our Emergency Preparedness Plans as well as Community Response plans.

### **Options**

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

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

Internal consultation was undertaken with the following staff:

- Director, Corporate Performance
- Senior Leadership Team
- Rates and Revenue Co-ordinator

### **Planning and Policy Implications**

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

**Financial and Economic Implications**

The direct assistance measures noted above have to date had a financial impact of approximately \$567k. Council has spent approximately \$9.7m on emergency and recovery works, including tipping fees, and current assessments of future restoration works indicate costs will be upwards of \$70m.

Assessment of the flood and storm damage is ongoing. Therefore, whilst preliminary assessments have indicated the above impacts, these may change moving forward. As assessments are refined, any impacts, including monies recovered through Natural Disaster Relief funding, will be reflected in the Operational Plan through future Monthly Finance Review reports to Council.

**Attachments**

Nil

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**Item: 09.10**

**Subject: INTEGRATED PLANNING AND REPORTING (IPR) DOCUMENTS**

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

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### **Alignment with Delivery Program**

1.1.4 Provide easy to understand and accessible community reporting.

### **RECOMMENDATION**

#### **That Council:**

- 1. Adopt the Integrated Planning and Reporting (IPR) One Year Operational Plan 2021-2022.**
- 2. Note the 2021-2022 budget position of a balanced budget and that update reports will be reported to Council monthly during the financial year.**

### **Executive Summary**

Our community has gone through a great deal in the past two years from drought, fires, the pandemic and now floods.

It is a Local Government statutory requirement for NSW Councils to develop the Integrated Planning and Reporting (IPR) documents. Part of that framework, this Operational Plan is a one year plan that identifies the individual projects and activities that will be undertaken in the 2021/2022 financial year period.

The draft plan was presented to the community just two days before the March 2021 floods and was placed on public exhibition from 18 March to 30 April 2021. This included an extension period of an extra ten days due to the major flood and storm event in March 2021.

The estimated budget position of a balanced budget has not changed. Some amendments have been made to the draft plan due to the following:

- The estimated impact of the March 2021 flood and storm event, and recovery in relation to that; and
- The impact of two major projects - Ocean Drive Duplication and the Fixing Country Bridges Program.

The 2021-2022 financial year will also see Council continue to deliver a range of services and activities outlined in the Operational Plan (Attachment A, both Parts) including the maintenance of over \$2 billion worth of assets. Council will also deliver/commence some major infrastructure works such as Gordon Street Upgrade, 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, Pappinbarra Bridge Replacement, and Road resurfacing and rehabilitation works.

Following the adoption of the Australian Business Excellence Framework, Council will be focussing this year on ensuring that we have a systematic and structured approach to improving our performance, our strategy and our governance.

Documents to be endorsed are the One Year Operational Plan 2021-2022 (Attachment A - Part A and B), with supplementary documents included in a separate report tabled to this same Council meeting with subjects:

- Making of Rates and Charges for 2021-2022;
- Adoption of the Fees and Charges; and
- Revenue Policy for 2021-2022.

### **Discussion**

It is a Local Government statutory requirement for NSW Councils to develop the Integrated Planning and Reporting (IPR) documents including an Operational Plan to be endorsed by 30 June each year. This report provides information relating to the Draft 2021-2022 Operational Plan which reflects a 12-month extension of the existing four-year Delivery Program (due to Covid). Council elections were likewise deferred for another year now being scheduled in September 2021.

The Local Government Act 1993 requires the IPR documents be placed on public exhibition annually for a minimum of 28 days before being endorsed by the Council. For the 2021-2022 documents, the public exhibition period was from 18 March to 30 April 2021. This included an extension period of an extra ten days due to the major flood event encountered in the LGA during March 2021.

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

### **Recovery - the March 2021 Flood and Storm Event**

Port Macquarie-Hastings LGA and surrounding regions were subject to unprecedented flood and storm activity in March 2021 with large scale damage to infrastructure. With the area being declared a natural disaster zone, it is recognised that the impact on our community has been great and recovery will be ongoing for a significant period of time.

Council is still taking stock of the extent of the damage, the cost to repair and ensuring that we have the sufficient workforce, contractors and materials to deploy to areas of highest community priority. To date, costs of the flood and storm event incurred exceed \$10m, with current assessments of future restoration works indicating these costs will be upwards of \$70m.

Whilst a lot of information has been gathered to inform the above assessments, matters such as insurance claims, resourcing / contractor availability to carry out restoration works, availability of natural disaster funding are still being assessed. The use of a specific project “flood cell”, with the benefits of delineating costs and accountability, is also being investigated. This will allow Council to focus on recovery, whilst still delivering important assets and services to the community. The following outlines some of the major impacts and associated cost estimates at this time:

- Immediate reconstruction costs of infrastructure assets are estimated to be \$19.5m across approximately 80 assets
- Subsequent restoration / replacement of approximately 40 infrastructure assets is estimated to cost a further \$31.8m
- The above works are likely to span 2 years
- There are 13 landslips and coastal erosion restoration projects that will require approximately \$2.6m
- Replacement of boardwalks, (2 projects), has been estimated to cost \$4.0m
- There are marine assets requiring approximately \$2.0m
- Repair and replacement of public open space assets across 32 projects is estimated to cost \$2.1m, with Rocks Ferry requiring an additional \$10m

High level action points addressing the restoration projects have been included in the 2021-2022 Operational Plan and as assessments are refined and specific costs and timing in relation to each project become clearer, these will be added to the Operational Plan and reported to Council during the year through future Monthly Finance Review reports.

#### Transformation - the Australian Business Excellence Framework (ABEF)

The ABEF was adopted by Council in March 2021 and over the life of this plan, the ABEF will become one of the key tools that Council uses to inform development and continuous improvement. The focus on the ABEF will not detract from flood and storm recovery work but will operate simultaneously in ensuring that we have a systematic and structures approach to improving our performance, our strategy and our governance.

With the above, comes a renewed focus on taking stock of the backlog of maintenance and repair across our stormwater, sewer & water services, technology and administrative systems. Focus on this remedial work will ensure that Council is well placed to deliver into the future.

This may require ongoing changes to the Operational Plan during the year as staff work through this transformation.

#### Operational Plan and Budget Snapshot

The One Year Operational Plan 2021-2022 (OP) includes individual projects and actions which will be undertaken during the 2021-2022 financial year. It includes a budget snapshot of community identified priorities and listings of proposed projects across the region, by local townships and their surrounds.

The OP is structured under four community themes that are carried through from the Community Strategic Plan and the Five Year Delivery Program 2017-2022 (Revised).



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

Total expenditure, excluding depreciation and loss on disposal of assets will be \$203.1m, with total revenues expected to be \$219.7m. Further information relating to the 2021-2022 budget can be found under the Financial and Economic Implications section of this report, as well as the attached one year 2021-2022 Operational Plan.

The proposed 2021-2022 Capital Works Program totals \$67.6m, (excluding developer provided assets). The capital works projects are included within the body of the Operational Plan (Part B) and are listed under their community themes.

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. Actions associated with these services are also identified in the Operational Plan (Part B) and are also listed under community themes.

Some of the major commitments in capital works priorities for 2021-2022 are listed by area below:

ACROSS THE REGION	
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
Conduct water asset replacement and renewal programs for live water mains, water meters, renewals and minor works, pumps and switchboards	\$2,185,000
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
Detailed design - Bain Park revitalisation, Westport Park, Town Beach Amphitheatre	\$450,000
Park and Reserve Upgrades - Pioneer Park, Log Wharf & Long Flat Recreation Grounds	\$250,000
Installation of new bus shelters as per the Community Passenger Transport Infrastructure Grant Scheme (CPTIGS) Program	\$176,000
Review of Car Parking Strategy	\$127,947
Installation of new water supply services to residential and business property to cater for new development	\$100,000
Deliver park furniture renewals across the local government area, including donated seats program	\$78,000
Town & Village Signage	\$50,000
Bridgeworks and Road Rehabilitation Program. Undertake regular bridge and geotechnical road pavement tests to inform and develop programme	\$50,000
Parks and Gardens Future Designs. Preparation of engineering designs in advance of construction programmes for Parks and Gardens	\$32,200



<b>LAURIETON, CAMDEN HAVEN AND SURROUNDS</b>	
Rainbow Beach Sports Fields - Commence construction of District Facilities	\$3,336,428
Kew Main Street Upgrade	\$1,211,316
Bonny Hills Recycled Water System Upgrade	\$777,144
Deliver sporting facility renewal and upgrades program across the LGA - Vince Imon Sporting Field	\$1,178,783
Kew Sewerage Treatment Plant (STP) Upgrade, Complete project planning and commence construction (Multi Year project)	\$500,000
Old School Road Bridge, Herons Creek - Upgrade	\$570,000
Undertaken Panorama Drive/Binbilla Drive stormwater remediation works	\$420,000
Camden Haven Waste Water Treatment Membrane Replacements	\$400,000
Beach to Beach - shared path project at Camden Haven – Detailed design, environmental approvals and commencement of construction	\$367,245
Lorne Road Sealing - Commence detailed design and approvals	\$250,000
Preconstruction Works - Trunk Main from Bonny Hills to Kew (Area 15) Reservoir All Stages	\$250,000
Continue design and construction for Black Swan Terrace - Stormwater detention facility (multi year project)	\$158,186
Kendall Tennis Club Upgrade	\$150,000
Camden Haven Surf Life Saving Clubhouse - connect to sewer	\$100,000
Cutty Creek Bridge, Herons Creek	\$115,500
Joes Bridge Upgrade	\$115,500
Installation of Dedicated Generators for backup power supply to Sewerage Pumping Stations CH SPS #9	\$80,000
Lake Cathie Community Reserve Basketball Court	\$70,000
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
Bonny Hills Reserve Master Plan - Landscaping Improvements	\$59,640
North Haven Flood mitigation Works - investigation and concept design of remedial works	\$55,000
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

<b>PORT MACQUARIE</b>	
Gordon Street Upgrade - Road Resurfacing, Stormwater flood mitigation and water main renewal works (multi year project)	\$6,380,152
Port Macquarie Town Centre Master Plan (TCMP) improvements - Port Macquarie Foreshore Walk Project Construction	\$3,100,000
Thrumster Recycled Water Interim Supply - Rising Main to Thrumster Reservoir - Booster Pumping Station and Interim Reservoir - undertake construction	\$3,100,000
The Hatch Rd - Reseal Sections - Investigation and design for sealing 3kms of Rd	\$1,359,000
New Footpath on the North Shore	\$960,000
Westport Park - continue boat ramp parking upgrade	\$937,000
Port Macquarie Pool - Continuation of Strategic Concept and Business Case development	\$748,215
Kingfisher Waste Transfer Station Upgrade - Kingfisher Road Rehabilitation	\$650,000
Marbuk Motorised Valve Relocation	\$600,000
Kerb and Gutter Installation - Wesley Avenue, Petit St, Hart St and Anderson St	\$550,000

PORT MACQUARIE	
Boundary Street Upgrade - Detailed Design and Environmental Approvals	\$429,000
Thrumster Sports Fields - Detailed design and approvals	\$406,441
Install solar energy PV systems at Port Macquarie (Kingfisher Road), Wauchope and Kew waste transfer stations	\$395,000
Wayne Richards Park Bike Track Upgrade	\$350,000
Preconstruction works for upgrade of Sewerage Pump Station PM#71, PM#18, CH#2, KK#6, KK#4 and PM#21	\$312,010
Maria River Road	\$300,000
Town Green Central & West/Playground	\$400,989
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
Replacement of 2 <sup>nd</sup> Effluent Pump at Port WwTP	\$150,000
Aquatic facilities - renewal of assets at end of useful life	\$150,000
Upgrade to Port Macquarie Emergency Operations Centre	\$148,968
Installation of Dedicated Generators for backup power supply to Sewerage Pumping Stations PM SPS#64	\$120,000
McInherney Park - Contribution to public amenities in new boat storage facility	\$120,000
Transport Network Improvement Planning Project - Options Assessment and Strategic Business Case (Including Review of Orbital Road Options) (Multi Year Project)	\$119,074
Port Macquarie Waste Water Treatment Plant Odour control mitigation works	\$107,000
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
Centrifuge upgrade and Process Optimisation at PM WwTP	\$100,000
CSU - Googik Connection Consultancies	\$90,000
Bridge 181, Mundays Lane - Upgrade	\$76,500
Town Beach Reserve Basketball Courts	\$70,000
Bridge 178, Mundays Lane - Upgrade	\$66,000
Bridge 179, Mundays Lane - Upgrade	\$66,000
Finalise development planning for the Port Macquarie Airport Business and Technology Park (multi year project)	\$60,000
Continuation of Preconstruction of Thrumster Sewerage Treatment Plant (Area 13) - Phase 1	\$50,000
Preconstruction / construction of Widderson St Reservoir Roof Replacement	\$50,000
Carry out reactive maintenance to Koala Food Trees and Koala Fencing on Link Rd (Ocean Dr)	\$50,000
Stormwater Remediation - 35 Hart Street	\$40,000
Operate and maintain Port Macquarie Airport in accordance with regulatory, safety and security requirements - Maintenance and refurbishment of Council owned Hangars	\$30,000
Ocean Drive (South of Port Macquarie) Site Remediation	\$30,000

WAUCHOPE, RURAL AND SURROUNDS -	
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
Pembrooke Road Beechwood Rd & Stoney Creek Rd	\$2,980,000
Design and Construction of the Pappinbarra Bridge Replacement	\$2,808,140
Bulk Water Chlorination Upgrade Wauchope WTP	\$1,700,000
Little Mortons Creek Bridge Upgrade	\$390,000
King Creek Bridge Upgrade	\$543,000
Donkins Flat Bridge, Comboyne - Upgrade	\$540,000
Kindee Bridge - Immediate Structural Repairs	\$530,000
Bril Bridge Upgrade	\$500,000
Beechwood Pedestrian Upgrades	\$480,000
Bottlebrush No 1 Bridge Upgrade	\$439,500
Pembrooke Road - Stoney Creek Bridge Upgrade - Detailed Design	\$350,000
Langdons Bridge (Bottlebrush No 2) Upgrade	\$256,500
Construction of Rock Ramp to secure water level at Koree Island Pumping Stations Intake Pool	\$150,000
Tower Rd Bridge, Pembrooke - Upgrade	\$141,000
Bago Rd resurfacing	\$200,000
Resurface Council Carparks - Cameron St, Wauchope & Bridge St, Port	\$150,000
Crowe Roods Bridge, Bellangry - Upgrade	\$102,000
Undertake a detailed traffic analysis of the Sancrox/Thrumster/Fernbank growth area to identify high priority works	\$100,000
Commencement of design for the Water treatment/Filtration Plant at Cowarra dam	\$100,000
Installation of in line monitoring instruments at Koree Island River intake	\$100,000
Pre Construction of Cowarra to Wauchope Backfeed PS	\$100,000
Property Acquisition associated with the Sancrox Reservoir to Wauchope Trunk Main Augmentation	\$100,000
Installation of new Microwave Telemetry Links -Rosewood/Bago To Wauchope WwTP	\$60,000
Microwave link Cowarra to Rosewood	\$60,000
Culvert - Farrawells Road, Telegraph Point	\$55,500
Cowal Creek Bridge, Bellangry - Upgrade	\$51,000
Culvert - Thone River Rd, Byabarra	\$51,000
Construction planning for the Sancrox Reservoir to Area 13 (Thrumster) trunk main (DN750)	\$34,297
Kindee Bridge Upgrade - Detailed Design	\$30,000

#### Post Exhibition Amendments to the Capital Works Program and Operational Budgets

The Operational Plan 2021-2022 contains a number of amendments as compared to the Draft Plan that was placed on public exhibition.

