



Ordinary Council

Business Paper

date of meeting: Wednesday 15 September 2021

location: Council Chambers
17 Burrawan Street
Port Macquarie

time: 5:30pm

Community Vision

A sustainable high quality of life for all

Community Mission

Building the future together
People Place Health Education Technology

Council's Corporate Values

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

Community Themes

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

Ordinary Council Meeting

Wednesday 15 September 2021

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

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

Item: 02**Subject: REMOTE ATTENDANCE AT MEETING**

RECOMMENDATION

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

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

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

Item: 04**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 6 September 2021 be confirmed.

PRESENT

Members:

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

Other Attendees:

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

The meeting opened at 5:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

RESOLVED: *Griffiths/Alley*

That due to the current COVID-19 health emergency all Councillors attend by remote means.

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

03 LOCAL GOVERNMENT PRAYER

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

04 APOLOGIES

Nil.

05 CONFIRMATION OF MINUTES

RESOLVED: Hawkins/Griffiths

That the Minutes of the Ordinary Council Meeting held on 4 August 2021 be confirmed.

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

06 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

07 MAYORAL MINUTES

Nil.

08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

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

09.01 CREATION OF OFFICE OF DEPUTY MAYOR

MOVED: Pinson/Griffiths

That Council:

1. Note the postponement of the Local Government elections from 4 September 2021 to 4 December 2021 as Gazetted by the Minister for Local Government, The Hon Shelly Hancock MP.
2. Note the Office of Deputy Mayor expired on 4 September 2021 as per Council's resolution dated 23 September 2020.
3. Not create the Office of Deputy Mayor.
4. Note the Office of Local Government (OLG) Council Circular dated 13 August 2021 as tabled.
5. Note the advice from the OLG in Council Circular 21-24 / 13 August 2021 / A784280 which states:
"Deputy mayors hold their office for the term specified by the council's resolution. If a deputy mayor's term expires before election day on 4 December 2021, an election may need to be held for deputy mayor. It should be noted however, that councils are not required to have a deputy mayor".

LOST: 2/4

FOR: Griffiths and Pinson

AGAINST: Alley, Hawkins, Intemann and Turner

RESOLVED: Turner/Hawkins

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to expire 4 December 2021, or the date of the next Local Government elections, whichever is the later.
3. Elect the Deputy Mayor by way of open voting, if more than one nomination for Deputy Mayor is received.

CARRIED: 4/2

FOR: Alley, Hawkins, Intemann and Turner

AGAINST: Griffiths and Pinson

At this juncture, the Chief Executive Officer acting as Returning Officer invited nominations for the election of the office of Deputy Mayor for the ensuing period with the following written nomination received:

Councillor L Intemann nominated by Councillor R Turner and Councillor G Hawkins.

Councillor L Intemann formally accepted her nomination.

The Chief Executive Officer declared that as only one nomination was received for the position of the Deputy Mayor, Councillor L Intemann is duly elected to the office of Deputy Mayor of Port Macquarie-Hastings Council for the ensuing period.

The Chief Executive Officer congratulated Councillor Intemann on her election to the Office of Deputy Mayor.

Item 10 Your Community Life - Nil.

Item 11 Your Business and Industry - Nil.

**12.01 PETITION - SUPPORT FOR FLUORIDATION OF THE WATER SUPPLY
AND PROPOSED COMMUNITY POLL ON FLUORIDATION OF THE
WATER SUPPLY**

RESOLVED: Turner/Griffiths

That Council:

1. Note the petition received by residents regarding the fluoridation of the water supply and proposed community poll on fluoridation of the water supply at the Local Government Election on 4 December 2021.
2. Respond to the organiser of the petition with the outcome of Council's consideration in the matter.

CARRIED: 6/0

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

AGAINST: Nil

12.02 RESCISSION MOTION - COMMUNITY POLL ON FLUORIDATION

RESOLVED: Intemann/Turner

That the undermentioned motion adopted at the August 2021 Ordinary Council meeting held on 4 August 2021:

12.01 NOTICE OF MOTION - COMMUNITY POLL ON FLUORIDATION

That Council:

1. Note the correspondence of Minister for Health & Medical Research, the Hon Brad Hazzard MP.
2. Note the postponement of Local Government elections on 4 September 2021, as Gazetted by the Minister for Local Government, the Hon Shelly Hancock MP.
3. Note the intended Yes or No Poll for continuing the addition of Fluoride in the Port Macquarie-Hastings drinking water as resolved by Council.
4. Word the new Poll to ask: "Do you want Port Macquarie-Hastings Council to permanently cease adding fluoride (hydrofluorosilicic acid) to the drinking water supply"?
5. Request the Chief Executive Officer make arrangements for the Fluoridation Poll to be held at the Local Government elections on 4 December 2021, allowing the voting community to have their say.

be rescinded.

CARRIED: 4/2

FOR: Alley, Hawkins, Intemann and Turner

AGAINST: Griffiths and Pinson

RESOLVED: Intemann/Turner

That Council:

1. Accept the public invitation by the Hon Leslie Williams MP, for Council to engage in direct talks with NSW Health regarding water fluoridation locally, rather than hold a community poll.
2. Resolve not to hold a Community Poll on fluoridation as had been planned in conjunction with the upcoming Local Government elections.
3. Request the Chief Executive Officer to:
 - a) Advise the Electoral Commission and the community that Council will not be holding a community poll in conjunction with the local government election.
 - b) Invite Councillors to provide within two weeks any questions they would want asked of NSW Health, to be conveyed to the Hon Leslie Williams MP and the Secretary of the Department of NSW Health.
 - c) Advise Councillors of replies as received, and consult with the new Council on this matter as part of their initial briefings.
 - d) Provide a report to the October 2021 Ordinary Council meeting on the community poll process to date including financials.

CARRIED: 4/2

FOR: Alley, Hawkins, Intemann and Turner

AGAINST: Griffiths and Pinson

13 ITEMS TO BE DEALT WITH BY EXCEPTION

Nil.

The meeting closed at 6:02pm.

.....
Peta Pinson
Mayor

Item: 06
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the 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.

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the identified land)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
MATTER GIVING RISE TO PECUNIARY INTEREST¹	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the subject land²)</i> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

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

Councillor's Signature: **Date:**

This form is to be retained by the council's 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.

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

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

Item: 08

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

Presented by: Chief Executive Officer, Dr Clare Allen

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

Item: 09.01

Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Presented by: Chief Executive Officer, Dr Clare Allen

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
Land acquisition for future parallel taxiway at Port Macquarie Airport - post exhibition	12/08/2020 Item 12.05	Acquisition from Crown Lands is progressing.	DDE	Dec-20 Mar-21 Aug-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
Professional development of the Mayor - financial details	04/08/2021 Item 09.05		CEO		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	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
		developer contributions framework.			
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
Community Strategic Plan - post exhibition	21/07/2021 Item 09.07		DSG		Oct-21
Port Macquarie Aquatic Facility - post exhibition	21/07/2021 Item 10.03		DDE		Oct-21
Draft Sustainability Policy and Draft Climate Change Response Policy - post exhibition	04/08/2021 Item 09.13		DDE		Oct-21
Disability Inclusion Action Plan 2017-2021 Final Progress Report	04/08/2021 Item 10.02		DSG		Oct-21
T-21-15 Stage 1 Construction of Rainbow Beach Sporting Fields - completion of negotiation process	04/08/2021 Item 14.01		DI		Oct-21

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Community Poll Process	06/09/2021 Item 12.02		CEO		Oct-21
Trialling Of Parklets In The Port Macquarie Town Centre	16/05/18 Item 10.02	Council is still working the relevant approvals - current occupations to end October 2021.	DDE	Aug-20 Jun-21 Oct-21	Nov-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
Fernbank Creek and Sancro Planning Investigation - Gateway Determination	17/03/2021 Item 13.08	Plan is being publicly exhibited in September 2021	DSG	Sep-21	Nov-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	Nov-21
T-20-33 High Voltage Maintenance Services - completion of negotiation process	04/08/2021 Item 14.02	Negotiations ongoing	DI	Sep-21	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
Integrated Strategic Transport Network Plan - prioritising projects	21/07/2021 Item 12.08		DI		Nov-21
Temporary Waiver of Fees - Port Macquarie Senior Citizens Club & The Hub Business and Co-Working Centre	04/08/2021 Item 09.12		DSG		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
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	Dec-21
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications	10/08/16 Item 12.01		DDE		2021 (estimate)

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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.					
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	Feb-22
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	Feb-22
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	Feb-22
Biodiversity Investigations and Stewardship Sites	23/09/2020 Item 15.07	Minister Kean advised of possible sites of interest in Oct 2020. Work is being done on a further report to Council. Report delayed until after the LG election.	DDE	Mar-21 May-21 Jul-21 Sep-21	Feb-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Coastal Protection Options - Illaroo Road, Lake Cathie	21/04/2021 Item 13.06	Postponed to after Council Elections	DDE	Jun-21 Sep-21	Feb-22
Sale of Surplus Land - 178 Nancy Bird Walton Drive, Kew - outcomes of disposal process	19/05/2021 Item 14.01	Negotiations for disposal are still underway	DSG	Aug-2021 Sep-21	Feb-22
Bushfire Disaster Recovery Funding	04/08/2021 Item 09.14		DSG		Feb-22
COVID-19 Recovery and Stimulus Projects Update	04/08/2021 Item 11.01		DSG		Feb-22
Bonny Hills Reserves Draft Master Plan - post exhibition	09/12/2020 Item 11.02	Delayed until after the LG election	DDE	Apr-21 May-21 Jun-21 Jul-21 Sep-21	Mar-22
Joint Integrated Transport Network Plan - final draft for public consultation	21/07/2021 Item 12.08		DI		Mar-22
Key and critical transport infrastructure - review existing structure and resource base to increase its delivery	04/08/2021 Item 09.06		DI		Mar-22
Bridge Management Policy	21/07/2021 Item 12.03	Delayed due to current workload with Rowdon Island Bridge	DI	Dec-21	Jul-22
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		no recommendations for this meeting
Rawdon Island Bridge - Progress Report (21/07/2021 Item 12.03)	DI	Monthly	Every		
Legal Fees - Update Report (19/09/18 - Item 09.16)	CEO	Quarterly	Feb, May, Aug, Nov		
Development Activity and Assessment System Performance	DDE	Quarterly	Feb, May, Aug, Nov		
Operational Plan – Quarterly Progress	DCP	Quarterly	May, Nov (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	Aug	Reported last month
Long Term Energy Strategy – Progress	DDE	Biannual	May, Nov		
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	Nov-21	no Meeting in Dec-21

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Local Strategic Planning Statement (19/02/2020 - Item 10.22)	DSG	Biannual	Feb, Aug	May-21 Jun-21 Oct-21	
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	
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	Oct-21	A review into the Procurement function is currently being undertaken, and this report will be presented following completion.
Cultural Plan 2021 - 2025: Implementation and evaluation of actions undertaken 04/08/2021 - Item 10.01)	DSG	Annually	Aug		
Annual Report of the Activities of the Mayor's Sporting Fund	DSG	Annually	Sep		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Council Meeting Dates	CEO	Annually	Sep	Jan-22	Due to postponement of LG election
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	Aug	Reported last month
Legislative Compliance Register	CEO	Annually	Sep		
Koala Recovery Strategy Annual Report (19/09/18 - Item 12.05)	DDE	Annually	Sep	Oct	Delayed due to KPoM audit and staff leave
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

Item: 09.02

**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 22 JULY TO 1
SEPTEMBER 2021**

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note that there have been no Mayoral Discretionary Fund allocations for the period 22 July to 1 September 2021 inclusive.

Executive Summary

To advise of any Mayoral Discretionary Fund allocations for the period 22 July to 1 September 2021.

Discussion

There have been no allocations from the Mayoral Discretionary Fund during this reporting period.

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.

Any allocations that may have been made during this reporting period would have been funded from the Mayoral Discretionary Fund as included in the 2021-2022 Operational budget.

Attachments

Nil

Item: 09.03**Subject: DISCLOSURE OF INTEREST RETURN****Presented by: Chief Executive Officer, Dr Clare Allen**

Alignment with Delivery Program

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

RECOMMENDATION

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

- 1. Building Surveyor**
- 2. Environmental Health Officer**
- 3. Environmental Health Project Officer**

Executive Summary

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

Discussion

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

1. Building Surveyor
2. Environmental Health Officer
3. Environmental Health Project Officer

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

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

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

Options

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

Community Engagement and Internal Consultation

Internal Consultation

- Chief Executive Officer
- Group Manager Governance
- Building Surveyor
- Environmental Health Officer
- Environmental Health Project Officer

Planning and Policy Implications

There are no planning or policy implications.

Financial and Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 09.04

**Subject: RECOMMENDED ITEM FROM AUDIT, RISK & IMPROVEMENT
COMMITTEE - LEGISLATIVE COMPLIANCE 2020-2021**

Presented by: Chief Executive Officer, Dr Clare Allen

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

The Council note the information contained in the Recommended Item from Audit, Risk & Improvement Committee - Legislative Compliance 2020-2021 report.

Executive Summary

The Audit, Risk & Improvement Committee met on 5 August 2021 and considered the Legislative Compliance Report.

The Committee reached consensus and submits the above recommendation for Council consideration as per Resolution below:

06 LEGISLATIVE COMPLIANCE 2020-2021

That the Audit, Risk & Improvement Committee note the Legislative Compliance 2020 - 2021 Report and recommend to Council for noting.

The Legislative Compliance report is based on the Office of Local Government Compliance Calendar which is published annually.

Attachments

1.  Legislative Compliance 2020-2021 Report

Item: 09.05

Subject: RECOMMENDED ITEM FROM AUDIT, RISK & IMPROVEMENT COMMITTEE - AUDIT, RISK & IMPROVEMENT COMMITTEE ANNUAL REPORT 2020-2021

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the Audit, Risk & Improvement Committee Annual Report 2020-2021.

Executive Summary

The Audit, Risk & Improvement Committee met on 5 August 2021 and presented its Annual Report. The Committee reached consensus and submits the above recommendation for Council consideration as per the resolution below:

20 AUDIT, RISK AND IMPROVEMENT COMMITTEE - ANNUAL REPORT 2020-2021

RESOLVED: O'Rourke/Parkinson

That the Audit, Risk and Improvement Committee Annual Chairperson's Report for the period 2020-2021 be endorsed for presentation to Council for adoption.

CARRIED: 5/0

FOR: Hawkins, Intemann, Marchant, O'Rourke and Parkinson

AGAINST: Nil

The Audit, Risk and Improvement Committee Annual Report 2020-2021 outlines the activities undertaken by the Committee during the 2020-2021 period. This report is attached.

Attachments

1.  ARIC Annual Report 2020-2021

Item: 09.06

Subject: 2021 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Grant approval for Deputy Mayor Lisa Intemann and Councillors Peter Alley, Sharon Griffiths and Rob Turner to attend the 2021 Local Government NSW Annual Conference to be held online on 29 November 2021.**
- 2. Determine that Deputy Mayor Lisa Intemann and Councillors Peter Alley, Sharon Griffiths and Rob Turner be Council's voting delegates on motions at the Conference.**
- 3. Determine attendees and voting delegates for the Special Conference to be held between 28 February 2022 and 2 March 2022 following the 4 December 2021 Local Government election.**
- 4. Note that the Chief Executive Officer will also attend the Conference.**

Executive Summary

Local Government NSW has decided to moved its in-person annual conference (now called 'Special Conference') to be conducted between 28 February 2022 to 2 March 2022 due to the current COVID-19 conditions. The Fair Work (Registered Organisations) Act requires an Annual Conference to be held this calendar year to meet the LGNSW legislative obligations. An online Annual Conference will be held on 29 November 2021 at which time the Financial Statements and the Annual Report will be presented. The Annual Conference will run for approximately 1 hour and councils are required to nominate voting delegates for this meeting (which will be at no cost to councils).

Council is entitled to four (4) voting delegates at the Conference. It is recommended that the Deputy Mayor Lisa Intemann and Councillors Peter Alley, Sharon Griffiths and Rob Turner be Council's voting delegates for voting on motions at the Conference.

As in past years, it is proposed that the Chief Executive Officer will also attend the Conference.

Discussion

The Local Government NSW (LGNSW) Annual Conference is the signature event of the year for all NSW Councils and provides a forum in which to debate important issues pertinent to our local communities. It also provides the opportunity to hear from State and Federal Government leaders, business representatives, community groups and academics. Unfortunately, due to the current COVID-19 situation in NSW, LGNSW have decided to postpone the event until 2022 however they are still required to hold an annual conference each year to consider the annual report and financial statements. This will be conducted online on 29 November 2021.

Deputy Mayor Lisa Intemann and Councillors Peter Alley, Sharon Griffiths and Rob Turner have indicated their interest in participating the 2021 Local Government NSW Conference.

Voting Delegate Entitlements

Local Government NSW has confirmed that, as in previous years, Council will be entitled to four (4) voting delegates at the Conference. It is proposed that Deputy Mayor Lisa Intemann and Councillors Peter Alley, Sharon Griffiths and Rob Turner be Council's voting delegates for voting on motions at the Conference.

Reporting Requirements for Conferences

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

Options

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

Internal Consultation

- Mayor
- Councillors
- Chief Executive Officer

Planning & Policy Implications

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

Financial & Economic Implications

There are no financial or economic implications arising from this report.

Attachments

Nil

Item: 09.07

Subject: PROFESSIONAL DEVELOPMENT UNDERTAKEN BY THE MAYOR

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

RECOMMENDATION

That Council note the cost of the professional development undertaken by the Mayor since her election as popularly elected Mayor in 2017.

Executive Summary

To provide the costs to Council of professional development undertaken by the Mayor since her election to Council as popularly elected Mayor in 2017.

Discussion

At the Ordinary Council Meeting held on 4 August 2021, the Mayor submitted a Notice of Motion on the professional development she had undertaken for the period September 2019 to August 2021. This followed on from a previous report to Council in September 2019 where the Mayor reported on her professional development since her election as popularly elected Mayor in 2017.

