



PORT MACQUARIE-HASTINGS  
COUNCIL



# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 21 July 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 21 July 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 16 June 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 (by remote means)  
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 5:32pm.

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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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*RESOLVED: Griffiths/Intemann*

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

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

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### **03 LOCAL GOVERNMENT PRAYER**

Reverend Scott Donnellan from the Presbyterian Church delivered the Local Government Prayer.

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### **04 APOLOGIES**

Nil.

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### **05 CONFIRMATION OF MINUTES**

*RESOLVED: Intemann/Griffiths*

That the Minutes of the Ordinary Council Meeting held on 19 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**

Councillor Turner declared a Non-Pecuniary, Less Than Significant Interest in Item 12.08 - Port Macquarie Town Centre - Parklet Trial Process Update, 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.

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#### **07.01 RECOGNITION OF THE LATE KEITH UPTIN OAM**

*RESOLVED: Pinson*

That Council formally note the contribution of the late Mr Keith Uptin OAM, to our local community and extend our sincere condolences to his family and friends.

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

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**SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Turner/Hawkins*

That Standing Orders be suspended to allow Items 09.03, 09.05, 9.06, 09.09, 09.10, 10.03, 11.04, 12.01, 12.04, 12.07, 12.08 to be brought forward and considered next.

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

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**09.03 REVIEW OF THE MID NORTH COAST JOINT ORGANISATION**

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*MOVED: Turner/Griffiths*

That this item be deferred pending:

1. More detailed financial information from the Mid North Coast Joint Organisation.
2. A mechanism by which the Mid North Coast Joint Organisation can request funding from Council.

*AMENDMENT: Pinson/Griffiths*

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

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

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*AMENDMENT: Alley*

That Council:

1. Note the contents of this report.
2. That further funding to the Mid North Coast Joint Organisation be deferred pending:
  - a) More detailed financial information from the Mid North Coast Joint Organisation.
  - b) A mechanism by which the Mid North Coast Joint Organisation can request funding from Council.

LAPSED FOR WANT OF A SECONDER

*AMENDMENT: Intemann/Hawkins*

That Council:

1. Note the report to this item.
2. Note that it has contributed to the 2021-2022 funding of the Mid North Coast Joint Organisation.
3. Request the Chief Executive Officer to provide a report to the October 2021 Ordinary Council Meeting providing information on the financial arrangements with the Mid North Coast Joint Organisation and the mechanism by which the Mid North Coast Joint Organisation can request funding from Council.

**THE AMENDMENT WAS PUT AND CARRIED**

*CARRIED: 4/2*

*FOR: Alley, Hawkins, Intemann and Turner*

*AGAINST: Griffiths and Pinson*

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

*RESOLVED: Intemann/Hawkins*

That Council:

1. Note the report to this item.
2. Note that it has contributed to the 2021-2022 funding of the Mid North Coast Joint Organisation.
3. Request the Chief Executive Officer to provide a report to the October 2021 Ordinary Council Meeting providing information on the financial arrangements with the Mid North Coast Joint Organisation and the mechanism by which the Mid North Coast Joint Organisation can request funding from Council.

*CARRIED: 5/1*

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

*AGAINST: Pinson*

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**09.05 MAKING OF RATES AND CHARGES FOR 2021-2022, ADOPTION OF  
THE FEES AND CHARGES AND REVENUE POLICY FOR 2021-2022**

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*RESOLVED: Intemann/Hawkins*

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:

Type of Service	Charge for 2021/22
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

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:
- Fees & Charges 2021-2022, (subject to recommendation 17 as follows)
  - Revenue Policy 2021-2022
  - 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.

**CARRIED: 5/1**

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

**AGAINST: Pinson**



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## **09.06 PAYMENT OF WATER FUND AND SEWER FUND DIVIDEND FOR THE YEAR 2019-2020**

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*RESOLVED: Hawkins/Intemann*

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.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **09.09 UPDATE OF FLOOD AND STORM EMERGENCY**

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*MOVED: Pinson/Griffiths*

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 urgent 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.
  9. Note the recent meeting attended by Mayor Peta Pinson and Council's Chief Executive Officer, Dr Clare Allen, with the Hon Melinda Pavey MP, State Member for Oxley and the Hon Dr David Gillespie MP, Federal Member for Lyne regarding ongoing flood management in the Port Macquarie-Hastings Local Government area.

*AMENDMENT: Hawkins/Turner*

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 urgent 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.
9. Note the substantial ongoing involvement, support and commitment of all four of our local members, both State and Federal in optimising the long term



support to all members of our community negatively impacted by the recent floods in the Port Macquarie-Hastings Local Government area.

**THE AMENDMENT WAS PUT AND CARRIED**

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

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

*RESOLVED: Hawkins/Turner*

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 urgent 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.
9. Note the substantial ongoing involvement, support and commitment of all four of our local members, both State and Federal in optimising the long term support to all members of our community negatively impacted by the recent floods in the Port Macquarie-Hastings Local Government area

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

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## **09.10 INTEGRATED PLANNING AND REPORTING (IPR) DOCUMENTS**

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*RESOLVED: Intemann/Griffiths*

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.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **10.03 LONG TERM ENERGY STRATEGY: 6-MONTHLY UPDATE**

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*MOVED: Griffiths/Pinson*

That Council:

1. Note the update on the Long Term Energy Strategy implementation as provided in this report.
2. Prioritise projects which provide a return to the ratepayer over and above the investment.
3. Receive a business case prior to approval of projects for completion / construction.

*AMENDMENT: Intemann/Turner*

That Council:

1. Note the update on the Long Term Energy Strategy implementation as provided in this report.
2. Request the Chief Executive Officer to provide in the next six monthly report information including:
  - a) The quantum of Council's total energy usage and percentage supplied by solar.
  - b) Comparative pricing of renewable versus grid electricity supply.
  - c) Criteria for assessing project proposals including return on financial investments and benefit to the community.

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

*CARRIED: 4/2*

*FOR: Alley, Hawkins, Intemann and Turner*

*AGAINST: Griffiths and Pinson*

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

*RESOLVED: Intemann/Turner*

That Council:

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1. Note the update on the Long Term Energy Strategy implementation as provided in this report.
2. Request the Chief Executive Officer to provide in the next six monthly report information including:
  - a) The quantum of Council's total energy usage and percentage supplied by solar.
  - b) Comparative pricing of renewable versus grid electricity supply.
  - c) Criteria for assessing project proposals including return on financial investments and benefit to the community.

*CARRIED: 4/2*

*FOR: Alley, Hawkins, Intemann and Turner*

*AGAINST: Griffiths and Pinson*

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#### **11.04 ROAD CLOSURE AND SALE OF LAND - PART BILL HILL ROAD, THE HATCH**

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*RESOLVED: Intemann/Turner*

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.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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#### **12.01 KINDEE BRIDGE REPLACEMENT INVESTIGATION - REPORT ON COMMUNITY ENGAGEMENT OUTCOMES**

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*RESOLVED: Intemann/Alley*

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.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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

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*RESOLVED: Intemann/Turner*

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

*CARRIED: 6/0*

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

*AGAINST: Nil*

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#### **12.07 CONCEPT DESIGN FOR THE PORT MACQUARIE POLICE STATION PRECINCT**

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Director Development and Environment tabled an additional attachment for this item.

*RESOLVED: Intemann/Turner*

That Council:

1. Note the information contained within this report regarding the concept design for the Port Macquarie Police Station precinct.
2. Endorse the concept design for the purpose of engagement.
3. Thank and congratulate both the Cultural Steering Group and the Port Macquarie Town Centre Master Plan Sub-Committee for their high quality professional support and encouragement to date, which is noted will be ongoing, in assisting Council to progress this initiative, notwithstanding the tight time-frame arising from the State Government's earlier publicly announced plans to relocate the police station in Port Macquarie from its present position.
4. Thank and congratulate Council staff and the appointed contractor for their excellent work under extreme time pressure noting point 3 above.

*CARRIED: 6/0*

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

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## **12.08 PORT MACQUARIE TOWN CENTRE - PARKLET TRIAL PROCESS UPDATE**

---

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 note:

1. The information contained within this report.
2. That the final report will be presented to Council following the conclusion of the trial period in October 2021.

*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, 09.04, 09.07, 09.08, 10.01, 10.02, 10.04, 11.01, 11.02, 11.03, 12.02, 12.03, 12.05, 12.06 be considered as a block resolution.

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

*RESOLVED: Turner/Griffiths*

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**

---

*BLOCK RESOLVE: Turner/Griffiths*

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

---

## **09.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 6 MAY TO 2 JUNE 2021**

---

*BLOCK RESOLVE: Turner/Griffiths*

That Council note the Mayoral Discretionary Fund allocations for the period 6 May to 2 June 2021 inclusive.

Item 09.03 Review of the Mid North Coast Joint Organisation, has been addressed previously within the meeting.

---

## **09.04 DISCLOSURE OF INTEREST RETURN**

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*BLOCK RESOLVE: Turner/Griffiths*

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

1. Development Assessment Panel member x 2.

Item 09.05 Making of Rates and Charges for 2021-2022, Adoption of the Fees and Charges and Revenue Policy for 2021-2022, has been addressed previously within the meeting.

Item 09.06 Payment of Water Fund and Sewer Fund Dividend for the Year 2019-2020, has been addressed previously within the meeting.

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## **09.07 MONTHLY BUDGET REVIEW - MAY 2021**

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*BLOCK RESOLVE: Turner/Griffiths*

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.

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## **09.08 INVESTMENTS - MAY 2021**

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*BLOCK RESOLVE: Turner/Griffiths*

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

Item 09.09 Update of Flood and Storm Emergency, has been addressed previously within the meeting.

Item 09.10 Integrated Planning and Reporting (IPR) Documents, has been addressed previously within the meeting.

---

## **10.01 BICENTENARY AND WAKULDA WRAP UP**

---

*BLOCK RESOLVE: Turner/Griffiths*

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.

---

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

---

*BLOCK RESOLVE: Turner/Griffiths*

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.

Item 10.03 Long Term Energy Strategy: 6-monthly Update, has been addressed previously within the meeting.



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#### **10.04 NAMING OF A ROAD AT KEW**

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*BLOCK RESOLVE: Turner/Griffiths*

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

---

#### **11.01 CLASSIFICATION OF LAND ACQUIRED BY COUNCIL**

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*BLOCK RESOLVE: Turner/Griffiths*

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

---

#### **11.02 ECONOMIC DEVELOPMENT STEERING GROUP MEMBERSHIP EXTENSION**

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*BLOCK RESOLVE: Turner/Griffiths*

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

---

#### **11.03 DESTINATION MANAGEMENT PLAN ANNUAL UPDATE**

---

*BLOCK RESOLVE: Turner/Griffiths*

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.

Item 11.04 Road Closure and Sale of Land - Part Bill Hill Road, The Hatch, has been addressed previously within the meeting.

Item 12.01 Kindee Bridge Replacement Investigation - Report on Community Engagement Outcomes, has been addressed previously within the meeting.



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## **12.02 PROPOSED SALE AND CLOSURE OF GRANNY BELL LANE, NORTH HAVEN - POST EXHIBITION**

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*BLOCK RESOLVE: Turner/Griffiths*

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.

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

---

*BLOCK RESOLVE: Turner/Griffiths*

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.

Item 12.04 Dredging of Lake Cathie For Beach Sand Nourishment Adjacent to Illaroo Road, has been addressed previously within the meeting.

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## **12.05 LAND ACQUISITION - BATAR CREEK ROAD, BATAR CREEK**

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*BLOCK RESOLVE: Turner/Griffiths*

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.

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## **12.06 UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS - BI-ANNUAL REPORT**

---

*BLOCK RESOLVE: Turner/Griffiths*

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.

Item 12.07 Concept Design for the Port Macquarie Police Station Precinct, has been addressed previously within the meeting.

Item 12.08 Port Macquarie Town Centre - Parklet Trial Process Update, has been addressed previously within the meeting.

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## **CONFIDENTIAL SESSION**

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*RESOLVED: Turner/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 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).:

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 REQUEST FROM RESIDENT IN RESPECT OF WATER CHARGES**

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*RESOLVED: Turner/Alley*

That Council:

1. Note the request from a property owner for a departure from the existing Water Policy in respect of water leaks on the applicant's property.
2. Note the substantial adjustments and assistance measures previously extended under the Water Supply Policy to the property owner.
3. Continue to apply the provisions of the Water Supply Policy to the property owner.
4. Offer assistance to the property owner in relation to Council's existing hardship provisions as outlined in the body of the report, provide advice on water metering options and offer education on water saving initiatives.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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#### **14.02 ABORIGINAL ADVISORY GROUP**

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*RESOLVED: Hawkins/Turner*

That Council:

1. Amend the Aboriginal Advisory Group Charter to include 4 Traditional Owner representatives.
  2. Appoint the following people as independent members of the Aboriginal Advisory Group for a four (4) year term:
    - (a) Gulwanyang Moran (Traditional Owner)
    - (b) Richard Dacker (Traditional Owner)
    - (c) Latoya Smith (Bearlay Aboriginal Interagency)
    - (d) Jacob Thorne-Hall (Aboriginal and Torres Strait Islander community member)
    - (e) Wayne Anderson (Aboriginal and Torres Strait Islander community member)
    - (f) Benjahmin Moran (Traditional Owner)
    - (g) Linda Olive (Hastings Aboriginal Education Consultative Group)
    - (h) Rhonda Anjilkurri Radley (Aboriginal and Torres Strait Islander community member)
    - (i) Amos Donovan (Bunyah Local Aboriginal Land Council)
    - (j) William O'Brien O.A.M. (Traditional Owner)
    - (k) Kelly O'Brien (Aboriginal and Torres Strait Islander community member)
  3. Appoint the Mayor as the Chairperson and Councillor Intemann as voting members of the Aboriginal Advisory Group.
  4. Commence the appointments by inviting the new members to the first Aboriginal Advisory Group meeting at a date to be confirmed in July 2021.
-

- 
5. Thank members of the community who made submissions via the Expression of Interest process and advise the outcome.
  6. Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-21-02.