It is important to note that Draft Plan was developed prior to the March 2021 Flood and Storm Emergency. In addition, the impact of 2 significant projects on the overall 2021-2022 program was not able to be fully ascertained at the time of finalising the draft:

- At the 3 March 2021 Extraordinary Council meeting, Council resolved to incorporate the Ocean Drive Duplication project into the draft 2020-2022 Operational Plan and Long Term Financial Plan, including funding \$25m from borrowings and \$5m from Council reserves. The project is significant at a

potential cost of approximately \$90m, with currently a \$60m funding commitment from the State Government. It is a key project in the region with a number of benefits including assisting with reducing congestion and travel time, particularly considering future population growth, as well as the potential partnership between Local, State and Federal Government providing a strong whole of Government approach to infrastructure across the Port Macquarie-Hastings Local Government Area.

- In addition, Council has 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 were 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 was still being assessed.

As described earlier in the report, some amendments have been made to the Operational Plan due to the Flood & Storm event of March 2021.

The capital works program incorporated in the one-year Operational Plan 2021- 2022 that was placed on public exhibition was valued at \$58.6m, (excluding developer provided assets). As a result of the above changes the capital works program outlined in the Operational Plan 2021-2022 is now \$67.6m, (excluding developer provided assets). The attached document "Attachment C - Post Exhibition Amendments" lists the specific changes to the program.

Amendment to the operational budgets included the following:

Item	Amount
• Regional Integrated Transport Strategy	\$20,000
• Sustainability Strategy	\$20,000
• Port Macquarie Civic Precinct Plan	(\$110,000)
• Green Meadows Drive Development Planning	(\$95,000)
• Kangaroo Park Development Planning	(\$100,000)
• Program to Encourage Use of Vacant Commercial Spaces	(\$60,000)
• Deliver Master Planning	(\$78,000)
• Hydrodynamic Model for Lake Cathie/Lake Innes Estuary	\$150,000
• Broadwater Canal - Hydrographic Survey and Minor Dredging	\$100,000
• Gravel Re-sheeting	(\$500,000)
• Removal of Settlement Shores Canals Proposed Fee (revenue)	\$146,000
• Increase in Lifeguard Contract	\$126,000
• Increase in Workers Compensation Premium	\$650,000
<b>Total</b>	<b>\$347,000</b>



**Options**

It is a Local Government statutory requirement for NSW Councils to develop the Integrated Planning and Reporting (IP&R) suite of documents and for them to be endorsed by Council by 30 June each year.

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

**Community Engagement**

The draft documents were placed on public exhibition from 18 March to 30 April 2021. A meeting was held between staff and Councillors to discuss the submissions and any potential changes to the Operational Plan as a result of the submissions.

Due to Covid-19 and the floods, engagement activity this year was focused online through the Have Your Say site.

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

- Total visits - 340
- Max visitors per day - 49
- Engaged visitors (submissions) - 26
- Informed visitors (downloaded documents) - 131
- Aware visitors (read through documents without downloading) - 265

Overall, 16 submissions were received via letter, email and on line. The following table provides a summary of the number of submissions by Service.

<b>Service</b>	<b>Number of submissions</b>
Roads, Bridges & Transport	5
Stormwater and Drainage	3
Sports and Recreation	8
<b>Total</b>	<b>16</b>

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

**Internal Consultation**

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

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

**Planning and Policy Implications**

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

**Financial and Economic Implications**The 2021-2022 Budget

The one-year Operational Plan includes the Budget Statement which gives an overview of how the proposed activities included in the plan will be funded.

The 2021-2022 budget forecasts a balanced budget. This compares to the \$676,730 original budget shortfall in the previous 2020-2021 year.

Budget Summary

	2021-2022 Budget
<b>Operating Budget</b>	
Operating Income	213,235,450
Developer Provided Asset Contributions	6,500,000
Operating Expenses (excluding depreciation, loss on disposal of assets and interest expense)	(115,820,761)
Interest Expense	(2,157,754)
<b>Net Operating Budget</b>	<b>101,756,935</b>
<b>Capital Items</b>	
Net Transfers to Reserves	(16,669,404)
New Loans	-
Purchase of Assets	(67,573,068)
Developer Provided Assets	(6,500,000)
Loan Principal Repayments	(11,014,463)
<b>Net Capital Result</b>	<b>(101,756,935)</b>
<b>Budget Result Surplus/(Shortfall)</b>	<b>-</b>

Council's projected expenditure for 2021-2022 is \$203.1m which includes the following:

	2021-2022 Budget
Ongoing Operational Costs (excluding depreciation, loss on disposal of assets and interest expense)	115,820,761
Capital Works Projects	67,573,068
Developer Provided Assets	6,500,000
Debt Servicing Costs	13,172,217
	<b>203,066,046</b>

Council's projected income for 2021-2022 is \$219.7m which includes the following:



	2021-2022 Budget
Rates and Annual Charges	108,389,830
User Charges and Fees (for services such as water, waste management, building and planning, animal registration, crematorium, airport and library)	39,587,808
Interest Income	5,454,710
Grants and Contributions (made up primarily of state and federal government grants and developer contributions)	54,345,445
Developer Provided Asset Contributions	6,500,000
Other Revenue (such waste management income, rental of Council facilities and fines)	5,457,657
	219,735,450

In addition to a balanced budget position, the 2021-2022 budget forecasts an operating surplus of \$2,380k on a consolidated basis and an operating deficit of \$5,798k for Council's general fund. Whilst the consolidated operating result is satisfactory, the general fund operating result is forecast to be negative, however it is noted that there are a number of factors impacting this result including:

- a number of new and/or non-recurrent expenditures which have been prioritised and included in the budget to meet longer term strategic goals. Although contributing to a negative operating result in 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:





- Think 2050 and the new Community Strategic Plan - our future delivery and actions will be informed by the culmination of ideas and suggestions from the Think 2050 engagement;
- continued focus on ensuring Council's fees and charges structure is appropriate;
- continued review of depreciation and appropriateness of underlying assumptions;
- and transformational work through the ABEF.

#### Financial Assistance Grant

The 2021-2022 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.

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 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.

#### **Attachments**

1.  ATTACHMENT A(i) - Operational Plan Part A
2.  ATTACHMENT A(ii) - Operational Plan Part B
3.  ATTACHMENT B - Submissions response Summary on Draft Operational Plan 2021
4.  ATTACHMENT C - Post Exhibition Amendments

# 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: 10.01**

**Subject: BICENTENARY AND WAKULDA WRAP UP**

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

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**Alignment with Delivery Program**

2.5.1 Support cultural activities within the community.

**RECOMMENDATION**

**That Council:**

- 1. Note this report and the success of the 2021 Port Macquarie Bicentenary Event.**
- 2. Note the success of the Wakulda project which was launched in association with the Bicentenary event and provides an on-going destination attraction in the Port Macquarie CBD.**
- 3. Acknowledge the significant contribution of the Bicentenary Working Group and thank them for efforts.**

**Executive Summary**

Port Macquarie's Bicentenary event showcased our region, its people and stories and successfully delivered 50+ activities across 9 days for approximately 18,000 attendees from 10 - 18 April 2021. This report provides an overview of the outcomes and impacts of the event which was delivered by Council, with support from our volunteer Bicentenary Working Group.

During a particularly challenging time for the region, in the wake of the March flood events and on-going COVID gathering restrictions, the Bicentenary event brought people together safely to celebrate our place and allowed community groups to share the cultural, heritage and place making stories which reflect Port Macquarie via 40 satellite events.

Leveraging bushfire and COVID recovery funding, the Bicentenary event also acted as a launch point for key destination attraction projects such as *Wakulda: Weaving Our Stories As One*, local Food, Wine, Art and Cultural Trails, and *Yapang Bila Yapun.yapun* (Wauchope Bicentenary Riverside Sculptural Trail).

Overall, post-event research insights told us that attendees felt the event had a positive impact on their awareness of heritage of our area, the vibrancy of the CBD and felt it enhanced the image of Port Macquarie with tourists.

**Discussion**

The Port Macquarie-Hastings Bicentenary marked a milestone in our region's European history. Council's 2018-2021 Cultural Plan includes an action to 'Facilitate the development and delivery of Bicentenary events and activities for the period

2018-2021 in a manner which is inclusive and recognises the multiple cultural stories that make up the history and identity of our region'. At the 21 August 2019 Council meeting, Council endorsed three 2021 Bicentenary Projects:

#### 11.04 BICENTENARY PROJECTS 2021

**RESOLVED:** *Turner/Hawkins That Council:*

1. *Endorse the following proposed 2021 priority Bicentenary projects:*
  - (a) *Bicentenary Event 10 -18 April 2021;*
  - (b) *The Flagstaff Hill redevelopment; and*
  - (c) *Continuation of the development of the Port Macquarie foreshore walkway and sculptural trail, as recommended by the Bicentenary Working Group of Council's Cultural Steering Group.*
2. *Request the General Manager add a new action to the 2019/2020 Operational Plan, relating to 'the development and delivery of 2021 Bicentenary projects'.*
3. *Note that the Flagstaff Hill redevelopment project is proposed to deliver the new, additional, John Oxley memorial to commemorate 200 years since his expedition, as resolved by Council on 21 February 2018.*
4. *Note the Cultural Steering Groups support for the priority projects.*
5. *Request the General Manager prepare a report for the September Council Meeting to determine resourcing to deliver the agreed priority projects for the 2021 Bicentenary.*

**CARRIED:** 9/0

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

**AGAINST:** *Nil*

Whilst this report focuses specifically on the Bicentenary event, the delivery of the Bicentennial Foreshore Project remains a strong Council focus. Additionally, the design and construction of the Flagstaff project currently remains unfunded, however, staff continue to explore future opportunities in this regard.

At the time of the above resolution, nobody predicted the challenging period that lay ahead for our region with bushfires, COVID-19 and floods. As such, the Bicentenary Working Group undertook to reshape the event to act as a strong vehicle for community coming together, recovery and unity.

The Bicentenary event program, and consequent marketing and promotional collateral, supported the event vision "To walk our place and discover the stories that weave together to make Port Macquarie-Hastings the region it was, it is, and will be". The cultural diversity of the region was reflected, and inclusion and multi-generational storytelling was actively supported to enable a focus on our past, our present and our future generations.

Attachment 1 provides the detailed Event Report with highlights noted as follows.

The following project outcomes were achieved:

- Delivery of a free Port Macquarie CBD, Wakulda Nightly Program, as the key project outcome. This attracted over 7,400 attendees across the participating venues of the Historic Courthouse, Port Macquarie Museum, Mid North Coast



Pilot Boatshed, Glasshouse Regional Gallery and Sunset Sessions at Little Shack.

- Launch of *Wakulda, Weaving our stories as one*, immersive sound and light projection at the Port Macquarie Historic Courthouse. *Wakulda* continues to be screened nightly as a cultural attraction and night-time activation in our CBD.
- Delivery of inaugural Artists' Open Studios Weekend (10 & 11 April) involving 21 local artists and attended by over 2,310 community members and visitors.
- 40 Satellite Events delivered by local community organisations, associations, historic attractions and tourism operators drawing approximately 2,000 attendees.
- Hosting multiple Art Exhibitions including David Martin's Port Macquarie 200, Saltwater Freshwater Arts 2021, Ronnie Grammatica's 200 Years On, Governing Change by Leanne Prussing and the Community Art Exhibition.
- Activation of Hastings River Foreshore with the residency of Sydney Harbour Tall Ship, Coral Trekker, and incorporating delivery of Port Macquarie TAFE General Purpose Hand Course and daily sail schedule.
- Launch of a series of curated self-drive itineraries, Taste Trails, providing maps, travel times and local insights into the region's best food, wine and creative experiences.
- A spectacular event conclusion with the Royal Australian Air Force Roulettes aerial display.

The substantial impact of the floods on our community in March required last minute changes to the event program and careful consideration of what marketing and promotion was appropriate (and when) given the circumstances. Initially the program included the Hastings River Aquatic Activities Program, designed to encourage use and discovery of the Port Macquarie foreshore. This activation included vessels on display local and visiting, a sail past, displays and workshops. In consultation with aquatic stakeholders, the planned foreshore activities on Sunday 18 April did not proceed. At the same time local, state and national broadcast and digital media were overwhelmed by disaster coverage leaving little space for event related messages. This did mean that our event marketing and communication was compressed into a smaller window leading up to the event than we had hoped and there was criticism that the event was not promoted enough - in spite of the intense period of promotion via social media, radio, local media, public space signage and Council communications.

Attachment 2 provides the post-event research report. This report includes insights gleaned from surveys and feedback from both events attendees and participants after the event.

A survey of 406 attendees conducted during and immediately after the Event told us that 80% of respondents felt there was a positive impact toward their awareness of heritage of our area. This was closely followed by vibrancy of the CBD where 77% of respondents felt the event had a positive impact, and 77% feeling it enhanced the image of the town with tourists. There was marginally less impact reportedly felt for inclusion with community (71%) and indigenous awareness (67%). The majority of



attendees (53%) rated the experience as excellent, with many finding the event inspiring and enjoying the range of activities. Comments included:

- *Fell in love with Port Macquarie all over again and I've lived here for 15 years!*
- *Beautiful, educational, inspiring;*
- *Love love loved Wakulda. So important in truly weaving our connection with and on Birpai land;*
- *Brilliantly done, made me proud to live here;*
- *It was excellent and just what we needed after fire, COVID and flooding.*

The profile of attendees indicated the event appealed to a wide range of age groups. Most attended in couples or small family groups of 2-4 people. The total event audience is estimated at 18,000, with most of these participating in the Wakulda nightly program around the Port Macquarie CBD. Survey data indicated that visitors attended an average of 1.9 events during the 10-day program, resulting a unique visitor estimate of 9,474. Analysis suggests the majority of attendees at all activities resided in the Greater Port Macquarie area. However, attendees also came from other geographical markets including Sydney (5%), Greater Taree (1%) and Kempsey (3%), Newcastle (1%) and Central Coast (1%) and interstate (0.8%). It is interesting to note the variance in the ratio of locals to visitors at each venue, with the museum attracting more visitors from Sydney and Interstate and the Open Art Studios attracting more locals. In total, 56% of respondents all attendees (local and visitors) came specifically for the event, 24% came for the event and other reasons, and 20% were in the area for other reasons.