It was subsequently resolved:

09.05 NOTICE OF MOTION - PROFESSIONAL DEVELOPMENT UNDERTAKEN BY THE MAYOR

RESOLVED: Turner/Hawkins

That Council:

- 1. Note the professional development undertaken by Mayor Pinson from September 2019 to the end of Council term in 2021.*
- 2. Request the Chief Executive Officer provide the new Council with the opportunity for professional development.*
- 3. Request the Chief Executive Officer provide a report to the 15 September 2021 Ordinary Council Meeting outlining financial details of the cost to the community of professional development of the Mayor.*

CARRIED: 4/2

FOR: Alley, Hawkins, Intemann and Turner

AGAINST: Griffiths and Pinson

In accordance with the above resolution, the costs associated with the Mayor's professional development are as follows:

Course and Date	Course / Registration Cost	Other Costs
Leadership Coaching with Coaching Professionals Group - Sue Montgomery - Office 2017 Invoice - 9 Sessions 2018 Invoice - 4 Sessions 2019 Invoice - 5 Sessions 2020 Invoice - 6 Sessions	\$2,475.00 \$1,210.00 \$1,375.00 \$1,980.00	Nil
Coaching with Deborah Johnston - Office 2017-2018 - 3 Sessions - 4.5 hrs (Note: Estimated cost only at \$250.00 per hour - included in overall Executive and Councillor Group Coaching)	\$1,125.00	Nil
Code of Conduct Training with Merryn Crawford - Function Room 12/12/2017 - 1 hr session (Note: All Councillors were invited to this training and the cost for the session was \$1,310.00)	\$145.55	Nil
LGNSW Mayor's Weekend Seminar - Sydney 24/03/2018 to 25/03/2018	\$1,320.00	Accommodation - \$558.00 Flight - \$371.61
Local Govt Transformation Roadside - Sydney 01/05/2018	\$218.75	Flight - \$440.41
Conflicts of Interest Training with Monika Kelly from Prevention Partners - Office 02/05/2018 - 3 hours	\$1,650.00	Nil
LGNSW Chairing & Effective Meeting Procedures Course - Sydney 06/09/2018	\$770.00	Flight - \$418.78

Course and Date	Course / Registration Cost	Other Costs
Coaching with Deborah Johnston - Function Room 10/09/2018 - 2.5 hr session (Note: All Councillors were invited to this session. Estimated cost only at \$300.00 per hour - included in overall Executive and Councillor Group Coaching)	\$83.33	Nil
LGNSW Executive Certificate for Elected Members - Sydney 08/11/2018 to 10/11/2018 07/12/2018 to 08/12/2018	\$3,850.00	Accommodation - \$753.95 Flights - \$418.78
Code of Conduct and Code of Meeting Practice Training with Lindsay Taylor Legal - Office 20/03/2019 - 3 hours	\$1,134.00	Nil
Public Sector Women in Leadership Masterclass - Sydney 24/06/2019 to 25/06/2019	\$2,253.90	Accommodation - \$216.00 Flight - \$435.01
Code of Conduct Training with Monika Kelly from Prevention Partners - Function Room 07/08/2019 - afternoon session (Note: All Councillors were invited to this training. Cost for session was \$3,080.00)	\$342.22	Nil
Australian Institute of Company Directors Webinar - Dysfunction in the Boardboard - Is Conflict Impacting your Performance? 29/08/2019	\$130.00	Nil
Public Sector Women in Leadership Masterclass - "What Women in Local Govt Need to Hear" with Ruth McGowan - Sydney 02/12/2019 to 03/12/2019	\$1,978.00	Accommodation - \$239.00 Flight - \$569.01
Public Sector Women in Leadership Webinar - Effectively Communicating through a Crisis		

Course and Date	Course / Registration Cost	Other Costs
05/05/2020	\$108.90	Nil
LGNSW Webinar - Strengthening Resilience 26/05/2020	\$67.50	Nil
Water Services Assoc of Australia On-Line Forum - Productivity Commission Inquiry into National Water Reform 30/07/2020	\$67.50	Nil
North Coast Women's Regional Leadership Forum - Coffs Harbour 09/03/2020	Free Event	Nil
Brave Leadership: An Exclusive Dare to Lead Masterclass Virtual - 3 hours per day over 3 days 28/07/2021 to 30/07/2021	\$1,648.90	Nil
TOTAL	\$23,933.55	\$4,420.55

Conferences	Registration	Other Costs
2017 LGNSW Annual Conference - Sydney 04/12/17 - 06/12/17 (Note: Conference was also attended by two other Councillors)	\$998.00	Accommodation - \$1,190.11 Flight - \$183.29
2018 LGNSW Annual Conference - Albury 21/10/2018 to 23/10/2018 (Note: Conference was also attended by two other Councillors)	\$1,093.00	Accommodation - \$706.00 Flight - \$593.62
2019 LGNSW Annual Conference - Warwick Farm 14/10/2019 to 16/10/2019 (Note: Conference was also attended by one other Councillor)	\$1,147.20	Accommodation - \$675.00 Flight - \$374.50

Conferences	Registration	Other Costs
2020 LGNSW Annual Conference - Virtual 23/11/2020 (Note: Conference was also attended by one other Councillor)	\$66.00	Nil
TOTAL	\$3,304.20	\$3,722.52

Further to the above, the Mayor registered to attend the Local Strategic Planning Statements Short Course for Councillors in Kempsey on 12 June 2019, however an apology was given and the Mayor attended the MNC Joint Organisation Meeting in Kempsey on the same day. There was no cost to register for the course.

Options

Council has the option to note the report or resolve in some other way.

Community Engagement and Internal Consultation

Internal consultation has occurred between the Chief Executive Officer, Group Manager Governance and Executive Assistant to the Mayor in the preparation of this report.

Planning and Policy Implications

A review of the "Councillor Professional Development" policy has been undertaken and will be considered at the September 2021 Ordinary Council meeting. Attendance at professional development courses were approved by the then General Manager and attendance at the Local Government NSW Conferences were approved via Council resolution.

Financial and Economic Implications

The costs incurred for the professional development opportunities undertaken and conference attended by the Mayor from 2017 to 2021 were funded from the Mayoral budget or the Council Training budget for sessions involving the Mayor and Councillors.

Attachments

Nil

Item: 09.08

Subject: SENIOR STAFF ROLES

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

1.3.4 Manage our workforce to deliver community outcomes.

RECOMMENDATION

That Council, in accordance with Section 332 of the NSW Local Government Act, determine the following Senior Staff positions within Council, reporting directly to the Chief Executive Officer:

- **Four (4) Directors.**
- **One (1) Executive Manager.**

Executive Summary

Under section 332 of the Local Government Act (the Act), Council may, in consultation with the Chief Executive Officer, determine positions within Council's organisation structure to be "senior staff" positions. Council last determined these positions in July 2019 under the previous General Manager and it is appropriate to review these positions now under the current Chief Executive Officer.

Discussion

Under section 332 of the Act, Council may, in consultation with the Chief Executive Officer, determine positions within Council's organisation structure to be "senior staff" positions. Also under section 332, Council may not determine a position to be a "senior staff" position unless:

- the responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the *Local Government (State) Award*, and
- the total remuneration package payable with respect to the position is equal to or greater than the minimum remuneration package (within the meaning of Part 3B of the *Statutory and Other Offices Remuneration Act 1975*) payable with respect to senior executives whose positions are graded Band 1 under the Government Sector Employment Act 2013.

Council last determined these positions in July 2019 under the previous General Manager and it is appropriate to review these positions now under the current Chief Executive Officer. It is noted that Council is required under section 333 of the Act to review the organisation structure within 12 months following an ordinary election which will require Council to review the organisation structure prior to December 2022.

The recommendation provided in this report is consistent with the existing endorsed senior staff positions.

Options

Council may resolve to accept the recommendation or resolve in some other way.

Community Engagement and Internal Consultation

Internal consultation has occurred with the following staff:

- Chief Executive Officer
- Directors

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

Nil

Item: 09.09

Subject: POLICY REVIEW - PUBLIC INTEREST DISCLOSURE INTERNAL REPORTING POLICY

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the draft Public Interest Disclosure Internal Reporting Policy.

Executive Summary

The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing as required by the *Public Interest Disclosures Act (1994)* (PID Act).

This policy was last adopted by Council in April 2021. It is necessary to review this policy to define the role of the Internal Ombudsman in the process and make other minor administrative amendments to the policy.

Discussion

The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing as required by the *Public Interest Disclosures Act (1994)* (PID Act).

Under the policy, wrongdoing refers to corrupt conduct; serious maladministration; serious and substantial waste of public money; breach of the GIPA Act; and Local government pecuniary interest contravention. This policy provides a framework for reporting this wrongdoing as well as protection for the reporter from reprisals.

This policy was last adopted by Council in April 2021. It is necessary to review this policy to define the role of the Internal Ombudsman in the process and make other minor administrative amendments to the policy.

As this policy closely reflects the template policy as provided by the NSW Ombudsman's office, the draft policy has not been publically exhibited.

It is recommended that the draft Public Interest Disclosure Internal Reporting be adopted.

Options

Council may:

- Adopt the draft policy as attached to this report
- Adopt an amended policy
- Request the policy to be placed on public exhibition

Community Engagement and Internal Consultation

Public submissions have not been sought with regard to this policy as it closely reflects the template policy as released by the NSW Ombudsman's Office dated July 2020. Minor amendments have been made to this template policy to reflect specific requirements for Council including the provision of telephone and on-line reporting services as well as an updated and expanded disclosures officers list.

Planning and Policy Implications

This report recommends the adoption of the Public Interest Disclosure Internal Reporting Policy.

Financial and Economic Implications

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

Attachments

1.  Draft Public Interest Disclosure Internal Reporting Policy

Item: 09.10

Subject: POLICY REVIEW - COUNCILLOR INDUCTION AND
PROFESSIONAL DEVELOPMENT POLICY

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

RECOMMENDATION

That Council:

- 1. Place on public exhibition for a minimum of twenty-eight (28) days, the draft Councillor Induction and Professional Development Policy.**
- 2. Note that a further report will be considered at the November 2021 Ordinary meeting of Council, detailing the submissions received from the public during the exhibition period.**
- 3. Rescind the current Councillor Professional Development Policy and a Councillor Induction Policy upon adoption of the draft Councillor Induction and Professional Development Policy.**

Executive Summary

Council's currently has a Councillor Professional Development Policy and a Councillor Induction Policy which require review. The Office of Local Government released Councillor Induction and Professional Development Guidelines in 2018. A model Councillor Induction and Professional Development Policy was included in these guidelines and forms the basis for Council's proposed draft Councillor Induction and Professional Development Policy. Although not mandatory, it is recommended by the Office of Local Government for council to adopt this model policy as it is regarded as best practice.

It will be recommended that the current Councillor Professional Development Policy and Councillor Induction Policy be rescinded upon adoption of the draft Councillor Induction and Professional Development Policy.

Discussion

Amendments made to the Local Government Act 1993 in August 2016 saw the inclusion in the prescribed role of councillors under section 232 a responsibility "to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor".

In support of this, regulations have been made requiring councils to provide induction training and ongoing professional development for mayors and councillors.

The Office of Local Government issued guidelines under section 23A of the Act in 2018 to assist councils to develop and deliver induction training and ongoing professional development activities for their mayor and councillors in compliance with the regulations.

Under the guidelines, councils' induction and professional development programs are to consist of three elements:

Pre-election candidate sessions – these are to ensure prospective candidates are aware of what will be expected of them if elected

Induction program – this aims to equip mayors and councillors with the information they need to perform their role effectively over the first few months and has a particular focus on building positive, collaborative relationships between councillors and with staff

Professional development program – this is to be developed in consultation with all councillors and delivered over the term of the council to build the skills, knowledge and personal attributes necessary to be an effective mayor or councillor.

The draft policy specifically addresses the induction and professional development program of the guidelines.

Information about councillor participation in induction and professional development activities must be published in councils' annual reports.

Options

Council may resolve to adopt the recommendation of this report or resolve in some other manner.

Community Engagement and Internal Consultation

Community Engagement

Nil.

Internal Consultation

- Chief Executive Officer
- Group Manager Governance


Planning and Policy Implications

Should this policy be adopted following public exhibition, it will become a Council Policy and it is recommended that the current Councillor Professional Development Policy and a Councillor Induction Policy be rescinded.

Financial and Economic Implications

An appropriate annual budget allocation for Councillor induction and professional development will be made in the relevant budgets.

Attachments

1.  Draft Councillor Induction and Professional Development Policy

Item: 09.11

Subject: POLICY REVIEW - DRAFT SPONSORSHIP POLICY

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the review of the Sponsorship Policy as outlined in this Policy Review - Draft Sponsorship Policy report;**
- 2. Place the draft Sponsorship Policy on public exhibition for a period of 28 days commencing Friday 17 September 2021;**
- 3. Request the Chief Executive Office table a report to the November 2021 Ordinary Council meeting, detailing the submissions received during the exhibition period.**

Executive Summary

Council adopted the current Sponsorship Policy and associated Sponsorship Guidelines in February 2013. The Policy and Guidelines aim to ensure an open and transparent process is applied to sponsorships received by Council, and that Council complies with relevant legislation. A separate process is used for sponsorships and grants provided by Council to community groups.

The Sponsorship Policy is based on the Independent Commission Against Corruption's (ICAC) *Sponsorship in the Public Sector* (2006) which has been designed to be used as a guide by public sector agencies in developing policies and procedures for receiving sponsorship.

Discussion

At the Ordinary Council meeting held on 20 February 2013 Council resolved to adopt the Sponsorship Policy and Sponsorship Guidelines as below:

08.16 DRAFT SPONSORSHIP POLICY

RESOLVED: *Roberts/Griffiths*

That Council adopt the draft Sponsorship Policy and Sponsorship Guidelines following a recent exhibition period where nil submissions were received.

CARRIED: *7/1*

FOR: *Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts and Turner*

AGAINST: *Sargeant*

The Policy and Guidelines aim to ensure an open and transparent process is applied to sponsorships received by Council, and that Council complies with relevant legislation.

The Sponsorship Policy (see Attachment 1) is based on the Independent Commission Against Corruption's (ICAC) *Sponsorship in the Public Sector* (2006) which has been designed to be used as a guide by public sector agencies in developing policies and procedures for receiving sponsorship.

The Policy review has included:

- New Policy template;
- Staff position titles updated;
- Minor administrative updates in line with *Sponsorship in the Public Sector*, ICAC May 2006 guidelines, including highlighting the 10 key principles to be considered when entering into sponsorship arrangements and clarifying sponsorship approval requirements.

The associated Sponsorship Guidelines have also been updated as part of this review process, with the aim to strike an appropriate balance between open and transparent local government governance requirements, and entrepreneurial commercial business practice. The Guidelines include the requirement for:

- Formal conflict of interest and risk assessments;
- The adoption of open "procurement" approaches (eg expressions of interest) with appropriate sponsorship documentation / prospectus;
- Broad based advertising of sponsorship opportunities, while still permitting unsolicited proposals and/or direct approaches where justified / approved;
- Formal assessment against pre-determined "best value" criteria;
- Approval requirements in line with financial value;
- Development of a formal sponsorship agreement.

The Sponsorship Agreement template has also been reviewed in consideration of legal advice received.

Options

Council has the option to:

- Note the information presented in this report and resolve to place the revised draft Sponsorship Policy on public exhibition; or
- Request further information and/or other changes to the Policy.

Community Engagement and Internal Consultation

The following staff have been consulted in the review of the Sponsorship Policy:

- Group Manager Governance;
- Governance and Legal Officer;
- Group Manager Financial Services;
- Strategic Procurement Manager;

- Venue Manager, Glasshouse;
- Event Services Coordinator, Glasshouse.

Subject to Council's consideration of this report, it is proposed to place the draft Sponsorship Policy on public exhibition via Council's online *Have Your Say* community engagement hub for a period of 28 days from Friday 17 September to Friday 15 October 2021.

A report will be tabled to the Ordinary Council meeting scheduled on Wednesday 3 November 2021 detailing the submissions received during the exhibition period.

Planning and Policy Implications

The attached draft Policy provides a framework to standardise sponsorship practices and procedures across Council, ensure an open and transparent process is applied to sponsorships received by Council, and that Council complies with relevant legislation.

Financial and Economic Implications

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

Attachments

1.  draft Sponsorship Policy (for public exhibition)

Item: 09.12**Subject: NOTICE OF MOTION - FINANCIAL STATEMENTS**

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

RECOMMENDATION

That Council:

- 1. Note that the 2020-2021 Financial Statements are due to be presented to the Ordinary Council Meeting scheduled for 3 November 2021.**
- 2. Request the Chief Executive Officer to circulate the draft Financial Statements to the Audit Risk and Improvement Committee (ARIC) out of session as soon as they are available to enable any relevant ARIC feedback to be tabled at the November 2021 Council meeting.**
- 3. With regard to the requested feedback in 2 above, request ARIC to provide feedback in plain English and non-technical commentary on (amongst any other matters deemed relevant):**
 - a) The level of reserves held by Council in consideration of recent development activity and Council's status as a Water Authority and**
 - b) The potential risks to Council of a negative impact on forecasted rates revenue**
- 4. Request the Chief Executive Officer to convene an extraordinary meeting of the Audit Risk and Improvement Committee prior to the November 2021 Ordinary Council meeting to address this matter.**

Comments by Councillor (if provided)

Council's financial position has rarely been of more importance to our community than it is now – after several tough years of sustained pressure from the impact of drought, bushfire, floods and now a global pandemic. In discussions both within council and within the broader community it has become abundantly clear that there is widespread confusion and misunderstanding around council's position and its ability to respond. In particular, council's financial reserves are not understood and many (including financially literate community members) believe that these funds are readily available to address whatever needs the council of the day deems are most needed.

I have attached copy of a letter written by Rebecca Olsen, Council's Director of Corporate Performance that serves as an ideal example of how I believe the situation of Council's reserves needs to be explained to the community and I do so with the objective of providing guidance to the ARIC as to the "plain English" explanations that I am seeking and I believe the community are crying out to receive. Formal "Council – speak" simply doesn't cut it and fails to effectively communicate with our community. This is especially important when the subject matter is technically and financially complex.

Attachments

1.  Correspondence regarding Council's Cash and Investments

Item: 09.13

Subject: MONTHLY BUDGET REVIEW - AUGUST 2021

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Adopt the adjustments in the "August 2021 Adjustments" section of the Monthly Budget Review – August 2021 report and associated attachment.**
- 2. Amend the 2021-2022 Operational Plan to include all budget adjustments approved in this report.**

Executive Summary

This report details monthly budget adjustments recommended to be made for the month of August 2021.

The Council adopted 2021-2022 budget position at the commencement of the financial year with a balanced budget. The budget adjustments contained in this report change the result to a budget shortfall position of \$427,403 at the end of August 2021 as outlined in the below table.

Monthly Budget Review Summary

Original Budget as at 1 July 2021	Balanced	\$0
<i>Plus adjustments:</i>		
July Review	Balanced	\$0
August Review	Shortfall	(\$427,403)
Forecast Budget Position for 30 June 2022	Shortfall	(\$427,403)

Discussion

Each month, Council's budgets are reviewed by Group Managers and Directors with any required adjustments reported. The purpose of this report is to provide Council with an up to date view of the current actual financial position in comparison to the original adopted 2021-2022 budget position along with the proposed movement of funds to accommodate any changes.

Any budget variations which are greater than \$50,000 and 2% of the project budget are reviewed and approved by the Executive Group in their function to oversee operational activities and approve operational actions.

August 2021 Adjustments

The commentary below is to be read in conjunction with the “Forecast Budget Statement for the Year Ended 30 June 2022” on page 3 of this report. Further details on individual transactions are provided in Attachment “August 2021 Budget Review”.

August Budget Adjustments

An adjustment of \$1.2m has been brought to account in this report in relation to Rawdon Island. This amount covers costs incurred to date and costs expected to be incurred in the near future. It includes bridge investigations and analysis performed to date, design and construction planning works and community support during the bridge closure including barge operations, shuttle bus services, pedestrian lighting, waste services and car parking areas. It is noted that the \$1.2m is not yet fully funded. Monies have been redirected from other sources to cover this amount, including a higher than budgeted amount of \$379k received from the annual Financial Assistance Grant. There is however a shortfall of approximately \$427k that will need to be funded by savings in other areas over the coming months. It is noted that further costs are likely to be incurred over the next 6 months to cover extended barge operations, potential construction of an alternative crossing and detailed design and construction of bridge repairs. These costs are likely to be significant and will require significant funding sources, including potential grant funding, to be determined.

Insurance premiums were paid during the month of August 2021 for Outdoor Dining (\$2k) which need to be brought to account. Council was awarded grants totalling \$27k during the month of August 2021. This comprised of a grant from the Live Music Office for the Live and Local Music Program (\$12k) and a Noxious Weeds grant for Japanese Walnut Incursion (\$5k).

Reserve transfers are required this month for several projects funded from Voluntary Planning Agreements (\$31k) and to fund additional temporary resourcing in the communications space to facilitate business improvement works (\$74k).

Other adjustments are accounting entries only and have no impact on Council's budget position.

2020-2021 Works Program Finalisation

The August Council meeting included those projects that would require carryovers for works not complete at the end of the 2020-2021 financial year. Due to the timing of this Council report and year-end processing, further adjustments continued to be made to 2020-2021 works program projects. As such adjustments have been included in this report to reflect changes to the 2021-2022 allocations where the expenditure was brought forward to 30 June.

Forecast Budget Statement for the Year Ended 30 June 2022

	2021-22 Original Budget '\$000	Carry Overs '\$000	Approved Adj YTD '\$000	Prior Month Forecast '\$000	Current Month Adj '\$000	2021-22 Full Year Forecast '\$000
Operating Activities Movements						
Income from continuing operations						
Rates and Annual Charges	108,390		0	108,390		108,390
User Charges and Fees	39,588		0	39,588		39,588
Interest Received	5,455		0	5,455		5,455
Grants and Contributions	60,845	2,785	1,029	64,659	569	65,228
Other Operating Receipts	5,458		0	5,458	127	5,585
Expenses from continuing operations						
Employee Costs	(55,268)		(220)	(55,488)	(262)	(55,750)
Materials and Contracts	(45,201)	(2,104)	(185)	(47,490)	93	(47,398)
Depreciation	(50,236)		0	(50,236)		(50,236)
Interest Paid	(2,158)		0	(2,158)		(2,158)
Other Operating Payments	(15,352)		0	(15,352)	(2)	(15,354)
Loss on Disposal of Assets	(3,000)		0	(3,000)		(3,000)
Operating result from continuing operations	48,521	681	624	49,826	524	50,350
Restricted Asset Movements						
Transfer from Restricted Assets	38,796	6,146	85	45,027	4	45,031
Transfer to Restricted Assets	(55,466)		0	(55,466)		(55,466)
Net Revenues (Used in)/Provided by in Restricted Assets	(16,670)	6,146	85	(10,439)	4	(10,435)
Property, Plant and Equipment Movements						
Purchase of Assets	(67,573)	(6,827)	(709)	(75,109)	(955)	(76,064)
Developer Provided Assets	(6,500)		0	(6,500)		(6,500)
Net Revenues (Used in)/Provided by Property, Plant and Equipment Activity	(74,073)	(6,827)	(709)	(81,609)	(955)	(82,564)
Financing Activities Movements						
Proceeds from Borrowings and Advances	0			0		0
Repayments of Borrowings and Advances	(11,014)			(11,014)		(11,014)
Net Revenues (Used in)/Provided by Financing Activity	(11,014)	0	0	(11,014)	0	(11,014)
Net Result (Incl Depreciation)	(53,236)	0	0	(53,236)	(427)	(53,663)
Add Back: Non Cash Items	53,236		0	53,236		53,236
Budget Surplus/(Shortfall)	0	0	0	0	(427)	(427)

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

Options

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

Community Engagement and Internal Consultation

Not applicable.