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

RESOLVED: Alley/Griffiths

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

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

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

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The meeting closed at 8:09pm.

.....  
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
Traffic Network	17/03/2021 Item 13.01		DI		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

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 discussions	16/06/2021 Item 12.02		DI		Jul-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
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

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	Further work is being undertaken on the Plan to incorporate feedback received during the submission period.	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
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	Sep-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	Sep-21

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Biodiversity Investigations and Stewardship Sites	23/09/2020 Item 15.07	Awaiting consultant's report.	DDE	Mar-21 May-21 Jul-21	Sep-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	Sep-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	Sep-21
Fernbank Creek and Sancro Planning Investigation - Gateway Determination	17/03/2021 Item 13.08		DSG		Sep-21
Coastal Protection Options - Illaroo Road, Lake Cathie	21/04/2021 Item 13.06	Postpone to after Council Elections	DDE	Jun-21	Sep-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	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

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 October 2021.	DDE	Aug-20 Jun-21	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
MNC Joint Organisation - financial arrangements and funding mechanism	16/06/2021 Item 09.03		CEO		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 Policy - outcomes of engagement	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
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	Nov-21
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 Tallowwood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.	10/08/16 Item 12.01		DDE		2021 (estimate)
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/16 Item 06.02	Awaiting Catholic Parish advice	CEO	Oct-18 Mar-19 Apr-19 Jul-19 Dec-19 Jun-20	TBA



Cyclic Reports

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Mayoral Discretionary Fund Allocations	CEO	Monthly	Every		
Monthly Financial Update	DCP	Monthly	Every (except July)		
Investments	DCP	Monthly	Every		
Recommendations by the Mayor's Sporting Fund Sub-Committee	DSG	Monthly	Every		
Legal Fees - Update Report (19/09/18 - Item 09.16)	DCP	Quarterly	Feb, May, Aug, Nov		
Development Activity and Assessment System Performance	DDE	Quarterly	May, Aug, Nov, Feb		
Port Macquarie Health and Education Precinct - Update Report (06/05/2020 - Item 13.03)	DSG	Quarterly	Aug, Nov, Feb, May	No Feb or May update report	As per resolution 18/11/2020 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		
Local Strategic Planning Statement (19/02/2020 - Item 10.22)	DSG	Biannual	Aug, Feb	May-21 Jun-21	Awaiting CSP feedback

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
					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		
Kooloonbung Creek Flying Fox Camp Management Plan - Annual Update (16/06/2021 - Item 12.03)	DDE	Annually	Jun		
Council Policy - Status	CEO	Annually	Jul	Aug-21	Still gathering updates on overdue policies to determine a way to have them all reviewed in a timely manner
Recreation Action Plan – Status	DDE	Annually	Jul	Aug-21	Status updates for plan still be sought
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		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
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		
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 - 3 JUNE TO 7 JULY 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 3 June to 7 July 2021 inclusive.**

### Executive Summary

To advise of the Mayoral Discretionary Fund allocations for the period 3 June to 7 July 2021.

### Discussion

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

Donation to PMQ Croquet Club	\$150.00
Donation of Glasshouse Vouchers to Rourke Family fundraiser	\$200.00
Donation of Glasshouse Vouchers for Telegraph Point Pre-School fundraiser	\$200.00
Floral Bouquet to Shirley Uptin & Family on passing of Keith Uptin OAM	\$87.00
Donation to Westpac Rescue Helicopter Service	\$400.00
Donation to Walk to End the Wait (Transplant Australia & Organ Donation Awareness)	\$250.00
	<b>\$1,287.00</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: INVESTMENTS - JUNE 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 June 2021.**

#### **Executive Summary**

- Total funds invested as at 30 June 2021 is \$342,612,871.
- Interest for the month of June was \$479,840.
- The year-to-date investment income of \$6,441,135 represents 102% of the total annual investment income budget of \$6,321,696.
- Council's total investment portfolio performance for the financial year to date was 1.99% above the benchmark (2.05% against 0.06%), benchmark being the Bank Bill reference rate as at 30 June 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 +2.05% p.a., outperforming bank bills by 1.99% 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, \$2.8m 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 30 June 2021, comply with this Act. All investments have been made in accordance with the Act and Regulations, and Council's Investment Policy.

As at 30 June 2021, the investments held by Council totalled \$342,612,871 and were attributed to the following funds:

General Fund	145,984,116
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>342,612,871</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.

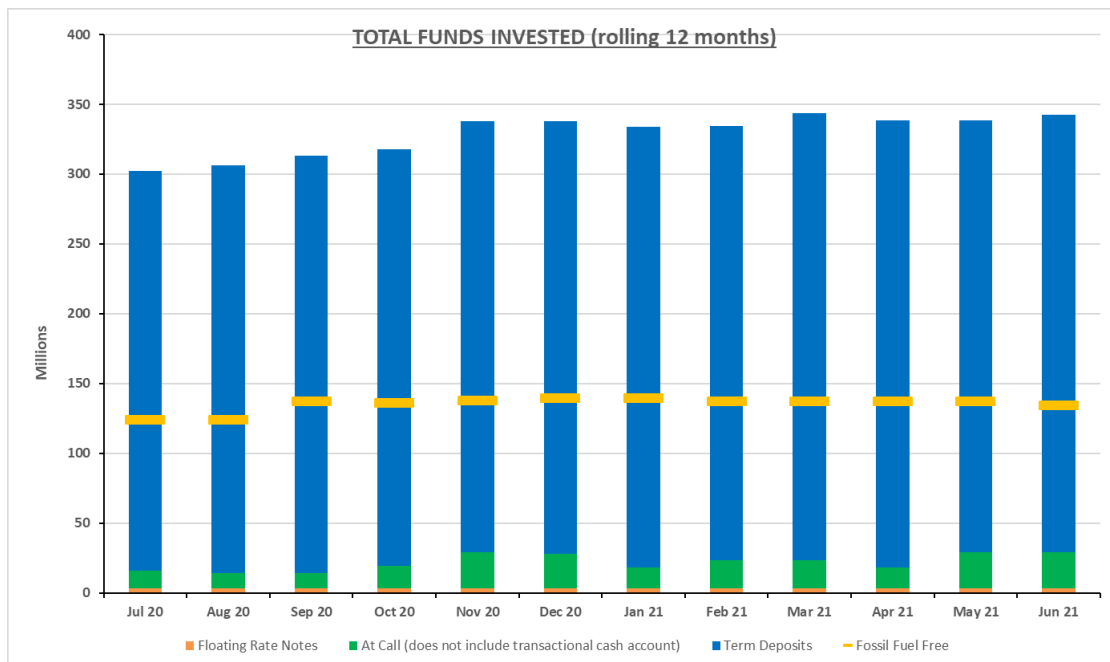
It is noted that there is a variance between the total investments held as per this report, (\$342,612,871), and total investments held as per Imperium's attached monthly report (\$342,666,388). This is due to the fact that Council's accounting policy treatment means that floating rate notes (FRNs) are 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 30/06/21 (\$)	Amount invested at 30/06/21 (%)
Yes	82,040,000	68.92%	208,112,871	60.74%
No	37,000,000	31.08%	134,500,000	39.26%
	<b>119,040,000</b>		<b>342,612,871</b>	

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



## 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 1.99% above the benchmark (2.05% against 0.06%) and year to-date income is 102% 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 - June 2021
2.  Port Macquarie-Hastings Council Valuation Report - June 2021

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**Item: 09.04**

**Subject: DEBT RECOVERY POLICY REVIEW - POST EXHIBITION**

**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 adopt the amended Debt Recovery Policy.**

**Executive Summary**

At the Ordinary Council Meeting on 19 May 2021, Council resolved to place the draft Debt Recovery Policy (as attached) on public exhibition.

The Debt Recovery Policy was subsequently placed on public exhibition for the period 26 May 2021 to 22 June 2021 (28 days).

There were no submissions during the public exhibition process.

**Discussion**

At the Ordinary Council Meeting on 19 May 2021, Council resolved as follows:

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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.*

The existing Debt Recovery Policy was reviewed and the attached draft includes the following changes:

- Changes to Staff titles.
- Minor grammatical changes.
- Update of Chief Executive Officer's delegation of authority to write off debts to \$5,000 from \$2,500.

- Inclusion of objectives section.
- Inclusion of detail on interest charges.

### Public Exhibition

The public exhibition period is now complete with no submissions received via mail, email or in person.

Within the exhibition period there were sixteen (16) visits and seven (7) downloads of the Policy via Council's engagement website page.

### **Options**

Council has the option not to adopt the Policy identified within this report.

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

The Debt Recovery Policy was available for public comment from 26 May 2021 to 22 June 2021 (28 days). No submissions were received.

### **Planning and Policy Implications**

There are no planning implications in relation to this report. This report recommends amending the existing Debt Recovery Policy, in accordance with the Policy for Making of Council Policy.

### **Financial and Economic Implications**

The Debt Recovery Policy can impact levels of outstanding accounts recovered. The proposed amendments are not deemed to have a material impact on current outcomes.

### **Attachments**

1.  Revised Debt Recovery Policy

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**Item: 09.05**

**Subject: LOANS TO INCORPORATED SPORTING BODIES &  
INCORPORATED COMMUNITY GROUPS POLICY REVIEW - POST  
EXHIBITION**

**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 rescind the Loans to Incorporated Sporting Bodies & Incorporated Community Groups Policy.**

### **Executive Summary**

At the Ordinary Council Meeting on 19 May 2021, Council resolved to place the Loans to Incorporated Sporting Bodies & Incorporated Community Groups Policy (Policy) that was proposed for rescission on public exhibition. A copy of the current policy is attached.

The Policy was subsequently placed on public exhibition for the period 26 May 2021 to 22 June 2021 (28 days).

There were no submissions during the public exhibition process.

### **Discussion**

At the Ordinary Council Meeting on 19 May 2021, Council resolved as follows:

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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.*

The existing policy was originally adopted in 2012 in response to a specific situation

where financial assistance to cover urgent restoration works was required.

Since this time, the policy has only been utilised once by a Sporting Body who were loaned an amount of \$60k in 2013, of which the current outstanding amount of \$2k due to be paid out by September 2021.

On the basis of the above, given the limited usage of the policy, it was recommended at this point in time to rescind this policy.

#### Public Exhibition

The public exhibition period is now complete with no submissions received via mail, email or in person.

Within the exhibition period there were sixteen (16) visits and five (5) downloads of the Policy via Council's engagement website page.

#### **Options**

Council has the option not to rescind the Policy identified within this report.

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

The Policy was available for public comment from 26 May 2021 to 22 June 2021 (28 days). No submissions were received.


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

There are no planning implications in relation to this report. This report recommends rescinding the existing Policy, in accordance with the Policy for Making of Council Policy.

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

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

#### **Attachments**

1.  Current Loans to Incorporated Sporting Bodies and Incorporated Community Groups Policy



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Item: 09.06

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

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 owners of 17 Granny Bell Lane, North Haven.
2. Endorse the sale of Granny Bell Lane to the owners of 17 Granny Bell Lane, North Haven with no restrictions to the use of the land.

#### Executive Summary

The purpose of this report is to detail the outcomes of further discussion with the owners of 17 Granny Bell Lane, North Haven following public exhibition and subsequent Council resolution of the proposed road closure and sale.

At the 16 June 2021 Ordinary Council meeting, Council resolved:

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#### **12.02 Proposed Sale and Closure of Granny Bell Lane, North Haven - Post Exhibition**

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*BLOCK RESOLVE: Turner/Griffiths*

*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.*

This report response to point 3 of the above resolution.

#### 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 roads.

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 this 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.

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.

At the 16 June 2021 Council meeting it was resolved:

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

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*BLOCK RESOLVE: Turner/Griffiths*

*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.*

In discussions with the owners of 17 Granny Bell Lane, they indicated they are not interested in purchasing the land with a public access easement due to the maintenance and liability issues this would cause. The owners did state they were open to pedestrian access to the caravans adjoining Granny Bell Lane, though it is unknown what mechanism would best facilitate this and would introduce complexity into the sale process.

It was also further discussed and confirmed that a verbal agreement with the owners of 7 Eames Avenue for vehicular access to continue for the rear access of their property, albeit this is a much shorter length used for access, and used less frequently.

It is recommended the public road be closed and soled for a nominal fee to the owners of 17 Granny Bell Lane with no formal access rights for the adjoining land.



**Options**

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

1. Proceed with the road closure and sale of 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
2. Proceed with the road closure and sale of land for a nominal fee to the owners of 17 Granny Bell Lane with restrictions to the use of the land to the rear access of 7 Eames Avenue only, to maintain access 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.

**Community Engagement and Internal Consultation**

Internal consultation has occurred with the following parties:

- Group Manager Infrastructure Planning
- Director Infrastructure
- Property and Leasing Coordinator

Community engagement has previously occurred through a public exhibition and direct communication with impacted residents. Further discussions have occurred with the owners of 17 Granny Bell Lane

**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.

## AGENDA

ORDINARY COUNCIL  
21/07/2021

### Attachments

Nil

LEADERSHIP AND  
GOVERNANCE

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**Item: 09.07**

**Subject: DRAFT COMMUNITY STRATEGY PLAN**

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

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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 Engagement Report outlining the engagement approach that supported the development of the Draft Community Strategic Plan.**
- 2. Note the Draft Community Strategic Plan.**
- 3. Place the Draft Community Strategic Plan on public exhibition from 26 July 2021 until 27 August 2021.**
- 4. Recommend that a future report be presented to the October 2021 Ordinary Council meeting with a review of community submissions and to adopt the final Community Strategic Plan.**

#### **Executive Summary**

The Community Strategic Plan - Our Plan is the roadmap devised by our community for the future of the Port Macquarie-Hastings region.

The culmination of extensive community input, Our Plan defines our community's vision and provides a description of the route we need to take to reach this vision without being prescriptive about the itinerary on how to get there.

Deliberately ambitious, Our Plan seeks to capture the aspirations of our community whilst also providing a flexible blueprint for action, that remains relevant over the next decade.

Our Plan is one of the most important planning documents for the Port Macquarie-Hastings region. It sets the direction for how our community, Council and other levels of government may work together to make the vision a reality. Thank you to all the people and organisations who contributed their time, energy and ideas to the development of this Plan.