A separate Event Participant Survey was undertaken to understand involvement and outcomes for artists and/or community organisations who hosted satellite events or participated in event activations. There were 30 respondents, mostly those who participated in artist open studios weekend (80%), with others from community art exhibition, heritage exhibition, music performers, and other satellite events. Overall, there was a high perception of the organisation of the event (by Council), atmosphere and overall experience. The results show positive impacts toward social inclusion and pride of place, as well as meeting new people. Interestingly, these social benefits were felt more than personal benefits such as learning new skills and exploring creativity.

### Options

Council may choose to:

1. Note the information contained within this report.
2. Request further information in relation to the Port Macquarie-Hastings Bicentenary or Wakulda Project.

### Community Engagement and Internal Consultation

In addition to working with the Bicentenary Working Group members, a range of key internal and external stakeholders was consulted to develop the Bicentenary event format and program. This included Local Aboriginal Land Council representatives, artistic contractors, heritage sites and venues, Glasshouse Regional Gallery staff, Council Community Inclusion and Events staff, TAFE, Charles Sturt University, local businesses, and community organisations.

During event delivery, further engagement was encouraged directly between attendees and participating organisations, stakeholders and satellite events. The post-event analysis has been supported via feedback from the Bicentenary Working Group, event participants, and local community and out of region visitors.

**Planning and Policy Implications**

The Bicentenary event program delivers on Action 2.2 - Bicentenary of the 2019 - 2021 Cultural Plan. Additionally, it contributes to the following strategies in the Plan:

- Maximise arts and cultural experiences for all sectors of our community.
- Identify and develop the cultural identity of our places (towns and villages).
- Work collaboratively with cultural community sector to deliver identified heritage outcomes.
- Identify and develop opportunities to profile and promote culture at all levels - local to international.

**Financial and Economic Implications**



The Bicentenary program was delivered under an existing budget allocation of \$123,509 (total includes education program delivery and additional design charges). This was supplemented by a last minute Regional Tourism Bushfire Recovery Grant (\$5,000) and Building Better Regions Fund (\$20,000) bringing the final event budget to a total of \$156,962. The final event delivery came in at a cost of \$127,521. Overall events cost was reduced due to the need to plan within COVID restrictions, allowing for the uncertainty this brings and looking to secure an outcome regardless of changing restrictions. The flood event also affected costs with the postponement of the Hastings River Aquatic Activities Program removing a range of fees from berthing to security and licenses and more.

Wakulda was delivered with support from three funding streams; \$65,000 Local Roads and Community Infrastructure Grant, \$55,000 COVID Relief Reserve funding and \$145,000 Regional Tourism Bushfire recovery Grant Stream 2. The project was delivered within budget including a 12-month maintenance agreement. This investment now provides the infrastructure to support a permanent attraction in the Port Macquarie CBD.

Funding for the creation and installation of Yapang Bila Yapun,yapun was delivered from separate Federal and State grants and Council's COVID-19 Relief Reserve funding, which also included the launch of the Food, Wine, Art and Cultural Trails.

Council in-kind staff support for the planning, delivery and marketing of the event was calculated at a total of 2.5FTE. Staff time was funded primarily from existing Economic and Cultural Development salary budget including the temporary (2year) Cultural Events Officer budget approved for Artwalk and to support the Bicentenary. Significant volunteer time (198 hours) was also vital in supporting these event outcomes.

**Attachments**

1.  Bicentenary Event Report
2.  Bicentenary Event Research Report

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**Item: 10.02**

**Subject: RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND  
SUB-COMMITTEE - MAY 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. Phoebe Hemsell - \$350 to compete at the Australian Youth Beach Volleyball Championships in Coolangatta, Queensland which were held on 28-29 April 2021**
- 2. Jasmine Hyde - \$750 to compete at the 2021 Under 19s NSW State Team Netball Squad in the 2021 National Netball Championships which are being held in Hobart, Tasmania in July 2021.**
- 3. Naykisha Little-Legend - \$250 to compete at the 2021 NSW Country Rugby Union Championship events in Sydney, Camden and Bathurst across June and July 2021.**

### **Executive Summary**

The Mayor's Sporting Fund Sub-Committee met on Thursday 27 May 2021 and considered applications for financial assistance from Phoebe Hemsell to compete at the Australian Youth Beach Volleyball Championships in Coolangatta, Jasmine Hyde to compete in the 2021 U19s NSW State Team Netball Squad in Hobart, Tasmania and Naykisha Little-Legend to compete at the 2021 NSW Country Rugby Union Championships events in Sydney, Camden and Bathurst.

The Sub-Committee reached consensus on Item 06 (attached) and submits the above recommendation for Council's approval.

### **Attachments**

- 1.  Consensus Item 06 Mayor's Sporting Fund Sub-Committee Meeting 27 May 2021**

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**Item: 10.03**

**Subject: LONG TERM ENERGY STRATEGY: 6-MONTHLY UPDATE**

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

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### **Alignment with Delivery Program**

4.7.1 Promote renewable energy outcomes within Council.

### **RECOMMENDATION**

**That Council note the update on the Long Term Energy Strategy implementation as provided in this report.**

### **Executive Summary**

In October 2017, Council adopted a Long Term Energy Strategy to responsibly plan for and manage its long term energy requirements. As part of the adoption of this strategy, Council resolved to “receive six monthly reports on progress towards implementing the Long Term Energy Strategy”.

The following information covers Council’s progress for the period to the end of May 2021.

### **Discussion**

Council’s adopted Long Term Energy Strategy comprises 4 components:

1. Council will aim to source 100% of its electricity from renewable sources by 2027.
2. Council will aim to implement one or more mid-scale solar projects, when this technology becomes cost efficient to install and operate, in the medium to long term.
3. Council will continue to implement appropriate energy efficiency initiatives (including but not limited to more small-scale solar projects) in the short to medium term.
4. Council will report on progress via the annual Operational Plan, an annual report to Council, and periodically obtain strategic advice to inform the organisation of relevant advances in renewable energy technology.

Staff have been working at both a strategic and an operational level in execution of the above elements of the Strategy.

1. Path towards 100% of electricity from renewable sources - Solar PV

During the reporting period to May 2020, the following additional sites have had solar PV installed:



Site	Size of Solar PV
Airport Terminal Building	100kW

The Airport Terminal installation was funded under the \$1.8m Federal Government's Local Roads and Community Infrastructure Program.

This results in a total of 10 Council-owned sites that now have Solar PV installations for a total capacity of 505.2 kW - see summary of sites below (extract from Solar Analytics monitoring tool).

SITE NAME	SITE ID	ADDRESS	STATE	SIZE
Airport	287747	99 Boundary St Port Macquarie	NSW	99.9kW
Wauchope - Pool	238610	3 Cameron St Wauchope	NSW	22.5kW
Laurieton - Pool	238605	1 Laurie St Laurieton	NSW	53.1kW
Kendall - Pool	235477	1 Orara St Kendall	NSW	34.7kW
Laurieton - Library/Office	161224	9 Laurie St Laurieton	NSW	20.0kW
Port Macquarie - Library	159713	32 Grant St Port Macquarie	NSW	99.5kW
Port Macquarie - Mac Adams Music Centre	159212	33 Lord St Port Macquarie	NSW	3.1kW
Wauchope - RFS HQ Building	157957	104 Cameron St Wauchope	NSW	27.5kW
Port Macquarie - Council HQ Building	157952	17 Burrawan St Port Macquarie	NSW	74.4kW
Port Macquarie - Glasshouse	143866	30-42 Clarence Street Port Macquarie	NSW	70.5kW

A further five solar PV projects have been identified in the 2021-2022 Operational Plan for the following sites:

Site	Size of Solar PV
Port Macquarie Waste Transfer Station (Kingfisher)	147 kW
Wauchope Waste Transfer Station	59 kW
Kew Waste Transfer Station	147 kW
Wauchope Water Treatment Plant *	TBC
Port Macquarie Sewerage Treatment Plant *	TBC



The designs of the Solar PV systems for the Wauchope WTP and Port Macquarie STP sites are currently being reviewed to ensure they meet the future operational needs of the 2 sites.

Council staff are also undertaking investigations into the feasibility of Solar PV on the closed landfill sites at Kingfisher Road and Wauchope.

## 2. Path towards 100% of electricity from renewable sources - Power Purchase Agreement

Council is continuing to investigate the feasibility and appropriateness of entering into a Corporate Renewable Power Purchase Agreement (PPA) either standalone or as part of a larger buyers group.

Under a Corporate Renewable PPA, electricity buyers agree to buy power and/or Large-scale Generation Certificates (LGC) from a renewable energy project (currently solar or wind farms) at a fixed price over medium and long terms.

The emergence and growth of Renewable PPAs has been one of the major changes to the market for large-scale renewable energy with State and local governments playing a leading role in the PPA market. Beginning in 2016, PPAs have supported projects with a combined capacity of more than 8,500MW, of which nearly 7,000MW has enabled investment in new projects - see figure opposite.

The most recent PPA is the 240GWh Victorian Energy Collaboration (VECO) which is the largest ever emissions reduction project undertaken by local government in Australia. It is a 9.5 year PPA involving 46 councils and will provide 45% of all Victorian Councils' energy requirements with 100% renewable from mid-2021 reducing CO2-emissions by 260,000 tonnes per year - the equivalent to powering 48,000 homes with renewable energy or taking 90,000 cars off the road each year. (ref: <https://www.centralgoldfields.vic.gov.au/Community-Services/Victorian-Energy-Collaboration>)

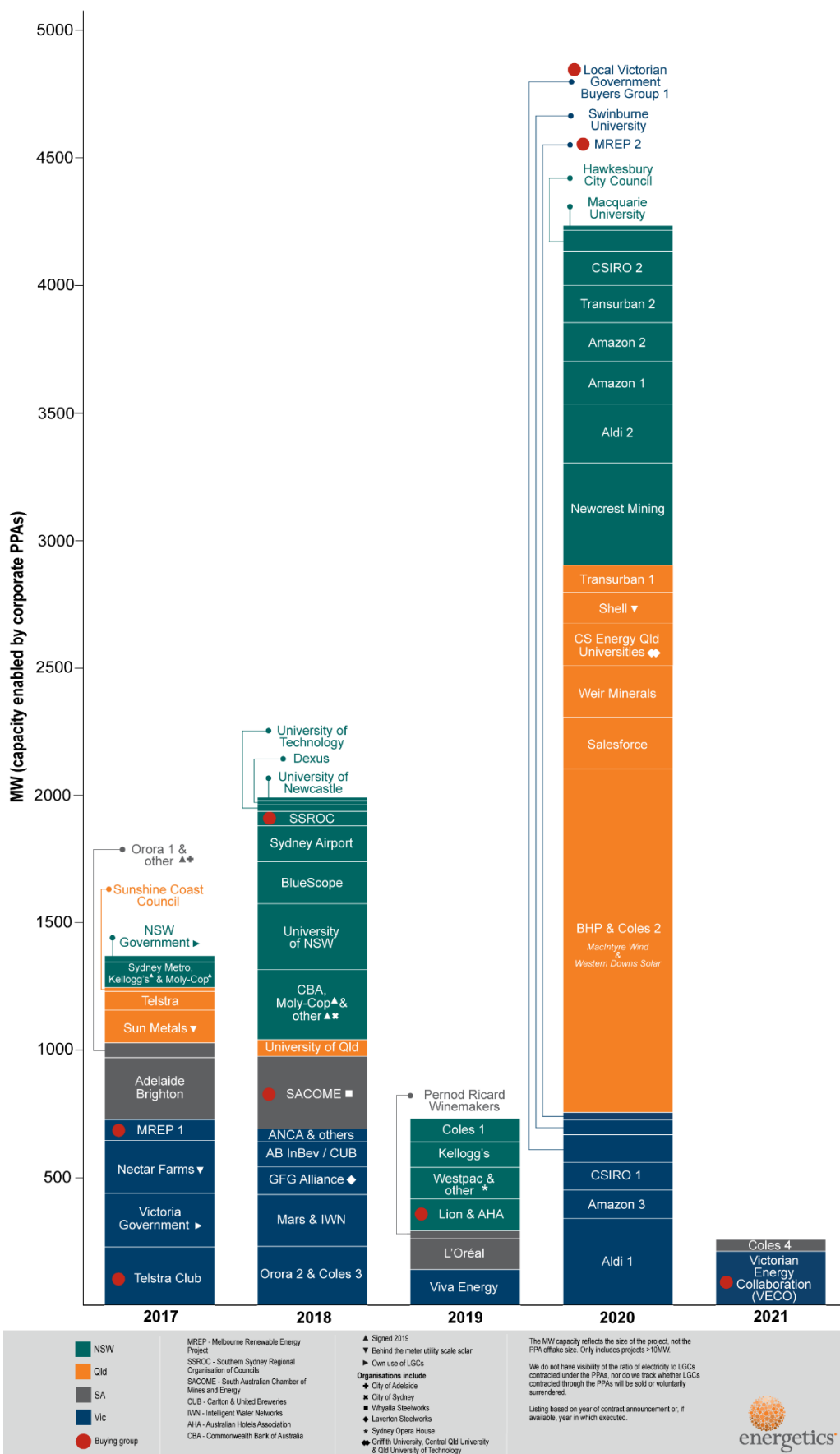
Key Drivers	Why do organisations execute PPAs?
Managing energy and LGC cost risk	Corporate PPAs can reduce exposure to volatile electricity and LGC costs through a longer term agreement (e.g. usually > 10-years) for all or a portion of their load. They are sometimes known as a 'green hedge'.
Lowering the cost of electricity	In the face of rising electricity prices, companies can potentially reduce the cost of their electricity and/or LGCs. A recent study found a Corporate PPA could save 15-47% on energy charges to 2020. PPAs can only be judged over their lifetime though and prices may fall – so when considering the cost of a Corporate PPA many view them primarily as a risk management tool.

<b>Achieving RE and emission reduction targets</b>	<p>A PPA can very quickly make a material contribution to achieve Renewable Energy (RE) and greenhouse emission targets.</p> <p>By entering into long term PPAs with a renewable energy generator, an organisation can also achieve environmental targets at least-cost by reducing the cost of procuring LGCs (in exchange for price certainty for the generator) and avoiding the retailer's margin for managing LGCs on their behalf.</p>
<b>Social licence and brand</b>	<p>Social and reputational benefits are increasingly important. Corporate PPAs which lead to new renewable energy projects give organisations a compelling story to tell beyond the numbers.</p> <p>Reducing emissions across supply chains and asset portfolios helps reduce exposure to climate related risks as governments, customers and businesses seek higher standards. A corporate PPA helps secure a reputation as a good corporate citizen.</p>

Key considerations for Council include:

- Solo PPA or participate in an Energy Buyer's Group - Energy buyers' groups are more likely to have the scale needed to reduce their individual transaction costs, and the collective bargaining power to negotiate better prices. A collective Agreement can however be more complex, due to the potential for participants to have inconsistent objectives.
- Quantity of energy and staging of transfer of load to the PPA - Council's electricity demand profile is the primary tool for determining how much electricity should be the subject of the PPA. Council must consider its current and future demand profile. For example, Council's future electricity needs will be influenced by energy efficiency initiatives, further on-site solar PV installations and the acquisition and disposal of assets. A long-term PPA should be geared to the forecast demand, or Council must negotiate flexibility in the PPA, which will usually be traded for price.
- Design of the Pricing Model and Key Terms
- The role (and timing) of LGCs in the PPA - To claim 100% renewable energy purchase (and achieve zero emissions status from our electricity use) Council will need to purchase sufficient LGCs to satisfy requirements under the Australian Government's Renewable Energy Targe (RET) scheme. The timing of the purchase of these LGCs during the PPA contract period has an impact on the PPA contract.