Planning and Policy Implications

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


Financial and Economic Implications

Attachment 1 to this report contains information of each individual budget adjustment by Division and Section. The budget movements within this report change the budget position to a shortfall of \$427,403.

Statement by Responsible Accounting Officer

“The adopted original budget result for 2021-2022 was a balanced budget. As at 31 August 2021, this position is changed to a budget shortfall of \$427,403 and this position is unacceptable. All budgets will need to be closely monitored with the view to reduce this shortfall position during the remainder of the financial year”.

Attachments

1.  August 2021 Budget Review

Item: 09.14

Subject: INVESTMENTS - JULY 2021

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

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

Executive Summary

- Total funds invested as at 31 July 2021 is \$340,620,375.
- Interest for the month of July was \$468,837.
- The year-to-date investment income of \$468,837 represents 9% of the total annual investment income budget of \$5,132,800.
- Council's total investment portfolio performance for the financial year to date was 1.70% above the benchmark (1.74% against 0.04%), benchmark being the Bank Bill reference rate as at 31 July 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 +2.00% p.a., outperforming bank bills by 1.95% p.a. 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 an unemployment rate of around 4.5%, inflation within 2-3% range and wage growth surpassing +3% are achieved. The RBA Board does not expect the conditions for a rate rise "*to be met until 2024*".
- 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|cddbad291-68a4-4d81-8aee-b3733958e5ca|bd0cff62-3134-4e81-9f7e-de4e65feb428|en-AU](#)

Current Investments

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

As at 31 July 2021, the investments held by Council totalled \$340,620,375 and were attributed to the following funds:

General Fund	141,476,673
Waste Fund	20,437,222
Water Fund	122,095,373
Sewer Fund	55,085,127
Sanctuary Springs Fund	47,687
Broadwater	1,478,293
	340,620,375

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.

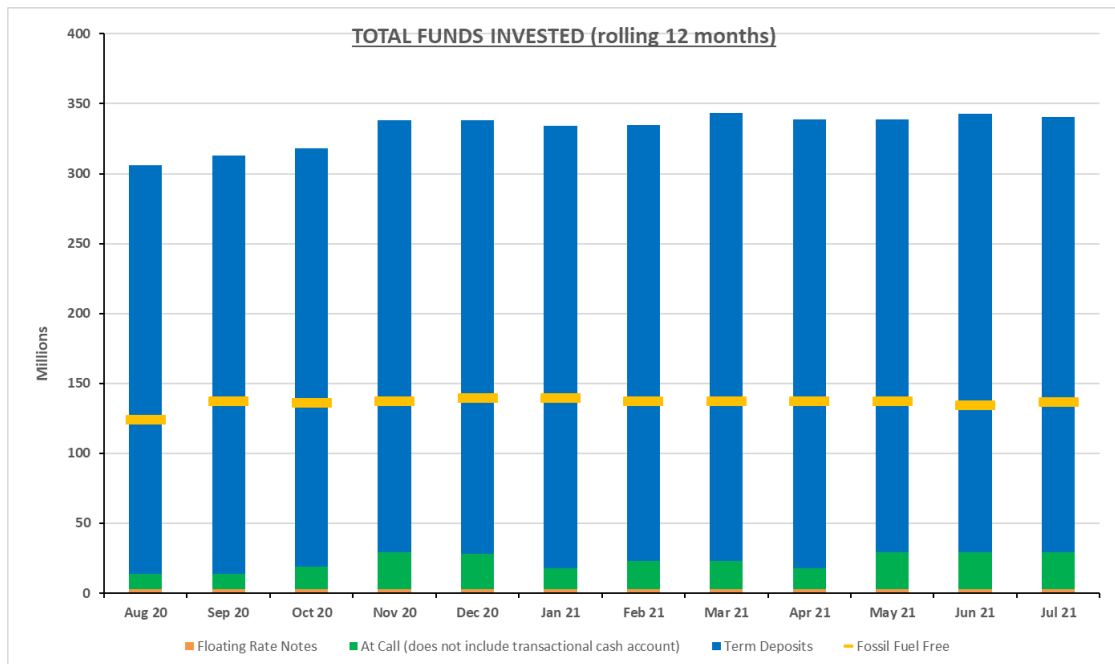
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$340,620,375), and total investments held as per Imperium's attached monthly report (\$340,677,455). 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 01/07/21 (\$)	Purchases since 01/07/21 (%)	Amount invested at 31/07/21 (\$)	Amount invested at 31/07/21 (%)
Yes	12,000,000	85.71%	204,120,375	59.93%
No	2,000,000	14.29%	136,500,000	40.07%
	14,000,000		340,620,375	

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



During the month of July, total investments reduced by approximately \$2m when compared to June. This movement comprised a number of individual increases and decreases, however was largely impacted by the payment of the following:

- Insurance renewals for 2021/22 - \$932k
- Contract payment for Gordon Street upgrade - \$1.8m

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 1.70% above the benchmark (1.74% against 0.04%) and year to-date income is 9% of the total annual budget.

It should be noted that investment income is noted as a gross amount. Section 97(5) of the *Local Government Act 1993* indicates that any security deposit held with Council must be repaid with interest accrued. These security deposits will only relate to bonds held for security to make good damage done to works.

The overall investment income will be adjusted at financial year end by the total interest refunded on repayment of bonds. As Council constantly receives and refunds bonds, it is difficult to accurately determine the quantum of these refunds.

Certification

I hereby certify that the investments listed within this report were made in accordance with Section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005* and Council's Investment Policy.

Nicole Spencer
Responsible Accounting Officer

Attachments

1.  Port Macquarie-Hastings Council Investment Report - July 2021
2.  Port Macquarie-Hastings Council Portfolio Valuation - July 2021

Item: 09.15

Subject: INVESTMENTS - AUGUST 2021

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

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

Executive Summary

- Total funds invested as at 31 August 2021 is \$340,626,463.
- Interest for the month of August was \$452,124.
- The year-to-date investment income of \$920,961 represents 18% of the total annual investment income budget of \$5,132,800.
- Council's total investment portfolio performance for the financial year to date was 1.66% above the benchmark (1.69% against 0.03%), benchmark being the Bank Bill reference rate as at 31 August 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 1.94% p.a., outperforming bank bills by 1.89% p.a. 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 an unemployment rate of around 4.0%, inflation within 2-3% range and wage growth surpassing +3% are achieved. The RBA Board does not expect the conditions for a rate rise "*to be met until 2024*".
- 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 61% 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|cddad291-68a4-4d81-8aee-b3733958e5ca|bd0cff62-3134-4e81-9f7e-de4e65feb428|en-AU](#)

Current Investments

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

As at 31 August 2021, the investments held by Council totalled \$340,626,463 and were attributed to the following funds:

General Fund	135,174,205
Waste Fund	22,113,470
Water Fund	124,035,720
Sewer Fund	57,725,967
Sanctuary Springs Fund	1,526,007
Broadwater	51,094
	340,626,463

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.

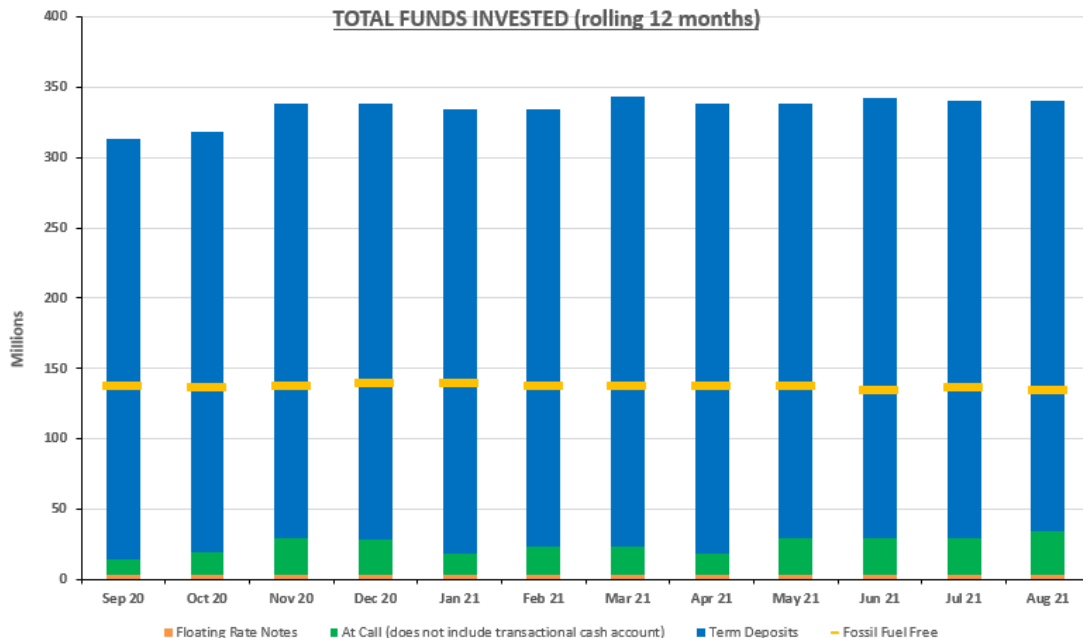
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$340,626,463), and total investments held as per Imperium's attached monthly report (\$340,684,299). 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 01/07/21 (\$)	Purchases since 01/07/21 (%)	Amount invested at 31/07/21 (\$)	Amount invested at 31/07/21 (%)
Yes	24,020,000	82.77%	206,126,463	60.51%
No	5,000,000	17.23%	134,500,000	39.49%
	29,020,000		340,626,463	

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



The value of Council's investments at 31 August 2021 has not changed significantly from July 2021.

Options

This is an information report.

Community Engagement and Internal Consultation

Council uses the services of an independent financial advisor, on an ongoing basis with investments. The investments placed this month were term deposits. Council obtains regular updates regarding market activities positions from various institutions.

Planning and Policy Implications

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

Financial and Economic Implications

Benchmark and budget levels have been met on a year to date basis. On an annual basis, if benchmark levels are not reached, then this may result in budget cuts in other areas to fund the shortfall.

Council's total investment portfolio performance for the financial year to date is 1.66% above the benchmark (1.69% against 0.03%) and year to-date income is 18% 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 - August 2021
2.  Port Macquarie-Hastings Council Portfolio Valuation - August 2021

Item: 09.16

Subject: FINANCIAL ASSISTANCE GRANTS

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the 2021/22 Grant calculations provided by the NSW Local Government Grants Commission for Port Macquarie-Hastings Council in relation to the Financial Assistance Grant calculations.

Executive Summary

The NSW Local Government Grants Commission in their correspondence dated 20 August 2021 have detailed their Financial Assistance Grants (FAG) calculations for the 2021/22 period for Council, and provide an opportunity for Council to submit a special submission in relation to the 2022/23 grants regarding the distribution, should they deem this appropriate.

The Commission has asked that this correspondence be tabled at a meeting of Council.

Discussion

The attached correspondence details the FAG calculations for the 2021/22 period including:

1. The measures used in the calculation of our FAG;
2. Explanation of how the revenue and expenditure allowances are calculated, and used in the FAG determination process; and
3. Background information relating to what each expenditure disability factor recognises, the measures used, their source, the standards (state averages) and weightings.

The current method of allocating resources is based on a sophisticated mechanism of calculating a state standard based on the collective state results and then weighting each Council against this State standard with certain disability factors. Factors which may affect calculations each year include population changes and changes in the standard costs and disability measures, local road and bridge length variations and changes in property values.

Council's amounts are determined by the Commission based on the relative disadvantages and needs of each Council. This includes the needs of smaller rural Councils, along with those Councils which currently receive the minimum allowance yet have an increasing population base currently above state averages. Excluding minor CPI adjustments, actual amounts received since 2013/14 are as follows:

Financial Assistance Grant	2013/14 \$k	2014/15 \$k	2015/16 \$k	2016/17 \$k	2017/18 \$k	2018/19 \$k	2019/20 \$k	2020/21 \$k
Totals	8,844	8,842	8,764	8,575	9,185	9,325	9,585	9,433
Movement Since 2013/14		(2)	(80)	(269)	341	481	741	589

The Federal Government paused indexation to the Local Government Financial Assistance Grants (FAG) Program for three years commencing 1 July 2014. This resulted in a reduction of the grant by \$269k, between 2013/14 and 2016/17, despite inflationary pressures. Although the freeze was lifted in 2017/18, the cumulative effect of this will continue to impact into the future. It is also noted that the CPI component of the calculation may be reduced going forward given the current economic environment.

The correspondence notes that approximately 52% of the current year allocation was prepaid in 2020/21. Council is required to bring these revenues to account in the year in which they are received as opposed to the year to which they relate. The 2021/22 revenue budget assumes that prepayments will continue. In effect the 2021/22 budget includes the second half of the 2021/22 annual allocation and the first half of the 2022/23 annual allocation. Should the Federal Government cease payment in advance, this will have a significant impact on the monies actually received in 2021/22 and therefore on the operating result for this period. It is noted however that this is a timing issue only and overall monies received across the 2 years will not be impacted.

The total grant allocated to Council in 2021/22 is \$9.91m (\$9.75m plus a \$150k CPI adjustment) including the amount paid in advance of \$4.87m.

In addition to the notification of the calculations, Council is provided an opportunity to submit a special submission in relation to the 2022/23 allocation. This is to present information on the financial impact of any inherent expenditure disabilities beyond its control that are generally not recognised in the current methodology.

Following previous discussions with the Executive Officer of the Local Government Grants Commission to explore any additional options available in relation to a special submission, Council has been advised that the Commission are unlikely to consider any additional submissions for Port Macquarie-Hastings Council.

On this basis, there is no intention to submit any additional special submissions by the required timeframe of 15 November 2021.

Options

This report is for information purposes.

Community Engagement & Internal Consultation

There has been no community engagement.






Planning & Policy Implications

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

Financial & Economic Implications

The amount budgeted is \$9,526,700. The approved allocation of \$9,905,661 is more than the budget and hence the adjustment of \$378,961 will be reported in the monthly financial report that is also part of this agenda.

Attachments

1.  Correspondence to PMHC from Grants Commission regarding Financial Assistance Grant Payments 20-21
2.  Financial Assistance Grants - Appendix A
3.  Financial Assistance Grants - Appendix B
4.  Financial Assistance Grants - Appendix C
5.  Financial Assistance Grants - Appendix D

Item: 09.17

Subject: AMENDMENTS TO 2021-2022 FEES AND CHARGES

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.1.4 Provide easy to understand and accessible community reporting.

RECOMMENDATION

That Council:

- 1. Adopt the amended Fees and Charges 2021-2022.**
- 2. Request the Chief Executive Officer to communicate the changes to the Fees and Charges 2021-2022 to the community.**

Executive Summary

Council adopted the Fees and Charges 2021-2022 as part of the Integrated Planning and Reporting (IP&R) suite of documents at the Ordinary Meeting of Council on 16th June 2021.

Subsequent to this a number of minor changes, of an administrative nature and as detailed below, have been identified. This report seeks adoption of those minor changes.

Discussion

The items below have been identified as required amendments to the Fees and Charges 2021-2022. As noted above, these are deemed to be minor changes of an administrative nature and do not reflect new fees and charges. They are legislated fees, where for the majority, notification of the required fee was received by the Office of Local Government subsequent to adoption of the IP&R suite of documents. On this basis, it has been determined that public exhibition seeking submissions is not required. The changes will however be communicated to the community for information purposes.

1. Companion Animals Act - Registration fees

Fees for desexed and non-desexed animals have been included in the Fees & Charges as "As per statutory scale of fees from the Companion Animals Act", with the 28 late day fee included at \$15. Clarification of the amount and structure of these fees has been received from the OLG and are now proposed to be included as follows:

- Dog - Desexed by relevant age - \$66
- Dog - Desexed by relevant age (Eligible Pensioner) - \$27
- Dog - Not Desexed or desexed after relevant age - \$224

- Dog - Not Desexed (Recognised Breeder or not recommended) - \$66
- Cat (Desexed or Non-Desexed) - \$56
- Cat (Eligible Pensioner) - \$27
- Dog/Cat sold by pound/shelter - \$0
- Registration 28 Day Late Fee - \$18

*other registration fee exemptions apply

2. Companion Animals Act - Annual permit fees

Fees have been included in the Fees & Charges as follows:

- Cat Not Desexed - \$80
- Dangerous Dog - \$195
- Restricted Dog - \$195

As above, clarification of the amount and structure of these fees has been received from the OLG and are proposed to be included as follows:

- Cat Not Desexed - \$81
- Dangerous Dog - \$197
- Restricted Dog - \$197
- Permit Late Fee - \$18

3. Public health fees

Fees have been included in the Fees & Charges as follows:

- Notification of Cooling Tower/Warm Water System - \$116.50
- Notification / Registration of Public Health Business - \$102

These fees are legislated but were incorrectly increased. Therefore, the proposed fees to be included are as follows:

- Notification of Cooling Tower/Warm Water System - \$115 (statutory Sect 13T Public Health Regulation 2012)
- Notification / Registration of Public Health Business - \$100 (statutory Sect 19 & 31 Public Health Regulation 2012)

Options

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

Community Engagement and Internal Consultation

The draft revenue policy and fees and charges documents were placed on public exhibition from 18 March 2021 to 30 April 2021, prior to adoption at the 16th June 2021 Ordinary Council meeting. As noted above, given that the amendments are not new fees and charges and are legislated, it has been determined that further public exhibition seeking submissions is not required. The updated Fees and Charges

2021-2022 will however be communicated to the community for information purposes.

Planning and Policy Implications

There are no planning and policy implications in relation to this report as the amendments are not new fees and charges.