Our Plan is the culmination of an extensive community engagement program, which sought to understand our community's priorities and aspirations for the future, through a range of different activities and opportunities over a 15-month period between 2019 and 2021.

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

legislation (Section 404 and 405 of the Local Government Act (1993)) also requires the IPR suite of documents be placed on public exhibition for a minimum of 28 days before being endorsed by the Council.

**Discussion**

The Community Strategic Plan (CSP) is the roadmap devised by the community for the future of the Port Macquarie-Hastings region.

The culmination of extensive community feedback, this plan:

- defines our community's vision and aspirations and
- sets a direction for how our community, our Council and other levels of Government may work together to make the vision a reality.

The Community Strategic Plan:

- identifies and documents the aspirations and priorities of our community;
- establishes strategic objectives and possible strategies
- addresses civic leadership, social, environmental and economic issues in an integrated manner, and which are based on social justice principles of equity, access, participation and rights
- provides an opportunity for participation by the community in decision-making processes;
- coordinates decision making and resourcing by Port Macquarie-Hastings Council (Council) and other organisations working with and in the community;
- projects a long-term focus for the delivery of facilities and services by Council and other organisations working with and in the community;
- is a mechanism for which the community can hold Council to account
- aligns with regional and state plans

Whilst Council takes a lead role in the development and implementation of this Plan, responsibility for achieving the community's vision our long-term goals rests with all levels of government, businesses, industry groups, community organisations and individuals.

Key to Council's role is understanding our community's desired level of service and demand for local facilities and programs. The desired level of service is the balance between these.

The community have been clear in expressing their desire for Council to consolidate, expand and thrive.

Key deliverables of Council:

1. Reduced traffic congestion: with a clear road network approach to address present and future needs
2. Stable infrastructure: a solid infrastructure approach that can ensure sewer, water and stormwater capability now and in the future
3. Improved pathways: footpaths, shared paths, cycleways and access to public transport across our region
4. Environmental focus: to protect our natural environment and supporting climate friendly initiatives
5. Affordable living: for now, and future generations (eg housing)
6. Thriving economy: which supports local jobs and business
7. Inclusive community: who celebrate our history and First Nations people
8. Collaboration: a greater level of trust between Council and the community through engagement in decision making
9. Transparency: clear understanding of Council's resource allocation across the region
10. Quality of life: proper amenities and management of assets to ensure good quality of life outcomes

Through the engagement we heard from our Community. We then tested what we heard through many engagement interactions and we have captured your loves, concerns, values and wants below:

Loves	<p>You love our:</p> <ul style="list-style-type: none"> <li>• beaches, coastline and foreshore</li> <li>• walking trails and open spaces</li> <li>• natural landscape and of course our koalas!</li> <li>• unique villages and hinterland towns</li> <li>• community connections and support</li> </ul>
Concerns	<p>You are concerned about:</p> <ul style="list-style-type: none"> <li>• population growth and change and protecting the lifestyle which makes living in the Port Macquarie-Hastings region unique</li> <li>• loss of our natural environment</li> <li>• sustainable use of our resources</li> <li>• water security</li> <li>• impacts of climate change</li> <li>• housing affordability</li> <li>• employment opportunities</li> <li>• Council decision making, and a feeling that past feedback has been ignored or not acted upon by elected Councillors and staff</li> <li>• inequitable resource allocation across the region</li> </ul>



Values	You value: <ul style="list-style-type: none"> <li>• amenity and quality of life</li> <li>• social cohesion and inclusion</li> <li>• affordable lifestyle</li> <li>• technology, creativity and innovation</li> <li>• the natural environment amenity</li> </ul>
Wants	You want: <ul style="list-style-type: none"> <li>• reduced traffic</li> <li>• stable infrastructure</li> <li>• improved pathways</li> <li>• protected environment</li> <li>• affordable living</li> <li>• thriving economy</li> <li>• inclusive community</li> <li>• collaboration</li> <li>• transparency</li> <li>• quality of life</li> </ul>

This in turn led to the development of the community vision and six key themes:

### Vision

*The most liveable, sustainable and innovative place in Australia*

A community that is well-planned, built and run, and supports all of our residents to live well and make the most of the opportunities open to them, whilst managing our assets and finite resources.

### Themes

#### *Sustainable*

We have a healthy natural environment that is resilient to the impacts of natural hazards and environmental change.

#### *Resilient*

We are a welcoming, safe and inclusive community that nurtures healthy minds and bodies

#### *Connected*

We live in accessible communities supported by smart, sustainable infrastructure.

#### *Liveable*

We are a well-designed, diverse region, which offers a range of lifestyle and great places to live

#### *Thriving*

We have a diverse economy, which supports flourishing local businesses and provides employment opportunities for people of all ages and abilities

*Authentic*

We have leaders who represent the best interests of our community and are engaged, open, transparent and accountable

The Community Strategic plan will be guided by the social justice principles of equity, access, participation and right and be underpinned by the quadruple bottom line (QBL) which addresses environmental, economic, and civic leadership considerations. The social justice principles (above) together with the QBL ensures a holistic balanced approach is applied to all aspects of Our Plan, rather than favouring one particular aspect.

Council does not have the sole responsibility for implementing or resourcing all of the community aspirations identified within the Plan. Many aspects of the Plan fall beyond the direct control of Local Government (eg public transport). As a Council, we are well placed to collaborate and advocate with other agencies, groups and organisations to deliver on the community's vision.

The Integrated Planning and Reporting (IPR) framework (IPR) lays out where we are heading in the long term, backed up by detailed plans for the short and medium-terms, providing the community and Council with a clear picture of our future direction and deliverables.

Attached is a copy of the Draft Community Strategic Plan that understands our community's desired level of service and demand for key facilities and programs (Attachment 2)

The desired level of service is the balance between the service provided; the level of service the community expect and what the community is prepared to pay for.

It is important our community's desired level of service informs the Plan and therefore also key strategies in and actions within subsequent plans (eg Delivery Program and Operational Plan). Council's role in the delivery of services, facilities and programs is further detailed in a range of Council strategies and plans identified under each of the community themes identified here in the Plan. Within each of community themes, the role of Council will vary.

**Options**

Council could adopt the recommendation as proposed.

Council could seek additional information on the content of the Community Strategic Plan prior to placing on exhibition, noting this would delay the proposed 28-day exhibition period

**Community Engagement and Internal Consultation**

The Community Strategic Plan is the culmination of an extensive community engagement program which took place between early December 2019 to January 2021 to understand our community's priorities and aspirations for the future of Port Macquarie-Hastings.

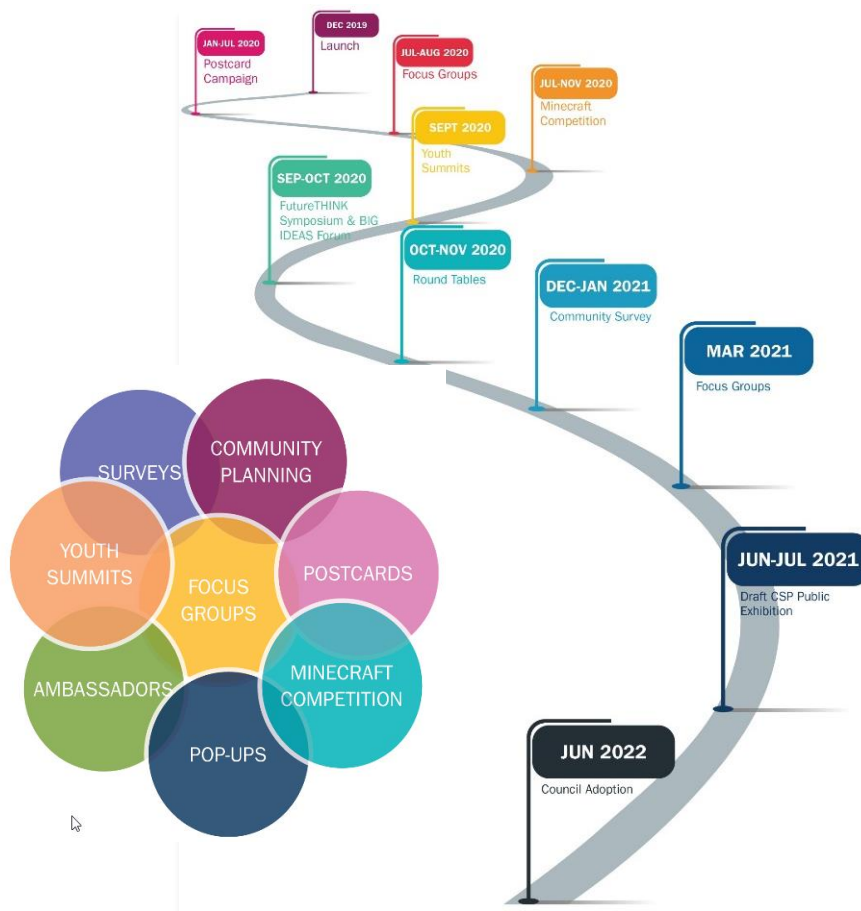
We distributed over 1500 feedback postcards across the Local Government Area and held an online symposium which more than 270 people joined live and 4,000 viewed it post-session.

675 surveys were completed and there were more than **1100 visits** to our dedicated *THINK2050* website.

232 residents attended our visioning and theme setting focus groups and **270 people** joined our round table sessions to refine the vision and themes.

15 locals joined us as *THINK2050* Ambassadors, and **120 students** joined us at our Schools Virtual Summit or participated in our Minecraft Competition.

Council used a variety of methods throughout the engagement journey to connect with the community throughout the Think2050 Engagement Campaign and this is reflected below.



Thank you to all the people and organisations who contributed their time, energy and ideas to the development of this Plan.

A summary of the Engagement report is attachment - Attachment 1



**Planning and Policy Implications**

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

**Financial and Economic Implications**

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

There is a subsequent financial impact associated with the supporting IPR documents including; the Delivery Program, Operational Plan, the Resourcing Strategy and Revenue Policy and Fees and Charges documents. These impacts however are not known at this time and will be considered further in the development of the future Delivery Program and future Operational Plans for this term of Council.w

**Attachments**

1.  CSP Engagement Report Summary April 2021
2.  Draft Community Strategic Plan

# 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:** PORT MACQUARIE TRANSPORT NETWORK COMMUNITY  
CONSULTATIVE COMMITTEE

**Presented by:** Infrastructure, Dan Bylsma

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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 agree to extend the membership of the Port Macquarie Transport Community Consultative Committee for a period of 5 months to April 2022.**

### **Executive Summary**

The Port Macquarie Transport Network Community Consultative Committee (PMTNCCC) was formed in 2019. The Committee comprises Councillors, staff and representatives from the local community.

The current membership of the PMTNCCC is due to expire in November 2021.

This report seeks to extend the term of the existing members to April 2022. This extension will ensure continuity in oversight of the development and planning for the Port Macquarie Transport Network, 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 20 November 2019, Council resolved:

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### **15.06 PORT MACQUARIE TRANSPORT NETWORK COMMUNITY CONSULTATIVE COMMITTEE**

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*Councillor Levido declared a Non-Pecuniary - Significant Interest in this item and left the room and was out of sight during the Council's consideration, the time being 10.48pm.*

### **MOTION**

*MOVED: Intemann/Griffiths*

*That Council:*

1. *Appoint Denise Wilson as the Independent Chair of the Port Macquarie Transport Network Community Consultative Committee, as assessed by an independent third party.*
2. *Appoint the following people as independent members of the Port Macquarie Transport Network Community Consultative Committee, for a 12 month term, as recommended by an independent third party assessment:*
  - a) *Adele Graham*
  - b) *Michael Mowle*
  - c) *Craig Nethery*
  - d) *Brad Thomas*
  - e) *Anthony Thorne*
3. *That Councillors Intemann and Alley be the Councillor representatives as members of the Port Macquarie Transport Network Community Consultative Committee.*
4. *Maintain the confidentiality of the documents and consideration of the Expression of Interest.*
5. *Amend the Charter as follows:*
  - *at Clause 3.3, add to the end of the first sentence the words "...on behalf of Council,"*
  - *at Clause 5.3, change the second sentence to read "The secretariat will ensure that the business paper and supporting papers are circulated as early as possible but at least 3 days prior to each meeting."*

**AMENDMENT**

MOVED: Griffiths/Pinson

*That Council:*

1. *Appoint Denise Wilson as the Independent Chair of the Port Macquarie Transport Network Community Consultative Committee, as assessed by an independent third party.*
2. *Appoint the following people as independent members of the Port Macquarie Transport Network Community Consultative Committee, for a 12 month term, as recommended by an independent third party assessment:*
  - a) *Adele Graham*
  - b) *Michael Mowle*
  - c) *Craig Nethery*
  - d) *Brad Thomas*
  - e) *Anthony Thorne*
  - f) *Philip Lloyd*
3. *That Councillors Intemann and Alley be the Councillor representatives as members of the Port Macquarie Transport Network Community Consultative Committee.*
4. *Maintain the confidentiality of the documents and consideration of the Expression of Interest.*
5. *Amend the Charter as follows:*
  - *at Clause 3.3, add to the end of the first sentence the words "...on behalf of Council,"*
  - *at Clause 5.3, change the second sentence to read "The secretariat will ensure that the business paper and supporting papers are circulated as early as possible but at least 3 days prior to each meeting."*
  - *at Clause 3.0 - Membership - allow an additional community member on the Consultative Committee.*

**THE AMENDMENT WAS PUT AND CARRIED**

MOVED: Griffiths/Pinson

That Council:

1. *Appoint Denise Wilson as the Independent Chair of the Port Macquarie Transport Network Community Consultative Committee, as assessed by an independent third party.*
2. *Appoint the following people as independent members of the Port Macquarie Transport Network Community Consultative Committee, for a 12 month term, as recommended by an independent third party assessment:*
  - a) *Adele Graham*
  - b) *Michael Mowle*
  - c) *Craig Nethery*
  - d) *Brad Thomas*
  - e) *Anthony Thorne*
  - f) *Philip Lloyd*
3. *That Councillors Intemann and Alley be the Councillor representatives as members of the Port Macquarie Transport Network Community Consultative Committee.*
4. *Maintain the confidentiality of the documents and consideration of the Expression of Interest.*
5. *Amend the Charter as follows:*
  - *at Clause 3.3, add to the end of the first sentence the words "...on behalf of Council,"*
  - *at Clause 5.3, change the second sentence to read "The secretariat will ensure that the business paper and supporting papers are circulated as early as possible but at least 3 days prior to each meeting."*
  - *at Clause 3.0 - Membership - allow an additional community member on the Consultative Committee.*

CARRIED: 7/0

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

AGAINST: Nil

**THE AMENDMENT BECAME THE MOTION AND WAS PUT**

RESOLVED: Griffiths/Pinson

That Council:

1. *Appoint Denise Wilson as the Independent Chair of the Port Macquarie Transport Network Community Consultative Committee, as assessed by an independent third party.*
2. *Appoint the following people as independent members of the Port Macquarie Transport Network Community Consultative Committee, for a 12 month term, as recommended by an independent third party assessment:*
  - a) *Adele Graham*
  - b) *Michael Mowle*
  - c) *Craig Nethery*
  - d) *Brad Thomas*
  - e) *Anthony Thorne*
  - f) *Philip Lloyd*



- 
3. *That Councillors Intemann and Alley be the Councillor representatives as members of the Port Macquarie Transport Network Community Consultative Committee.*
  4. *Maintain the confidentiality of the documents and consideration of the Expression of Interest.*
  5. *Amend the Charter as follows:*
    - *at Clause 3.3, add to the end of the first sentence the words "...on behalf of Council,"*
    - *at Clause 5.3, change the second sentence to read "The secretariat will ensure that the business paper and supporting papers are circulated as early as possible but at least 3 days prior to each meeting."*
    - *at Clause 3.0 - Membership - allow an additional community member on the Consultative Committee.*

CARRIED: 7/0

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

AGAINST: Nil

*Councillor Levido returned to the meeting, the time being 11:03pm*

The objectives of the PMTNCCC are to:

- Assist Council in meeting its commitment to address the proposed Orbital Road options and broader Port Macquarie road network improvements and upgrades.
- Promote information sharing between Council, local community members and other key stakeholders, on the proposed Orbital Road options and broader Port Macquarie road network improvements and upgrades.
- Work collaboratively with Council and provide feedback on the proposed Orbital Road options, Strategic Business Case studies or reports and broader Port Macquarie road network improvements and upgrades.
- Provide a forum for the community members and other stakeholders to share / seek information on and provide feedback to Council on the development of the Strategic Business Case for the proposed Orbital Road, including planned traffic network improvements and upgrades to the existing Port Macquarie road network.

Membership to the PMTNCCC was extended by 12 months in line with the above resolution at the Ordinary Council meeting held in 17 February 2021:

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

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*BLOCK RESOLVED: Turner/Alley*

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

Current membership is due to expire in November 2021, shortly following the 2021 Local Government Election caretaker period and this report proposes an extension of the member term for an additional five months.

This extension would allow:

- Continued and consistent oversight of the development and planning for the Port Macquarie Transport Network
- An expression of interest process for a new membership to be undertaken in early 2022.

**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 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: 10.02**

**Subject: RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND  
SUB-COMMITTEE - JUNE 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. Laura Reynolds - \$350 to compete at the Australian Junior Beach Volleyball Championships in Coolangatta, Queensland which were held on 26 - 29 April 2021**
- 2. Charlie Beard - \$350 to compete at the Youth Beach Phoenix Program in the National Youth Beach Championships in Coolangatta, Queensland on 25 - 29 April 2021.**
- 3. Bayden Smith - \$500 to compete at the Under 18 Men's Australian Hockey Championships on 8 - 16 April 2021 in Launceston, Tasmania.**

### **Executive Summary**

The Mayor's Sporting Fund Sub-Committee met on Thursday 24 June 2021 and considered applications for financial assistance from Laura Reynolds to compete at the 2021 Australian Junior Beach Volleyball Championship in Coolangatta, QLD Charlie Beard to compete in the Youth Beach Phoenix Program in the National Youth Beach Championships and Bayden Smith to compete in the Under 18 Men's Australian Hockey Championships in Launceston, Tasmania.

The Sub-Committee reached consensus on Item 06 (attached) and submits the above recommendation for Council's approval. Please note these applications were received prior to the competitions listed but there was a delay in presentation to the Sub-Committee due to an administrative error. The applicants have been contacted to apologise for the delay and advise their applications are being considered.

### **Attachments**

1.  Resolution - Item 06 Mayor's Sporting Fund Sub-Committee Meeting 2021 06 24

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**Item: 10.03**

**Subject: PORT MACQUARIE AQUATIC FACILITY**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council:**

- 1. Note the recommendation from the May 2021 Ordinary Council Meeting to provide a report to the July 2021 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.**
- 2. Note the completion of the 28-day consultation period on the 20 June 2021.**
- 3. Note that given the large amount of feedback received from the community in relation to the project there is further review required to be undertaken by staff.**
- 4. Request to Chief Executive Officer (CEO) present a report to the October 2021 Ordinary Council meeting outlining the community feedback provided during the public exhibition period and the proposed way forward.**

### **Executive Summary**

This report seeks to address the resolution at the May 2021 Ordinary Council Meeting (below) and proposes to extend the review period to determine an appropriate way forward for the project.

*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*

**Discussion**

Following closure of the public exhibition period, the project governance Steering Group (incorporating the Project Team, Project Sponsor, Council Executive Group and the Mayor and some Councillors) recommended to allow more time to review the community submissions with a view to determining a way forward for the project. This report therefore recommends that a further report be provided to the October 2021 Ordinary Council Meeting which will document the public exhibition period, feedback and the proposed way forward based on the feedback received.

**Options**

Council could choose to:

1. Adopt the recommendations contained within this report; or
2. Request further information in regards to the Port Macquarie Aquatic Facility project; or
3. Resolve in some other manner.

**Community Engagement and Internal Consultation**

Internal engagement has taken place with the following stakeholders:

- Project Steering Group
- Director Development and Environment;
- Group Manager Project Delivery;
- Acting Group Manager Recreation, Property and Buildings;
- Senior Project Manager, Project Delivery;
- Recreation, Property and Buildings and Other Projects Program Steering Group.

External consultation in relation to the proposed design of the Port Macquarie aquatic facility was held from 24 May 2021 to 20 June 2021. Council received 209 submissions on our Have Your Say webpage and 26 written submissions. After engaging with the community on the concept designs staff are now considering this feedback. Strong themes are emerging from the data such as the desire for a 25m indoor pool, specific accessibility requirements, program room for fitness and wellbeing group activities, and more diving features.

Once the post engagement report has been finalised a further report with recommendations as to the way forward is proposed to be put to Council at its October 2021 Ordinary Council.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

Council has allocated a funding commitment to undertake the Demand Analysis, Options Assessment, Concept Design, Business Case and prepare the Development Application. Additional funding will be required to finalise detailed design and for construction of the facility. The construction costs associated with new contemporary aquatic facilities are significant and will require all funding avenues to be explored in order to achieve project completion.

Further to the above, this project was endorsed as a major strategic infrastructure project at the 21 April 2021 Ordinary Council meeting. Council resolved to pursue progression of this project as a standalone project and as an urgent priority noting the risk of failure of the existing facility.

**Attachments**

Nil

# 4 Your Natural and Built Environment

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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





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**Item: 12.01****Subject: NOTICE OF MOTION - NSW STATE GOVERNMENT'S VOLUNTARY  
HOUSE RAISING SCHEME**

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

**RECOMMENDATION**

**That Council request the Chief Executive Officer to provide a report to the October 2021 Ordinary Council Meeting providing an overview of the NSW State Government's Voluntary House Raising Scheme, an assessment of potential opportunities and barriers to implementing the Voluntary House Raising Scheme for the Port Macquarie-Hastings Local Government Area and seek advice from the Department of Planning, Infrastructure and Environment on the processes required to be considered for the scheme.**

**Comments by Mayor Pinson**

Voluntary House Raising is recognised as an effective floodplain risk management measure for both riverine and overland flood conditions. It is generally undertaken to:

- reduce the frequency of exposure to flood damage of the house and its contents - reducing the frequency of household disruption, associated trauma and anxiety, and clean up after floods may also have social benefits;
- as a compensatory measure where flood mitigation works adversely affect a house which is generally considered part of the mitigation work rather than a separate VHR scheme.

Voluntary House Raising can be an effective strategy for existing properties in low flood hazard areas where mitigation works to reduce flood risk to properties are impractical or uneconomic. It should be part of an overall floodplain risk management strategy for an area, rather than a stand-alone option as it does not deal with issues such as risk to life.

**Attachments**

Nil

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**Item: 12.02****Subject: NOTICE OF MOTION - URBAN FOREST STRATEGY**

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

**RECOMMENDATION**

**That Council considers the incorporation of an action to develop an Urban Forest Strategy for urban and suburban areas, in the development of the draft Climate Change Response Strategy and supporting action plans.**

**Comments by Councillor (if provided)**

The vision of an Urban Forest Strategy is to protect, plant, and manage trees to create a diverse, resilient, and beautiful urban forest on public and private lands across the urban and suburban areas within the Port Macquarie Local Government Area.

Our urban forest includes every tree in our city – on streets, in parks, public spaces, and back yards. Our urban forest plays important environmental and social roles: it cleans the air, absorbs rainwater, provides bird habitat, and improves our health and well-being.

We recognize there are competing values and objectives in dealing with trees. An Urban Forest Strategy will provide a clear and balanced approach to protecting and expanding the urban forest in our region.

**Attachments**

Nil



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**Item: 12.03**

**Subject: RAWDON ISLAND BRIDGE UPDATE**

**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. Acknowledge the current status of the Rawdon Island Bridge and the amenity this provides to the local community.**
- 2. Request the Chief Executive Officer undertake investigations and assessments to determine the most appropriate path forward.**
- 3. Pending the completion of (2) above, request the Chief Executive Officer to take all reasonable steps to facilitate access solutions for the community and impacted individuals.**
- 4. Note Council's existing Bridge Management System and request the Chief Executive Officer develop a Bridge Management Policy to formalise the management requirements outlined in the system including inspection frequencies and present to Council at the December 2021 Council Meeting.**

### **Executive Summary**

Major structural issues have been identified on the Rawdon Island Bridge that are considered a high risk of bridge collapse under vehicle loading or lateral loads such as braking or flood debris impacts. The bridge has been closed to vehicular traffic while further investigations and assessments are undertaken to determine the most appropriate path forward.

### **Discussion**

Underwater inspections of all major concrete bridges over major waterways were completed following the March 2021 floods. The underwater inspection completed in June 2021 found major structural issues with the pylons supporting Rawdon Island Bridge.

Based on the type of structure being robust concrete piles and shallow rock foundations, the damage identified during the underwater inspection was unexpected. The damage appears to be related to poor original construction techniques and quality control procedures, resulting in ongoing degradation and loss of the pile materials at these isolated locations immediately above river bed level. There does not appear to be any records of underwater bridge inspections being completed for Rawdon Island Bridge prior to now.

To maximise the safety of residents and reduce the risk of further damage to the bridge asset, an immediate 20 tonne GVM load limit and 10km per hour speed limit and speed humps on approaches were implemented on 24 June 2021 following advice from the underwater inspectors. The community and Local Traffic Committee were informed at this time of the changes being implemented.

Structural engineers were immediately engaged to further review dive inspection findings, reasons for the damage and options for repair and remediation. On 2 July 2021 following advice from the structural engineers, the load limit was further reduced to a 5 tonne GVM and residents were notified that the bridge would be closed to vehicular traffic from 5 July 2021.

The bridge was barricaded to vehicles at 12pm on 5 July 2021. Emergency Services have been notified and have access to cross the bridge under strict conditions.

Transport for NSW (Maritime) were notified of the changes, and the waterway in the vicinity of the bridge has also been closed.

Council has been working closely with Rawdon Island residents to ensure their needs are met during this time. A number of measures have been put in place and Council is continuing to liaise with residents.

Council staff are currently in the process of establishing a bridge monitoring plan including daily survey and sensors, and CCTV to allow any unexpected movements of the structure to be identified as soon as possible. If the risk can be adequately managed there is the possibility of re-opening the structure for light vehicles only in the short term. Council staff also are currently investigating all potential solutions for repair, rectification or alternate routes.

Initial estimates of costs associated with rectification of this structure include:

- Further immediate costs associated with bridge closure, traffic management, bridge monitoring, investigations and design, and community support may range from \$300,000 to \$500,000.
- Alternate access (if required) including barges, or temporary crossings for alternate routes may be in the order of \$3.0 million.
- Options for repairs and rectification of the existing structure range from \$3.0 million to \$6.0 million.
- Full replacement and demolition of the existing bridge may be in the order of \$25.0 million to \$30 million.

It is important to note these estimates are preliminary order of magnitude estimates based on construction knowledge, previous works and initial enquiries. These estimates will change following more detailed investigations and design updates.

In 2016, PMHC developed a Bridge Management System (BMS) to prioritise all bridges on a risk basis, considering condition and overall importance to the road network. At this time Rawdon Island Bridge was ranked 27<sup>th</sup> overall, and 12<sup>th</sup> compared to other concrete bridges in the network based on current known condition. Further detailed inspections have been carried out over a number of years, and found the bridge to be in fair to poor condition generally and it is currently

ranked 13<sup>th</sup> overall, and 2<sup>nd</sup> compared to other concrete bridges behind Cathie Bridge. It is noted that until early 2020, Dunbogan Bridge has been ranked 1<sup>st</sup> overall within the network and has been the focus of concrete rehabilitation efforts.

Underwater inspections were scheduled to be completed at Rawdon Island Bridge in line with Level 3 Inspection and Assessment, as informed by the Bridge Management System for the 2022/23 Financial Year.

Recognising that the Rawdon Island Bridge is the only means of access to and from the island, this project is considered urgent and will be prioritised accordingly.