Council will be engaging specialised PPA consultancy services to assist Council in evaluating the various options available for Council to consider against other renewable energy options - e.g. the purchase of Government-accredited GreenPower and a business as usual option.



**Options**

The report is an update of status.

**Community Engagement and Internal Consultation**

There are no Community Engagement or Consultation impacts that directly relate to this update report. Council will be working with the Sustainability Advisory Sub-Committee on future developments of the Long Term Energy Strategy.

**Planning and Policy Implications**

Any future decisions made by Council in relation to the Long Term Energy Strategy initiatives and projects may have planning and policy implications. As these issues evolve, they will be identified and reported to Council at the appropriate time.

**Financial and Economic Implications**

Any future decisions made by Council in relation to the Long Term Energy Strategy initiatives and projects may have financial and economic implications. As these issues evolve, they will be identified and reported to Council at the appropriate time. There are no financial and economic implications in relation to this report.

**Attachments**

Nil

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**Item: 10.04**

**Subject: NAMING OF A ROAD AT KEW**

**Presented by: Development and Environment, Melissa Watkins**

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### **Alignment with Delivery Program**

4.5.2 Plan for infrastructure that supports population growth.

### **RECOMMENDATION**

**That Council determine to name the new road created by a development application in Kew as Vernon Circuit.**

### **Executive Summary**

This is a report to consider the naming of a new road at 12 Tathra Road in Kew that has been created by a subdivision under development approval (D20189-914). This report has been prepared for Council's consideration as the name proposed is contrary to Council's Road Naming and Renaming Policy and recommends that the new road be named Vernon Circuit.

### **Discussion**

A new road has been created by Development Application 2019/914 (**Attachment 1 - Plan**). Hopkins Consultants, on behalf of the property owner, have proposed to name the only road in the subdivision as "Vernon Circuit", after the NSW Government Architect, Walter Liberty Vernon, who designed the State heritage listed Kew Police Station and residence, which is adjacent to the subdivision (**Attachment 2**).

Council's Road Naming and Renaming Policy states that the use of names of people, living and deceased, are excluded as a source of road names.

Notwithstanding the above, in exceptional circumstances as determined only by formal resolution of Council, the names of deceased persons, e.g. early settlers, war servicemen and women and other persons who have contributed significantly to the heritage of the area, may be used having regard to the Principles and Guidelines published by the Geographical Names Board.

### **Options**

There is the option to:

1. Name the road Vernon Circuit.
2. Refuse the proposal.

**Community Engagement and Internal Consultation**

No community engagement has been undertaken as under the process for naming a road created by a development application, the road names are approved under delegation when the subdivision certificate is issued by Council, as long as they comply with the Geographical Names Board (GNB) criteria.

Vernon Circuit was submitted to the GNB and has passed their pre-approval and the relevant public authorities have been notified (**Attachment 3**).




**Planning and Policy Implications**

The proposed road name does not comply with Council's policy "Naming and Renaming of Roads".

**Financial and Economic Implications**

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

**Attachments**

1.  DA2019/914 - Road Plan
2.  Information on WL Vernon
3.  GNB Pre-Approval



# 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: 11.01

Subject: CLASSIFICATION OF LAND ACQUIRED BY COUNCIL

Presented by: Strategy and Growth, Jeffery Sharp

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### Alignment with Delivery Program

3.1.2 Optimise the use of appropriately zoned land for business uses.

### RECOMMENDATION

**That Lot 1 Deposited Plan 545926 (land at 1 Commerce Street, Wauchope) be classified as operational land.**

### Executive Summary

This report deals with the outcomes of the public exhibition of a proposal to classify land (1 Commerce Street, Wauchope) which was recently purchased by Council.

The report recommends that the land be classified as operational under the Local Government Act 1993.

### Discussion

Council at its meeting of 23 September 2020 considered a report on the purchase and subsequent classification of land to be acquired

At this meeting Council resolved the following:

#### 15.03 ACQUISITION OF 1 COMMERCE STREET, WAUCHOPE

*RESOLVED: Hawkins/Griffiths*

That Council:

1. Note the information contained in the report including the negotiated terms as detailed.
2. Proceed to acquire Lot 1 Deposited Plan 545926, 1 Commerce Street, Wauchope.
3. On registration of the transfer of Lot 1 Deposited Plan 545926 and pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lot 1 Deposited Plan 545926 as 'operational land' by placing on public exhibition for a minimum period of 28 days the proposed resolution: "It is intended to classify Lot 1 Deposited Plan 545926 (1 Commerce Street, Wauchope) as operational land."
4. Note a further report will be tabled to a future Council meeting detailing any submissions received during the exhibition period.

*CARRIED: 7/0*

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

*AGAINST: Nil*

A notice was placed on public exhibition on 21 April 2021 of the intention to classify Lot 1 DP 545926 (1 Commerce St, Wauchope) as operational land inviting submissions for a period of 28 days.

**Options**

Given the resolutions of Council at its meeting of 23 September 2020 and given that no submissions were received during the notification period, the classification of the land as operational is the appropriate option in order to comply with Section 31 of the *Local Government Act 1993*.

**Community Engagement and Internal Consultation**

The proposed land classification has been exhibited with no submissions received.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

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

**Attachments**

Nil

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**Item: 11.02**

**Subject: ECONOMIC DEVELOPMENT STEERING GROUP MEMBERSHIP  
EXTENSION**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council agree to extend the membership of the Economic Development Steering Group for a period of 8 months to 13 April 2022.**

### **Executive Summary**

Council's Economic Development Steering Group was formed in 2013. The Group is now in its 4th term, and comprises Councillors, staff and representatives from a range of local industry sectors and business networks.

The current membership of the EDSG is due to expire on 13 August 2021, during the 2021 Local Government Election caretaker period.

This report seeks to extend the term of the existing members to 13 April 2022. This extension will also ensure continuity in oversight of Economic Development Strategy implementation and development of our new draft Strategy which is in progress, as well as allow for a new membership expression of interest process in early 2022.

### **Discussion**

At the Ordinary Council Meeting held on 17 July 2019, Council resolved:

*That Council:*

1. *Appoint the following people as independent members of the Economic Development Steering Group for a two (2) year term:*
  - (a) *Mr Stuart Bate;*
  - (b) *Mr Kellon Beard;*
  - (c) *Mr Ross Cargill;*
  - (d) *Mr Paul Dawson;*
  - (e) *Ms Jane Evans;*
  - (f) *Mr Peter Halliwell;*
  - (g) *Ms Kelly King;*
  - (h) *Ms Michelle Love;*
  - (i) *Mr Hayden Oriti;*
  - (j) *Mr Tony Thorne; and*
  - (k) *Ms Kate Wood-Foye.*

2. *Commence the appointments by inviting the new members to the next Economic Development Steering Group meeting to be held on 14 August 2019.*
3. *Formally thank members of the Economic Development Steering Group for their commitment and contribution during the recent two-year tenure.*
4. *Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-19-01.*

The objectives of the Economic Development Steering Group are to:

- Assist Council in the implementation and review of the Economic Development Strategy.
- Assist Council in monitoring the success of the Economic Development Strategy against established criteria.
- Engage with and provide input to Council on other economic development matters which are relevant to the future of the Local Government Area.
- To provide and receive two-way feedback from business and industry.

The current membership of the EDSG is due to expire on 13 August 2021, during the 2021 Local Government Election caretaker period and this report proposes an extension of the member term for an additional eight months.

This extension would allow:

- Continued and consistent oversight of the implementation of Council's 2017-2021 Economic Development Strategy at a critical time (noting the work underway to support business and industry recovery from bushfires, COVID-19 and recent floods);
- Continued and consistent oversight of the development of a new ten-year Economic Development Strategy which is currently underway and due for completion late 2021;
- An expression of interest process for a new membership to be undertaken in early 2022.

It is noted that we have recently received resignations from two Economic Development Steering Group members due to business/work matters (Ross Cargill and Peter Halliwell). It is believed, however, the remaining membership of nine community representatives is deemed adequate to support the continued focus of the Group for the proposed period.

### **Options**

Council may choose to extend the membership of the Group, or not.

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

This report has been prepared in consultation with the Executive Group.

### **Planning and Policy Implications**

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

**Financial and Economic Implications**

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

**Attachments**

Nil



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**Item: 11.03**

**Subject: DESTINATION MANAGEMENT PLAN ANNUAL UPDATE**

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

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### **Alignment with Delivery Program**

3.1.4 Implement the Destination Management Plan.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the first annual progress report on implementation of the 2020-2024 Port Macquarie-Hastings Destination Management Plan.**
- 2. Note the update on performance and challenges for our local visitor economy.**

### **Executive Summary**

Implementation of actions under Council's 2020-2024 Destination Management Plan (DMP) continues the work delivered under the previous Plan to enhance our local visitor economy. A diverse range of projects are underway, with progress being achieved as a result of collaboration between Council, the Greater Port Macquarie Tourism Association, regional and state government agencies, National Parks, Forestry Corporation and local business and industry. Priorities and progress of the Plan's implementation continues to be overseen by Council's Economic Development Steering Group (EDSG). This report provides an update on the implementation since the DMP was adopted 12 months ago.

In addition to implementing the Plan's actions, it is important to acknowledge that the events of the past 18 months have required an urgent and additional focus on immediate support for and economic recovery from the 2019 bushfires, the impact of COVID-19, and the recent impact of major floods on local business, industry and our economy.

### **Discussion**

In adopting the 2020-2024 Destination Management Plan, Council resolved to monitor implementation by way of an annual report on progress against actions. The Plan was considered to be a renewal rather than a divergence from the previous plan and continued with the following four key strategic priorities:

1. Destination Management
2. Destination Experience Development
3. Destination Event Development
4. Destination Marketing.

Attachment one provides detail on the range of actions and initiatives that have been completed or progressed in the period May 2020 to May 2021.

Some key outcomes over the past twelve months include:

- Delivery of a range of Council, State and Federal-funded bushfire and COVID-19 recovery projects;
- Advocating for key disaster recovery initiatives following bushfires, COVID-19 and floods. For example, consistent regular industry updates through each crisis and development and distribution of an emergency communications guide for local business providing honest, transparent and genuine messaging and assets. At the same using the same messaging to talk to our visitors through agile and constantly changing campaign activity which increased visits to the destination website by 38%;
- Delivery of Google DMO Program for local tourism industry (designed to provide tools and tactics to improve the completeness, quality and accuracy of content across the Google platform);
- Delivery of the Tourism Trade and Product Development Project activity (which focuses on tourism 'product' development including online bookings, packaging, commissions and better understanding and engagement with wholesale and retails suppliers);
- Collaboration with National Park and Wildlife Service and Forestry Corporation (particularly in terms of new experience development, such as the Cowarra Tourism Precinct, and bushfire and flood recovery);
- Launch of Taste Trails to increase visitor dispersal across the region. Five specially curated 'Insider's Guides' providing local insights into some of the region's best experiences, including maps and drive times for self-drive trails - <https://portmacquarieinfo.com.au/whats-on/trip-ideas/trails>;
- Delivery of the Bicentenary Event including launch of Wakulda;
- Update of Event Owner's Tool Kit to assist with better local event delivery;
- Partnered with DNSW to deliver a digital marketing campaign to drive visitation.

Priorities for the next 12 months include:

- Development of a new Economic Development Strategy (in progress);
- Destination Brand Review (due for completion by October 2021);
- Cultural Plan Renewal (draft on exhibition until 18 June 2021);
- Delivery of our Destination Eco Certification which assesses the entire region's tourism destination management practices and works with industry to respond/adapt to climate change by providing information, education and links to help businesses adopt more sustainable business practices to save money and reduce environmental impact and emissions;
- On-going efforts to reinvigorate previous and new air services/routes;
- Support to local Tourism Association and business networks;
- Development of a new 3-year Marketing Strategy and implementation of our new brand;
- Create a visiting friends and relatives program that highlights key experiences across the region to the community and their visitors that aligns with brand review findings.

- Ongoing work with Forestry Corporation, Koala Hospital and Bunyah Land Council to support and facilitate the development of the Cowarra Tourism precinct.

#### Visitor Economy Update

Our local visitor economy has shown incredible resilience in the face of significant disasters that have touched every business and tourism operator in our region. Local businesses have acknowledged the value of stimulus from the NSW and Commonwealth Governments in response, and the additional Council-funded/managed COVID-19 relief and Bushfire Recovery projects and hardship measures.

Tourism is our 5<sup>th</sup> largest industry and is recognised for its flow-on benefits to many other sectors of our economy. We recognise also that it has a seasonal casualised workforce that is rapidly impacted by sudden economic shocks. The recent drought, fires, flood and a pandemic demonstrated the vulnerability of this industry and the importance of work to ensure its sustainability, improve crisis preparedness and respond/adapt to climate change.

As an example, between mid-March 2020 and early May 2020, ABS payroll data shows that 7% of jobs were shed nationally. For the arts and recreation sector, job losses stood at 19%, for accommodation and hospitality there were 27% fewer jobs. Jobkeeper and Jobseeker packages were important in moderating job losses and helping businesses get through this difficult period. Jobkeeper applications for our LGA peaked in July 2020 with 45.3% of local businesses having made application for 12% of our local workforce. By comparison, nationally, Byron Bay had the highest proportion of businesses apply for jobkeeper at 64%.

The outlook for our visitor economy remains uncertain. As travel restrictions ease, we expect it will be increasingly difficult for regional destinations like ours to remain competitive. At present, however, local businesses broadly expect a slow recovery from the challenges of the last 20 months. Noting this, there is much Council staff have delivered and plan to deliver, that can support industry to prepare and position for recovery and be prepared for any future crisis.

As identified by Tourism Research Australia, smoothing out seasonal fluctuations and improving regional dispersal will also be key to longer-term recovery. The Destination Brand Review Project currently underway will create an innovative brand strategy to help make our visitor economy more sustainable and our destination more appealing. As we navigate this highly competitive environment and future opening of international borders, the strategy will guide clear, consistent and compelling communications to best positions our region and its experiences in key visitor markets.

#### **Options**

Council may note the report or request further information.

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

Community Engagement

The Strategy implementation is undertaken working with local business and industry, other levels of Government and relevant stakeholders and with oversight by the Port Macquarie-Hastings Economic Development Steering Group.

#### Internal Consultation

Strategy action implementation has been undertaken by/in collaboration with a wide range of Council staff.