Financial and Economic Implications

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

Attachments

Nil

Item: 09.18

Subject: RELIEF MEASURES FOR THE IMPACTS OF COVID-19

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

RECOMMENDATION

That Council:

1. Note the recent NSW Public Health Orders (2021) in response to the latest COVID-19 outbreak.
2. Waive, refund or defer the payment of fees and charges as detailed below in relation to community members and local businesses impacted by the COVID-19 virus and NSW Public Health Orders (2021). These fees and charges include:

	Fee / Charge	Timeline of waiver / deferral	Conditions of waiver / deferral
a)	Interest on rates and charges	Up to 6 months commencing 01/07/21	For applicants who enter into payment arrangements on outstanding accounts as per recommendation 2 below.
b)	Direct debit dishonour fees	Up to 6 months commencing 01/07/21	Assessed on a case by case basis on application.
c)	Rent / licence fees for Council owned cafes and commercial facilities	Up to 6 months commencing 01/07/21	Assessed on a case by case basis, where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity, or where a Government directive has resulted in significantly reduced trade. Any reduction applied will be proportionate to the turnover reduction of the tenant.
d)	Interest on outstanding rental fees	Up to 6 months commencing 01/07/21	For applicants where rent / licence fees are deferred in accordance with c) above.
e)	Fees for outdoor dining, outdoor trading and footpath displays	Up to 31 December 2021	N/A

	Fee / Charge	Timeline of waiver / deferral	Conditions of waiver / deferral
f)	Glasshouse venue hire and associated fees, including provisions for tickets to patrons	Up to 6 months commencing 01/07/21	Venue hire and associated fees waived, and deposits refunded or transferred, where events (scheduled to take place 1 July - 31 December 2021) have been cancelled as a result of a government directive to restrict or cease operations. Tickets to patrons credited, transferred or refunded where the event has been cancelled or rescheduled by the event organiser / promoter.
g)	Fees for mobile food vending vehicles	Up to 6 months commencing 01/07/21	Annual approval fee
h)	Fees for food shop inspections	Up to 6 months commencing 01/07/21	Fees for routine inspections only, with reinspection fees still to apply.
i)	Fees for public health inspections	Up to 6 months commencing 01/07/21	Fees for routine inspections only, with reinspection fees still to apply.
j)	Ferry fees for delivery of food and other items to the North Shore	Up to 31 December 2021	N/A
k)	Licence fees / application fees for activities on Council managed land	Up to 6 months commencing 01/07/21	Assessed on a case by case basis, where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity.
l)	Fees for applications for activities on public / community land under the Local Government Act (Section 68) and applications under the Roads Act 1993 (Section 138)	Up to 6 months for 'regular' local events from the date of recommencement, (e.g. markets) or waiver of fees for next event for irregular or new events	Assessed on a case by case basis, where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity. Excludes driveway / footpath works.
m)	Bin reinstatement fee for businesses	On resumption of normal operations	Waived on resumption of normal operations, where businesses have requested a

	Fee / Charge	Timeline of waiver / deferral	Conditions of waiver / deferral
	(Waste Management)		suspension of bin services due to COVID-19.
n)	Fees for A-Frame signs	Up to 6 months commencing 01/07/21	N/A
o)	Waive hiring fees for community halls	Up to 6 months commencing 01/07/21	N/A
p)	Waive rental fees for community facilities	Up to 6 months commencing 01/07/21	N/A
q)	Credit card surcharge fees	Up to 4 months commencing 16/09/21	N/A
r)	Fees for Sporting Clubs, including facility hire and lighting fees	Up to 6 months commencing 01/07/21	Assessed on a case by case basis on application.

3. Delegate authority to the Chief Executive Officer to enter into a formal agreement with an eligible applicant to repay outstanding rates and charges by periodical payments on a payment arrangement, where the applicant is suffering financial hardship due to the impacts of COVID-19. Note that application for such payment arrangements will be subject to the criteria and documentation requirements as per the current Council adopted Rates & Charges Hardship Assistance policy.
4. Note that a future report be presented to the November 2021 Ordinary Council Meeting to review the above.

Executive Summary

Following initial COVID-19 lockdowns in 2020, Council adopted a range of hardship measures to assist the community.

These impacts are again felt over recent weeks with further lockdowns throughout the state. This also comes on the back of many difficult months during and after the 2019 bushfires, and the recent flood emergency, with these unprecedented times seeing immense challenges for our communities, with businesses across multiple industries again reducing services or closing.

Council has taken a number of measured precautions in line with State Government advice and although a number of services and facilities have been impacted, Council continues to provide a large number of services and facilities to the community. This means that as well as delivering essential services, Council continues to ensure the community's assets and infrastructure are maintained and this provides important stimulus to the local economy.

This report requests Council endorsement for local relief measures to support members of the community and local businesses who are being severely impacted by COVID-19 and to assist in minimising their financial burden.

Discussion

In response to the evolving situation of the COVID-19 virus, and the latest lockdowns, and in closely following the advice provided by the State health authorities, Council has taken a number of measured precautions to ensure we keep our staff and our community safe.

Council adopted a range of relief measures for community members impacted by the pandemic following initial lockdowns in 2020. In response to the impacts being felt again throughout the community, following the further lockdowns over recent weeks, it is proposed to adopt a similar suite of relief measures to assist those community members currently impacted.

This pandemic event and in particular impacts on certain business areas such as the Glasshouse and Port Macquarie Airport, will impact the budget position and operating performance of Council, the full impact of which is still unknown. It is also acknowledged that providing financial relief for our community at this time will also impact Council's overall financial position. However, notwithstanding the above, Council understands that the impact of COVID-19 on our community and particularly on those who have been impacted by business closures is significant. Therefore, in order to further assist those members of our community and local businesses who have been severely impacted by COVID-19, Council has considered a number of measures to provide relief to those affected, as detailed in the above recommendation of this report.

Options

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

Community Engagement and Internal Consultation

Consultation has occurred with the Chief Executive Officer, Director Corporate Performance, Director Development and Environment, Director Infrastructure, Director Strategy and Growth, Senior Leadership Team, Rates and Revenue Coordinator.

Planning and Policy Implications

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

Financial and Economic Implications

The direct assistance measures noted above will inevitably have an impact on Council's financial position, largely in the form of forgone revenue. In addition to this, Council is also susceptible to the impacts of COVID-19 as with any other business. Therefore, there will be further financial impacts due to business interruption where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity. This includes the effect of facility closures as well as the flow on effects from potential reduction in activities.

Assessment of these impacts is ongoing and the overall financial impact will vary depending on a number of factors which are unknown at this point in time, e.g. how long State health precautionary measures will be in place for. Therefore, whilst there will be a financial impact in relation to the above factors, it is not possible to reliably estimate the full cost to Council at this stage. As these impacts become clearer in this evolving situation, any adjustments required to the budget will be dealt with through the Monthly Financial Update reports to Council.

Attachments

Nil

2 Your Community Life

What we are trying to achieve

A healthy, inclusive and vibrant community.

What the result will be

We will have:

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

How we will get there

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

Item: 10.01**Subject: NOTICE OF MOTION - RECOGNITION OF SERVICE TO THE
MAYOR'S SPORTING FUND**

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

RECOMMENDATION

That Council:

- 1. Recognise the service and contribution of Maureen Moore to the Mayor's Sporting Fund Committee from November 2006 to August 2021.**
- 2. Request that the Mayor provide a formal letter of thanks to Maureen Moore for her service and contribution to the Mayor's Sporting Fund Committee.**

Comments by Mayor (if provided)

At the Mayor's Sporting Fund Sub-Committee Meeting held on 26 August 2021, Maureen Moore tendered her resignation as the representative for Southern Cross Austereo Pty Ltd on the Mayor's Sporting Fund Committee, due to her retirement.

Maureen has been a valued member of the Mayor's Sporting Fund Committee for almost 15 years, when she joined as the local radio station representative in November 2016 and has contributed, along with other Committee members, to the very successful fundraising efforts which enables Council to provide financial assistance to our young local sports people as they strive for their sporting dreams.

I wish Maureen all the best for the future and thank her for her service and contribution over many years. The Mayor's Sporting Fund Committee looks forward to welcoming the new representative from Southern Cross Austereo to the Committee and I appreciate their ongoing representation on the Committee.

Attachments

Nil

Item: 10.02

Subject: NOTICE OF MOTION - INCREASE IN GRAFFITI IN THE LOCAL AREA

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

RECOMMENDATION

That the Chief Executive Officer write to Superintendent District Commander, Shane Cribb, regarding the increase in graffiti in our local area and requesting a meeting with staff and Police representatives to discuss possible solutions.

Comments by Mayor (if provided)

In recent weeks, Council has received a number of emails from local residents concerned about the increase in graffiti around Port Macquarie and surrounding areas. The vandalism occurring on both public and private properties and infrastructure.

Whilst staff are co-ordinating the cleaning and removal of graffiti on community assets, it is now opportune to work with our local Police and other stakeholders to seek solutions to drive the amount of graffiti vandalism down in our local area.

Attachments

Nil

Item: 10.03

Subject: ANNUAL REPORT OF THE ACTIVITIES FOR THE MAYOR'S SPORTING FUND 2020-2021

Presented by: Strategy and Growth, Jeffery Sharp

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 note the information outlined in the Annual Report of the Activities for the Mayor's Sporting Fund 2020-2021.

Executive Summary

This report provides an overview of the Mayor's Sporting Fund (MSF) activities undertaken during 2020-21. Unfortunately, COVID-19 impacted heavily on sporting activities and competitions and the Sub-Committee's ability to fundraise.

As a result of the ongoing COVID-19 financial impacts on our community and the inability of the Sub-Committee to distribute funds given the lack of sporting competition, it was resolved at the Mayor's Sporting Fund Meeting held on 27 July 2020 that the Committee not meet until February 2021. Fundraising activities were also suspended for the remainder of 2020. Further, working with the Port Macquarie Sunrise Rotary Club, the Sub-Committee supported the difficult decision to cancel the 2020 Port Macquarie-Hastings Sports Awards, including the awarding of the Wayne Richards Sporting Scholarship.

From February to June 2021, the Mayor's Sporting Fund fulfilled its role of disbursing funds to assist young local athletes competing at either state, national or international sporting competition. In total, twelve local athletes received financial support over this period.

Discussion

COVID-19 continued to impact heavily on the activities of the Mayor's Sporting Fund (MSF) Sub-Committee during the 2020-21 financial year.

At the MSF meeting held on 27 July 2020, it was resolved that in light of the ongoing COVID-19 impacts, MSF meetings and fund raising activities would be suspended for the remainder of 2020, unless COVID-19 impacts allowed. Unfortunately, this did not happen.

Additionally, after consultation with the Port Macquarie Sunrise Rotary, it was resolved to cancel the 2020 Port Macquarie-Hastings Sports Awards, which are

conducted annually (October) in conjunction with Sunrise Rotary Club of Port Macquarie.

With sporting activities returning to normal over spring and summer, meetings recommenced in February 2021. Between February to June 2021, the Mayor's Sporting Fund provided financial assistance to the amount of \$4,650 to twelve young local athletes who gained selection/qualification in sports recognised by the National Sports Commission, to compete at state or national sporting competitions including:

- Australian Junior Beach Volleyball Championships - Coolangatta, Queensland
- Australian National Hockey Championships - Launceston, Tasmania
- Australian Swimming Championships - Gold Coast, Queensland

Fundraising activities have continued to remain on hold and this position will be assessed after the Local Government Election.

The 2021 Port Macquarie-Hastings Sports Awards Breakfast presented by Sunrise Rotary is currently scheduled to take place on Friday 22 October 2021, however this will be subject to current NSW Public Health Orders. In addition to the Wayne Richards Sporting Scholarship, nominations are currently open across nine categories, thanks to the support of generous supporters including Regional Australia Bank, AusSport Scoreboards, Donovan Oates Hannaford, Patterson Real Estate, Laing & Simmons, Hastings Physiotherapy and Greenmeadows Health Centre.

Options

Nil.

Community Engagement and Internal Consultation

Ongoing consultation was undertaken with the Mayor's Sporting Fund Sub-Committee and the Port Macquarie Sunrise Rotary Club.


Planning and Policy Implications

Nil.

Financial and Economic Implications

Nil.

Attachments

1.  Mayor's Sporting Fund - 12 Month Activity Report 2020 - 2021

3 Your Business and Industry

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

Item: 11.01

Subject: **CLASSIFICATION OF LAND TO BE ACQUIRED BY COUNCIL -
FUTURE PARALLEL TAXIWAY AT PORT MACQUARIE AIRPORT**

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council classify Lot 1 Deposited Plan 1263059 (land at Port Macquarie Airport) as operational land.

Executive Summary

A report recommending the classification of land to be acquired as part of the provision of full length parallel taxiway at the Port Macquarie Airport.

Discussion

Council at its Ordinary Meeting of 12 August 2020 (Item 12.05) considered a report on the acquisition of Crown land to facilitate the future construction of a full length parallel taxiway at the Port Macquarie Airport.

Council resolved:

12.05 LAND ACQUISITION FOR FUTURE PARALLEL TAXIWAY AT PORT MACQUARIE AIRPORT

BLOCK RESOLVED: Alley/Dixon

That Council:

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

-
4. *Note a further report will be tabled to a future Council meeting detailing any submissions received during the exhibition period.*

Advice is at hand indicating that the Governor will approve the publication of an Acquisition notice in the *NSW Government Gazette* during September 2021. Upon publication of the Acquisition Notice, Lot 1 Deposited Plan 1263059 becomes Council owned land.

Options

Nil

Community Engagement and Internal Consultation

In anticipation of the forthcoming Governor's approval, and in accordance with Council Resolution number 3, public exhibition of the proposed land classification has been undertaken.

At the conclusion of the exhibition period, no submissions on the proposed land classification were received. As such, Council is now in the position to adopt the proposed land classification.

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

4 Your Natural and Built Environment

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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



Item: 12.01

Subject: RAWDON ISLAND BRIDGE UPDATE

Presented by: Infrastructure, Dan Bylsma

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the information provided in this report.**
- 2. Waive the payment of the “Weighbridge Ticket” fee at the Cairncross Waste Management Facility for a period of up to 6 months commencing 16 September 2021 for residents and local business operators requiring a weighbridge ticket to certify a vehicle weight less than the signposted weight limit imposed on the Rawdon Island Bridge, currently 5 tonne gross vehicle mass.**

Executive Summary

The purpose of this report is to provide an update on the progress of the Rawdon Island Bridge closure and repair works.

Since the closure of the bridge on 5 July 2021 to all vehicular traffic, Council has been working closely with specialist bridge consultants and repair contractors to progress the investigations, analysis and planning for the repair of the bridge to reopen it to all general access vehicles.

Following load testing and further structural analysis the bridge was reopened with the restrictions of one lane and light vehicles (5tonne gross vehicle mass (GVM) limit) only, at 4pm on Monday 30 August 2021.

Council has continued to provide support via a range of measures to facilitate safe and workable access solutions for the community and impacted individuals on Rawdon Island. Additional support measures will be explored and considered as bridge load limits remain in place and bridge repair planning continues.

Discussion

Following underwater inspections major structural issues have been identified on several piles on the Rawdon Island Bridge that are considered a high risk of bridge collapse under heavy vehicle loading or lateral loads such as braking or flood impacts. The bridge has been closed to vehicular traffic since 5 July 2021 while further investigations and assessments are undertaken to determine the most appropriate path forward.

Following structural analysis and verification of the analysis by load testing on 19 August 2021 the bridge was re-opened to light vehicles, 5 tonne GVM or less, during the hours 5.30am to 10pm under traffic control. Live monitoring of bridge movement is being undertaken and a warning system is in place to closure the bridge in a flood event.

At the 21 July 2021 Council meeting, it was resolved:

12.03 RAWDON ISLAND BRIDGE UPDATE

RESOLVED: Intemann/Alley

That Council:

- 1. Note the current status of the Rawdon Island Bridge, and the absolute reliance of the local community on the bridge access.*
- 2. Note the timeline of events outlined in the staff report to this item, and that State and Federal Local Members of Parliament were advised of the situation on 3 and 4 July 2021.*
- 3. Request the Chief Executive Officer:*
 - a) Progressively undertake investigations and assessments to determine the most appropriate path forward with respect to Emergency, Short, Medium and Long term solutions.*
 - b) Urgently contact our Local State Members of Parliament seeking assistance through the Australian Defence Force (ADF) for advice and assistance as regards potential repairs to the deck support to enable weight-limited usage of the bridge while longer term solutions are implemented.*
 - c) Immediately contact Local Federal Member of Parliament, Dr David Gillespie, advising him of actions taken and seeking support in securing financial and technical assistance, including possible assistance from the ADF.*
 - d) Take all reasonable steps to urgently facilitate safe and workable access solutions for the community and impacted individuals, including adequate shuttle or similar service, lighting improvements especially on the island side, shelter on the bridge and at parking/waiting areas, trolleys for moving goods across the bridge, stockyards on the island side, secure parking, mail services, etc.*
 - e) Compile a timeline of all Emergency, Short, Medium and Long term options and their likely delivery, noting any matters still to be decided and their dependent conditions (e.g. NSW approval, availability of products/services etc), updated weekly to all stakeholders including Councillors, so the community can be fully informed and have confidence in making their own decisions for future personal and business arrangements.*
 - f) Provide clarity to the community with regard to the outcome of monitoring of bridge movement and the implications for bridge weight-bearing.*
 - g) Ensure all Councillors are invited to Council-run community meetings on this matter.*
 - h) Identify feasible funding options for works associated with this situation.*

- i) *Report monthly to Council on progress on these matters.*
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 the extent and frequency of inspections, and report to the December 2021 Ordinary Council Meeting.*

CARRIED: 6/0

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

AGAINST: Nil

This report is provided in response to item 3(i) in the above resolution, providing an update on the Rawdon Island Bridge situation.

Council is continuing to progress on the most appropriate path forward to resolve the issues.

Regarding emergency, short, medium and long term solutions the update is as follows:

- Emergency solutions - Within the first two weeks after the bridge closure Council had determined that using a barge was the most appropriate and least risk method to provide immediate access to the Rawdon Island residents. Council was able to procure a suitable landing craft barge from Sydney to support heavy vehicle users and primary producers with works to construct a landing site on Little Rawdon Island completed on 01 August 2021 to allow barge operations to commence on 06 August 2021. For the first month the barge has conducted over 65 trips moving vehicles on and off Rawdon Island.
- Short-term solutions - Council has engaged a specialist bridge engineering consultancy firm to undertake detailed structural analysis of the bridge to determine the load carrying capacity of the bridge in its damaged state. Once the theoretical analysis was undertaken with all known information and appropriate assumptions it was determined that it was safe to undertake load testing using a 5 tonne and 22 tonne vehicle to verify and calibrate the structural analysis model as required.

Sensors were placed on several piers to provide live monitoring of the bridge movement to gather the data needed to verify the structural analysis. The load testing was undertaken on 19 August 2021 with the results of the analysis and load testing presented to Council on 27 August.

The results indicated that it was acceptable to re-open the bridge initially to light vehicles (5tonne GVM), one vehicle at a time limited to slow speed (10km/h) on the up-stream side, being the side with the least damaged piles. Noting that some vehicles with a registered GVM of over 5tonne may be able to be operated under 5tonne with a reduced payload, Council will allow vehicles across the bridge with a current weighbridge ticket, time stamped within a reasonable time from arriving at the bridge, certifying that the gross mass of the vehicle is 5tonne or less.

To support the residents and local business operators with this option it is recommended that Council waive the \$56 "Weighbridge Ticket" fee at the

Cairncross Waste Management Facility for a period of up to 6 months. Council will also allow vehicles to cross the bridge that have a tare weight of 4.5tonne or less and are clearly empty, e.g. have an empty tray with no payload or extensive toolbox and crane attachments etc. These measures will further support the residents of Rawdon Island who use vehicles with a registered GVM of over 5tonne to continue to operate in some capacity.

This opening will be monitored and as more information about the damaged concrete is gained, the analysis will be further refined and opening to medium vehicles (22tonne GVM) may be possible.

The timeline for further re-opening the bridge to medium vehicles is:

- 6 to 24 September - Gain further information regarding damaged concrete.
- 24 Sep to 01 Oct - refine structural analysis of bridge
- 06 Oct - Advice regarding whether bridge load limit can be lifted further.

It is to be noted that it is not certain that the bridge load limit can be lifted to 22 tonnes.

- Medium-term solutions - Design work and construction planning has commenced for the repair of the damaged piles with the objective of re-opening the bridge to general access heavy vehicles. Repair works are planned to commence early November with the initial repairs to be complete before the end of the year. This is an extremely tight delivery timeline which will require all dependent milestones to be achieved on time.

Council is also working on a contingency plan for a temporary alternative access crossing should the design analysis for the repairs show that significant works are required to re-open the bridge to general access heavy vehicles, thus not being able to be completed before the end of the year. Detailed design work is currently underway for a temporary bridge and causeway crossing of Caswell Channel between Ennis Road and Narrow Gut Road. It is anticipated that sufficient information about the bridge repair works will be known by early October for a decision to be made regarding commencing construction of the temporary alternative access to have it open by the end of the year.

The current timeline for repairs to the bridge are as follows:

- 6 Sep - 22 Oct - Complete designs and construction specification
- 6 Sep - 18 Oct - Complete environmental approvals
- 6 Sep - 29 Oct - Complete pre-construction planning and materials procurement
- 3 Nov - construction site mobilisation
- 3 Nov - 22 Dec - complete repair works

Council has been working with the construction contractor since 23 July and they have been in discussions with specialist material suppliers and sub-contractors to ensure long lead-time items are secured.

It is to be noted that due to the complex nature of this project and the difficult site conditions, this timeframe is very ambitious. All appropriate resources are being allocated to this project to ensure that all elements are being undertaken as

quickly as possible, including undertaking activities in parallel instead of sequentially.