### **Options**

Council has the option to:

1. Endorse the recommendation of this report
2. Determine an alternative recommendation

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

There has been a substantial Community Engagement and Consultation effort undertaken across Council, with Council establishing regular community meetings and updates. Rawdon Island residents and other interested community members have met with Council staff, the Mayor and Local Members of Parliament at community meetings via Zoom on 3 July and 5 July to discuss the current situation, community needs and the path forward.

To manage this, Council has established an interim dedicated project team covering a range of operational items raised through these meetings. The team members are active with social media groups throughout the day and are directly communicating with affected residents. Further communications are also undertaken through media such as TV and print news through established contacts. To date there have been multiple news reports covering the bridge closure.

A dedicated webpage has been established with minutes of community meetings, a list of Frequently Asked Questions (FAQ's), form for submitting any issues, concerns or requests, and for registering residents details to receive latest updates on all activities related to the closure.

In addition to the wider communications, Council staff are also working one-on-one with residents that have unique individual circumstances such as medical issues, business needs and other specific requirements.

As mentioned above, Local Members of Parliament have also been notified and periodically updated. Council has notified emergency services, and other authorities, such as Transport for NSW, including Maritime who have assisted with closure of the waterways in proximity of the bridge. Council staff have directly liaised with local service providers such as Busway, Australia Post and utility providers. Other partners have been notified through the Local Traffic Committee.

In acknowledging that other unforeseen individual or community issues may arise over the coming period, staff will continue to work with individuals and the community about circumstances and solutions that can reasonably be implemented. This may

involve working with individuals/groups to work together, advocating on behalf of the community for assistance from other government departments, providing advice in regard to grant or hardship assistance, or any other reasonable solution to access issues deemed reasonable by the Chief Executive Officer under the circumstances.

Internal consultation has occurred with the following staff:

- Chief Executive Officer
- Executive Group
- Group Manager Infrastructure Planning
- Group Manager Infrastructure Operations
- Transport and Stormwater Operations Manager
- Transport and Stormwater Engineering Planning Manager
- Bridges and Structures Engineer
- Group Manager Community
- Community Engagement Manager
- Group Manager Customer Experience and Communications

### **Planning and Policy Implications**

There are a number of associated planning and policy implications with this recommendation.

If the recommendation is adopted, the 2021/22 Operational Plan will be impacted. A number of projects may need to be deferred in order to provide sufficient funding and resources to complete this work, or additional loan funding should be sought to address this Project.

Internal resources in the Infrastructure Division including the Infrastructure Planning, Infrastructure Operations and Project Delivery Groups are currently being utilised, though given resources constraints with managing routine maintenance, Council's flood response and current committed works, and given the specialist nature of this Project, external Technical Project Management will be required to progress this Project.

If the recommendation is adopted, Council will also need to dedicate further additional resources and budget within the Infrastructure Planning Group and Infrastructure Operations Group to allow on-going management of the bridge and culvert assets, including ongoing management of bridge and culvert inspections, scoping and management of critical repair works throughout the network, review and development of designs for these works, and management of the delivery of these works.

### **Financial and Economic Implications**

There are significant financial and economic implications in relation to this report as funds have not been allocated towards work on the Rawdon Island Bridge as part of the 2021/22 Operational Plan. Due to the early nature of the issue, Council staff are still determining actions required, and the costs detailed within the report are considered preliminary only, and may increase once more information is known.

## AGENDA

ORDINARY COUNCIL  
21/07/2021

### Attachments

Nil

YOUR NATURAL AND  
BUILT ENVIRONMENT



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**Item: 12.04**

**Subject: URBAN GROWTH MANAGEMENT STRATEGY UPDATE**

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

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

### **Executive Summary**

The Urban Growth Management Strategy 2017-2036 (UGMS) provides a framework for urban planning in the Port Macquarie - Hastings Local Government Area (LGA), with a focus on key actions in the 5-year period to 2022/23. The UGMS was adopted by Council in June 2018 and endorsed by the former NSW Department of Planning in November 2018.

The purpose of this report is to provide a status update on the progress of the implementation of the actions as detailed within the UGMS. This report also recommends re-evaluation of some actions based on current identified opportunities, constraints and priorities.

### **Discussion**

At the time of adoption of the UGMS in June 2018, Council resolved to *"receive an annual update report in relation to the implementation and status of the Urban Growth Management Strategy actions during preparation of Council's annual Operational Plans."* The full resolution is shown below:

*RESOLVED: Hawkins/Turner*

*That Council:*

- 1. Note the submissions received and recommended amendments to the draft Urban Growth Management Strategy contained in the attached Consultation Report.*
- 2. Adopt the revised Urban Growth Management Strategy attached to this report.*
- 3. Submit the revised Urban Growth Management Strategy to the Director General of the NSW Department of Planning for approval.*

4. *Delegate to the General Manager the authority to make minor amendments and corrections to the Strategy during referral to the Department of Planning.*
5. *That Council receive an annual update report in relation to the implementation and status of the Urban Growth Management Strategy actions during preparation of Council's annual Operational Plans.*
6. *That Council amend the revised Urban Growth Management Strategy attached to this report to address an ambiguity and ensure the body of the Strategy is consistent with Key Action #6, as follows: Page 62 be updated to reflect the combination of Fernbank Creek and Sancrox such that the wording is amended as follows: "The priority order for long term investigations around Port Macquarie in terms of land capability and suitability is Fernbank Creek and Sancrox, and then Lake Innes."*
7. *Note the resolution from the Ordinary Council Meeting of February 2015 that the General Manager is to provide a report to Council on the Greater Sancrox Area after the Urban Growth Management Strategy is endorsed/adopted by Council.*
8. *Request that the report be presented at or before the Council Meeting of September 2018 and that the report consider in more detail the timing of investigations and the resourcing requirements to achieve an earlier commencement.*

CARRIED: 7/0

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

AGAINST: Nil

This report is intended to provide a progress update for item 5 of the June 2018 Council resolution and demonstrates how Council has proceeded to action the September 2018 resolution in relation to UGMS priorities.

#### Actions – Status Summary

The UGMS contains 33 Actions for delivery indicatively in the period 2018/19 – 2022/23. The Actions relate to Housing, Economic Development and Making It Happen (i.e. the delivery of essential planning and services) to cater for projected population growth in the Port Macquarie - Hastings region.

A summary of the actions, their current status and the proposed delivery in 2021/22 are provided in the table below.

Note: Year 1 of the Strategy is 2018/19. As stated in the UGMS, the timeframes shown are *"indicative only and will be confirmed in Council's annual operational plans."*



Housing Actions				
Action		UGMS Year	Status at July 2021	Proposed 2021/22 Delivery
1	Review Local Environmental Plan (LEP) and Development Control Plan (DCP) provisions to promote appropriate housing choice options	1-2	The Draft Port Macquarie-Hastings Local Housing Strategy 2021-2041 (LHS) has been developed in consultation with Council and the community. At its Ordinary Meeting of May 2021 it was Resolved that Council place the LHS and supporting Background Reports on public exhibition for a period of 60 days in accordance with Council's Community Participation Plan. The LHS includes consideration of LEP and DCP provisions to promote appropriate housing choice options.	Delivery of Local Housing Strategy.
2	Review planning for the Wauchope CBD and adjoining mixed use area	3-4	Due to competing priorities, this project has not commenced in 2020/21.	Re-evaluation of this action as part of the upcoming UGMS review.
3	Undertake neighbourhood planning in Kendall	4-5	Scheduled to commence in 2021/22, as per adopted Strategy.	Scheduled to commence in 2021/22, as per adopted Strategy.
4	Review LEP and DCP provisions to promote development of the Yippin Creek Urban Release Area	1-3	Specialist support studies have been progressed and are at varied stages of completeness. This process is continuing.	Finalisation of support studies in consultation with contributing landowners.
5	Investigate options for development and review LEP and DCP provisions in the West Lake Cathie Investigation Area	2-3	Council Staff have consulted with a project representative in relation to initial scoping for this proposal.	Council Staff to continue liaising with relevant project representatives as applicable in relation to this proposal.

Housing Actions				
Action		UGMS Year	Status at July 2021	Proposed 2021/22 Delivery
6	Preparation of an Outline Plan (Stage 1 investigations) for the Fernbank Creek and Sancrox potential future growth areas	1-3	The subject Draft Structure Plan (previously referred to as an Outline Plan) has been prepared. At its Ordinary Meeting of 17 March 2021, Council Resolved to place this document on public exhibition for a period of not less than 28 days subject to the issuing of a 'Gateway Determination' in relation to the Le Clos Sancrox Planning Proposal and preparation of associated <i>draft infrastructure contributions and finance documentation</i> .	Delivery of the Fernbank Creek and Sancrox Villages Structure Plan
7	Investigate options for limited rural residential development at Telegraph Point and review LEP and DCP provisions	4-5	Scheduled to commence in 2021/22, as per adopted Strategy.	Scheduled to commence in 2021/22, as per adopted Strategy.
8	Review LEP provisions for small lots around nominated rural villages and the merits of permitting detached dual occupancy with consent in all rural zones	4-5	Scheduled to commence in 2021/22, as per adopted Strategy.	Scheduled to commence in 2021/22, as per adopted Strategy.
9	Monitor rates of subdivision and development in the LGA	1-5	The monitoring of subdivision and development in the LGA is ongoing. Rates of subdivision and development will also be reviewed in detail as part of the upcoming review of the UGMS.	Ongoing.
10	Review LEP and DCP provisions for land at West Lindfield, previously deferred from	1-2	The commencement of this project was brought forward to 2018/19 by Resolution	Following the subject Council Resolution, Council has contacted Landowners who have

Housing Actions				
Action		UGMS Year	Status at July 2021	Proposed 2021/22 Delivery
	the Thrumster urban release area		of Council in September 2018.	indicated an unwillingness to contribute to the planning proposal. Therefore, this project will be deferred until 2022/23 as per previous Council Resolution in relation to the UGMS annual update.
11	Commence Stage 1 investigations and the preparation of an Outline Plan for the West Bonny Hills investigation Area	4-5	Scheduled to commence in 2021/22, as per adopted Strategy.	Scheduled to commence in 2021/22, as per adopted Strategy.

Economic Development Actions				
Action		UGMS Year	Status at July 2021	Proposed 2021/22 Delivery
12	Review local environmental plan and development control plan provisions for the Port Macquarie CBD	3-4	Superseded by Local Strategic Planning Statement (LSPS) Action 13.5 (Review LEP and DCP provisions for the Port Macquarie CBD to ensure that the CBD continues to be the primary retail and business centre in the Port Macquarie Hastings).	To be completed by 2022 as detailed within the LSPS.
13	Council led precinct planning for the proposed Health and Education Precinct	1-3	Council has endorsed the Health and Education Precinct Master Plan. Strategic planning investigations to support the development of a planning proposal and revised development control and development contributions framework have commenced.	Completion of initial specialist studies to support precinct strategic planning. Completion of draft Council initiated planning proposal report.
14	Develop a new Destination Management Plan for the Port Macquarie - Hastings	1-2	Endorsed by Council in June 2020.	N / A - Completed.
15	Planning for the development of a	1	Port Macquarie-Hastings Local	N / A - Completed.

Economic Development Actions				
Action		UGMS Year	Status at July 2021	Proposed 2021/22 Delivery
	Business Park at the Port Macquarie Airport		Environmental Plan (Amendment No 56) relating to Council's Airport, Thrumster lands and adjoining private property commenced on 10 September 2020.	
16	Planning for the 'gateway sites' at the intersection of the Pacific and Oxley Highways in Port Macquarie	1-2	Amendment to the Port Macquarie - Hastings Local Environmental Plan 2011 in relation to a proposed new highway service centre on the south western side of the intersection of the Pacific and Oxley Highways was approved in August 2019. Planning for the north western gateway site is proposed to be undertaken as part of the Fernbank Creek and Sancrox Villages Structure Plan, as detailed within Item 6 above.	Planning for the north western gateway site as part of the progression of the Fernbank Creek and Sancrox Villages Structure Plan.
17	Investigate the capacity of land at the intersections of Ocean Drive with Houston Mitchell Drive for light industrial use and at the intersection of Ocean Drive with Bonny View Drive for light industrial development or for use as a school	1-2	At its Ordinary Meeting of 19 May 2021 Council endorsed the Planning Proposal in relation to Lot 10 DP 615775 and Lot 6 DP 1210904, corner Houston Mitchell Drive and Ocean Drive and Resolved to take steps in order to give effect to the Planning Proposal. Investigations are ongoing in relation to land at the intersection of Ocean Drive with Bonny View Drive.	Ongoing investigations in relation to land at the intersection of Ocean Drive with Bonny View Drive.
18	Investigate options for future service industrial land in the Camden Haven	5	Scheduled to commence in 2022/23, as per adopted Strategy.	Not applicable in 2021/22.
19	Review planning controls for rural and environmental areas in	3-4	Superseded by Action 15.1 (prepare a Rural Land-Use Strategy	Rural areas action to be completed by 2022 and 2025 respectively as

Economic Development Actions				
Action		UGMS Year	Status at July 2021	Proposed 2021/22 Delivery
	relation to recreation, agri-business and nature-based tourism		with a focus on protecting our agricultural farmland from inappropriate uses) and Action 15.2 (review planning controls and permissible uses in rural zones to facilitate land uses that will support and serve rural industries and encourage tourism) of the LSPS in relation to rural areas. Due to competing priorities, review of planning controls in environmental areas has not commenced.	detailed within the LSPS. Re-evaluation of the environmental areas action as part of the upcoming UGMS review.

Making it Happen Actions				
Action		UGMS Year	Status at July 2021	Proposed 2021/22 Delivery
20	Council will review population statistics and growth forecasts annually	1-5	A reoccurring forecast review is proposed to be completed by the end of 2021/22.	A reoccurring forecast review is proposed to be completed by the end of 2021/22.
21	Collaboration with the NSW government to prepare a Regional City Action Plan (RCAP) for Port Macquarie	1-2	The Draft Port Macquarie RCAP has been developed by the NSW Government in collaboration with Council. The final Port Macquarie RCAP is proposed to be released later in the year.	Expected finalisation of the Regional City Action Plan for Port Macquarie.
22	Commence UGMS review to coincide with the next review of the North Coast Regional Plan	4-5	Scheduled to commence in 2021/22.	Scheduled to commence in 2021/22.
23	Review Major roads contributions plan	1-2	Council has commenced a review of the development contributions framework, including the major roads contributions plan.	Finalisation of a development contributions framework review.
24	Review open space contributions plan	5	Council has commenced a review of the development contributions	Finalisation of a development contributions framework review.