#### **Planning and Policy Implications**

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

#### **Financial and Economic Implications**

It should be recognised that there is the potential for significant benefits to the visitor economy in the Local Government Area if the outcomes identified in the adopted Plan are achieved.

#### **Attachments**

1.  Port Macquarie-Hastings Council Destination Management Plan 12-month Update Matrix

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Item: 11.04

Subject: ROAD CLOSURE AND SALE OF LAND - PART BILL HILL ROAD,  
THE HATCH

Presented by: Development and Environment, Melissa Watkins

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### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. Pursuant to Section 38D of the *Roads Act 1993* publish a Notice in the *NSW Government Gazette* to close the part of Bill Hill Road between its intersection with The Hatch Road and the western boundary of Lot 2 Deposited Plan 864270.
2. Vest the land in the closed road in Council as operational land.
3. Sell the land in the closed road to the adjoining land owner, Cassegrain Tea Tree Oil Pty Limited, at a value to be determined by Council's Consulting Valuer upon publication of the Notice in the *NSW Government Gazette*.
4. Reaffirm that all costs associated with the road closure and sale of the land are the sole responsibility of Cassegrain Tea Tree Oil Pty Limited.

### Executive Summary

The purpose of this report is to consider the closure and sale of part of Bill Hill Road at The Hatch.

### Discussion

Bill Hill Road extends from Telegraph Point Road (formerly the Pacific Highway) in the West, to the Hatch Road in the East. A considerable length of Bill Hill Road passes through tea tree plantation owned by Cassegrain Tea Tree Oil Pty Limited. The gravel formation of Bill Hill Road where it passes through the tea tree plantation is not fenced.

In recent times, the NSW Government through Local Land Services, has been providing rural producers with training to ensure that rural producers meet the requirements of the *Biosecurity Act 2015*. The Act places a duty on the landowner/farm manager to prevent, eliminate or reduce the risk of contamination from a biosecurity standpoint. The duty includes controlling access onto and through land. With Bill Hill Road being an unfenced road, controlling access by members of the public poses a biosecurity risk.



The owner of the tea tree plantation is seeking to close that part of Bill Hill Road between the intersection of The Hatch Road and the Western boundary of Lot 2 Deposited Plan 864270 in order to control access and better manage the biosecurity risk. The extent of the road sought for closure is indicated by the red line in **Attachment 1**.

It can be seen from the Attachment that part of the gravel formation near The Hatch Road does not fall within the surveyed road reserve. This section of the gravel formation falls to the North of the road reserve and is within private property and as such there is no legitimate public right of access to this section of Bill Hill Road.

Council may consider the closure of a Council public road if the terms of the Section 38A of the *Roads Act 1993* have been met. This includes:

- (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.

It has been assessed that Sections 38(A)(a), (b) and (c) of the *Roads Act 1993* have been met.

### **Options**

There is the option to:

- 1. Publish a Notice of Road Closure in the *NSW Government Gazette*.
- 2. Not publish a Notice of Road Closure in the *NSW Government Gazette*.

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

Section 38B of the *Roads Act 1993* requires that notification of a proposal to close a Council road be given to:

- All owners of land adjoining the road; and
- All Notifiable Authorities; and
- A notice published in a local newspaper (Council publishes these notices on the Council website in the Community Now Newsletter).

In addition to the above, notification of the proposed closure was provided to the Northside Progress Association Inc.

At the conclusion of the notification period being close of business on 1 June 2021, no objections to the proposed closure were received.

### **Planning and Policy Implications**

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




**Financial and Economic Implications**

If Council resolves to publish a Notice of Road Closure in the *NSW Government Gazette*, the land within the closed road is able to be sold to the road closure applicant. The value of the land in the closed road is determined by Council's Consulting Valuer at the date the Notice is published. Due to the often considerable time lag in preparation of a survey plan and its registration at NSW Land Registry Services, assessment of the land value at the date of publication of the Notice of Road Closure ensures that Council receives the current market value of the land.

The costs incurred in the preparation and registration of the survey, and costs associated with the sale of the land are met, in full, by the road closure applicant.

Given there has been no objections received to the proposed closure, it is recommended that Council publish a Notice of Road Closure in the *NSW Government Gazette*.

**Attachments**

1.  Attachment 1 Extent of Bill Hill Road for Closure

# 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: 12.01**

**Subject: KINDEE BRIDGE REPLACEMENT INVESTIGATION - REPORT ON  
COMMUNITY ENGAGEMENT OUTCOMES**

**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:**

- 1. Endorse Option B of the Kindee Bridge Replacement Investigations and proceed with the relevant planning.**
- 2. Endorse the Kindee Bridge Conservation Management Plan (CMP) prepared by Taylor Thomson Whitting (NSW) Pty Ltd dated 21 June 2019.**
- 3. Continue to fund critical maintenance of the Kindee Bridge in accordance with the CMP.**
- 4. Note that maintenance costs and public risk will increase as the existing bridge reaches the end of useful life as a vehicular bridge.**
- 5. Note the feedback received from the community on the Kindee Bridge Replacement Investigations.**
- 6. Proceed with investigations into the heritage interpretation of the existing bridge including opportunities for enhanced recreational facilities, such as tourism, education, heritage studies, continual use and potential adaptive reuse.**
- 7. Actively identify and seek funding opportunities to allow construction of the new crossing as soon as possible.**
- 8. Continue to engage with the community through design of the alternate crossing, ongoing management of the existing structure, and options for heritage interpretation.**

#### **Executive Summary**

The purpose of this report is to detail the outcomes of recent community engagement for the Kindee Bridge Replacement Investigations.

In 2016, the Kindee Crossing Suspension Bridge (Kindee Bridge) was identified as a complex and high-risk structure within Council's transport network, and is currently ranked 3<sup>rd</sup> overall in the Bridge Management System.

Commencing in the 2017-2018 Operational Plan, to maintain safe and reliable access over the Hastings River to the Kindee Valley the following actions have taken place:

- Detailed review of historic records relating to the existing bridge including original design and construction records, ownership status, maintenance records, and preparation of a Maintenance Planning Report.
- Detailed condition inspection and assessment of key structural elements.
- Major bridge rehabilitation and repairs including isolated hanger rod and steel brace replacement, node block rehabilitation, and timber railing replacement.
- Completion of a Heritage Assessment and preparation of a Conservation Management Plan for the existing bridge.
- Preparation of a Strategic Options Report considering alternative crossing routes for the Hastings River at this location.

Community engagement for the Kindee Bridge Replacement Investigation was carried out between 18 March 2021 and 20 May 2021 to introduce the project and seek feedback on potential locations for a new bridge.

There was a clear preference from respondents for Option B that provides for a single lane bridge immediately upstream of the existing bridge, utilising the majority of the existing road approaches.

It is noted that community feedback indicated that there is a preference to preserve the existing bridge and see it promoted to encourage tourism to the Hastings Hinterland by considering alternate uses (e.g. footbridge/walking trails), in the development of the preferred option. This desire will need to be balanced with the potential funding and safety liability of maintaining an aged timber bridge that would no longer be a part of the active transport network.

### **Discussion**

Kindee Crossing Suspension Bridge, built in 1936 is approaching 100 years old in 2036, with many elements passing their original design life. Acknowledging this, Council is investigating options for the bridge's replacement. The bridge currently has a 10 tonnes vehicle load limit and heavy vehicles are required to use Pipeclay Road to access the Kindee Valley.

The existing bridge is listed as a local heritage item in the *Port Macquarie-Hastings Council Local Environment Plan 2011*. A Conservation Management Plan for this bridge was prepared in 2019 and it is recommended that this be endorsed as a maintenance and management guide.

Various investigations into the condition of the existing bridge have occurred between 2016 and 2020. These have identified a number of critical maintenance and rehabilitation activities required for the bridge to ensure it remains serviceable and safe vehicular bridge. Although repairs and maintenance activities have progressed over recent years with an average actual expenditure in the order of \$140,000 per annum over the past 5 years, the current condition of the bridge remains poor with several critical elements still requiring rehabilitation. To ensure the bridge provides a safe and reliable crossing, funding of the rehabilitation and repair of key structural elements is critical. Due to the form and materials of original construction, the existing bridge may still reach its end of useful life as a vehicular bridge in the next 10 to 15 years requiring consideration of alternative crossing options.



Council have identified key limitations with the existing bridge, and the strategic need for an alternate bridge crossing at this location including:

- Key structural elements requiring rehabilitation.
- High risk of closure due to misuse or overload, deterioration of critical elements, or natural disaster.
- Increasing cost and time associated with maintenance activities, including ongoing impacts to the community due to bridge closures.
- Heavy vehicle access and emergency vehicles cannot use the existing bridge, limiting growth and economic opportunity for residents of the Kindee Valley.

Council has prepared a Strategic Options Report identifying five (5) alternative crossing options. Current transport needs, long-term maintenance, topography and flooding, environmental heritage constraints, and impacts on the community were considered in the preparation of these options. The preferred option identified was Option B, being a new single-lane high-level bridge located immediately upstream of the existing bridge, utilising the majority of the existing road approaches.

Given the significance of this structure to our region and to the local community, Council invited residents to comment on their preferred option for bridge replacement.

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

A Councillor briefing was held on 10 March 2021 to inform Councillors of the outcomes of investigations to date, and the details of the proposed community engagement activities. All Councillors and the Mayor were in attendance.

Community engagement for the Kindee Bridge Replacement Investigations was carried out between 18 March and 20 May 2021. During this period, 49 surveys were completed and 4 submissions were received. The attached Engagement Report attached provides a summary of the feedback received.

The scope of the community engagement was to:

- Inform the community of the upgrade, replacement or alternative crossing options considered, and gain understanding of their preferences.
- To understand what the community value, their concerns and suggestions relating to the existing bridge.
- Receive feedback relating to the existing bridge including options for demolition, retention, or adaptive reuse of the existing structure.

Respondents showed a strong preference for Option B, as the preferred option for the replacement bridge, which provides for a single lane high level bridge crossing located immediately upstream of the existing bridge utilising the existing road approaches. The majority of respondents indicated that it is important for the bridge to have access for a heavy load limit and have a high-level flood immunity. There was also an expectation that the existing bridge be preserved and alternate uses be considered.

The heritage value of the bridge is of importance to residents, with some respondents mentioning that they believe the bridge should be listed at on the State Heritage

Register. Some residents and interest groups have indicated that they may take their actions to do this or form a “Friends of the Kindee Bridge” Group to help preserve the heritage of the bridge. Respondents would like to see the Bridge promoted as a for tourism to the Hastings Hinterland.

In line with the recommendations from the Strategic Option Report, and the outcomes of the community engagement undertaken, it is recommended to proceed with planning for the concept design, detailed design and environmental approvals for the preferred alternate crossing of the Hastings River (Option B). In the development of the concept design, construction methodology and staging is to be developed to confirm construction can proceed with minimal road closures affecting local road users, and that heritage impacts associated with construction of the new bridge are assessed.

It is also recommended that heritage interpretation of the existing bridge commence in parallel with planning for the alternative crossing, to ensure community feedback and options for heritage recognition of the existing structure are considered early in the process.

### **Options**

Council has the following options:

- Adopt the recommendation of the report
- Decline to progress the design development of an alternate crossing, noting the on-going risk and liability to council and the economic constraint to the community related to the existing bridge.
- Resolve in some other manner.

### **Planning and Policy Implications**

The Kindee Bridge is listed as a Local Heritage Item (I011) in the *Port Macquarie-Hastings Council Local Environment Plan 2011*. This listing provides protections to the bridge heritage under the Heritage Act, and the Conservation Management Plan provides further guidance on management of the heritage values of the structure. All works, including maintenance, on the structure has to be approved under the Environmental Planning and Assessment Act, Part 5, which includes considerations on any potential heritage impacts.

It is not currently proposed to apply for State Heritage listing for the structure.

If the structure is, in the future, listed as a State Heritage item, the Heritage Council of NSW would be required to provide consent for all works including repairs and maintenance on-going on structure. This would likely lead to substantial delays in operational timeframes associated with planning and completing critical works on the existing bridge as required from time to time. It is also unlikely that State Heritage listing would provide a sufficient level of funding for the rehabilitation, interpretation and adaptive re-use, and on-going maintenance of the existing bridge.



**Financial and Economic Implications**

The draft 2021-2022 Operational Plan has identified the project for Detailed Design of the Kindee Bridge Upgrade (Item 4.4.1.66 CW) with \$30,000 allocated in 2021-2022, with a total design budget of \$300,000.

The draft 2021-2022 Operational Plan has also identified the project for Kindee Bridge - Structural Repairs (Item 4.4.1.22 CW) with a proposed budget of \$530,000, noting this is a multi-year project, for the rehabilitation of the existing bridge timber piers.

High-level estimates of costs associated with ongoing management of Kindee Bridge over the next 5 to 15 years, and the replacement project including contingency at today's dollars may in the order of:

• Critical Bridge Rehabilitation Project	\$2.25 Million
• Ongoing routine maintenance	\$0.15 Million
• Detailed Design and Approvals	\$0.5 Million
• Project Management	\$1.0 Million
• Road and Bridge Construction	\$10 Million
• Heritage interpretation and adaptive reuse	\$0.3 Million
<b>Total</b>	<b>\$14.2 Million</b>

It is noted that further commitments over and above the draft 2021-2022 Operational Plan are required to fund completion of the detailed design for the preferred option such that it is shovel ready, and sufficient to seek funding assistance from other levels of government through grant programs such as Bridge Renewal Program, Fixing Country Bridges, or other funding sources.

If Council resolve in line with the above recommendation, this project will need to be included in the future Capital Works Planning and the Long Term Financial Plan.

**Attachments**

1.  Kindee Bridge Engagement Report
2.  Conservation Management Plan
3.  Kindee Bridge Strategic Options Report

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**Item:** 12.02

**Subject:** PROPOSED SALE AND CLOSURE OF GRANNY BELL LANE,  
NORTH HAVEN - POST EXHIBITION

**Presented by:** Infrastructure, Dan Bylsma

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

1. **Note the feedback received from the community on the proposed sale of Granny Bell Lane during the public exhibition period, including one objection.**
2. **Undertake further discussions with the owners of 17 Granny Bell Lane, North Haven around the possibility of retaining access rights to the adjoining properties.**
3. **Request the Chief Executive Officer report to the 21 July 2021 Ordinary Council meeting detailing the outcome of the discussions.**

### **Executive Summary**

The purpose of this report is to detail the outcomes of the recent public exhibition period for the proposed closure of the public road, being Granny Bell Lane, North Haven and subsequent sale of land.

The proposed closure and sale of Granny Bell Lane was publicly exhibited from Wednesday 28 April 2021 to Wednesday 26 May 2021. During this period six submissions were received from notifiable Public Authorities and the community. Five of the submissions stated no objection including one of the neighbouring properties, with one objection received from the stated owner of one of the other adjoining properties. The objection received was on the basis that the land is used for access and this may be lost with the sale. It is recommended that Council undertake further discussions with the owners of 17 Granny Bell Lane around the possibility of retaining access rights for the adjoining 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. These properties do enjoy informal access to their properties from Granny Bell Lane, though both the Brigadoon Holiday Park and 17 Eames Avenue currently access their properties from Eames Avenue. In the case of Brigadoon Holiday Park, there is an internal access road to service the properties. Council previously sold off parts of Granny Bell Lane to formalise land boundaries. Please refer to **Figure 1** below.