- Long-term solutions - Once the required design works for the initial repairs are completed and construction is underway, planning focus will shift to analysing the feasibility of a full rehabilitation of the bridge compared to the need for a complete rebuild of a new bridge.

The timeline for any long-term solutions has not been developed yet with all planning effort currently focused on the short and medium term solutions. The design and scope of works specifications for the repairs will look at broader concrete durability works and if they can feasibly be completed by the contractor while they are mobilised on site after the initial pile repairs are completed.

In line with items 3b and 3c of the above resolution, letters were sent to the Local State Members of Parliament and the Local Federal Member of Parliament seeking assistance and support on 28 July 2021. A Fact Sheet was also developed to accompany these letters. Refer to Attachments 1-4 of this report.

In respect to item 3d, Council continues to provide support and measures to facilitate safe and workable access solutions for the community and impacted individuals on Rawdon Island.

These include:

- Providing a shuttlebus service, with the hours of operation refined several times to best meet the needs of the residents;
- Improving lighting for pedestrians across the bridge, within the parking areas on the mainland side and on the island side;
- Council working with Essential Energy to gain approval to install solar streetlights on several power poles on Rawdon Island Road near the bridge;
- The installation of temporary shelters on either end of the bridge;
- The installation of secure parking at the end of Colvin Street for residents to leave their cars secured overnight;
- Working with Australia Post to ensure mail deliveries could still continue using a Council vehicle located on the island.
- Establishing a temporary waste collection service for all residents on Rawdon Island.

As outlined above, Council has engaged a barge contractor to enable moving vehicles on and off Rawdon Island. The barge has enabled moving livestock, farming equipment, feed, earthmoving equipment and other vehicles in support of primary produces and heavy vehicle operators.

Options

Council has the option to:

1. Note the information provided
2. Request additional information

Community Engagement and Internal Consultation

Council have been providing regular updates to relevant stakeholders through weekly Councillor newsletter updates, community meetings, Facebook posts, resident emails and community meetings. Since the bridge closure Council has held six community meetings via Zoom.

Council staff have also had an onsite meeting with several residents on Ennis Road and the owners of the Caswell Channel island regarding the temporary alternative access road proposal.

Council has set up a dedicated website with all information and updates relevant to the situation.

Council's Infrastructure Planning Stakeholder Relations Manager is also in regular contact with Rawdon Island residents regarding individual matters.

Internal consultation has occurred with the following staff:

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

External consultation has occurred with:

- Transport for NSW, including Maritime
- NSW Department of Primary Industries - Fisheries
- Busways
- Australia Post

Planning and Policy Implications

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




Financial and Economic Implications

A budget adjustment of \$1.2m has been made in relation to the Rawdon Island bridge project. This amount covers costs incurred to date and costs expected to be incurred in the near future. It includes bridge investigations and analysis performed to date, design and construction planning works and community support during the bridge closure including barge operations, shuttle bus services, pedestrian lighting, waste services and car parking areas. It is noted that the \$1.2m is not yet fully funded.

Monies have been redirected from other sources to cover this amount, including a higher than budgeted amount of \$379k received from the annual Financial Assistance Grant. There is however a shortfall of approximately \$427k that will need to be funded by savings in other areas over the coming months. It is noted that further costs are likely to be incurred over the next 6 months to cover extended barge operations, potential construction of an alternative crossing and detailed design and construction of bridge repairs.

These costs are likely to be significant and will requiring significant funding sources, including potential grant funding, to be determined.

Attachments

1.  Fact Sheet - Rawdon Island Bridge - July 2021
2.  CEO Correspondence - Rawdon Island Bridge - Hon. Leslie Williams MP - 2021 07 28
3.  CEO Correspondence - Rawdon Island Bridge - David Gillespie MP - 2021 07 26

Item: 12.02**Subject: NOTICE OF MOTION - WASTEWATER TREATMENT PROCESSES**

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

RECOMMENDATION**That Council:**

- 1. Note the community interest in Council's wastewater treatment processes, specifically in the Bonny Hills area.**
- 2. Request the Chief Executive Officer provide a report to the November 2021 Council meeting regarding Council's management of recycled water.**

Comments by Mayor (if provided)

The community has expressed significant interest in Council's wastewater treatment processes, specifically in relation to the Bonny Hills discharge of treated water through the exfiltration trenches at Rainbow Beach.

Council have taken steps to improve Council's wastewater treatment processes to more effectively utilise recycled water and minimise environmental discharge.

An update on the current status of Council's wastewater treatment processes and planned improvements is requested to provide the community with an increased level of transparency regarding Council's actions to support the use of recycled water.

Attachments

Nil

Item: 12.03**Subject: NOTICE OF MOTION - ARTWORK AT ROCKS FERRY RESERVE**

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

RECOMMENDATION

That Council:

- 1. Note the recent installation of Zoetrope, one of the sculptures that makes up the Wauchope Bicentenary Riverside Sculpture Trail, on the river bank in Wauchope.**
- 2. Note the sentiment to the Zoetrope artwork.**
- 3. Note the artwork obstructs valuable views of the river and surrounding area.**
- 4. Request the CEO to find a more appropriate location for the artwork to be relocated.**

Comments by Councillor (if provided)

The recent artwork, Zoetrope has been placed along the river bank near Rocks Ferry Reserve. The sentiment from the Wauchope community has not been positive and the main objection is the location. The artwork is described as 8ft high and looking similar to an oversized rusted steel water tank. The community suggest that consultation did not reveal the items/s to be installed along the riverbank and hence there is a request for the Zoetrope installation to be relocated.

Attachments

Nil

Item: 12.04

Subject: NOTICE OF MOTION - QUESTION WITH NOTICE - ROCKS FERRY RESERVE

Councillor Griffiths has requested a response to the following question with notice under clause 3.14 of Council's Code of Meeting Practice:

"Could the Chief Executive Officer please advise to the 15 September 2021 Ordinary Council meeting what the timeline and process will be for the reconstruction of Rocks Ferry Reserve?"

Comments by Councillor (if provided)

Nil.

RECOMMENDATION

That the information provided regarding the timeline and process for the reconstruction/restoration of Rocks Ferry Reserve be noted.

Response

Council's approach to Rocks Ferry Reserve reconstruction/restoration is as follows:

1. A social media update was provided in early August 2021 about how Council is seeking to work with the community to rebuild a facility for the future and called for people to be involved in the 'have your say' engagement process.
2. During August - September staff developed an interim approach to make the beach area (general access) and pathways and open space area amenable for the summer months (**Attachment 1**).
3. Staff are currently considering options for a provisional boat ramp to allow access for emergency services. Further investigations are required to determine a long-lasting flood proof alternative and the reinstatement of a permanent boat ramp.
4. Commenced community engagement with the community to determine community values and priorities in August-September.
5. Based on community engagement and survey determine what and if recreation development is to be reinstated at Rock Ferry or if there are other recreation opportunities in Wauchope that are not impacted by flood. If so, are they required at Rocks Ferry Reserve and what is the Riverwalk's future?

6. Develop a long term plan and staged approach to providing recreation facilities that meet the needs of the Wauchope community for consideration by Council in February/March 2022.

Through engagement Council will be able to understand community values, what Council can do and what is our approach to ensuring the future of recreation and boating for the community of Wauchope.

Council recognises that Rocks Ferry Reserve is a key recreation facility that adds to social connections and wellbeing in the area and is also mindful that Rocks Ferry Reserve is the only boating facility locally available in the Wauchope community.

There is an obvious environmental consequence to continuously restoring a facility that will continue to be impacted by floods. Council will need to consider this in terms of any flood proofing/protecting the bridge abutment works, which will support the boat ramp to withstand a flood into the future, particularly given the bank has receded already.

Finally, it is acknowledged that developing a communication strategy to ensure a shared understanding of our approach to all Council flood works is important and it is understood that this is a key project high on the community's agenda.

Attachments

1.  Rocks Ferry Make Safe Proposal 2021

Item: 12.05

Subject: LAND ACQUISITION - 54 OCEAN DRIVE, KEW

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Pay compensation in the amount of \$5,000 (GST Exclusive) to the owners of Lot 3 Deposited Plan 605737, M P Fiene & D M Fearne, for the acquisition of that part of Lot 3 Deposited Plan 605737 more particularly described as Lot 301 in plan of acquisition Deposited Plan 1244167.
2. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, pay the land owners property conveyancing costs.
3. Pursuant to Section 10 of the *Roads Act 1993*, dedicate Lot 301 Deposited Plan 1244167 as public road.

Executive Summary

This report recommends the payment of compensation for the acquisition of land required as part of the School to School Shared Pathway at Kew.

Discussion

As part of the School to School Shared Pathway Project at Kew, the acquisition of private land has been undertaken. The general location of the land acquisition is depicted by the blue dashed line in **Attachment 1 - Location of land acquisition**.

With the consent of the owners of Lot 3 Deposited Plan 605737, M P Fiene & D M Fearne, construction of the shared pathway occurred whilst the land acquisition was being completed.

With completion of the construction of the shared pathway, the extent of the land to be acquired was surveyed as Lot 301 Deposited Plan 1244167 which comprises an area of 451.7m² as shown bounded by the red line in **Attachment 2 - Extent of land acquisition**.

Options

Nil

Community Engagement and Internal Consultation

There has been ongoing consultation with the land owners since the School to School Shared Pathway was designed in 2017. An offer of compensation to the land owners has been made on several occasions since construction was finalised in 2018. The offer of compensation has recently been accepted.

Planning and Policy Implications

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

Financial and Economic Implications



The acquisition of Lot 301 Deposited Plan 1244167 entitles the land owners to the payment of compensation. Having regard to the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*, compensation has been assessed by Council's Consulting Valuer at \$5,000 (GST Exclusive). Offers in this amount have been made to the land owners who have recently provided their written acceptance of the offer. With receipt of the written acceptance of the offer, the acquisition is now reported to Council to enable the acquisition to be completed.

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

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

Payment of the agreed compensation is therefore recommended to Council.

Attachments

1.  Location of land acquisition
2.  Extend of land acquisition

Item: 12.06

Subject: PP2011 - 9.3 PLANNING PROPOSAL ASSESSMENT REPORT -
BLACKWOOD STREET EXTENSION, PORT MACQUARIE (VILRO
PTY LTD)

APPLICANT: LOVE PROJECT MANAGEMENT PTY LTD
OWNER: VILRO PTY LTD
PROPERTY: LOT 499 DP1258597, (OFF BLACKWOOD STREET,
PORT MACQUARIE).

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Note the long standing Planning Proposal P2011 - 9.3 for Lot 499, DP1258597, Blackwood St, Port Macquarie under the NSW Government's Public Spaces Legacy Program (PSLP) was not completed by 30 June 2021 as required under the funding program.
2. Note there have been extended negotiations between Council staff and the Proponent to achieve a supportable development outcome on Lot 499 DP1258597 since June 2019.
3. Prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 for a map only amendment to the Port Macquarie-Hastings Local Environmental Plan 2011 for part Lot 499 DP1258597, Blackwood Street, Port Macquarie which rezones the subject land from RU1 Primary Production to part R1 General Residential and part E2 Environmental Conservation in accordance with Figure 2 of the report, and applies the following associated development standards to the land:
 - a) Minimum Lot Size of 450sqm for land to be zoned R1 General Residential,
 - b) A maximum Height of Buildings of 8.5m for land to be zoned R1 General Residential,
 - c) A maximum Floor Space Ratio of 0.65:1 for land to be zoned R1 General Residential,
4. Advise the proponent that a political disclosure in the format required under legislation, is required to be submitted prior to preparation and forwarding of a Planning Proposal to the NSW Government Gateway, if progressed.
5. Upon receipt of the political disclosure referred to in point 4 above, forward the Planning Proposal described in point 3 above to the NSW Department of Planning, Industry and Environment for a Gateway

Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, and request that the Gateway Determination authorise the Minister to be the local plan-making authority.

6. **Delegate authority to the Director Development and Environment to make any minor amendments to the Planning Proposal as a result of the issue of the Gateway Determination, prior to public exhibition of the Planning Proposal, if Council is authorised as the local plan-making authority.**

Executive Summary

This report reconsiders the assessment report presented to Council on 17 March 2021 (**Attachment 1**) on a revised Planning Proposal (PP) request for Lot 499, DP 1258597, South Blackwood Street, Port Macquarie (PP2011 - 9.3).

The March 2021 report recommended that Council note the nomination of the Planning Proposal (PP) under the *NSW Public Spaces Legacy Program* (PSLP) for completion by 30 June 2021 (now expired), and not support preparation of a Planning Proposal based on the Proponent's request on the grounds of unresolved and significant environmental issues and inconsistency with section 1.3 object (e) of the *Environmental Planning and Assessment Act, 1979*.

That report also recommended that Council advise the Proponent that a new combined application may be considered based on a limited release area of around 2 hectares, and addressing the recommendations of the NSW Biodiversity Conservation Division of the Department of Planning Industry and Environment (DPIE), and consistent with the requirements of Council's Planning Proposal Policy.

Council subsequently resolved as follows:

RESOLVED: Turner/Intemann

That Council:

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

CARRIED: 5/1

FOR: Alley, Griffiths, Hawkins, Intemann and Turner

AGAINST: Pinson

This report provides an update on Council representations to Members of Parliament consistent with points 2 and 4, and responds to point 3 of Council's resolution calling for a further report to consider the matter, and provides an update on discussions with the Proponent since March 2021.

A recommended development concept, initially presented to Council in March 2021, has been refined following recent discussions with the Proponent to provide for

conservation of important environmental values, and allow for approximately 2 hectares of land for urban development. Since reporting to Council in March, the Proponent has submitted a revised zone layout expanding their proposed environmental conservation area southwards to capture around 8 hectares of Coastal Wetland located within Lot 499. Coastal Wetland areas have conservation status under *State Environmental Planning Policy (Coastal Management) 2018*, and typically should have been zoned E2 Environmental Conservation at the time of introduction of the SEPP.

This report now recommends that Council prepare and forward a Planning Proposal (PP) to rezone the subject land from RU1 Primary Production to part R1 General Residential and part E2 Environmental Conservation to the DPIE Gateway based on the proposed development concept shown in **Figure 2** below.

Background

The subject PP aims to facilitate residential and environmental conservation outcomes on part of Lot 499, DP1258597 through a change in planning controls that:

- Amend the Land Zoning (LZN) Map to rezone the subject land from RU1 Primary Production to part R1 General Residential and part E2 Environmental Conservation,
- Amend the Lot Size (LSZ) Map to introduce a minimum lot size of 450m² for land to be zoned R1 General Residential,
- Amend the Floor Space Ratio (FSR) Map to introduce a FSR of 0.65:1 for land to be zoned R1 General Residential,
- Amend the Height of Building (HOB) Map to introduce a maximum HOB of 8.5m for land to be zoned R1 General Residential,
- Amend the LEP Koala Habitat Map to remove its application to land to be zoned R1 General Residential.

A formal planning proposal document for submission to the Department of Planning Industry and Environment (DPIE) Gateway would be prepared by Council as the first step in a rezoning process, if supported by Council.

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

The planning area described in the report is partially identified for urban investigation in the *North Coast Regional Plan 2036*, and contains state nominated “proximity areas” to *Coastal Wetlands (State Environmental Planning Policy (SEPP) Coastal Management)*, known offset *Core Koala Habitat (SEPP Koala Protection)*, and *Serious and Irreversible Impact Species (Vegetation)* under the *Biodiversity and Conservation Act 2016*.

The Proponent for the application is Love Project Management Pty Ltd on behalf of landowners; Vilro Pty Ltd. Associated entity and land to the original PP, Charley Bros Pty Ltd and Lot 356 DP1263987, are no longer party to the proposal.

Disclosure

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

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

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

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

A disclosure has not been made. The report recommends that a political disclosure in the format required under legislation is required to be submitted prior to preparation and forwarding of a Planning Proposal to the NSW Government Gateway, if progressed.

Discussion

The following discussion provides an overview of events in relation to the PP since Council's consideration of an Assessment Report in March 2021 (Item 13.06) (**Attachment 1**). The March report is a formal assessment of the PP against the regulatory framework. It describes the site, provides a background and history of the PP, and should be read in conjunction with this report.

Council Meeting March 2021 - Item 13.06: Planning Proposal Request Assessment Report

Council considered an Assessment Report (**Attachment 1**) in relation to a revised PP by the Proponent dated January 2021. The revised request proposed a modified and reduced development concept involving part Lot 499 DP1258597 (Ascot Park rural zoned residue). Council resolved as follows:

RESOLVED: Turner/Intemann

That Council:

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

Minister for Planning, for an extension of time for the finalisation of this Planning Proposal.

CARRIED: 5/1

FOR: Alley, Griffiths, Hawkins, Intemann and Turner

AGAINST: Pinson

Council Representation to Members of Parliament

Consistent with points 2 and 4 of Council's March 2021 resolution, Council wrote to Minister Stokes and the state Member for Port Macquarie, Leslie Williams MP seeking an extension of time under the Public Spaces Legacy Program (PSLP) to progress the PP. At the time of writing this report, no response had been received to Council's representations. Council staff have however, received advice from Department staff of progression to the next stage in relation to funding agreements under the Public Spaces Legacy Program. An outcome of this program is expected in September 2021.

25 May 2021 - August 2021: Proponent Response



Figure 1: Proponent concept 25 May 2021. Note that proposed concept by the proponent does not extend to south western boundary with Crematorium to include HEV land consistent with BCD recommendations.

Following a meeting with Council staff on 17 May 2021 to discuss the status of the PP, Love Project Management submitted a written response to the matters raised by the DPIE Biodiversity Conservation Division (BCD). A copy of the Proponent response and amended zoning concept is included at **Attachment 2** and shown in **Figure 1**. The submission is dated 25 May 2021, and includes positive elements demonstrating a commitment towards a supportable development concept as shown in **Figure 3**.

Positive elements include the addition of the northern Coastal Wetland areas on Lot 499 in an expanded environmental conservation zone, and proposing to zone all of the land in the North West corner adjacent the Crematorium to E2 Environmental Conservation.

However, there remained a number of critical differences between Council and the proponent positions, specifically:

- No change to the proposed urban footprint.
- Minimal avoidance and inconsistent buffering of native guava, a serious and irreversible impact species under the [Biodiversity Conservation Act, 2016](#).
- The absence of a buffered interface between the proposed urban footprint and the balance of the rural zoned residue land within Lot 499
- The proposed degree of change to *Port Macquarie-Hastings LEP 2011* Koala Habitat mapping series.

On 2 August 2021, Love Project Management advised Council that they anticipated their revised concept would move forward to a Council resolution to put the matter to the government Gateway, and requested reporting of the PP to the September Council Meeting. This report responds to that request. A further meeting was held with the proponent on 25 August 2021 to discuss remaining points of difference prior to reporting.

Proposed Zoning Layout

A recommended zoning layout on which the Planning Proposal is proposed be prepared by Council is shown in **Figure 2**.

The concept provides a practical development outcome for the landowner of around 2ha of residential zoned land, and protection of Native Guava, a *Serious and Irreversible Impact Species*, under the *Biodiversity Conservation Act, 2016*, core koala habitat (*State Environmental Planning Policy (SEPP) Koala Habitat Protection*), and Proximity areas to Coastal Wetlands (*State Environmental Planning Policy (SEPP) (Coastal Management) 2018*.)

The concept also minimises the potential for additional environmental studies by the Proponent and a decision by Council in relation to Serious and Irreversible Impact Species (SIIS) under the *Biodiversity Conservation Act, 2016*.