Making it Happen Actions				
Action		UGMS Year	Status at July 2021	Proposed 2021/22 Delivery
			framework, including the open space contributions plan.	
25	Review the Water and Sewer Development Servicing Plans	2-3	Council has commenced a review of the development contributions framework, including the Water and Sewer Development Servicing Plans.	Finalisation of a development contributions framework review.
26	Preparation of a Regional Integrated Transport Strategy	1-2	Council has commenced the preparation of a Regional Integrated Transport Strategy.	Finalisation of a Draft Regional Integrated Transport Strategy.
27	Preparation of an Integrated Water Cycle Management Strategy (IWCMS) for the Port Macquarie - Hastings	1-2	Public Works Advisory (PWA) are continuing to work on the technical analysis aspects of the IWCMS. The water secure yield analysis has been completed, along with sewer load analysis and issues analysis. Finalisation of the technical analysis is now planned for late 2021.	Planned delivery of the IWCMS in 2022.
28	Complete Biodiversity Strategy and implement key actions	1-5	<p>The Biodiversity Strategy was completed in 2019. Key actions implemented over the reporting period have included:</p> <ul style="list-style-type: none"> <li>- Implementation of Flying Fox Camp management plan.</li> <li>- Reduction of weed load and improved health of bushland reserves.</li> <li>- Educational information created as per the koala recovery strategy.</li> <li>- Feral animal management including feral deer and foxes</li> </ul>	<ul style="list-style-type: none"> <li>- Continue to implement Port Macquarie Hastings Council specific management actions generated from the Hastings Wild Deer Program.</li> <li>- Finalise internal procedure for offsetting koala food trees and hollow bearing tree nesting cavities.</li> <li>- Continue to implement the Flying Fox Camp management plan.</li> <li>- Investigate engineering opportunities to reduce native fauna road strike.</li> </ul>

Making it Happen Actions				
Action		UGMS Year	Status at July 2021	Proposed 2021/22 Delivery
			<p>conducted on key sites in the LGA.</p> <ul style="list-style-type: none"> <li>- Finalisation of the bushland matrix that provides stronger guidance to internal operations for delivering biosecurity and ecological restoration works.</li> <li>- Installation of koala stiles at the West Port School and accompanying education program developed.</li> </ul>	
29	Complete strategies in relation to koala populations and implement key actions	1-5	<p>In March this year, State Environmental Planning Policy (SEPP) (Koala Habitat Protection) 2021 was released by the NSW Government. The release of this SEPP has generated new discussions regarding the Comprehensive Koala Plan of Management and the appropriate strategies for implementing key actions.</p> <p>The draft Coastal KPOM for PMHC has been put on hold until such time as a final decision is made by NSW State government regarding planning regulations related to koala populations.</p>	Review of the strategies, tools and actions to achieve actions listed in the Koala Recovery Strategy.
30	Develop Community Plans and Local Strategic Planning Statement (LSPS) in consultation with key communities	1-5	Community Plans have been completed and endorsed by Council for 10 communities: Bonny Hills, Comboyne & Byabarra, Lake Cathie, Pappinbarra, Telegraph Point, Camden Haven,	2 additional completed plans (North Shore and Wauchope) are intended to be endorsed by Council. Council is intending to work with all communities with endorsed plans on implementing identified actions.



Making it Happen Actions				
Action		UGMS Year	Status at July 2021	Proposed 2021/22 Delivery
			<p>Kew/Kendall, Rollands Plains, Hastings Hinterland, and Beechwood/Pembrook e. Plans for 2 further communities (Wauchope and North Shore) are in draft and are intended to be reported to Council in the coming months.</p> <p>Port Macquarie-Hastings Council adopted its Local Strategic Planning Statement (LSPS) 'Shaping Our Future 2040' on 30 September 2020. The LSPS is published on the NSW Planning Portal.</p>	
31	Review the Port Macquarie-Hastings Heritage inventory	1-2	Superseded by Action 10.2 of the LSPS (update the Heritage inventory in the Port Macquarie-Hastings LEP 2011).	To be completed by 2022 as detailed within the LSPS.
32	Complete a review of the Port Macquarie-Hastings Development Control Plan	1-2	<p>The Port Macquarie-Hastings Development Control Plan (Amendment 13) has been finalised and commenced on 17 June 2020.</p> <p>A detailed review of the DCP is also likely to be undertaken following the provision of guidance from the NSW Government in relation to potential standardisation of DCPs.</p>	N / A - The Port Macquarie-Hastings Development Control Plan (Amendment 13) has been finalised. Further review of the DCP is likely to be undertaken following the provision of guidance from the NSW Government in relation to potential standardisation of DCPs.
33	Preparation of a Coastal Management Plan	2-3	A draft scoping study has been prepared and adopted by Council.	<ul style="list-style-type: none"> <li>- Commencement of Coastal Management Plan Stage 2 Chapter 1: Lake Innes/Lake Cathie to Rainbow Beach.</li> <li>- Commencement of Coastal</li> </ul>

Making it Happen Actions				
Action		UGMS Year	Status at July 2021	Proposed 2021/22 Delivery
				Management Plan Stage 2 Chapter 2: Hastings River.

### Key Projects & Priorities

As shown in the table above, there are a range of land use planning actions related to housing, economic development, infrastructure and service delivery that are proposed for implementation in 2021/22.

The delivery of these actions will generally be coordinated by Council's Strategy and Land Use Planning teams, with input from other sections of Council.

The following part of this report provides a summary of planning resources, priorities and options in 2021/22 under the following categories:

1. Strategy, Local Environmental Plan (LEP) and Policy,
2. Housing Related Planning Projects,
3. Economic Development Projects; and
4. Contributions Planning.

Consideration has been given to 2021/22 priorities, and where required, some projects have been reprioritised to enable effective delivery.

#### *1. Strategies, Plans and Policies*

2021/22 will be another significant year in the preparation and review of strategies, plans and policies. In addition to administration of the LEP and review of site-specific planning proposals, there are significant strategies and plans that are proposed to be delivered including a Local Housing Strategy and Community Strategic Plan. In addition to this, work will also commence on a Regional Integrated Transport Strategy and Infrastructure Strategy. This follows the delivery of a Local Strategic Planning Statement and the Draft Port Macquarie-Hastings Local Housing Strategy 2021-2041 during 2020/2021.

In relation to the UGMS, this strategy is reviewed on a five yearly basis. As such, the UGMS will be required to be reviewed in 2022/23, with this process commencing in 2021/22. During this review, the UGMS is intended to be updated to align with current relevant Council strategies, plans and policies such as the LSPS. The review will also consider any new documentation or updates to relevant NSW Government strategies, plans and policies, such as the North Coast Regional Plan, and the Port Macquarie Regional City Action Plan.

#### *2. Housing Related Planning Projects*

The key UGMS housing related planning actions proposed for implementation during the subject reporting period are:

- a) Yippin Creek,
- b) Fernbank Creek/Sancroix; and
- c) West Lake Cathie.

Each of these projects will be the subject of future individual reports to Council as planning progresses.

### *3. Economic Development Projects*

The key UGMS Economic Development planning action currently in progress and proposed for implementation during the subject reporting period is the Port Macquarie Health and Education Precinct.

Since last being reported to Council in May 2020, and in keeping with the subsequent Council resolution, staff have commenced relevant strategic planning tasks, including the preparation of a Council initiated Planning Proposal, a precinct specific DCP and development contributions investigations to support the implementation of the vision for the Health and Education Precinct as described within the adopted Master Plan.

Future reports to Council on this project are expected once Transport for NSW has determined a preferred upgrade to the Oxley Highway.

### *4. Contributions Planning*

Council's Contributions Planning Team have continued with the management of the existing contributions system over the 2020/21 period, particularly development assessment, the deferral of contributions for Torrens title lots and voluntary planning agreement (VPA) implementation. This work will continue throughout the 2021/22 period.

In addition to the above, a major focus for Council's Strategy Team during the 2021/22 period will be on reviewing Council's existing Development Contributions Framework with the intent to identify:

- Any aspects of current contributions plans that are outdated or require revision,
- Opportunities to streamline the planning framework, to create a framework that is more easily applied and administered,
- Opportunities for potential improvement to support Council's infrastructure delivery; and
- Identify any changes likely to be required as a result of the NSW Government's recent infrastructure contributions reform.

As a result of the above review, it is likely that updates to Council's contributions planning framework would be recommended as a second phase of this project.

### **Options**

A large program of strategic and land use planning is proposed in 2021/22 to deliver a variety of actions in accordance with the UGMS. Some of these actions are required to implement Council's legislative responsibilities. Others are necessary to plan for coordinated housing, economic development and expected population growth.

This report outlines the current status of these tasks and proposed delivery methodology and timeframes in order to ensure the practical and efficient achievement of tasks associated with the UGMS.

**Community Engagement and Internal Consultation**

Community engagement and internal consultation has been undertaken in relation specific projects on a case by case basis. Consultation with the NSW Government is also undertaken on an as needs basis in relation to specific projects.

**Planning and Policy Implications**

The UGMS was adopted by Council in June 2018 and endorsed by the NSW Department of Planning on 2 November 2018. The continued implementation of the UGMS would ensure that Council continues delivery of work in accordance with the current applicable strategic planning framework.

**Financial and Economic Implications**

The implementation of Council's strategic planning framework, including the UGMS, is intended to inform the sustainable cultural, economic, environmental and social management of Council's strategic planning activities.

**Attachments**

Nil

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**Item: 12.05**

**Subject: FERNBANK CREEK AND SANCROX VILLAGES STRUCTURE PLAN**

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

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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 progress to public exhibition, the “Draft Fernbank Creek and Sancrox Villages Structure Plan” for a period of not less than 28 days, whilst continuing to work with the Le Clos Sancrox Planning Proposal proponent in relation to the preparation of draft infrastructure contributions and finance documentation.**

#### **Executive Summary**

Council has previously resolved to exhibit the Le Clos Sancrox Planning Proposal and the Draft Fernbank Creek and Sancrox Villages Structure Plan (Draft Structure Plan) together. In order to achieve this, the exhibition of the Draft Structure Plan was delayed until such time as a Gateway Determination by the New South Wales Minister for Planning and Public Spaces was made in relation to the Le Clos Sancrox Planning Proposal. This Gateway Determination, dated 13 May 2021, has now been issued.

There are a number of matters that are required to be resolved prior to public exhibition of the Le Clos Sancrox Planning Proposal in accordance with the above Gateway Determination, with one being to prepare draft infrastructure contributions and finance documentation and report this information to Council prior to any future public exhibition. The intent of this process is to ensure proposed infrastructure and public benefit outcomes in connection with the Planning Proposal are documented and made available to the public at the same time as the Planning Proposal.

Since the Gateway Determination, Council Staff have been working with the proponent to progress the development of the above draft infrastructure contributions and finance documentation. To date however, a heads of agreement has not been achieved. Whilst staff will continue to work with the proponent to develop this documentation, there is likely to be further delay to the public exhibition of the Draft Structure Plan and Le Clos Sancrox Planning Proposal as a result of this process.

In addition to the above, the cover letter associated with the Le Clos Sancrox Gateway Determination includes advice that the Department of Planning, Industry and Environment (DPIE) has received correspondence from an adjoining landowner raising concerns in relation to the structure plan. The Department has recommended



that due to these concerns, Council separate the Planning Proposal from the structure plan.

Given all the above, this report recommends that the Draft Structure Plan be progressed through to public exhibition at this time.

The Le Clos Sancrox Planning Proposal would then be placed on public exhibition at a later stage, following the development of required draft infrastructure contributions and finance documentation.

### Discussion

The Draft Structure Plan and the Le Clos Sancrox Planning Proposal were most recently reported to Council's Ordinary Meeting of 17 March 2021. During this meeting it was resolved:

*That Council:*

- 1. Note the preparation of the draft Fernbank Creek and Sancrox Villages Structure Plan and endorse this document for public exhibition for a period of not less than 28 days, subject to Item 2 below.*
- 2. Note that public exhibition of the draft Fernbank Creek and Sancrox Villages Structure Plan will not commence until such time as a Gateway Determination in relation to the Le Clos Sancrox Planning Proposal, facilitating public exhibition of this Planning Proposal, is issued by the New South Wales Minister for Planning and Public Spaces.*
- 3. Endorse the Planning Proposal in Attachment 3 of this report (the Le Clos Sancrox Planning Proposal) pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 to amend the Port Macquarie-Hastings Local Environmental Plan 2011 in relation to Lots 1-52 DP0776681 and part of Lot 1 DP1009991 in accordance with the Planning Proposal.*
- 4. Forward the Planning Proposal to the New South Wales Minister for Planning and Public Spaces for a Gateway Determination under section 3.34 of the Environmental Planning and Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.*
- 5. Delegate authority to the Chief Executive Officer to make any required minor or administrative amendments to the above documentation prior to public exhibition, should the documents proceed through to public exhibition.*
- 6. Request that the Chief Executive Officer prepare draft infrastructure contributions and finance documentation in relation to the Le Clos Sancrox Planning Proposal. This documentation is to be provided to Council for consideration of concurrent public exhibition with the Le Clos Sancrox Planning Proposal and the draft Fernbank Creek and Sancrox Villages Structure Plan.*
- 7. Receive a further report following the public exhibition of the above documentation, should a Gateway Determination be received, providing information on any submissions received.*
- 8. Receive a further report detailing the reasons why a Gateway Determination was not received if such a determination is not received to allow Council to consider alternative options in relation to the draft Fernbank Creek and Sancrox Planning Investigation and Le Clos Sancrox Planning Proposal.*

In addition to the above, at its Ordinary Meeting of 18 March 2020, it was Resolved:



*That Council:*

- 1. Note the submissions received in relation to the public exhibition of the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper and associated Fact Sheet.*
- 2. In consideration of submissions received in relation to the public exhibition of the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper, associated Fact Sheet and the information contained within this report, prepare a Fernbank Creek and Sancrox Planning Investigation Area Structure Plan.*
- 3. Note the lodgement of a Planning Proposal for 'Le Clos Sancrox' and continue to review this information in accordance with Council's resolution of 20 February 2019, to assist in informing the planning process for the wider Sancrox and Fernbank Creek area, noting that these investigations are in the early stages.*
- 4. Advise the Proponent that the Le Clos Sancrox Planning Proposal will not be progressed to the NSW Department of Planning, Infrastructure and Environment requesting a Gateway Determination until such time as the Draft Sancrox and Fernbank Creek Planning Investigation Area Structure Plan has been approved by Council for exhibition.*
- 5. Exhibit both the Le Clos Sancrox Planning Proposal and Draft Fernbank Creek/Sancrox draft structure plan together, once the necessary preliminary planning work for the structure plan is completed.*

In relation to item 5 above, it can be noted that Council has resolved to exhibit both the Le Clos Sancrox Planning Proposal and Draft Structure Plan together. In order to achieve this, as outlined within the report to Council's Ordinary Meeting of 15 July 2020, the exhibition of the Draft Structure Plan was delayed until such time as a Gateway Determination by the New South Wales Minister for Planning and Public Spaces was made in relation to the Le Clos Sancrox Planning Proposal. This Gateway Determination, dated 13 May 2021, has now been issued and is attached to this report, along with the associated cover letter.