• Figure 1:Granny Bell Lane - North Haven

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

- the road is not reasonably required as a road for public use (whether for present or future needs), and
- the road is not required to provide continuity for an existing road network, and
- 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.



Closing the road and transferring ownership to a private access allows the owners to maintain the road themselves. This land represents little commercial value to neighbouring owners 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 should it be proposed to sell to other neighbouring properties.

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. During preliminary discussions with the owners of 17 Granny Bell Lane, they 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. Council recently undertook maintenance to the road to bring it to an acceptable level of service prior to selling the land.

At the 17 March 2021 Ordinary Council meeting it was resolved:

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**13.05 PROPOSED SALE AND CLOSURE OF GRANNY BELL LANE, NORTH HAVEN**

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*BLOCK RESOLVED: Turner/Alley*

*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.*

**Community Engagement and Internal Consultation**

The proposed sale of Granny Bell Lane was publicly exhibited from Wednesday 28 April 2021 to Wednesday 26 May 2021. During this period, six submissions were received from notifiable Public Authorities and the community. Five of the submissions stated no objection including one of the neighbouring properties, with one objection received from the stated owner of one of the other adjoining properties.

The sole objection was received from the stated owner of Brigadoon Holiday Park, 17 Eames Avenue (Brigadoon). The objection was on the basis that the residents of Brigadoon who back Granny Bell Lane use the road for access to the rear of their properties to move furniture, and during the floods the public road was also a point of easy exit for them of their dwellings. It is noted that access is informal only, and access is provided by the internal service road of the caravan park and residents can still access across neighbouring lands in any emergency situation. It should be noted that the Brigadoon did experience substantial impacts in the March 2021 flood disaster and are currently experiencing ongoing hardships as a result.

Though the response received from the neighbouring owners of 7 Eames Avenue stated no objection, they also did express concern that their current informal access to the rear of the property could be lost in future.

Given the above submissions, Council may consider it appropriate that restriction to the use of land is placed prior to the sale in the form of an access easement. This option does present difficulties in that adds complexity to the transfer of land, formalises an existing informal access arrangement and may create potential future conflicts among landowners regarding maintenance and access rights to the land. This has not been discussed with the owners of 17 Granny Bell Lane. It is recommended that further discussion be held with the owners of 17 Granny Bell Lane around the possibility of retaining access to the adjoining properties.

A summary of the submissions is included in **Attachment 1** of this report.

### **Options**

Council can resolve as recommended or may choose to adopt the following options:

1. Proceed with the road closure and sale of the land for a nominal fee to the owners of 17 Granny Bell Lane (with no restrictions to the use of the land); or
2. Proceed with the road closure and sale of the land for a nominal fee to the owners of 17 Granny Bell Lane with restrictions to the use of the land and to maintain access to neighbouring properties through the provisions of easements on the land; or
3. Proceed with the closure and sale of part of Granny Bell Lane for a nominal fee to the owners of 17 Granny Bell Lane, immediately North of the rear access of 7 Eames Avenue; or
4. Subdivide the land equally with respect to the neighbouring properties and proceed with the sale for a nominal fee with equal ownership among the adjoining residents and each neighbour being responsible for the maintenance and upkeep of the access similar to other shared access arrangements; or
5. Decline to close and sell the road.


### **Planning and Policy Implications**

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

### **Financial and Economic Implications**

A valuation of the land has not been undertaken. By closing the road and selling the land for a nominal fee, Council will reduce its road maintenance liabilities and ongoing risk management considerations. The Current Replacement Cost of the assets as recognised in Council's financial register is valued at \$38,642. To sell the property in a competitive market presents little commercial value as the land is predominantly covered by the existing access to the land owners at 17 Granny Bell Lane and would require a "right-of way" covering most of the land to formalise the existing access provided by the roads and specified under the Roads Act in condition 38A (c) above.

**Attachments**

1.  Summary of Responses Received - Proposed Closure and Sale of Granny Bell Lane



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**Item: 12.03**

**Subject: KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT  
PLAN UPDATE**

**Presented by: Development and Environment, Melissa Watkins**

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### **Alignment with Delivery Program**

4.8.2 Increase community awareness and enable access to the natural environment.

### **RECOMMENDATION:**

#### **That Council:**

- 1. Note the information presented in the Kooloonbung Creek Flying Fox Camp Management Plan update report.**
- 2. Amend the Kooloonbung Creek Flying Fox Camp Management Plan Update reporting schedule from quarterly to annually with the next report to be presented to Council in June 2022.**

### **Executive Summary**

The Kooloonbung Creek Flying-Fox Camp Management Plan (CMP) was adopted by Council at the June 2019 ordinary meeting. The CMP follows the Department of Planning Industry and Environment (DPIE) template and state legislative guidelines and contains recommendations, specific to Kooloonbung Creek, for action based on feedback from the community and in particular, the local residents.

After formal adoption of the Camp Management Plan staff have been implementing the Level 1 and 2 management actions identified in Table 8 on page 48 of the CMP (**Attachment 1**).

This report provides an update of the progress of implementing those Level 1 and 2 management actions including education and awareness programs, property modification/service subsidies, as well as alternative habitat creation and canopy mounted sprinklers. As progress mostly involves ongoing matters it is considered appropriate to consider reducing the reporting to Council to provide an update annually instead of quarterly.

In addition, Council have successfully received a grant of \$10,000 from the NSW State Government to assist with the flying fox subsidy program to be delivered in 2021-2022. Further Commonwealth Bushfire Recovery funding of \$57,000 has been applied for to assist with delivering other outstanding actions.

### **Discussion**

At a meeting in August 2018, Council resolved:

*That Council:*

1. *Note the information contained in the Management of the Flying-fox Camp in Kooloonbung Creek Nature Reserve report;*
2. *Establish a Consultative Committee for Flying-fox Management in Kooloonbung Creek;*
3. *Invite nominations for membership on the Committee from the following:*
  - *Affected residents;*
    1. *Representatives from the Office of Environment and Heritage (OEH);*
    - *Representatives of the Friends of Kooloonbung;*
    - *Expert ecologists; and*
    - *Other interested community representatives.*
4. *Prepare a Project Plan for delivery of a Camp Management Plan and associated community consultation/engagement/education program;*
5. *Formally seek OEH and Local Government NSW funding for the development of a Camp Management Plan and future implementation of the Camp Management Plan;*
6. *Engage a suitably qualified consultant to assist in the preparation of a new Flying-fox Camp Management Plan for Kooloonbung Creek, which takes account of new camp management options and legislation and to undertake associated community consultation (including formalised attitudinal surveys, etc.).*
7. *Ensure that the Kooloonbung Creek Management Plan fully explores all other options and outlines the legislative obligations, pros, cons, and costs for management options including but not limited to:*
  - a) *Noise barriers (e.g. Perspex sheeting);*
  - b) *Buffer landscaping using non-roost trees;*
  - c) *Specific rebates to residents to assist with air-conditioning etc.;*
  - d) *(Voluntary) acquisition of properties for affected residents with these residences leased back by Council with agreements in place;*
  - e) *Other novel options.*
8. *Further considers the draft Camp Management Plan and the options outlined therein at a future meeting of Council, with further Actions to be based on this work.*
9. *Request the General Manager provide quarterly reports to Council on progress in these matters.*

The Kooloonbung Creek Flying-Fox Camp Management Plan (CMP) for the flying fox camp at Kooloonbung Creek was adopted by Council at the June 2019 Council meeting.

The Kooloonbung Creek Camp Management Plan (*the Plan*) provides Council with a framework for managing community impacts associated with flying foxes roosting along Kooloonbung Creek, whilst ensuring flying foxes and their ecological services are conserved.

Level 1 and 2 management actions have commenced and continue. Table 1 outlines the works that have been completed from June 2019 to June 2021.

Table 1: Progress Report

<u>Actions</u>	<u>Expected timeline</u>	<u>Progress to date</u>
<b>Level 1 Management Actions</b>		
Education and awareness programs	June 2020	<p>The Education Team is developing a Community Education Plan to commence delivery 2021-2022 operational year.</p> <p>Ongoing community information sessions are scheduled at six monthly intervals to inform the community of the progress of implementing the CMP.</p> <p>The next community information session is scheduled for 24 June 2021 in the Function Room at 17 Burrawan Street Port Macquarie.</p> <p>Due to COVID 19 Restrictions, the last community information session was held on 4 December 2020 via a live Zoom Presentation.</p> <p>In addition to the community information session Council provided a brief update via letter box drop to 168 residents living in close proximity to the camp in October 2020. This update is also available on Council's website, titled <a href="#">Kooloonbung Creek Camp Management Plan October 2020 Report</a>.</p> <p>Council's website is continuously updated and provides a range of information about flying-fox's and management. The last update was the December 2020.</p> <p>Interpretative Signage has been installed at strategic locations in Kooloonbung Creek.</p> <p>Customer service staff have been provided guidance on how to respond to frequently asked questions (FAQ's). The FAQ's are also available on Council's website.</p> <p>Port Macquarie Library presented a Wildlife Educational Display Sept- Dec 2020 which included:</p> <ul style="list-style-type: none"> <li>• Educational resources about the importance of wildlife and their habitats</li> <li>• New Book Life Upside Down. Explore the upside down world of Australia's Grey-Head Flying Fox. Learn about their habitat, behaviours and how to protect the species.</li> </ul>

		<p>In 2018 Port Macquarie-Hastings Council developed and <a href="#">IZI Interactive Audio Educational Walk of Kooloonbung Creek</a> - which includes:</p> <ul style="list-style-type: none"> <li>• 27 points of interest with audio interpretations via GPS</li> <li>• Audio Number 5 talks about the importance of Flying Foxes</li> </ul> <p>Regular contact with residents living in proximity to the camp and Friends of Kooloonbung Creek.</p>
Property modification/service subsidies	June 2020	<p>The 2021 subsidy package is currently being finalised. \$10,000 grant has been received from NSW Government. The 2021 subsidy was proposed to capture a wider catchment of eligible dwellings in proximity to the flying fox camp whilst ensuring a more targeted mitigation strategy with long term benefits.</p> <p>Noise Monitoring undertaking in February 2021 guided the subsidy in respect to making recommendations for suitable mitigation measures available to mitigate noise impacts to residents.</p> <p>Summary of 2021 subsidy package:</p> <ul style="list-style-type: none"> <li>• Offered to 36 eligible residents.</li> <li>• Tier 1 (0-20m from camp) \$2000</li> <li>• Tier 2 (20-40m from camp) \$1200</li> <li>• Tier 3 (40-60m from camp) \$820</li> <li>• 20 residents participated in the 2021</li> <li>• Delivery being finalised prior to 17 June 2021.</li> <li>• 10 residents were unable to be contacted and therefore did not participate.</li> <li>• 5 residents applied but later declined to participate.</li> <li>• 1 resident declined to participate</li> </ul> <p>A survey is scheduled to run in June/July 2021 to enable evaluation of the effectiveness of the 2021 subsidy. This will help inform potential for further programs during 2021-2022 operational year.</p> <p>A trial subsidy program was developed in 2019 with Executive endorsement on 30 October 2019.</p>



		<p>14 residents were provided the subsidy information package and 8 residents took advantage of the package.</p> <p>Items selected include clothes dryers, high pressure cleaners, air conditioners, sound proofing windows, subsidised water and electricity bills, clothes line cover and car port.</p> <p>The program commenced November 2019 with completion end of March 2020. A condition of acceptance of the subsidy was to complete a survey to gauge effectiveness. Council received 7 survey responses.</p> <p>The surveys for the trial subsidy indicated good results with all items selected and very good feedback about the sound proofing of windows to reduce the noise levels. This informed the 2021 subsidy program.</p>
Routine Camp Management	Ongoing	<p>Friends of Kooloonbung Creek with support from Council's NRM team continue to work in the Kooloonbung Creek reserve maintaining the bushland ecosystem and flying fox camp area.</p> <p>The planting of 150 Broadleaf paperbark trees (<i>Melaleuca quinquenervia</i>), supplied by the Port Macquarie Land Care nursery has assisted with the regeneration of the defoliated trees in the camp area. The work was undertaken in April 2020 by the Friends of Kooloonbung Creek.</p> <p>Additional works by Council within the camp area to remove broken and discarded sections of boardwalk that was under the canopy for several years was carried in April/May 2021. Additional weed managed will be undertaken by council in June 2021 to ensure ongoing weed control within the camp area.</p>
Alternative habitat creation	June 2020	<p>Investigations into alternative habitat locations are ongoing.</p> <p>Two alternative sites have been identified:</p> <ul style="list-style-type: none"> <li>• The area of Kooloonbung Creek where it intersects with Lake Road is highly suitable. The area has the same tree species as the current camp, a permanent water source and it is over 100m to the nearest residence.</li> <li>• A small flying fox camp at Yippin Creek adjacent to the Wauchope Sewerage Treatment plant is also suitable. The closest residence is over 230m away.</li> </ul>



		<p>Rehabilitation of potential habitat is also an option where a suitable location may exist and could be revegetated.</p> <p>Local Government NSW commissioned the preparation of a report titled <a href="#">Flying-fox Habitat Restoration Program - Camp Mapping Final Report 2019</a>. This report identifies potential restoration in the centre of the Kooloonbung Creek Nature Reserve at the area of defoliation in the current camp location.</p> <p>Consultation with Local Government NSW has commenced which will assist in determining if the Kooloonbung Creek location is eligible for a grant. The grant would be used towards canopy restoration works which provide additional roosting opportunities for Flying Foxes, which may help, alleviate camping pressure in proximity to residents.</p> <p>Further investigations will also be undertaken as sites are identified by the NRM team. to alleviating impacts of flying foxes.</p>
Protocols to manage incidents	June 2021	<p>The Department of Planning, Industry and Environment (DPIE) are working with a range of stakeholders to develop protocols, suggested roles and responsibilities, and supporting resources for all involved in managing heat stress events in flying-fox camps.</p> <p>In the interim the Department has provided fact sheets developed by Armidale Regional Council on correct disposal of deceased bats.</p> <p>The correct procedure for disposal of deceased Bats has been included in the <a href="#">Frequently Asked Questions</a> and is available on Councils website.</p>
Research	Ongoing (long term)	<p>The quarterly flying-fox counts continue to be undertaken for the national census.</p> <p>PMHC staff counted the flying-fox camp for the National census in May 2021 using the area density methodology over an area of 3 hectares was:</p> <ul style="list-style-type: none"> <li>• 11410 Grey-headed flying fox</li> <li>• 1876 Black flying-fox</li> <li>• 0 Little red flying-fox</li> </ul> <p>The May 2021 census is attached (<b>Attachment 2</b>).</p> <p>For comparison, the census undertaken in February 2021 over the camp area of 7.74</p>