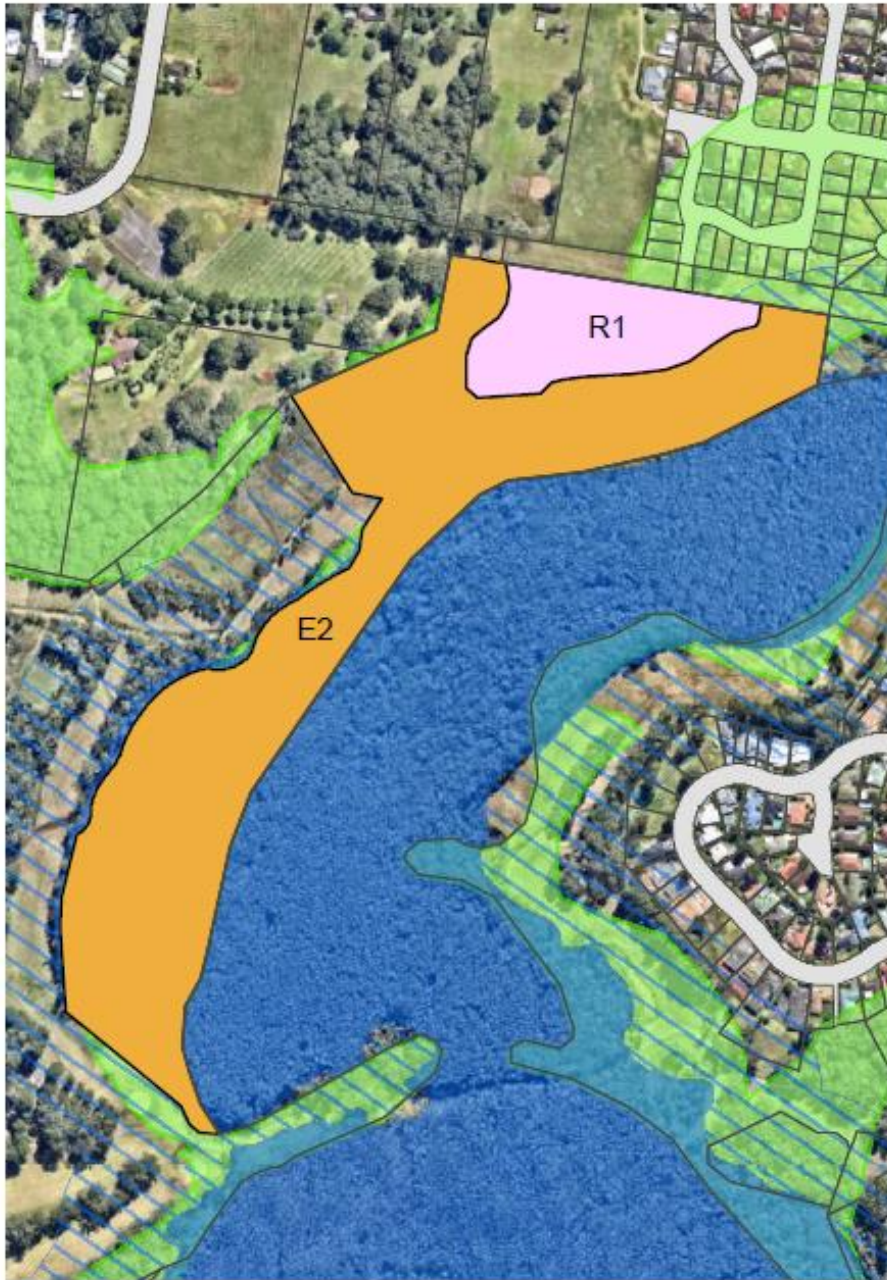


Figure 2: Proposed supportable zoning layout, capturing high environmental value land and providing for approx..2ha of residential land

Serious and Irreversible Impact Species (SIIS) (Biodiversity Conservation Act, 2016).

The concept of serious and irreversible impacts is fundamentally about protecting threatened entities that are most at risk of extinction from potential development, and that there are some types of serious and irreversible impacts that the community expects will not occur unless outweighed by the social and economic benefits that the development will deliver to the State. An approval authority (ie Council) must not grant approval if they determine the proposal is likely to have a serious and irreversible impact on biodiversity values. Decisions must be made in accordance with principles set out in clause 6.7 of the *Biodiversity Conservation Regulation 2017*.

Rhodomirtus psidioide (Native guava) has been listed as a critically engendered species under the *Biodiversity Conservation Act, 2016*, and is identified within the proposed investigation area.

The proposed zoning layout discussed in the report provides for legislated buffers (30m) to identified SIIS on site, and negates the need for further studies and a decision to be made under Clause 6.7 of the *Biodiversity Conservation Regulation 2017*.

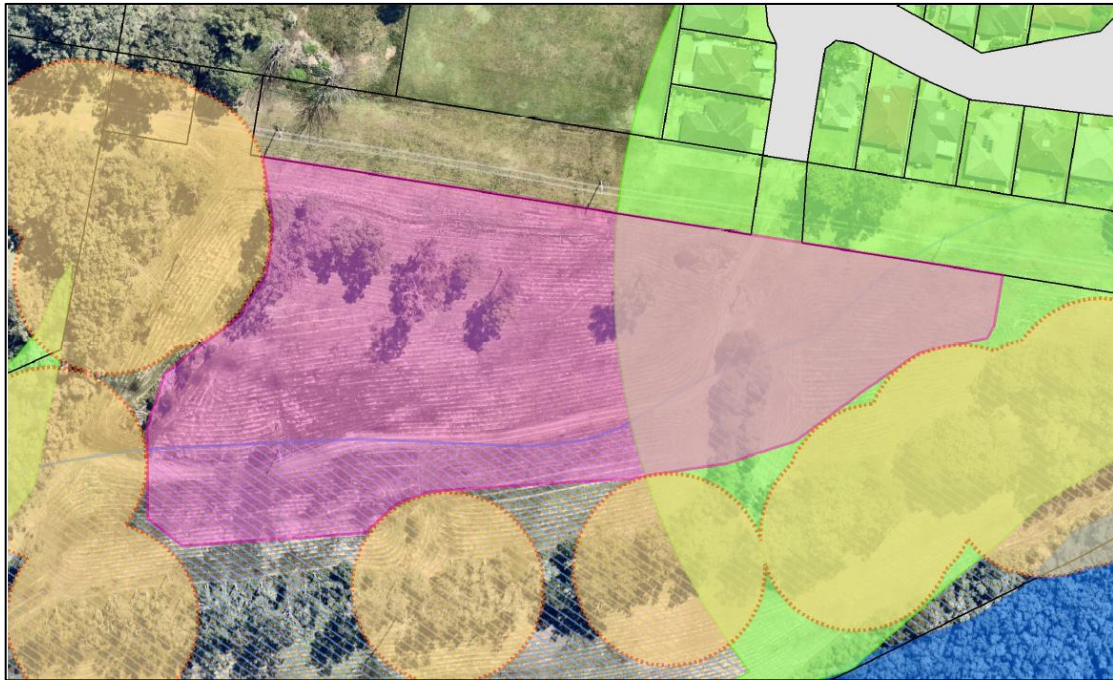


Figure 3: Serious and Irreversible Impact Species 30m and Council proposed residential zone.

NSW Biodiversity Conservation Division (BCD) Advice 25 February 2021 - Key issues

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

Key concerns and recommendations include:

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

- Rezoning only suitable land within the Urban Growth Area for residential housing.

Historical Context

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

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

Initial Planning Proposal Application 2011

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

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

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

RESOLVED: Turner/Hawkins

That Council:

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

CARRIED: 8/0

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

AGAINST: Nil

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

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

Noting that the planning proposal has been unresolved for a decade, there has been numerous legislative changes during this time that have compounded the environmental constraints required to be addressed. Unfortunately, this has impacted on the direction and progression of the application. The introduction of the *Biodiversity Conservation Act 2016* and the listing of the Native Guava (Feb 2019) are recent examples of this. *State Environmental Planning Policy (SEPP) (Coastal Management) 2018* and *SEPP (Koala habitat Protection) 2018* are other examples. Additionally, reforms within state agencies over this time has also seen a shift in focus on assessment noting the legislative amendments that have occurred.

NSW Public Open Space Legacy Program 2020 Grant

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

EXISTING SITUATION

Description of the Site and Surrounds

The 2021 Planning Proposal Application seeks to rezone Part Lot 499 DP 1258597, focusing on the area shown in **Figure 2**.

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

Site characteristics include:

- Large frontage to key infrastructure easements for electricity and water supply.
- Additional transecting electricity infrastructure.
- Large site frontage to Lake Innes Nature Reserve.

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

Land Ownership and Existing Approvals

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

PROPONENT'S AMENDED ZONING CONCEPT - MAY 2021

On 25 May 2021, the Proponent submitted a written response to the Council outlining their response to the recommendations of the BCD. The letter included a revised zone concept. A copy of the Proponent's letter is included at **Attachment 2**, and the revised concept is shown in **Figure 4** below. The BCD's letter is included at **Attachment 3**.

The letter set out the Proponent and landowners position on environmental-related matters, and proposed a part compromise position on the extent of land for inclusion in an environmental conservation zone. While the response addressed in part the concerns and recommendations of the BCD, there continued to be key points of difference in relation to the extent of environmental conservation zoned land considered essential to progressing the matter.

Both Council and the BCD require that any amendment to planning controls in the location does not pre-empt further rezonings for urban development on Lot 499 or adjacent Lot 356 DP1263987 (located on eastern boundary of Lake Innes Nature Reserve). The remnant vegetation in this location being key to survival and dispersal of a nationally significant Koala population (pre-bushfires) located on private and public lands surrounding Lake Innes. Note the below image (**Figure 4**) does not identify property boundaries, or the full extent of the Lake Innes Nature Reserve. For reference purposes and property extent, **Figure 2** should be used.

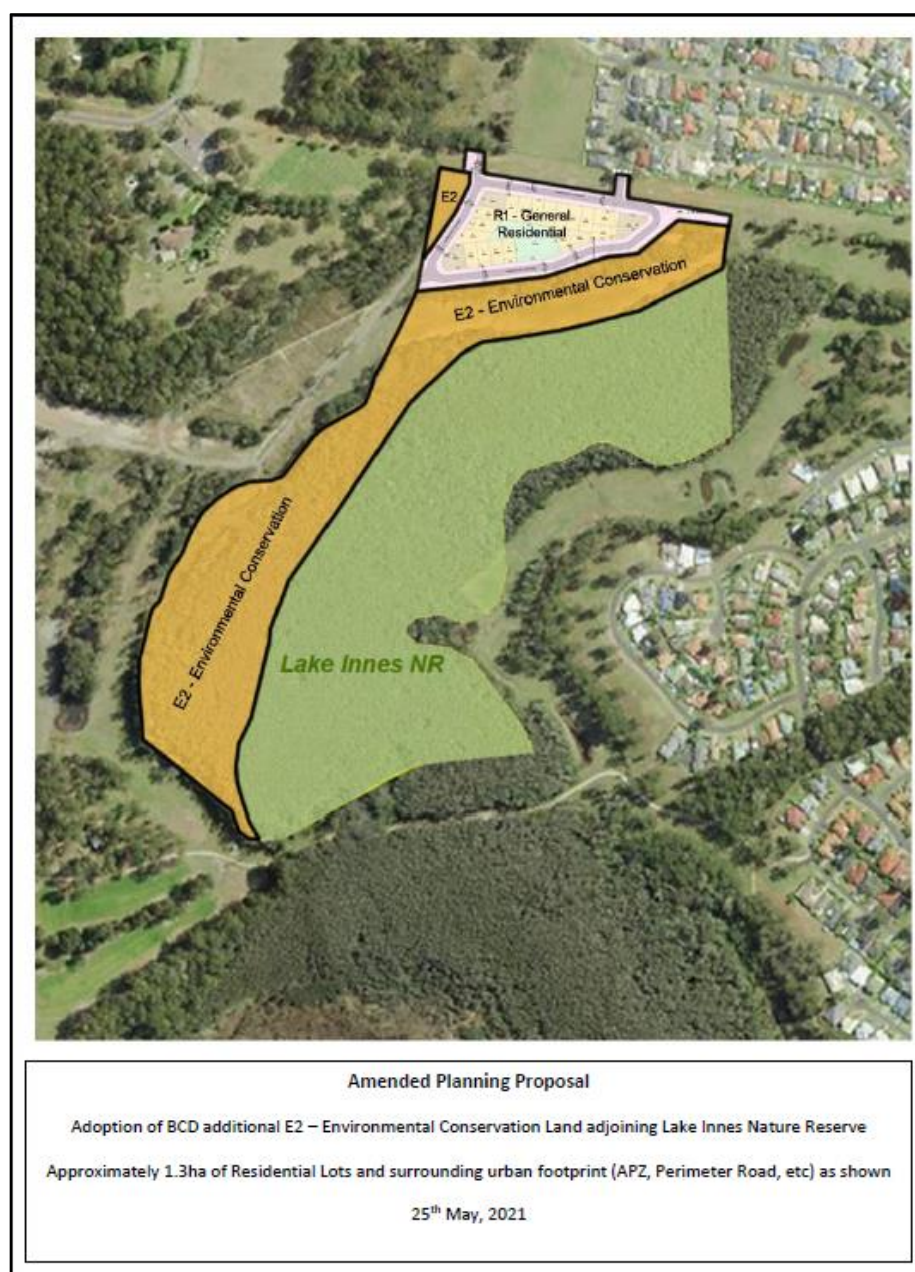


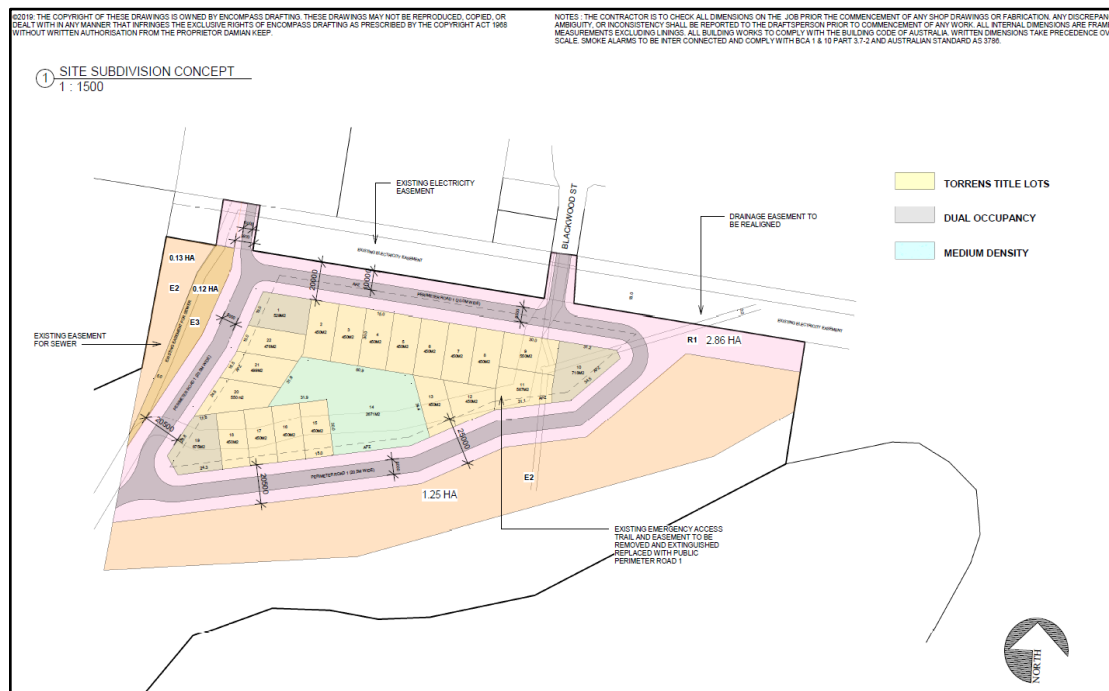
Figure 4: Proponent's revised zoning concept (May 2021)

The following table provides a comparison between the current planning controls applying to the site, controls proposed in the Proponent's previous application (March 2021) and the current development concept (May 2021):

Subject Site Area (only)	Existing	Previous Planning Proposal (March 2021)	Current zoning concept (May 2021)
Land Zoning (LZN)	RU1 Primary Production	Part R1 General Residential, Part E2 Environmental Conservation, and Part E3	Part R1 General Residential and Part E2 Environmental Conservation

Subject Site Area (only)	Existing	Previous Planning Proposal (March 2021)	Current zoning concept (May 2021)
		Environmental Management	
Minimum Lot Size (LSZ)	40 hectares	450m ²	Not specified
Maximum Height of building (HOB)	NA	8.5m	Not specified
Floor Space Ratio (FSR)	NA	1:1	Not specified
Koala Habitat Map	Yes, all of site (clause 7.5)	Retained habitat and environmental areas.	Not specified

A copy of the indicative concept provided in the previous Planning Proposal (March 2021 - **Attachment 1**) is shown in **Figure 5**. Note that consideration of subdivision design merit would occur at DA stage, should the planning proposal proceed to that point.



The Proponent submitted the following information studies in relation to the revised Planning Proposal considered by Council in March 2021 (**Attachment 1**).

- January 2021 - Supporting Studies

The submission included the following information and documents:

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

Late documents included:

- Phase 1 Environmental Site Contamination Assessment.

Omitted documents include:

- Political Disclosure

The following is a summary of the supporting studies.

January 2021	Comments
Planning Proposal Amendment Report (2021)	The report outlines the nature of the proposal, the changes to planning controls sought, and concludes that the site is suitable for future housing and subdivision based on
Aboriginal Heritage Report (2018)	The report, prepared by Birpai Local Aboriginal Land Council in 2018, and in response to a request for Charlie Bros Pty Ltd, details the results of a site survey in March 2018. The report concludes that the proposed development is not considered to impact upon or have any significance for the local Aboriginal community and

January 2021	Comments
	their cultural heritage. In addition, no site recording is considered necessary based on no material traces, evidence or expressed knowledge of Aboriginal land use on the site.
Bushfire Hazard Assessment (2021)	<p>The report considers the NSW government requirements for Planning Proposals on bushfire prone land. A Strategic Bushfire Study is required and included. The study is premised on the assumption that future land uses will not contain 'Special Fire Protection Purposes'. Council will need to consult with the NSW Rural Fire Service in relation to the proposal as amended and must demonstrate that the objectives for draft LEPS are adequately addressed:</p> <ul style="list-style-type: none"> - to protect life, property and the environment from bushfire, by discouraging the establishment of incompatible land use in bushfire prone areas, and - to encourage sound management of bushfire prone areas.
Proponent Response to BCD (2021)	The response provides a short summary response to the BCD written advice to the Proponent in September 2020, which details their concerns and outlining requirements for progressing a Planning Proposal for a small area off Blackwood Street.
Koala Plan of Management (KPOM) (2021)	<p>The KPOM states that it has been prepared under the <i>Koala Habitat Protection State Environmental Planning Policy (SEPP) 2020</i> to accompany a planning proposal to rezone approximately 2.86ha of land in the northern corner of Lot 499 DP1258597 off Blackwood Street. The study is limited to 'the study area/site' which is described as the site, and the adjacent land within 100m.</p> <p>The study identifies 16 Koala Food Trees plus 4 young saplings for removal. Proposed mitigation measures including habitat retention and protection (limited to study area); specific DCP planning provisions (study area only) to ensure 10/50 clearing</p>

January 2021	Comments
	under the NSW Rural Fires Act will not encroach into areas of retained vegetation; and offset planting as supplementary planting in retained vegetation strips.
Preliminary Biodiversity Assessment Report (BDAR) (2021)	<p>The BDAR identifies:</p> <ul style="list-style-type: none"> • High Environmental Value (HEV) elements within the 'study area' including Core Koala habitat, Native Guava and Scrub Turpentine on and adjacent to 'the site'; • Potential Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast vegetation; • Serious and Irreversible Impact Species (SAIL) - Swift Parrot, Native Guava and Scrub Turpentine - within the 'Study area'; • Core Koala Habitat; • 16 Koala Food Trees, and 4 Saplings to be removed within the proposed R1 General Residential zone; • Impact/s on Koala requiring offset/s;
Phase 1 Site contamination Assessment	The report concludes that the site is likely to be suitable for rezoning as Residential land, and specifies requirements for any exported fill material in Section 6.1.
25 May 2021	
Proponent Response to BCD Recommendations (February 2021)	The response provides a summary to the BCD written advice to Council, which details their concerns and outlines requirements for progressing a Planning Proposal for a small area off Blackwood Street of around 1.5 - 2 hectares. This response includes an amended zoning concept.

ASSESSMENT OF THE PLANNING PROPOSAL

Summary

The following assessment of the Planning Proposal application has been updated to include the amended zoning concept provided on 25 May 2021 and also references the revised PP considered by Council in March 2021.