In addition to other matters that are required to be resolved prior to public exhibition of the Le Clos Sancrox Planning Proposal in accordance with the above Gateway Determination, Council has sought to prepare draft infrastructure contributions and finance documentation and report this information to Council prior to any future public exhibition (in accordance with Item 6 of the above Council Resolution of 17 March 2021). The intent of this process is to ensure proposed infrastructure and public benefit outcomes in connection with the Planning Proposal are documented and made available to the public at the same time as the Planning Proposal.

Council Staff have been working with the proponent to progress the development of the above draft infrastructure contributions and finance documentation. However, to date a heads of agreement has not been achieved. Whilst Council Staff will continue to work with the proponent to develop this documentation, there is likely to be further delay to the public exhibition of the Draft Structure Plan and Le Clos Sancrox Planning Proposal as a result of this process.

In addition, it can also be noted that the cover letter associated with the Le Clos Sancrox Gateway Determination includes advice that the Department has received correspondence from an adjoining landowner raising concerns in relation to the structure plan. The Department has advised that due to these concerns, it has been recommended that Council separate the Planning Proposal from the structure plan.

With regard to the preparation of draft infrastructure contributions and finance documentation in relation to the Le Clos Sancrox Planning Proposal, this work is intended to ensure that proposed infrastructure and public benefit outcomes in connection with the proposal are documented and made available for public inspection and feedback at the same time as the Planning Proposal documentation.

The draft infrastructure contributions and finance documentation is considered a critical component of the strategic planning process associated with large and complex proposals such as Le Clos Sancrox, particularly given that the proposal is generally not captured by Council's current infrastructure planning and contributions framework. As such, the thorough and transparent implementation of this process will ensure that infrastructure and public benefit outcomes are accurately identified and communicated with the wider community. This process will seek to ensure equity in the delivery of the proposal and minimise liability for the community through ensuring appropriate developer contributions towards demand for infrastructure and services associated with such development.

Given the above and the potential delays associated with draft infrastructure contributions and finance documentation for Le Clos Sancrox, this report recommends that the Draft Fernbank Creek and Sancrox Villages Structure Plan be progressed through to public exhibition.

The Le Clos Sancrox Planning Proposal would then be placed on public exhibition at a later stage, following the development of required draft infrastructure contributions and finance documentation.

### **Options**

Council has the option to resolve as recommended or continue to wait for the negotiations with Le Clos Sancrox representatives on the required infrastructure contributions and finance documentation and exhibit the Draft Structure Plan and Planning Proposal together.

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

#### **Internal Consultation**

Internal Council consultation in relation to the preparation of the Draft Structure Plan was undertaken as part of an internal working group on 17 September 2019. Feedback from this working group has been used to inform the development of a subsequent Discussion Paper and Fact Sheet as described under the heading 'external consultation' below.

Ongoing internal Council consultation has also been undertaken as part of work associated with the draft infrastructure contributions and finance documentation in relation to the Le Clos Sancrox Planning Proposal. This process has involved collaboration between Council's Strategy, Infrastructure Planning, Recreation, Property and Buildings, Environmental Services, Community Engagement and Development Assessment teams.

### External Consultation

The Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper and associated Fact Sheet were formally placed on public exhibition for a period of 28 days from 22 January 2020 until 19 February 2020. During this period, feedback from the community was sought through:

- Addressed letters and fact sheets posted to landholders within and adjoining the Planning Investigation Area,
- A landholder workshop / presentation at Council's Port Macquarie Customer Service Centre on 6 February 2020,
- Provision of information on Council's website,
- Advertisement in local print media on 22 and 29 January and 5 and 12 February 2020; and
- A 'pop up' session held at Sovereign Place Town Centre, Thrumster on 12 February 2020.

45 submissions were received as a result of this public exhibition, including submissions from six government agencies, being Transport for New South Wales, the Department of Planning, Industry and Environment (Planning Division), Essential Energy, the Department of Primary Industries (Agriculture), the Department of Primary Industries (Fisheries) and the Department of Planning, Industry and Environment (Biodiversity Conservation Division).

Issues raised within the submissions received have been considered during the preparation of the Draft Structure Plan.

Ongoing stakeholder consultation in relation to the progression of the Draft Structure Plan has also been undertaken with various project stakeholders including landholders, community members and Government Agencies. This consultation has included a community information session on 24 September 2020 and a Government Agency reference group meeting on 30 November 2020.

More recently, various landholder representatives have contacted Council Staff seeking updates on the progress of the project and to provide feedback in relation to the Draft Structure Plan. These landholders have been encouraged to provide formal submissions during the public exhibition of the documentation.

It can be noted that progressing to the public exhibition of the Draft Structure Plan as recommended within this report would ensure members of the community have an opportunity to provide feedback in a timely manner and as part of a formal structured exhibition process. This would assist to ensure transparency and consistency in the provision of feedback to Council. The process could also be undertaken whilst Council Staff continue to work with the Le Clos Sancrox Planning Proposal proponent in relation to the preparation of draft infrastructure contributions and finance documentation.

### Councillor Briefings

A briefing in relation to the Fernbank Creek and Sancrox Planning Investigation was provided to Councillors in December 2019. During this briefing, an overview of the

progress of the investigation was provided. This overview included a summary of actions undertaken as a result of Council's Resolutions in relation to this matter at its Ordinary Meeting on 20 February 2019, future actions proposed to progress the project and the associated scheduled timeframes.

### **Planning and Policy Implications**

Preparation of the subject 'Stage 1 investigations' for the Fernbank Creek and Sancrox potential future growth areas was included as Action 4.5.1.15 within Council's 2019 - 2020 Operational Plan and Action 6 of Council's Urban Growth Management Strategy.

### **Financial and Economic Implications**

Council has allocated \$150,000 to the development of the subject 'Stage 1 investigations' for the Fernbank Creek and Sancrox potential future growth areas. To date, these funds have been used to resource specialist studies and cover administrative costs associated with the development of the Draft Structure Plan. Ongoing overhead resources (such as Council staff time) would also be required to continue with the progression of Structure Plan investigations. Notwithstanding the above, the provision of resources to the progression of this documentation will facilitate the strategic high level identification of the economic, social, environmental and infrastructure opportunities and constraints of the site. This would provide a framework for more detailed conservation and development investigations such as planning proposal, development control plan and development contributions planning.

With regard to the preparation of draft infrastructure contributions and finance documentation in relation to the Le Clos Sancrox Planning Proposal, this work is intended to ensure that proposed infrastructure and public benefit outcomes in connection with the proposal are documented and made available for public inspection and feedback at the same time as the Planning Proposal documentation. The above draft infrastructure contributions and finance documentation is a critical component of the strategic planning process associated with large and complex proposals such as Le Clos Sancrox, particularly given that the proposal is generally not captured by Council's current infrastructure planning and contributions framework. As such, the thorough and transparent implementation of this process will ensure that infrastructure and public benefit outcomes are accurately identified and communicated with the wider community. This process will seek to ensure equity in the delivery of the proposal and minimise liability for the community through ensuring appropriate developer contributions towards demand for infrastructure and services associated with such development.

### **Attachments**

1.  Gateway Determination - Le Clos Sancrox Planning Proposal



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Item: 12.06

Subject: AMENDMENT TO PORT MACQUARIE-HASTINGS LOCAL  
ENVIRONMENTAL PLAN 2011 - NATURAL DISASTERS  
RECOVERY CLAUSE UNDER SECTION 3.22 OF THE EP&A ACT  
1979

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. Adopt the new State Government Standard Instrument (LEP) Order 'Clause 5.9 Dwelling house or secondary dwelling affected by natural disaster' to assist homeowners in rebuilding, repairing and recovering a dwelling house or secondary dwelling after natural disaster events such as storms, floods or bushfires.
2. Apply the clause to the following land use zones in the Port Macquarie-Hastings Local Environmental Plan 2011 in consultation with the NSW Department of Planning Industry and Environment:
  1. *RU1 Primary Production, RU2 Rural Landscape, and RU5 Village;*
  2. *R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, and R5 Large Lot Residential;*
  3. *B1 Neighbourhood Centre and B2 Local Centre;*
  4. *E4 Environmental Living.*
3. Request the Minister for Planning and Public Spaces, the Hon. Rob Stokes MP to prepare a draft Local Environmental Plan under Section 3.22 of the Environmental Planning and Assessment Act, 1979 to expedite an amendment to the Port Macquarie-Hastings Local Environmental Plan 2011 to insert 'Clause 5.9 Dwelling house or secondary dwelling affected by natural disaster' from the Standard Instrument (LEP) Order.

#### Executive Summary

Helping communities recover from natural disasters, and to facilitate the rebuild and repair of dwellings, the Department of Planning, Industry and Environment has prepared a new planning clause for inclusion in local council planning instruments. The new measure was prompted by the aftermath of recent floods and bushfires throughout NSW.

The provision is an optional provision in the *Standard Instrument (Local Environmental Plans) Order*, and a local council can now use this new planning provision, giving them flexibility to help homeowners after a storm, flood or bushfire.

Events do not have to be subject to an emergency declaration under Section 33 of *State Emergency and Rescue Management Act 1989*, to be considered under the clause and accordingly, the natural disasters clause could potentially be applied to rebuild a destroyed dwelling house following a local bushfire or period of severe rain which results in the loss of a dwelling.

Under current planning provisions, Council is required to apply all current rules to any application to rebuild or repair homes after a natural disaster.

Introducing a Natural Disasters clause into Port Macquarie-Hastings LEP 2011 will enable Council to approve appropriate applications to repair or rebuild homes even if planning rules have changed since their home was originally built. This clause will let people rebuild homes previously approved under different rules in the past, so long as they meet safety and design standards. Homeowners will no longer have to include formal requests to change development standards as part of their application, where the planning rules have changed over time.

To expedite the inclusion of this provision in the LEP, and to minimise further inconvenience to residents impacted by recent bushfires and flood and seeking to rebuild, it is recommended that Council request the Minister expedite an amendment to the Port Macquarie-Hastings Local Environmental Plan 2011 under Section 3.22 (Expedited amendments of environmental planning instruments) of the EP&A Act.

## Discussion

On 23 June 2021, the NSW Government introduced a new natural disasters LEP clause to give councils the flexibility they need to make it easier for homeowners to rebuild or repair their homes after a natural disaster. A copy of the guidance document supporting the implementation of the clause is included at **Attachment 1**.

### Natural Disasters Clause

Councils can now adopt an optional clause in the [Standard Instrument \(Local Environmental Plans\) Order](#) that gives them the flexibility to help homeowners rebuild after a natural disaster.

Clause 5.9 of the *Standard Instrument (SI) Order* provides for the following clause for councils:

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster [optional]**

- (1) *The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.*
- (2) *This clause applies to land in the following zones—*
  - (a) *[set out the zones to which the clause is to apply]*
- (3) *Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a*



*dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—*

- (a) the dwelling house or secondary dwelling was lawfully erected, and*
- (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.*

A potential impediment facing the rebuild of dwelling houses after a natural disaster is changes in minimum lot size controls over time, particularly for dwelling houses built prior to 1967 when planning controls came into effect. This isn't typically an impediment faced when rebuilding commercial or other types of development. An applicant relying on the clause to rebuild their home will not have to submit a clause 4.6 variation if planning controls have changed since the dwelling house was built, saving the applicant time and money, and providing them certainty in respect to being able to lodge a DA for rebuild.

Councils will still be required to complete a merit assessment of the development; however, the rebuild or repair cannot be refused based on any **development standards in the local environmental plan (LEP)**.

Principle development standards in Port Macquarie-Hastings LEP 2011 include:

Clause No	Clause Details
4.1	<i>Minimum subdivision lot size</i>
4.1AA	<i>Minimum subdivision lot size for community title schemes</i>
4.1A	<i>Exceptions to minimum lot sizes for certain residential development</i>
4.1B	<i>Minimum subdivision lot sizes for certain split zones</i>
4.2	<i>Rural subdivision</i>
4.2A	<i>Erection of dwelling houses and dual occupancies in certain rural and environment protection zones.</i>
4.2B	<i>Strata subdivisions in certain rural, residential and environment protection zones.</i>
4.2C	<i>Boundary adjustments of land in certain rural, residential and environment protection zones.</i>
4.3	<i>Height of buildings</i>
4.4	<i>Floor space ratio</i>
4.5	<i>Calculation of floor space ratio and site area</i>
4.6	<i>Exceptions to development standards</i>

The new clause enables Council to nominate zones to which the provision will apply. Refer further discussion below under 'Land Application - Zones'.