		<p>hectares was using the area density methodology was:</p> <ul style="list-style-type: none"> <li>• 5803 Grey-headed flying fox</li> <li>• 309 Black flying-fox</li> <li>• 50996 Little red flying-fox</li> </ul> <p>Friends of Kooloonbung Creek and staff continued to monitor the camp during this peak period in February/March and identified a camp area of approximately 13.64 hectares in March 2021 immediately following the floods. The estimated numbers for each species was calculated using the density obtained during the February 2021 census (<b>Attachment 3</b>) as follows:</p> <ul style="list-style-type: none"> <li>• 10230 Grey-headed flying fox</li> <li>• 545 Black flying-fox</li> <li>• 89887 Little red flying-fox</li> </ul> <p>This represents peak camp numbers with over 100,000 flying foxes in total Attached Map to show area of occupancy and estimated numbers of the large camp.</p> <p>Continued monitoring during this peak time identified the numbers of Little Red flying fox quickly declined in April with few left in early May. This decline in numbers is seasonal and expected after heavy flood rains had damaged the remaining Melaleuca flowers.</p> <p>The next National Census is scheduled to occur in August 2021.</p> <p>Other research activities include:</p> <ul style="list-style-type: none"> <li>• Working with other government agencies and to build protocols around managing incidents</li> <li>• Alternative habitat identification</li> <li>• Monitoring the effectiveness of irrigation System</li> <li>• Monitoring the effectiveness of subsidy program items</li> </ul> <p>Noise Monitoring:</p> <ul style="list-style-type: none"> <li>• Residences greater than 50m from the camp have expressed concern about the noise.</li> <li>• The 2019-2020 trial subsidy package was based on proximity to the camp.</li> <li>• Noise monitoring will help to determine impacts to surrounding residences up to 100m through modelling.</li> <li>• Acoustic consultant engaged to undertake noise monitoring and modelling and prepare a</li> </ul>
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		<p>report with recommendations for mitigation measures to assist residents with noise impacts.</p> <ul style="list-style-type: none"> <li>Monitoring brochure Summary Report attached (<b>Attachment 4</b>).</li> </ul> <p><a href="#"><u>New Research - discover flying foxes are much more nomadic than first thought</u></a></p> <ul style="list-style-type: none"> <li>A new study reveals unprecedented detail on the movement of three flying fox species</li> <li>Flying foxes are profoundly nomadic and travel up to 6,000 kilometres a year</li> <li>17% turnover per night for Grey-headed flying fox at any given camp</li> </ul>
Appropriate land-use planning	June 2022	<p>Project planned for 2021-2022 Operational Year working with land use planners to address this action including scope to address:</p> <ul style="list-style-type: none"> <li>What is the effective minimum buffer between a flying fox camp and places of residences to reduce impacts from noise, droppings and smell?</li> <li>Potential habitat is everywhere that is vegetated and flying fox camps can establish anywhere, therefore can land use planning tools be used to minimise this risk?</li> <li>Develop appropriate land use planning tools</li> </ul>
<b>Level 2 Management Actions</b>		
Canopy mounted sprinklers	June 2022	<p>The irrigation system has been in operation since the 10 March 2020. It is used only when flying fox have been present or in close proximity of the sprinklers. Constant monitoring of the camp is undertaken to determine if operation is warranted.</p> <p>The operation is monitored with results recorded to assess effectiveness.</p> <p>Monitoring results indicate the system is effective:</p> <ul style="list-style-type: none"> <li>Short 20 second bursts are all that is required</li> <li>Staff are maintaining low water use</li> <li>It is only effective for about 15 metres</li> <li>The system appears to deter flying-foxes from camping in range of sprinklers</li> <li>It must be ongoing</li> <li>There are resources required to operate the equipment</li> </ul> <p>The monitoring results and comments from the community have warranted the continued use of</p>

		<p>the systems and the extension of additional sprinklers to capture 3 more residential homes. The installation of additional sprinklers was undertaken in July 2020.</p> <p>The irrigation system remains in use with continuous monitoring at each operation.</p> <p>A survey is being prepared to evaluate community perception of the effectiveness of the irrigation system and will be available in July 2021.</p>
Buffers through vegetation trimming and removal	June 2024	If it is determined that canopy mounted sprinklers and the subsidy program have not managed the impact adequately then this management action will be investigated.

### Options

Council may accept the recommendations or choose to resolve in some other manner.

### Community Engagement and Internal Consultation

The next community information session is scheduled to occur in 24 June 2021 from 1:30 - 2:30 pm in the Function Room at 17 Burrawan Street Port Macquarie.

Regular meetings are held with the communications team to discuss the progress of implementing the camp management plan and work through any communications actions.

The Education Team is developing a Community Education Plan to commence delivery 2021-2022 operational year.

### Planning and Policy Implications

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


### Financial and Economic Implications

Funding for the Flying Fox Camp Management Plan (detailed action plan is in Table 8) is incorporated in the 2020-2021 Operational Plan. Council also applied for an additional Grant of \$30,000 with Department of Planning Industry and Environment, however, we were unsuccessful in securing this Grant for 2020-2021 Operational year. Council have successfully received a grant of \$10,000 from the NSW State Government to assist with the flying fox subsidy program to be delivered in 2021-2022. Further Commonwealth Bushfire Recovery funding of \$57,000 has been applied for to assist with delivering other outstanding actions.

The actions identified in Table 8 of Flying Fox Camp Management Plan are being delivered through the operational budget of \$65,778 assigned for 2020-2021.

This includes camp management activities, operational costs associated with the irrigation system, noise monitoring and the proposed 2020-2021 subsidy program being developed.

**Attachments**

1.  Final Kooloonbung Creek Camp Management Plan
2.  Kooloonbung Creek Flying Fox Camp May 2021
3.  Kooloonbung Creek Flying Fox Camp March 2021
4.  Kooloonbung Creek Flying Fox Camp Noise Assessment Information Brochure 2021 - Summary Report



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**Item:** 12.04

**Subject:** DREDGING OF LAKE CATHIE FOR BEACH SAND NOURISHMENT  
ADJACENT TO ILLAROO ROAD

**Presented by:** Development and Environment, Melissa Watkins

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#### **Alignment with Delivery Program**

4.2.2 Promote strategies to mitigate climate change.

#### **RECOMMENDATION**

**That Council note the update on the review of the dredging frequency of Lake Cathie for beach sand nourishment and recreational amenity.**

#### **Executive Summary**

In 2007 Council prepared the Lake Cathie Dredging Strategy attached as **Attachment 1**, which proposed dredging within the lower Cathie Creek every 5-10 years to maintain the recreational amenity of the area. Following this, in 2013 Council approved a development application (DA) (D2013/151) for the dredging of material within a designated area of lower Cathie Creek (east of the Ocean Drive bridge) to ensure the 'Maintenance of a Recreation Area' to aid in preserving the area's amenity. The dredged material was to be used for beach nourishment along Illaroo Road (350m long designated area).

This activity is also captured in the current Lake Cathie Coastal Zone Management Plan (CZMP) (2016).

On 3 November 2020 the Hon. Leslie Williams MP formally requested that Council give consideration to the dredging of Lake Cathie lagoon for the purpose of beach nourishment on Illaroo Road, Lake Cathie (**Attachment 2**). To consider this request staff engaged consultants Cardno to assist Council to modify DA 2013/151 to review the dredging frequency of 5-10 years which was based on a recreational amenity criterion to now include a hazard-based criterion that maintains both the recreational amenity of Lake Cathie and provides for hazard management. In addition, the Cardno review looks to increase the extent of the sand nourishment zone to extend further to the north around the shoreline and increase the area from 350m to 400m in length.

This report is provided for information.

#### **Discussion**

In 2013 Council approved a DA for the dredging of material within a designated area of lower Cathie Creek (east of the Ocean Drive bridge) to ensure the 'Maintenance of a Recreation Area' to aid in preserving the area's amenity. A plan of the proposed

area is included as **Attachment 3**. The dredged material was approved to be used for beach nourishment along Illaroo Road (350m long designated area).

In support of the Development Application, a Statement of Environmental Effects (SoEE) was prepared. The SOEE is referenced within the PMHC Dredging Strategy (2007) (**Attachment 1**), which proposed dredging within lower Cathie Creek every 5-10 years to maintain the recreational amenity of the area. This activity is captured in the current Lake Cathie Coastal Zone Management Plan (CZMP) (2016).

On 3 November 2020 the Hon. Leslie Williams MP formally requested Council to give consideration to the dredging of Lake Cathie lagoon for the purpose of beach nourishment on Illaroo Road, Lake Cathie (**Attachment 2**). The request suggested that an existing Development Application held by Council could be relied on to undertake the works. Council subsequently, on 9 December 2020, resolved as follows:

**13.03 DREDGING OF LAKE CATHIE FOR BEACH SAND NOURISHMENT  
ADJACENT TO ILLAROO ROAD**

*RESOLVED: Pinson/Griffiths*

*That Council:*

- 1. Note the sand loss on the fore-dunes adjacent to Illaroo Road, Lake Cathie over the past months.*
- 2. Acknowledge that beach nourishment would benefit the fore-dunes via dredging the Lagoon of Lake Cathie.*
- 3. Note the significant current environmental conditions of Lake Cathie.*
- 4. Note the cost involved in any potential future dredging of the Lagoon.*
- 5. Request the General Manager seek formal written expert advice through the Department of Planning, Industry and Environment (DPIE), Biodiversity and Conservation Department as to any further adverse environmental implications should the Lagoon be dredged, and any received information be provided to Councillors.*
- 6. Request the General Manager write to The Hon. Leslie Williams, Member for Port Macquarie, advising of Council's actions in relation to dredging.*
- 7. Request assistance of full funding through The Hon. Leslie Williams, Member for Port Macquarie, for future dredging should expert advice suggest it to be possible and not detrimental to Lake Cathie.*

*CARRIED: 6/0*

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

*AGAINST: Nil*

In response to resolution number 5, Council Officers sought advice from the Department of Planning, Industry and Environment (DPIE) on 24 December 2020 as to whether there would be any further adverse environmental implications or concerns should the Lagoon be dredged. Advice from DPIE was received 24 February 2021. This advice is attached as **Attachment 4**. All advice provided from DPIE will be addressed in the application to modify the DA in accordance with section 4.55 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

**Community Engagement and Internal Consultation**

Detailed community engagement has occurred as part of the Illaroo Road Revetment wall discussion. It is evident from this engagement that coastal hazard management is of importance to the community and a localised hazard plan would be welcomed.

**Planning and Policy Implications**

DA 2013/151 allows the dredging of lower Cathie Creek to maintain recreational amenity, which gives the supplementary benefit of sand nourishment adjacent to Illaroo Road. PMHC has engaged Cardno to assist Council to modify DA 2013/51 under Section 4.55 of the EP&A Act. The proposed modification would include:

1. Change from a dredging frequency of 5-10 years based on a recreational amenity criterion to include a hazard-based criterion that maintains both the recreational amenity of Lake Cathie while also taking into account the level of vulnerability of the shoreline of Lighthouse Beach adjacent to Illaroo Road to erosion;
2. An increase in the extent of the sand nourishment zone to extend further the north around the shoreline adjacent to Bundella Avenue to provide additional protection to infrastructure in this area. The existing designated sand nourishment area would be increased from ~ 350m to ~ 410 metres in length.

Cardno provided Council with a technical memorandum that proposes a new hazard base criteria and reviews the proposed legislative pathway to modify the existing DA.

Prior to the submission of the DA modification, Crown Lands, being the owner of the land, must be notified under Section 49 of the EP&A Regulation 2000.

If the proposed modification is approved, a Crown licence will be obtained for multiple dredging events for a term up to 10 years. There will be an annual minimum statutory rent payable by Council unless a waiver is sought and approved. A Fisheries Permit, which could be captured under the Crown Licence, would also be required.

**Financial and Economic Implications**

Council has undertaken seven artificial lake openings over the last 10 years. The accumulated costs of these openings has been approximately \$105,000.





Dredging works are additional to openings. There are substantial financial implications associated with the proposed dredging work. The previous dredging event in 2018 cost Council \$350,000. Changing the trigger may increase the currently approved dredging frequency of Lake Cathie. It is estimated that this change may increase the dredging frequency from once every 5-10 years to once every 2-10 years.

As beach nourishment is listed under the Lake Cathie CZMP as an Action Item, grant funding under the Coastal and Estuary grant program could be utilised, with 1:1 (State: Local) funding potentially available until the CZMP expires in December 2021. It is noted that as Lake Cathie is within an area that is subject to 'significant open

coast hazards' Council is eligible to apply for funding at any time. The works will be captured under the Coastal Management Program (CMP) currently being developed by PMHC which will replace the CZMP. As such, works listed in the CMP are eligible to attract 2:1 (State: Local) funding from Council. Further funding can also be pursued as recommended in the December 2020 resolution.

Given the value of the proposed dredging works, Council will need to go through a formal tender process. The commencement of dredging would also depend on the availability of resources to undertake the dredging. As such, there still would be a delay between the trigger being reached and the implementation of sand nourishment.

**Attachments**

1.  Lake Cathie Dredging Strategy 2007 - FINAL
2.  Leslie Williams - Dredging Lake Cathie Lagoon Letter
3.  DA2013 - 151 Stamped Approved Plans Beach Nourishment for Illaroo Road
4.  DPIE Response - Lake Cathie Dredging for Beach Nourishment



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Item: 12.05

Subject: LAND ACQUISITION - BATAR CREEK ROAD, BATAR CREEK

Presented by: Development and Environment, Melissa Watkins

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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:

1. Pay compensation in the amount of \$1,000 (GST Exclusive) to the owner of Lot 1 Deposited Plan 169937, Serene Lodge Investments Pty Limited, for the acquisition of that part of Lot 1 Deposited Plan 169937 more particularly described as Lot 1 in plan of acquisition Deposited Plan 1246935.
2. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, pay the landowner's property conveyancing costs.
3. Pursuant to Section 10 of the *Roads Act 1993*, dedicate Lot 1 Deposited Plan 1246935 as public road.

### Executive Summary

This report recommends the payment of compensation for the acquisition of land required as part of the replacement of the bridge spanning Batar Creek on Batar Creek Road at Batar Creek.

### Discussion

As part of the realignment of Batar Creek Road, the bridge spanning Batar Creek was replaced. The general location of the new bridge is shown in **Attachment 1**.

With the consent of the owner of Lot 1 Deposited Plan 169937, Serene Lodge Investments Pty Limited, construction of part of the replacement bridge proceeded on Lot 1 Deposited Plan 169937, whilst the land acquisition was being completed.

With the completion of the bridge, the extent of the land to be acquired has been now been surveyed as Lot 1 Deposited Plan 1246935 which comprises an area of 234m<sup>2</sup> and is shown highlighted in **Attachment 2**.

### Options

Nil.



**Community Engagement and Internal Consultation**

There has been ongoing consultation with the landowner over the many years since the initial that this project concept in 2012 to the final plan for acquisition in 2018. Council has contacted the landowner numerous times since project completion with the offer of compensation.