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

Part 1 Objectives and Intended Outcomes

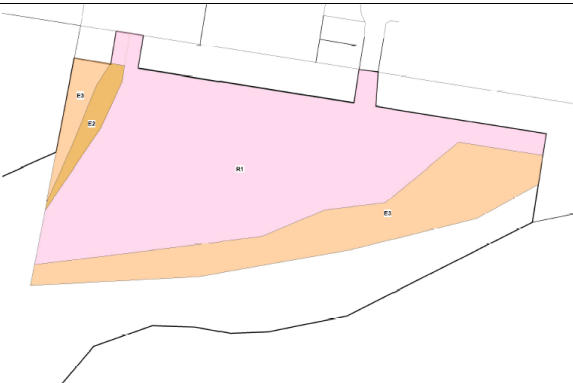



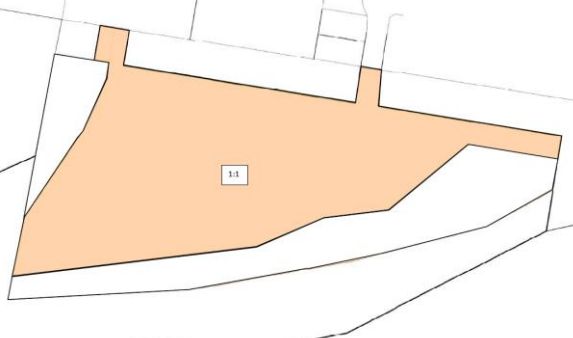
Part 2 Explanation of the Proposed Provisions


Part 3 Justification

- The need for the planning proposal
 - Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*
 - Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*
- Relationship to Strategic Planning Framework (Assessment Criteria)
 - Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*
 - Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?*
 - Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?*
 - Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*
- Environmental, social and economic considerations
 - Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*
 - Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*
 - Q9. Has the planning proposal adequately addressed any social and economic effects?*
- Commonwealth and State interests
 - Q10. Is there adequate public infrastructure for the planning proposal?*
 - Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

Part 1 Objectives and Intended Outcomes

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

Map Change	Revised Planning Proposal (March 2021)	Amended Zoning Concept 25 May 2021
Amendment to the Land Zone Map		
Amendment to Minimum Lot Size Map		Not provided. Recommend: 450m2
Amendment to Height of Building Map		Not provided. Recommend: 8.5m
Amendment to Floor Space Ratio Map		Not provided. Recommend: 0.65:1

Map Change	Revised Planning Proposal (March 2021)	Amended Zoning Concept 25 May 2021
Amendment to Koala Habitat Map		<p>Not provided.</p> <p>Recommend: That the existing Koala Habitat Map be retained over Lot 499 to ensure consideration at the time of future DAs of all relevant KPOMs.</p>

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

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

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

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

1. It is agreed that the provision of additional housing in this location will make a positive contribution towards housing opportunities for a growing population,
2. It is agreed that the proposal would provide some partial protection for a small component of land surrounding the proposed residential footprint. However, it continues to discount elements of BCD and Council advice provided to the Proponent from September 2020 onwards that retaining a rural zoning over remaining habitat within the larger rural zoned and un-subdivided residue on Lot 499 is not supportable due to the High Environmental Value of the vegetation and importantly that protection and retention of these areas were the basis for past subdivision approvals for the land.
3. The environmental constraints of the land have not been adequately resolved at this point in time. The following concerns are raised with the current proposal:

- The proposal focuses on a small site area of 4.36 hectares, without addressing the broader context, and environmental value of a much larger rural residue of around 30 hectares as consistently advised by Council and BCD from 2019 onwards.
- BCD advice for compensatory protection of important environmental values located within the balance of the rural residue is not addressed.
- The potential impact of the proposal on *Coastal Wetlands* and *Proximity Area* to *Coastal Wetlands* under *SEPP Coastal Management 2018* needs to be supported with appropriate environmentally zoned buffers.
- The proposal does not adequately address *serious and Irreversible Impact Species (SAIS)* under the *Biodiversity Conservation Act*, including Native Guava (*Rhodomyrtus psidioides*), and Scrub Turpentine (*Rhodamnia rubescens*), and Biconvex Paperbark (*Melaleuca biconvexa*) which is listed as *Vulnerable* under the *BC Act* and *EPBC Act*.
- The proposal appears to abandon approved golf course fairways and habit linkages under DA1988/248.
- The proposal appears to discount endorsed commitments for habitat retention under koala plans of management and vegetation management plans for east - west, and north-south koala and fauna movement/s under DA2005/547.
- The proposal does not adequately consider or address potential amendments to existing and approved koala plans of management affecting this location.

Part 3 Justification

A. The Need for the Planning Proposal

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

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

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

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

B. Relationship to the Strategic Planning Framework

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

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

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

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

Comment:

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

Principle 2: Manage the Sensitive Coastal Strip.

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

Comment:

Lot 499 is located within the Coastal Strip as defined in the Regional Plan. Lot 499 is known to contain areas of High Environmental Value (HEV), core koala habitat, legislated coastal wetlands, and is exposed to natural hazards, including bushfire and flooding. Only a small and clearly defined area of around 2 hectares within the UGA is considered suitable for future urban release.

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

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

Comment:

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

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

Towards 2030 Community Strategic Plan

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

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

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

Shaping our Future 2040

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

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

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

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

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

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

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

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

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

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

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

SEPP No. 36 Manufactured Housing Estate

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

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

However, MHE development is likely unachievable on the site based on designated 'Special purpose development' requirements under NSW Rural Fire Service Guidelines. The designation imposes additional APZ and mitigation requirements for vulnerable forms of development, which cannot be achieved on the site without impacting on important environmental features.

SEPP (Coastal Management) 2018.

The aim of this Policy is to manage development in the coastal zone and protect the environmental assets of the coast. The subject land is identified as being located within the 'Coastal Zone'.

Lot 499 is affected by identified 'Coastal Wetlands' and 'Proximity Area for Coastal Wetlands'. The following controls, are relevant:

Division 1 – Coastal wetlands and littoral rainforests area

Clause 10 – Development on certain land within coastal wetlands and littoral rainforests area. The proposed development footprint is not within a mapped coastal wetland area.

Clause 11 – Development on land in proximity to coastal wetlands or littoral rainforest. The site area is located within the mapped proximity area to mapped 'Coastal Wetlands'. An assessment of the impact in regard to the provisions of this policy will apply at the time of future development applications for the land.

Future development must avoid impacts on the biophysical, hydrological or ecological integrity of the adjacent wetland, and ensure quantity and quality of surface and ground water flows to and from the adjacent coastal wetland is acceptable. It is considered that any planning proposal should provide adequate buffers to sensitive coastal wetlands. This still requires resolution.

SEPP Koala Habitat Protection 2020

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline—

- a. by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- b. by encouraging the identification of areas of core koala habitat, and*
- c. by encouraging the inclusion of areas of core koala habitat in environment protection zones.*

The planning proposal application is supported by a draft Koala Plan of Management. The Plan is dated January 2021 and does not reflect the Proponent's revised layouts submitted 25 January and May 2021 as discussed in the report. If progressed, the plan will need to be updated.

While the BCD has not undertaken a thorough review of the plan, Council's Natural Resources Team have reviewed the draft document and note that an approved

KPOM under DA 2005/547 applies to Lot 499. Also noted are multiple modifications to DA2005/547 and numerous instances of noncompliance with the approved KPOM.

Under the approved KPOM, the Proponents planning area is identified, mapped and described as containing *core koala habitat* under the SEPP with direct connectivity to Lake Innes Nature Reserve. The plan suggests a resident population of up to 20 koalas.

It is the view of Council's Natural Resources staff that the entirety of retained vegetation within and adjacent the Proponent's planning area, and in fact all vegetation across Lot 499 DP1258597 is of High Environmental Value.

Based on this assessment, Natural Resources staff do not support a partial rezoning of Lot 499 and will only support a rezoning based on conservation of all existing habitat corridors. The Proponent's revised zoning concept (May 2021) has extended the proposed E2 Environment Conservation zone to the south to take in the coastal wetland up to the Lake Innes Nature Reserve boundary and the privately owned mapped coastal wetland in accordance with the BCD's advice.

1. The urban investigation area of Lot 499 DP 1258597 is supported for rezoning as R1 under the following conditions;
 - a. All the Coastal SEPP wetland area must include an appropriate ecological buffer from the proposed development area.
 - b. All Native Guava is to be identified across the entire Lot and a 30m ecological buffer applied to the proposed development area with Environmental Conservation zoning across the ecological buffer to be managed as above.
 - c. The remainder of the Lot currently zoned RU1 of 499 DP 1258597 is to be zoned as Environmental Conservation under the Port Macquarie-Hastings LEP 2011 and managed accordingly.

SEPP 55 Remediation of Land

This policy specifies that the consent authority must not consent to the carrying out of any development unless it has considered whether the land on which the development is proposed is contaminated and/or is required to be remediated for its intended use. The site is not mapped as being subject to potential contamination from past land uses.

A Preliminary Phase 1 Geotechnical and Contamination Assessment undertaken on behalf of the developer concludes that the site is likely to be suitable for rezoning as Residential land. Should contamination be discovered during future subdivision works, the type of contamination is likely to be of a sort /type that will be able to be remediated on site or taken away for appropriate disposal.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

There are some minor inconsistencies, which require the agreement of an authorised officer of the Department of Planning, Industry and Environment prior to completing a planning proposal for the land in question. The minor inconsistencies with the Local Planning Directions issued under section 9.1 of the EP&A Act are as follows:

2.6 Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. Council has obtained a Preliminary Site Contamination Assessment indicating that the site area in question is suitable for all permitted purposes if rezoned.

4.4 Planning for Bushfire Protection

The objective of this direction are:

- a. to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- b. to encourage sound management of bush fire prone areas.

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. As referenced in the report, the site is designated bushfire prone land and bushfire prone land 'buffer'. There are three technical inconsistencies with the requirements of this Direction, relating to subclauses (4) to (6) of the Direction:

Subclause (4) requires consultation with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to undertaking community consultation. Preliminary consultation with the NSW RFS has occurred. However, no formal response has been received by Council at the time of writing of the report. Further consultation with the RFS will occur if any Gateway Determination for a Planning Proposal in relation to the site is granted by DPIE.

Subclause (5) requires that the Planning Proposal introduce controls that avoid planning inappropriate developments in hazardous areas. The subject proposal relies on the current controls and assessment process, and technically is inconsistent by not introducing further controls.

Depending on the interpretation of subclause (6), it is required that the planning proposal contain development application details. If this is the case, then this is a further inconsistency.

5.10 Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. A Planning Proposal must be consistent with a regional plan.

In this case, proceeding with a Planning Proposal for a small defined area could achieve consistency with the intent of the regional plan, its vision, goals and directions, or actions.

C. Environmental, Social and Economic Considerations


Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

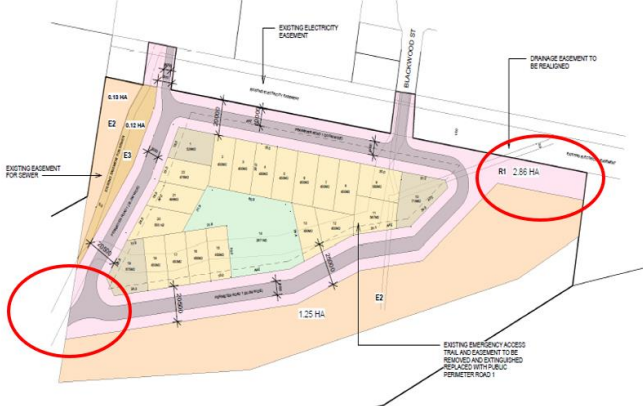
Biodiversity Conservation Act 2016

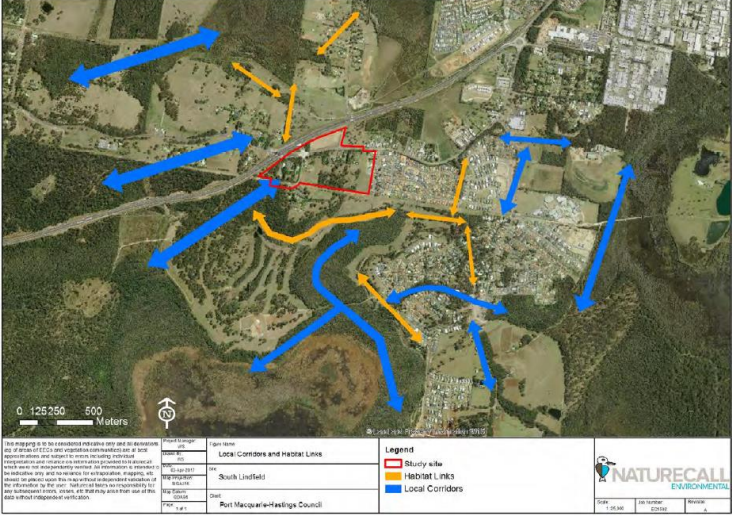
The *Biodiversity Conservation Act 2016* applies and is relevant to this proposal and any future development applications resulting from a rezoning of the subject land. As part of the Act, lands are identified on a values map and threshold tool. This tool provides information that triggers the Biodiversity Offsets Scheme threshold and more relevant in this context it exemplifies areas of high biodiversity significance.


a. Revised Planning Proposal - March 2021

The Proponent received detailed requirements from the Biodiversity Conservation Division (BCD) of DPIE for progressing a supportable planning proposal for the planning area off Blackwood Street in September 2020. The matters raised by BCD have not been satisfactorily addressed by the Proponent. The BCD conclude that there is a limited scope for residential development in the Proponent's planning area as described in earlier sections of the report, and as confirmed to the Proponent in their 25 September 2020 letter to Love Project Management. It is the view of the BCD that there are significant environmental issues that require careful management to avoid and minimize impacts on biodiversity values. The issues are detailed in the following Table:

Issue	BCD comment
Extent of Urban Investigation Area	<p>The amended planning proposal application applies to a study area of 4.36 ha. It proposes to rezone approximately 2.86 ha of land to R1 General Residential, 1.38 ha to E2 Environmental Conservation and 0.12 ha to E3 Environmental Management under the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 and to amend the minimum lot size map to 450 m² for the R1 zoning. Most of the land identified in the planning area is mapped as <i>Investigation Area – Urban Land</i> in the North Coast Regional Plan 2036, as shown in Figure 1 below.</p>  <p>Figure 1. Mapped Investigation Area – Urban Land in the North Coast Regional Plan 2036</p> <p>BCD support the planning area being expanded to include the land to the south of the mapped urban land investigation area. However, the Division does not support land that was not mapped for urban investigation land being rezoned to R1 without adequate justification.</p>
Proposed subdivision	The proposed subdivision layout provided with the planning proposal shows a road network extending toward the east, as shown in Figure 2 below.

Issue	BCD comment
<p>n and road network</p>	 <p>Figure 2 Proposed subdivision layout showing road network to the east and southwest (circled in red).</p> <p>BCD do not consider these roads should be enabled as a result of the planning proposal as there is no broader strategic plan for adjoining residential development, and as we have previously commented there are significant environmental constraints in the adjoining lands that should preclude further residential development.</p> <p>The proposed layout also indicates that a more substantial road network to the west is proposed. There is currently only an access track in this location. The planning proposal report indicates that there is a requirement for emergency bushfire access for Ascot Park to the west.</p> <p>BCD would not support a rezoning that enabled any further extension of residential development in the southern Charley Brothers/Vilro land, as no further areas have been identified as urban growth areas, and there has been no strategic plan to support this.</p> <p>Also, as discussed below this could sever a north-south habitat link.</p>
<p>Primary koala habitat</p>	<p>The planning proposal identifies vegetation within the area to be zoned R1 as primary koala habitat. Residential development in this area will directly impact on koalas through the loss of such habitat and will likely introduce threats to koalas including dogs and vehicular traffic; possibly making them more stressed and susceptible to disease such as chlamydia.</p> <p>BCD have not reviewed the draft Koala Plan of Management (KPoM) in detail as this would be required at a future development application stage and is not required as part of a planning proposal.</p> <p>BCD note that the KPoM discusses the importance of habitat linkages and provides a map that shows the extent of koala habitat areas that were burnt in the catastrophic 2019/2020 fires. The only map to describe koala habitat linkages is a regional corridors map prepared in 2002 by Scotts.</p> <p>BCD recommend the KPOM be updated to include a map that describes the local linkages that are described in the KPOM text, if rezoned.</p>
<p>Local habitat linkages</p>	<p>A previous draft KPOM (May 2017) identified an east-west habitat link south of the planning area, as shown in Figure 3 below.</p>

Issue	BCD comment
	 <p>Figure 3. Earlier draft KPOM by Naturecall dated May 2017 with habitat links and corridor mapping</p> <p>As the planning proposal report states, the vegetation retained on the western side creates a habitat linkage to the retained habitat area location on the adjoining northern residential area recently approved by the Port Macquarie Hastings Council. The planning proposal report states that no road will bisect habitat. However, a constructed road network to Ascot Park south of the planning area would bisect this habitat linkage.</p> <p>The BCD has long maintained the importance of a north south corridor linkage along the western boundary of the Vilro land. BCD letter dated 21 September 2016 discussed the status of the cemetery land and the recommendation for a configuration that included a habitat link for native wildlife. This would connect habitat from the Lake Innes Nature Reserve to koala habitat in the north, such as within the E2 land in South Lindfield that will become a council reserve. Such linkages are not only important in enabling koalas to access feed trees but also to allow for fauna movements if for example there are bushfires.</p> <p>BCD note the recent sale of the cemetery land and this will become a private crematorium. There is no certainty for how native vegetation will be managed in the future in this adjoining land. A viable north south linkage is needed and should not be bisected by a fully formed road.</p>
Threatened species and BDAR requirements	<p>BCD previously recommended (September 2020) targeted surveys be undertaken on land that has not been identified as High Environmental Value (HEV) land for other reasons, but that could provide habitat for species-credit species such as <i>Petaurus norfolcensis</i> (squirrel glider) and <i>Litoria aurea</i> (green and golden bell frog). We also recommended a further and systematic targeted threatened plant survey for native guava (<i>Rhodomyrtus psioides</i>).</p> <p>The BDAR outlines the fauna and flora surveys and these appear to have been done in accordance with the Biodiversity Assessment Method (BAM) and relevant survey guidelines. However, we have not reviewed the BDAR in detail and note that we could provide such advice at development assessment stage if requested.</p> <p>BCD note the surveys for the squirrel glider involved the use of five cameras over four weeks, with a total effort of 140 trap nights, but it is not clear if there was regular spraying of the tree trunks and fresh baits provided which are</p>

Issue	BCD comment
	<p>needed to attract the animals and would demonstrate sufficient survey effort rather than the recommended Elliot traps. While we accept that the surveys that have been undertaken are adequate to determine the likely presence of HEV in the planning area, the BDAR should be updated at the development application stage to clarify how the surveys for squirrel glider were undertaken.</p> <p>Figure 15 in the BDAR maps a koala habitat polygon. The BCD has been advised that a BAM Koala Survey guide is being prepared. It is expected this will be available soon, and, if so, it should be referenced in the BDAR. Until this time, the BCD advises that connectivity between PCTs with confirmed koala presence must be considered in the overall extent of the species polygon, with justification for decisions provided in the BDAR. The koala species polygon in the BDAR should be updated at the development application stage.</p> <p>BCD do not consider the BDAR assessment of Serious and Irreversible Impacts (SAILs) provides sufficient advice for the decision maker in accordance with Section 9.1 and 9.1.2 of the BAM 2020, particularly actions and measures taken to avoid indirect impacts on the species at risk of an SAIL. The SAIL assessment in the BDAR should be updated at the development application stage.</p>
Extending E2 zonings	<p>BCD support the proposed rezoning of land to E2 in the southern and western parts of the planning area. However, both areas are narrow and have a large perimeter to surface area ratio with greater threat exposure and which could become isolated.</p> <p>As stated previously, the BCD's preference would be that all land currently zoned RU1 Primary Production across the broader area is assessed to identify and confirm HEV land. Such areas would then be zoned E2, given RU1 is no longer an appropriate zone in this location. While we accept that this is not occurring for this planning proposal, the E2 zone area proposed in the south should be extended to the coastal wetland / Lake Innes Nature Reserve (LINR) boundary as shown in Figure 4 below.</p>  <p>Figure 4. Approximate boundary for land that should be rezoned to E2 (outlined in yellow) which includes both the Coastal Management SEPP</p>