#### Types of Development

The clause applies to development applications (DAs) to rebuild or replace **lawfully erected dwelling houses and secondary dwellings** that have been damaged or destroyed by a natural disaster.

Applicants seeking to make DAs in accordance with the clause will need to outline the nature, extent and circumstances of the damage caused by a natural disaster to the dwelling house or secondary dwelling. Applicants and local councils are

encouraged to work together in good faith to establish this information and whether it is appropriate to apply the clause for DAs to rebuild homes.

The replacement or repair of a dwelling house does not have to be identical to the original dwelling house which was destroyed or damaged. Changes to the design and location of a proposed dwelling house may be required to meet the relevant provisions of development control plans or other relevant planning instruments and associated legislation.

#### Land Application - Zones

Councils can nominate which land use zones the clause will apply to.

In identifying potential areas of Port Macquarie-Hastings Council local government area which were affected by recent natural disasters, the clause would be useful in zones that permit a dwelling house or secondary dwelling.

The following table sets out the range of zones considered for nomination based on permissibility for dwelling houses, and a recommendation as to whether the optional natural disasters clause could be applied:

<b>Zone</b>	<b>Yes/No</b>
<i>RU1 Primary Production</i>	✓
<i>RU2 Rural Landscape</i>	✓
<i>RU3 Forestry</i>	X
<i>RU4 Primary Production Small Lots</i>	X
<i>RU5 Village</i>	✓
<i>R1 General Residential</i>	✓
<i>R2 Low Density Residential</i>	✓
<i>R3 Medium Density Residential</i>	✓
<i>R4 High Density Residential</i>	✓
<i>R5 Large Lot Residential</i>	✓
<i>B1 Neighbourhood Centre</i>	✓
<i>B2 Local Centre</i>	✓
<i>B3 Commercial Core</i>	X
<i>B4 Mixed Use</i>	X
<i>B5 Business Development</i>	X
<i>B7 Business Park</i>	X
<i>IN1 General Industrial</i>	X
<i>IN2 Light Industrial</i>	X
<i>IN3 Heavy Industrial</i>	X
<i>SP3 Tourist</i>	X
<i>RE1 Public Recreation</i>	X
<i>RE2 Private Recreation</i>	X
<i>E2 Environmental Conservation</i>	X
<i>E3 Environmental Management</i>	X
<i>E4 Environmental Living</i>	✓
<i>W1 Natural Waterways</i>	X
<i>W2 Recreational Waterways</i>	X
<i>W3 Working Waterways</i>	X

Industrial zones and certain business and recreation zones are not recommended for nomination because *dwelling houses and secondary dwellings* are prohibited development in these zones. Environmental zones *E2 Environmental Conservation* and *E3 Environmental Management* are also recommended for exclusion based the sensitivity of these zones.

### Options

Council has the option to adopt the clause to assist with community recovery in the aftermath of recent natural disasters, or not.

Not adopting the clause will mean that people seeking to apply for development consent to rebuild or repair a dwelling house in the aftermath of a disaster event could incur additional time and cost in order to demonstrate compliance with all relevant development standards as is ordinarily the case.

Council support for adopting the clause will ensure that development consent can be granted for the repair or replacement of a dwelling house that was damaged or destroyed by a natural disaster despite any provisions in the relevant LEP which would otherwise prevent the council from doing so. The clause intends to eliminate the need for applicants to:

- Prepare formal requests to vary a development standard; or
- Demonstrate the continuance of an existing use in circumstances where dwelling houses or secondary dwellings are no longer permitted with consent in the relevant zone (applicants will need to demonstrate that the existing dwelling was lawfully erected).

### Community Engagement and Internal Consultation

The requirements for community engagement in relation to a Planning Proposal are specified by the Minister or delegate in the Gateway Determination. The mandatory period for public exhibition and consultation in relation to the Planning Proposal can be 28 days. However, under *Section 3.22 Expedited amendments of environmental planning instruments* the Minister may determine a lesser period of 14 days, or that the matter does not require community consultation.

Expedited amendments may be made if the Minister agrees to the rationale for expediting the amendment, and the terms of expedition. If agreed, an LEP under section 3.22 of the Act may proceed without compliance with the steps in the plan making process (including consultation), if the amendment:

- corrects an obvious error, misdescription, a wrong cross reference, a spelling error, grammatical mistake, formatting error or unnecessary wording.
- addresses matters that are inconsequential, or of a transitional, machinery, or other minor nature, or
- The Minister considers that the matters do not warrant compliance with the conditions precedent for the making of the proposed instrument because they will not have any significant adverse impact on the environment or adjoining land.

This report recommends that Council seek the Minister's agreement to progress a proposed instrument to introduce the Natural Disasters Clause without compliance with the usual steps in the plan making process (including community consultation).

### **Planning and Policy Implications**

#### What is a lawfully erected dwelling?

To be a lawfully erected dwelling house or secondary dwelling, it must have been constructed under a valid development consent, building approval or another lawful planning pathway under the *Environmental Planning and Assessment Act 1979* or equivalent historical planning legislation.

Council will work with applicants in good faith to establish the planning context of the site and the applicability of the clause for development applications (Das) to rebuild homes. This may involve accessing Council's property records.

A DA seeking development consent to rebuild or replace a dwelling house under the clause must be made to the consent authority no later than five years after the day on which the natural disaster caused the damage or destruction.

Council cannot refuse a DA on the basis of non-compliance with a development standard in Port Macquarie-Hastings LEP 2011 when the proposed amendment is included in the LEP. However, development standards, concurrence requirements and other applicable provisions outlined in State Environmental Planning Policies (SEPPs) will continue to apply to development where the new clause applies.

#### Other Relevant Legislation

The proposed development will be assessed on its merits against the relevant considerations under section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and any other applicable legislation. Examples include the requirements of *State Environmental Planning policy (Vegetation in Non-rural Areas) 2017*, and *Planning for Bushfire Protection 2019* and the *Biodiversity Conservation Act 2016*, which will continue where ordinarily applicable, and all relevant requirements, assessments and offsetting must be satisfied and or met.

However, if Council considers that the risk, or other environmental impact associated with the proposed development is inconsistent with the relevant considerations of section 4.15, the consent authority can refuse the application on that basis.

### **Financial and Economic Implications**

There are no immediate cost implications associated with the introduction of the clause for Council.

Council currently offers a range of relief measures for affected homeowners, including fast tracking applications for development consent and a dedicated building surveyor. Copies of previous approvals and plans are also available free of charge.



These measures are existing operational relief measures and they will continue to apply whether or not Council seeks to adopt the proposed the new provision.

Homeowners will be assisted under the new provisions if adopted, saving time and money as they will not need to submit an additional application to vary development standards in order to have their rebuild or repair DA approved.

**Attachments**

1.  DPIE Natural Disasters LEP Clause - Guidance for Implementation

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**Item: 12.07**

**Subject: POLICY REVIEWS - BEACH DRIVING AND DOGS IN PUBLIC OPEN SPACES**

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

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

2.3.3 Develop and implement management of operational and maintenance programs for open space, recreational and community facilities.

#### **RECOMMENDATION**

##### **That Council:**

- 1. Note the submissions and feedback received relating to the Draft Beach Driving Policy during the public exhibition period.**
- 2. Adopt the Beach Driving Policy, as presented.**
- 3. Thank people who provided feedback during the review of the Beach Driving Policy.**
- 4. Note that the Draft Dogs in Public Open Spaces Policy will be presented to Council for further consideration in October 2021 following further discussions with NPWS regarding dogs on Washhouse Beach.**

#### **Executive Summary**

At the Ordinary Council meeting held on the 19 May 2021 it was resolved,

##### *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 during the Public Exhibition period.*

**BLOCK RESOLVED: Alley/Turner**

Council received a significant number of responses in relation to both Draft policies during the Public Exhibition period. A common theme expressed across both current policies was the perceived lack of compliance and enforcement.

Following public exhibition of the Draft Beach Driving Policy, this report provides a summary of the submissions received during the period 24 May to 21 June 2021 and recommends that the Policy be adopted without further amendment.

Due to the level of feedback received in respect of the Draft Dogs in Public Open Spaces Policy, particularly around the issue of dogs on Washhouse Beach, further



consultation is required with NPWS regarding the proposed prohibition of dogs on Washhouse Beach in response to the submissions received. Accordingly, this Draft Policy will now be presented separately to Council in October 2021.

### Discussion

The current Beach Driving Policy was adopted by Council on 14 August 2018 (**Attachment 1**).

The Policy has undergone an internal review with consideration of the recreational use of the growing population in our LGA, community expectation and feedback, environmental and social factors to ensure minimal impacts.

Following initial community engagement feedback and survey responses from key stakeholders, the following changes were included in the Draft Beach Driving Policy (**Attachment 2**), prior to Public Exhibition:

#### Beach Driving:

- **Maximum speed limit reduced to 40km/h**  
In response to customer complaints, stakeholder feedback and 51% of survey responses, support for a reduction in speed. 40km/h is consistent with Mid Coast Council, Roads and Maritime Services (RMS) school zones and recommendation from National Parks and Wildlife Service (NPWS).
- **Parking at least 25 metres from access points**  
Numerous complaints received about number of 4WD's parking too close to beach access points. For safety in high traffic areas key stakeholders support introducing this restriction.
- **Purchasing permits via PayStay App**  
Online payment system to allow customers to buy anywhere, anytime. Also provides option for Annual permits to be 12 months from date of purchase (previously from 1 July).

Council's Environmental Services area and NPWS have indicated their support with the intent of the Draft Policy, and the amendments made (**Attachments 3 and 4**), accordingly no further amendments to this Draft Policy are recommended; however, it should be noted that Council will be undertaking a LGA Wide Coastal Recreational User Needs Analysis as part of the Coastal Management Program in FY 2021/2022, and the findings from this broader study will be utilised in future policy reviews.

#### Dogs in Public Open Spaces:

The main amendments made to the Draft Dogs in Public Open Spaces Policy were as follows:

- **Document updated to new Policy format**  
This Policy was last updated in 2011.
- **Washhouse Beach re-classified from Off-Leash to Prohibited**  
Council and NPWS receive complaints about this northern section of Washhouse Beach, it is confusing for dog owners to stay within the small **Off Leash** area in between two **Prohibited** areas at Pilot Beach and Kattang

Nature Reserve. This would reduce signage requirements, reduce confusion and enable NPWS to undertake vertebrate pest management programs.

The revised Draft Dogs in Public Open Spaces Policy was publically exhibited with the Draft Driving on Beaches Policy. During exhibition of the Draft Policy a number of submissions were received. There were a significant number of submissions relating to the proposal to reclassify Washhouse Beach to being **Prohibited**. Given the level of interest in this issue in particular, further discussions will be held with NPWS and Crown Lands on any changes to dog management at this site in response to the submission received.

Accordingly, the results of the community engagement and additional agency discussions on the Draft Dogs in Public Open Spaces Policy and any additional feedback will be addressed in a further report to Council in October 2021 rather than in this report.

### Options

Council could choose to:

1. Adopt the Draft Beach Driving Policy, as presented; or
2. Seek amendments to the draft Policy; or
3. Seek additional information; or
4. Resolve in some other manner.

### Community Engagement and Internal Consultation

Internal engagement has taken place with the following stakeholders:

- Group Manager Environment and Regulatory Services
- Natural Resources Manager
- Regulatory Services (Compliance and Rangers)
- Group Manager Customer Experience and Communications
- Customer Service Centre Team Leader
- Community Engagement Manager and team
- Parks and Open Space Coordinator
- Property and Leasing Coordinator
- Group Manager Recreation, Property & Buildings
- Recreation, Property and Facilities Manager

A Councillor Briefing was also distributed for review on 3 May 2021.

#### External consultation:

- Kempsey Shire Council
- Nambucca Valley Council
- National Parks and Wildlife Service

Community Engagement:

Key stakeholders during the entire engagement process included 4WD clubs, commercial businesses operating on the beach, fishing clubs, permit outlets and community members.

- Initial engagement with community – Online surveys, social media channels, emails
- Engagement activities (pop-up stands)
- Online (Zoom) community meeting

The Draft policy was placed on Public Exhibition between Monday 24 May to Monday 21 June 2021.

The following key statistics relating to engagement via PMHC *'Have Your Say'* during the exhibition period are as follows:

Beach Driving:

- Total visits: 183
- Policy views/downloads: 26
- Engagement summary infographic: 2
- Responses: 27
- Submissions: 18

Analysis of the submissions shows that:

- Overall, the majority of responses received during the Public Exhibition were against the presence of vehicles on beaches due to the environmental impacts and disruption of other beach users.
- Some respondents agreed with the policy changes as a whole while others suggested further speed reductions or a complete ban.
- Major concerns over the lack of education and signage as well as the perceived lack of enforcement were a key theme, suggesting further consideration of these areas in the Draft policy review and once the policy is adopted.
- The lack of education and misbehaviour of other drivers (particularly younger drivers and tourists) are considered the largest issue with respondents suggesting that the policy changes are unnecessary and more focus must be given to enforcement and education before proposing further restrictions.

Submissions and feedback have been collated in the prepared Community Engagement Report (**Attachment 5**) and Public Exhibition Report (**Attachment 6**).

**Planning and Policy Implications**

If adopted as presented, this policy will replace the:







- Beach Driving Policy adopted by Council 14 August 2018 and will commence operation following Public Notice of the commencement of the new Policy.

**Financial and Economic Implications**

The policy will be implemented within existing staff resource levels.

The fee structure for Beach Driving permits (associated with the Beach Driving Policy), is considered as part of the development of the annual PMHC Schedule of Fees and Charges.

**Attachments**

1.  Beach Driving Policy - Adopted 14 08 2018
2.  Draft Policy - Beach Driving
3.  NPWS Submission - PMHC vehicles on beaches policy review (undated)
4.  NPWS Submission - RE Draft Beach Driving Policy (undated)
5.  Community Engagement Report - Review of Policy Beach Driving - 15 02 2021
6.  Public Exhibition Report - Draft Beach Driving Policy - 24 06 2021

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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 T-21-21 Design and Construction of Wayne Richards Park Pump Track / Bike Track

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.
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.