**Planning and Policy Implications**

There are no planning and policy impacts.

**Financial and Economic Implications**



The acquisition of Lot 1 Deposited Plan 1246935 entitles the landowner to the payment of compensation. Having regard to the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*, compensation has been assessed by Council's Consulting Valuer at \$1,000 (GST Exclusive). An offer in this amount has been made to, and accepted by the landowner. With written acceptance of the offer, the acquisition is now reported to Council to enable the land acquisition to be completed.

In addition to the payment of compensation for the land, Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires Council to pay the landowner's legal/property conveyancing costs that will be incurred arising from the land acquisition. These costs are estimated at \$1,500 (GST Exclusive).

There is funding currently available to meet the land acquisition and conveyancing costs.

Payment of the agreed compensation is therefore recommended to Council.

**Attachments**

1.  General Location of New Bridge.
2.  Survey Depicting Land to be Acquired.

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**Item: 12.06**

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

**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 current status of site specific Planning Proposal requests as described in this report.**
- 2. Receive a further update report in six months regarding the progress of site specific Planning Proposal requests.**

### **Executive Summary**

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

This report also provides an update on the *NSW Public Spaces Legacy Program* (PSLP) and proposed planning reforms for Planning Proposals. The program was launched by the State Government on 5 August 2020 and incentivises local councils to accelerate their assessments of development applications (DAs) and rezonings (Planning Proposals) to create new development capacity and meet demand for housing and employment over the next decade. The three (3) site specific Planning Proposals that were identified for finalisation under the program by 30 June 2021 were as follows:

- Beach Street Bonny Hills
- Houston Mitchell Drive Bonny Hills, and
- Ruins Way Port Macquarie.

Since the December 2020 report, the Beach Street Bonny Hills Planning Proposal was terminated by the Department of Planning, Industry and Environment on 22 December 2020. This decision was made as a result of the complex nature of outstanding issues associated with the Planning Proposal and the likelihood that these issues will not be resolved by June 2021.

The Houston Mitchell Drive Bonny Hills Planning proposal is close to finalisation and gazettal is likely to occur prior to 30 June 2021.

Of the three identified planning proposals in the PSLP, the Ruin Way Planning Proposal will not be finalised by the required deadline. The options and risks associated with not meeting this deadline are discussed later in this report.

It is also noted that since the December 2020 report the Planning Proposal on Council land at Part Lot 1 DP 1087368, Partridge Creek, Thrumster to amend the location and reduce the size of the current B1 Neighbourhood Centre zoned land has been withdrawn.

No new Planning Proposals have been lodged in the 6-month period.

It is recommended that Council continue to assess all of the Planning Proposal requests to amend the Port Macquarie-Hastings Local Environmental Plan 2011.

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

### **Background**

Council, at its meeting on 9 December 2020, considered a report on the status of ten (10) site specific Planning Proposal requests (Item 13.02) and resolved:

*RESOLVED: Intemann/Turner*

*That Council:*

- 1. Note the current status of site specific Planning Proposal requests as described in this report.*
- 2. Note that three site specific planning proposals have been identified by the NSW Government for finalisation by 30 June 2021 and the proponents have been advised accordingly.*
- 3. Receive a further update report in six months regarding the progress of site specific Planning Proposal requests.*

*CARRIED: 6/0*

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

*AGAINST: Nil*

### **Discussion**

#### **1. Status of site specific planning proposals - June 2021**

This report provides an update on eight (8) current Site Specific Planning Proposal requests as listed below:

1. Part Lot 245 DP 1227796 and Part Lot 399 DP1241278, Ruins Way, Port Macquarie
2. Nos. 11 and 33 Mumford Street, Port Macquarie
3. Part Lot 516 DP 1261705, Lot 497 DP 123790 and Lot 319 DP 1214443, Crestwood Drive, Port Macquarie

4. Lot 37 and Part Lot 39 DP 1191701, Frogs Road and Benjamin Close, Sancroix
5. Lot 10 DP 615755, Houston Mitchell Drive, Bonny Hills
6. The Chimneys, Lot 1 DP1161722, Homedale Road, Kew
7. Proposed mixed-use Medical and Education Campus: 8 Highfields Circuit, 3-5 Kulai Place and 9-11 Kingfisher Road, Port Macquarie.
8. Proposed Service Station, Lot 1 DP 250402 and Lot 2 DP 234501, 4 Major Innes Road (Cnr Oxley Drive) Port Macquarie

Since the December 2020 Council report, an Alteration of the Gateway determination for the Beach Street Planning Proposal was made by DPIE which terminated the Gateway determination on 22 December 2020. This decision was made by the State Government as a result of the complex nature of outstanding issues associated with the Planning Proposal, and the likelihood that these issues will not be resolved by June 2021 under the *NSW Public Spaces Legacy Program*. No further action will be taken by Council on this matter.

It is also noted that since the December 2020 report, the Planning Proposal on Council land at Part Lot 1 DP 1087368, Partridge Creek, Thrumster to amend the location and reduce the size of the current B1 Neighbourhood Centre zoned land has been withdrawn. Council staff are undertaking a strategic review of options for this land holding.

No new Planning Proposals have been finalised or LEP amendments made in the last 6 months.

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

**Table 1:** Status of Site Specific Planning Proposal requests (June 2021)

File No.	Property	Summary of requested amendments to LEP 2011	Status Category (June 2019)	Status Category (Dec 2020)	Status Category (June 2020)	Fees Paid
<b>Port Macquarie</b>						
PP2011-9.3	Lot 245 DP 1227796 and Part Lot 399 DP1241278 Ruins Way, Port Macquarie	Rezone land from RU1 Primary Production to R1 General Residential and E2 Environmental Conservation	6	6  Additional information/ studies required. Proponent to submit revised PP  <b>Identified in NSW Public Spaces Legacy Program for</b>	6  No change to status  .	Yes Stage 1: 2011 Fees & Charges

File No.	Property	Summary of requested amendments to LEP 2011	Status Category (June 2019)	Status Category (Dec 2020)	Status Category (June 2020)	Fees Paid
				finalisati on 30 June 2021.		
PP2014 -10.1	Nos 11 and 33 Mumford Street, Port Macquarie	Rezone land from R1 General Residential and part E2 Environmental Conservation to Business Zone	5	5 Under assessment/negotiation	5 No change to status	Yes (Stage 1)
PP2017 -4.1	Lot 516 DP 1261705, Lot 497 DP 123790 and Lot 319 DP 1214443, Crestwood Drive, Port Macquarie	Rezone land from RU1 Primary Production to RE2 Private Recreation, RE1 Public Recreation and SP2 Infrastructure (Stormwater)	6	9 Gateway determination (9/10/20)	11 On public exhibition 2/06 - 30/06/21	Yes (Stage 1)
PP2020 -3.1	Mixed-use health and education precinct: 8 Highfields Circuit, 3-5 Kulai Place and 9-11 Kingfisher Road, Port Macquarie	Rezone land from part R1 General Residential and part R2 Low Density Residential to B4 Mixed Use and associated changes to building height and FSR	5	5 (Council report Oct. 2020)	5 No change to status	Yes (Stage 1)
PP2020 -4.1	Proposed Service Station, Lot 1 DP 250402 and Lot 2 DP 234501, No 4 Major Innes Road (cnr Oxley Drive), Port Macquarie	Rezone land from R1 General Residential to B4 Mixed Use and retain current R1 building height and FSR	<b>NEW</b>	5	5 No change to status	Yes (Stage 1)
	<b>Sancro</b>					



File No.	Property	Summary of requested amendments to LEP 2011	Status Category (June 2019)	Status Category (Dec 2020)	Status Category (June 2020)	Fees Paid
PP2017-3.1	Lot 37 and Part Lot 39 DP 1191701, Frogs Road and Benjamin Close, Sancrox	Rezone land from RU1 Primary Production to IN1 General Industrial for employment purposes	5	5 Under assessment.	5 No change to status	Yes (Stage 1)
<b>Bonny Hills</b>						
PP2014-14.1	Lot 10 DP 615755 and Lot 1 DP 1117908, corner Ocean Drive and Houston Mitchell Drive, Bonny Hills	Rezone land from RU1 Primary Production to Light Industrial and environmental purposes	12	12 Additional information under review. Proponent to submit revised PP  <b>Identified in NSW Public Spaces Legacy Program for finalisation on 30 June 2021.</b>	13 PP and LEP amdt being finalised.	Yes (Stages 1 & 2)
<b>Kew</b>						
PP2017-11.1	The Chimneys – Lot 1 DP1161722, Homedale Road, Kew	Rezone land from RU1 Primary Production to part R1 General Residential, part RE1 Public Recreation, part E2 Environmental Conservation and part E3 Environmental Management	5	5 Pending additional information from Proponent on revised PP since August 2020.	5 No change to status	Yes (Stage 1)

**Table 2:** Key to Status Category

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

## 2. Overview

Since the December 2020 Council report, there has been progress and developments on some site specific Planning Proposals as outlined in this report. This has included the issuing of an alteration of the Gateway determination for the Beach Street Planning Proposal by the DPIE which terminated the Gateway determination (22 December 2020); the re-exhibition of the Houston Mitchell Drive Planning Proposal (and DCP provisions) and finalisation of the LEP amendment; and the commencement of public exhibition of the Crestwood Drive Planning Proposal (2 - 30 June 2021).

As shown in Table 1 above, only two (2) of the eight (8) Planning Proposals have moved to the next stage in the planning process since this update was last provided to Council in December 2020. This does not mean that work hasn't been undertaken by Council staff (and proponents) on some of the remaining proposals, however this has not led to these matters progressing to the next stage of the process.

For the majority of Planning Proposal requests which have remained in the same Status Category over the last six (6) months, there are various reasons for this situation, including:

- Continuing negotiations between proponents, their representatives and Council staff.
- Timeframe for proponents to submit additional information to Council staff including supporting specialist studies and investigations are often protracted, and require review and internal and/ or external referrals to state agencies.

- There can also be a reluctance to provide information to Council staff to enable effective assessment and decision making on a planning proposal and this regularly leads to lengthy delays.
- The progression of the proposal to the next stage in the process requires the proponent to provide additional information to Council to enable a full assessment of a planning proposal, or to submit a revised proposal to Council. A revised Planning Proposal in most cases will require re-assessment, an altered Gateway determination issued by DPIE and re-exhibition.
- Challenges in demonstrating the strategic and site-specific merit of a proposal in accordance with the Department's *Guidelines for preparing planning proposals*, the *Urban Growth Management Strategy 2017-2036*, the *Local Strategic Planning Statement* and Council's *Planning Proposal Policy*.
- The consideration of public benefits in connection with a Planning Proposal,
- Planning proposals which are lodged prematurely despite advice and are not aligned with Council's strategic planning framework, planning investigations or infrastructure planning.

All of the Planning Proposals which have remained in the same Status Category require further actions to occur as outlined in Table 1 to this report.

As discussed earlier in this report three (3) site specific planning proposals have been identified for finalisation by 30 June 2021 under the *NSW Public Spaces Legacy Program* being Beach Street Bonny Hills, Houston Mitchell Drive Bonny Hills and Ruins Way Port Macquarie. These proposals were identified by Council as they are all long-standing proposals (more than four years old) and met the requirement for inclusion in Council's funding application.

The Beach Street Planning Proposal was terminated by the DPIE on 22 December 2020 and no further action will be taken by Council in this matter. As shown in Table 1 above, the Houston Mitchell Drive Planning Proposal has moved to the finalisation stage following Council's endorsement of a revised Planning Proposal at its meeting on 19 May 2021. The LEP amendment to give effect to the Planning Proposal is expected to be completed by 30 June 2021.

The revised Planning Proposal for Ruins Way was subject to a detailed assessment report to the March 2020 Ordinary Council Meeting which recommended that the revised Planning Proposal not be supported. Council resolved:

**RESOLVED:** *Turner/Intemann*

*That Council:*

1. *Note the report.*
2. *Defer further consideration of the matter and request the Chief Executive Officer to seek an extension of time for the finalisation of this Planning Proposal from the Department of Planning, Industry and Environment (DPIE) under the Public Spaces Legacy Program.*
3. *Receive a further report upon receipt of a response from the Department of Planning, Industry and Environment to consider this matter.*
4. *Request the Chief Executive Officer write to the Member for Port Macquarie, Leslie Williams MP, to seek her support, and to also seek the support of the Minister for Planning, for an extension of time for the finalisation of this*

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

In accordance with Council's resolution, the Chief Executive Officer wrote to the Department of Planning Industry and Environment and the Member for Port Macquarie, Leslie Williams MP requesting assistance for a 12 month extension of time for the completion of the Ruins Way Planning Proposal. At the time of writing, a response to Council's resolution and the extension request for finalising the planning proposal had not been received. In the absence of this advice, there is a risk that failing to finalise the planning proposal by 30 June 2021 will compromise realisation of the full \$3 million funding under PSLP grant. Council staff have advised the Department that positive progress has occurred on the planning proposal however an outcome by 30 June 2021 is not achievable. To minimise the risk of not achieving the full grant funding, Council could opt to discontinue the planning proposal.

It should be noted however that the development assessment targets for Council under the PSLP grant agreement will also not be achieved. This is primarily due to the unprecedented (and unexpected) surge in development activity during the COVID 19 pandemic, that has seen a 20% increase in the volume of applications received compared to the previous year. This situation has been communicated with Department staff on a monthly basis and it has been requested that these extenuating circumstances be taken into account in determining the outcome of the grant program. Pleasingly, Council staff have received notice of being successful in proceeding past stage 1 of the grant milestones however stage 2 and full funding is not guaranteed.

Apart from the unresolved Ruins Way planning proposal and the development assessment targets, all other milestones of the PSLP grant agreement are likely to be achieved.

**Options**

Council could opt to continue with all of the Site Specific Planning Proposal requests detailed in this report or decide not to proceed with any of them.

Of the three (3) site specific Planning Proposals which have been identified for finalisation by 30 June 2021 under the PSLP, the Ruins Way Planning Proposal has not progressed and does pose an element of risk in realising the full \$3million in grant monies. Whilst it is noted that development assessment targets will also not be achieved under the PSLP, Council could opt to discontinue the Ruins Way planning proposal in order to reduce risk.

Requests for Site Specific Planning Proposals are considered by Council as part of the Land Use Planning Program and under the adopted Planning Proposal Policy. Further reports are expected in 2021/22 to determine priorities.

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



**Community Engagement and Internal Consultation**

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

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

**Planning and Policy Implications**

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

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

**Financial and Economic Implications**

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

**Attachments**

Nil



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**Subject: CONFIDENTIAL SESSION**

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**RECOMMENDATION**

1. That Council move into Confidential Session to receive and consider the following items:
  - Item 14.01 Request from Resident in Respect of Water Charges  
This item is considered confidential under Section 10A(2)(b) of the Local Government Act 1993, as it contains discussion in relation to the personal hardship of a resident or ratepayer.
  - Item 14.02 Aboriginal Advisory Group  
This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).
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.