Issue	BCD comment
	<p>coastal wetland (blue polygon) and a cleared area to the Lake Innes NR that is within the wetland proximity area (blue hatched area).</p> <p>Although this area is currently slashed it could be rehabilitated to form a vegetation buffer to the wetland and LINR and would be a suitable area to establish the koala feed trees that are proposed to offset the loss of primary koala habitat.</p> <p>Studies have shown that koalas need to vary their habitat and feeding requirements seasonally (Ellis et al 1995). The future development to be enabled by the planning proposal would effectively reduce the diversity of koala habitat (and concomitantly feed trees) available in the area, by reducing the available Wet Sclerophyll Forests (Grassy Sub-formation) leaving predominantly Coastal Swamp Forest. While individual Tallowwood, Forest Red Gum and Swamp Mahogany primary koala feed trees, together with other secondary feed trees, are present in the Coastal Swamp Forest community, habitat diversity and availability of koala browse trees across a broader area will be reduced by this future development.</p> <p>Furthermore, the future development to be enabled by the planning proposal is likely to remove areas of koala habitat situated in areas outside drainage lines, leaving only lower lying areas. Cold air drainage is a significant issue for koalas, particularly in winter when energy requirements are higher (see Ellis et al 1995) and indeed, was used as a predictor in the NSW Government Koala Habitat Suitability Model.</p> <p>Hence, maintaining and promoting habitat in areas outside low-lying Coastal Wetlands is an important element of protecting the variety of koala habitat present. Replanting the proposed E2 buffer with a variety of koala feed tree species would therefore assist with ensuring diversity of koala habitat for seasonal habitat partitioning.</p> <p>The Department has produced koala habitat revegetation guidelines available at https://www.environment.nsw.gov.au/research-and-publications/publications-search/koala-habitat-revegetation-guidelines. These provide evidence-based recommendations including tree planting (8-10 metres apart) and optimal sizes and locations for koala feed tree planting. Any revegetation to create koala habitat should reference these guidelines and other supporting information on the local government resources for koala conservation on the Department's website.</p> <p>This planning proposal offers an opportunity to appropriately zone the coastal wetland as it has high environmental conservation values, is mapped as coastal wetland in the Coastal Management SEPP, adjoins the LINR and is not appropriate to remain as RU1 zoned land. The planning area should be expanded to include the privately owned coastal wetland south of the existing planning area so that this is also zoned E2 (see Figure 3 above).</p> <p>The area proposed to be zoned E3 in the western part of the planning area would be better zoned E2 to better protect habitat including for the critically endangered native guava. This is however a matter for the council given there is an existing sewer easement located in this area that we understand may need to be maintained from time to time.</p> <p>The relocation of the existing electricity easement and location of any stormwater management infrastructure associated with the residential development should not be located within the land to be zoned E2.</p>

Issue	BCD comment
Threatened ecological communities	<p>The consultant has concluded in the BDAR that no threatened ecological communities (TECs) occur in the study area as the areas do not meet the geomorphological criteria and the soil profile tests have demonstrated no evidence of sorting or layering associated with alluvial processes. The consultant supports his position by drawing on a review of papers by Preston and Adam (2004a, 2004b) and states this is the current accepted and adopted industry and current NSW government approach, and the approach followed by the NSW Land and Environment Court.</p> <p>There are however more recent guidelines dated 2018 prepared by the NSW Threatened Species Scientific Committee (TSSC) to assist interpretation of the concepts and terms in the listing criteria given in the Biodiversity Conservation (BC) Regulation 2017, which discuss the current format of the NSW Threatened Species Scientific Determinations. The guidelines are available at https://www.environment.nsw.gov.au/resources/threatenedspecies/1AGuidelines20180302.pdf.</p> <p>These guidelines state that the NSW TSSC “has developed a format for listing of threatened ecological communities that contains the following elements:</p> <p><i>Parts 1 & 2: Section 1.6 of the Act defines an ecological community as “an assemblage of species occupying a particular area”. These features of an ecological community are described in Parts 1 and 2 of this Determination, respectively.</i></p> <p><i>Part 3: Part 3 of the Determination describes the eligibility for listing of the ecological community in Schedule 2 of the Act according to criteria as prescribed by the Biodiversity Conservation Regulation 2017.</i></p> <p><i>Part 4: Part 4 of the Determination provides additional information <u>intended to aid recognition of this community in the field. Rather than being diagnostic, information in Part 4 is a guide to assist recognition and given natural variability, along with disturbance history, the ecological community may sometimes occur outside the typical range of variation in the features described in Part 4</u>”. (added underlining)</i></p> <p>As the TSSC has expressed a clear intention to revise the coastal floodplain threatened ecological community (TEC) determinations to accord with the new format, the BCD continues to advise that all coastal floodplain vegetation (including regenerating areas) within the study area should be considered as a TEC despite any underlying geology.</p> <p>The definition of an ecological community is discussed under 4.1 of the guidelines, which state that.</p> <p><i>“The BC Act (section 1.6) defines an ecological community as ‘an assemblage of species occupying a particular area’. This definition closely follows modern scientific texts (e.g. Begon et al. 2006) and embodies three requirements (Preston & Adam 2004a):</i></p> <ul style="list-style-type: none"> <i>i) the constituents of a community must be species;</i> <i>ii) the species need to be brought together into an assemblage; and</i> <i>iii) the assemblage of species must occupy a particular area.”</i> <p>The consultant has also advised that:</p>

Issue	BCD comment
	<p><i>"It is these fundamental ecological attributes and their interaction (eg. Abiotic and biotic interactions) which define the overwhelming majority of EECs via their particular area e.g. the edaphic situation where it has evolved, and hence developed to match the defining assemblage... The bioregion is not such a critical influence, as demonstrated by EECs which stretch over more than one bioregion. It is a high level location descriptor (i.e. the range of the EEC), with subsequent criteria provided to refine the definition of the 'particular area' that causes the 'assemblage of species' (e.g. LGA, elevations, landforms, and soil landscapes) to separate EECs from non-EECs e.g. Coastal sandplain swamp forest from alluvial floodplain swamp forest. This is fundamental ecology."</i></p> <p>Under Section 4.2.2, the guidelines discuss the 'particular area' and state that:</p> <p><i>"In NSW, the Land and Environment Court and the Court of Appeal have held that it is sufficient to specify the bioregions in which a community occurs and the local government areas in which it has been recorded (Preston & Adam 2004a). Consequently, for most ecological communities listed in NSW, the 'particular area' is defined by one or more bioregions"</i></p> <p>The guidelines also state:</p> <p><i>"The question of whether supplementary descriptors can be determinative regarding the occurrence of a listed community at a given location has been controversial. Some environmental consultants have argued that a listed community cannot be present at a site if the features of the site do not match the supplementary descriptors in the Final Determination, irrespective of whether the assemblage of species and particular area match those described in the Final Determination (e.g. NSWLEC 1022).</i></p> <p><u><i>This determinative interpretation is rarely consistent with the NSW TSSC's intent in providing information about supplementary descriptors to assist identification of a community. Courts have generally taken a broad (non-determinative) interpretation of supplementary descriptors (e.g. NSWLEC 2971 - VAW Kurri Kurri vs Scientific Committee 2003, NSWLEC 7703). Preston & Adam (2004b) stress that supplementary descriptors... "cannot be used as a substitute for a description of the assemblage of species and the particular area in which the community is located. Rather they should be seen as a valuable adjunct." This reasoning stems from the statutory definition of an ecological community. Nonetheless determinative interpretations of supplementary descriptors continue to be presented (e.g. NSWLEC 1022), and it is important that wording of Determinations gives guidance as to whether a broad interpretation is intended."</i></u> (added underlining)</p> <p>Accordingly, the consultant's argument that the bioregion is not a critical influence in determining the criteria for a TEC, cannot be accepted nor can the definitions that the consultant has used to describe the particular area (e.g. edaphic criteria, LGA, elevations, landforms, and soil landscapes). As discussed above, these supplementary descriptors are important additional information but are not key to defining an ecological community according to the definition in the BC Act.</p>

Issue	BCD comment
Impacts on the adjoining Lake Innes Nature Reserve	<p>The planning proposal does not consider the Department's <i>Guidelines for development adjoining land managed by the Office of Environment and Heritage</i> as previously recommended. If the planning proposal proceeds and is placed on public exhibition, we will seek the advice of the NSW National Parks and Wildlife Service (NPWS) about the potential impacts arising from the proposed rezoning to provide a consolidated response.</p> <p>The guidelines (see https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Development-guidelines/guidelines-for-developments-adjoining-land-managed-by-OEH-130122.pdf) cover issues such as stormwater runoff, wastewater, management implications relating to pests, weeds and edge effects, fire and the location of asset protection zones, boundary encroachments and access through NPWS estate lands, visual, odour, noise, vibration, air quality and amenity impacts, threats to ecological connectivity and groundwater dependent ecosystems and cultural heritage.</p> <p>While the guidelines are for considering impacts at the development assessment stage, a planning proposal should consider how the rezoning to enable a residential subdivision could negatively impact on the LINR and how these impacts could be minimised and mitigated at the planning proposal stage. For example, issues such access into the LINR and stormwater management should be considered.</p>
Planning Agreement	<p>The planning proposal report refers to a Vegetation Management Plan (VMP) that will guide the management of the reserves including that no public access (e.g. footpath or road) will pass through them.</p> <p>The planning proposal should be supported by a planning agreement between the council and the landholder that commits the landholder to protecting and managing the E2 zoned land through the preparation and implementation of a VMP. This should include a sub-plan containing specific measures for the protection and management for threatened entities such as the native guava, including consideration of whether the area should be fenced to restrict access from the reserve areas into the residential area to reduce injury and mortality risks for koalas.</p>

b. Amended zone layout - May 2021

On 25 May 2021, the Proponent provided a written response to the BCD letter of 24 February 2021 (**refer Attachment 2**). The response noted that BCD provided comment and recommendations in relation to the Planning Proposal request and possible future development applications. However, the submitted response references only those recommendations considered applicable to the request to rezone Lot 499. The details of the Proponent's response are provided below together with staff comment.

BCD recommendations for the Planning Proposal	Proponent Response 25 May 2021	Planning Comment
a. <i>The R1 General Residential zone should only be applied to suitable land within the planning area mapped for urban investigation.</i>	Agreed. The BCD correspondence provided the below image referenced as being from the North Coast Regional Plan 2036. It is noted that the plan included in the BCD	The Council position aligns with BCD. A limited urban footprint wholly within the mapped Urban Growth Area (UGA) under the Regional is supported.

BCD recommendations for the Planning Proposal	Proponent Response 25 May 2021	Planning Comment
	<p>correspondence shows a shaded area of 4.2ha (excluding the neighbouring property to the north which has already been rezoned). The amended Planning Proposal identifies an area of 1.3ha for residential lots, and a total urban footprint of 2.86ha. The urban footprint includes perimeter roads and Asset Protection Zones. Therefore, the amended Planning Proposal has identified a smaller area of land for urban development than was identified in the North Coast Regional Plan 2036.</p> <ul style="list-style-type: none"> The subject land has been investigated by two different ecologists who both reported that the proposed urban footprint was suitable land for that purpose. The amended Planning Proposal identifies some 8ha of land to be zoned E2 – Environmental Conservation. This 8ha of land will not be impacted by any urban footprint, meaning the land will be managed for conservation purposes only, and the E2 land does not include any asset protection zones, perimeter roads, etc. Thus, the land to be managed and protected for environmental conservation purposes far exceeds the urban footprint. Therefore, it is considered that the Planning Proposal is consistent with the North Coast Regional Plan 2036. The amended Planning Proposal will, in fact, provide for a higher level of environmental protection and management than was ever envisaged in the North Coast Regional Plan 2036. 	<p>The site is constrained by Koala habitat and Serious and Irreversible Impact Species (native guava, scrub turpentine and swift parrot). Council considers that adequate buffering of identified plant species is essential to their longer term viability and survival. Council does not support an urban zone, road or other infrastructure hard up against identified species, even if protected within an environmental zone. Minimum buffers are considered part of a SIIS impact area.</p> <p>Additionally, the Proponent has not demonstrated any evidence based justification for a variation to the UGA and none is supported by Council based on the significant environmental sensitivity of the site, including the presence of critically endangered native guava and scrub turpentine.</p> <p>Noted also is that supporting ecology reports do not adequately address Serious and Irreversible Impact Species (SIIS), by relying on protection of native guava and scrub turpentine only within environmental zones. Adequate buffering of a minimum of 30m, and preferably 50m, is fundamental to supporting a zone layout through the PP process. The difference between Council supported layout for between 1.3ha and 2ha relates to whether or not a 30m or 50m buffer is applied to Serious and Irreversible Impact Species.</p>
b. <i>The area to be zoned E3 should instead be zoned E2 given it is</i>	Agreed. The E3 zone was only proposed to apply to the land which contains	Council supports merging of the western area into zone E2 Environmental

BCD recommendations for the Planning Proposal	Proponent Response 25 May 2021	Planning Comment
<i>habitat for the critically endangered native guava (Rhodomyrtus psidioides) pending the Council's advice on the maintenance requirements for the sewer easement.</i>	existing Council infrastructure. The E2 – Environmental Conservation zone can be applied to this area if Council, as the owner and manager of the infrastructure asset, considers the E2 zoning to be appropriate for future management. The Planning Proposal has been amended to identify all of that land as E2 – Environmental Conservation.	Conservation. Council does not intend that the proposed zoning will facilitate future road infrastructure. Only that existing easements and fire trail may continue as existing.
c. <i>The E2 zone should be extended along the length of the western side of the planning area to provide a secure and viable north-south corridor linkage.</i>	Noted. The Planning Proposal has been amended such that the E2 zone will include the Council infrastructure on the western portion of the land (subject to Council). This amendment will result in an E2 zone over the western area of the land. This provides a connection to the known koala habitat located in the adjoining crematorium land (west of the subject land), as well as the koala habitat being protected in the South Lindfield area (north-west of the subject land). It is noted that the south-western corner of the subject land shows a vehicular linkage which forms part of the consent for the residential development of Ascot Park Estate. The vehicular linkage is required as a bushfire escape and access for fire fighting vehicles. Any such emergency access needs to be maintained as a clear vehicular access for the safety of those who may need evacuation as well as the safety and protection of those who are volunteering to fight fires. For this reason, the Planning Proposal cannot zone this land E2 – Environmental	The Council position aligns with the BCD. All remnant vegetation along the entire eastern and south-eastern boundary of Lot 499 should be encompassed within zone E2 Environmental Conservation. In relation to existing easements, zone E2 Environmental Conservation will not erode existing easements. However, Council does support construction of a road in this area.

BCD recommendations for the Planning Proposal	Proponent Response 25 May 2021	Planning Comment
	Conservation, and the Planning Proposal remains consistent with the existing development consent and required access for emergency egress.	
d. <i>The proposed E2 zone area in the south should be extended to the coastal wetland / Lake Innes Nature Reserve (LINR) boundary and be revegetated, including with plantings of koala feed trees, to form a vegetated buffer to the wetland and LINR.</i>	Agreed. Refer to response to (e) below.	Council agrees with the Proponent's offer to extend a conservation zoning to include areas of Coastal Wetland within Lot 499. However, it is noted that the offer is for partial inclusion only, and there will remain other areas of State Wetland which should be included and rezoned from RU1 Primary Production to E2 Environmental Conservation - as encouraged by State agencies.
e. <i>The planning area should be expanded to include the privately owned mapped coastal wetland south of the existing planning area so that this is also zoned E2.</i>	Agreed. Parts (d) and (e) refer to the cleared land south of the proposed residential area which BCD recommends should be revegetated to create koala habitat, and also refers to the coastal wetland vegetation up to the (Lake Innes Nature Reserve) LINR boundary. BCD provided a map of the area they were referring to as shown in the above extract from the BCD correspondence (Figure 4 in the BCD correspondence). The BCD recommended that the area outlined in yellow should be zoned E2 – Environmental Conservation, being the cleared area south of the proposed residential area, as well as the coastal wetland vegetation to the LINR boundary. The Planning Proposal has been amended to include all of the land outlined in yellow by BCD, within an E2 – Environmental Conservation zone, as shown on the amended Planning Proposal map attached to this correspondence.	As per above.

BCD recommendations for the Planning Proposal	Proponent Response 25 May 2021	Planning Comment
<p>f. <i>Suitable land use zones and minimum lot sizes should be applied to minimise and mitigate the impacts on the LINR that could arise from the future residential subdivision of the planning area.</i></p>	<p>Noted. The Planning Proposal has identified a residential zone and lot size consistent with the standards applied to residential areas in Port Macquarie. It is noted that part of the neighbouring land to the north has a height limit of 11.5m and a floor space ratio of 1:1. If BCD were concerned that this would be applied to the subject land, then it should be clarified that such higher density residential development is not proposed for the subject land. This Planning Proposal is for residential development, and does not include any proposal to permit the higher density and heights identified for the northern neighbouring property. It is also noted that the LINR will be approximately 70m from future dwellings. In addition, the perimeter road, stormwater systems and revegetation works, will provide a significant and substantial buffer to the LINR. The property owner is also zoning 8ha of land for Environmental Conservation, and this includes land between the proposed residential lots and the LINR, as well as existing privately owned land further south which borders the LINR. This should clarify the matter for BCD that the Planning Proposal is not to facilitate high density residential developments and that the amended Planning Proposal will zone the land adjoining the LINR, as identified by BCD (outlined in yellow on their plan) to E2 – Environmental Conservation.</p>	<p>Council proposes a height of building limit of 8.5m, and a floor space ratio of 0:65:1 consistent with the low density nature of the surrounding residential areas.</p> <p>A supportable development footprint as proposed by Council provides for protection of existing remnant vegetation, does not rely or support on lots extending into zone E2 Environmental Conservation and is premised on the basis of a perimeter road for fire protection purposes.</p>

BCD recommendations for the Planning Proposal	Proponent Response 25 May 2021	Planning Comment
<p><i>g. A planning agreement should be executed between the council and the landholder that commits the landholder to:</i></p> <p><i>i. protecting and managing the E2 zoned land through the preparation and implementation of a Vegetation Management Plan (VMP).</i></p> <p><i>ii. Preparing and implementing a sub-plan to the VMP containing specific measures for the protection and management for threatened entities such as the native guava, including consideration of whether the area should be fenced to restrict access from the reserve areas into the residential area to reduce injury and mortality risks for koalas.</i></p>	<p>Agreed. The Planning Proposal documentation lodged with Council includes reference to a Vegetation Management Plan (VMP). A VMP will form part of any future development application.</p>	<p>Noted. Council is not supportive of entering into a Planning Agreement (PA) and Vegetation Management Plan (VMP) at the Planning Proposal stage. However, the need for a Vegetation Management Plan to formalise matters relating to preservation and management of vegetation will be considered later as part of a future development application.</p>

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Bushfire and Flooding

A significant bushfire risk exists for the planning area due to its proximity to the Lake Innes Nature Reserve and retained habitat. A Bushfire Hazard Analysis by David Pensini Pty Ltd supports the Proponent's revised application. Due to the long running and revised nature of the application together with the sensitivity of the planning area, Council has sought preliminary feedback from the NSW Rural Fire Service. At the time of writing of the report, a response had not been received. However, all requirements of the RFS, particularly in relation to vegetation removal for asset protection purpose will need to be balanced against environmental values and requirements.

Future subdivision and housing development will be required to comply with the NSW Rural Fire Service Guide for councils, planners, fire authorities and developers

(*Planning for Bushfire Protection 2019*), potentially limiting the extent of achievable development.

Council has discussed the bushfire risk with the Proponent, noting that any form of residential development will need to satisfy the requirements for containment of APZs within the residential footprint. A decision by Council in support of proceeding with a Planning Proposal will require further consultation with the NSW Rural Fire Service, and based on provision of a perimeter road to protect future dwellings, provide for ease of access for emergency services, and adequately conserve and protect significant vegetation.

Flooding up to and including the PMF must be considered when undertaking strategic land use planning for environmental planning instruments and planning proposals.

The adjoining Lake Innes Nature Reserve and 'Proximity Area to Coastal Wetlands (affecting the site) is mapped as *Flood Planning* and *Probable Maximum Flood* land subject to Clause 7.3 and 7.4 of Port Macquarie-Hastings Local Environmental plan 2011.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Staff have noted the developing nature of land to the north and north-west of the planning area and the Proponent's statement that development of the planning area will provide new opportunities for a diversity of housing types. Apart from noting the accessibility of reticulated services, no further discussion in relation to the social and economic impact of the proposal is discussed in the revised application. These considerations should be included in new applications for the land in the future.

Q10. Is there adequate public infrastructure for the planning proposal?

Access to the site is available via Blackwood Street and the existing road network in Annabella Downs.

Council's Infrastructure Section advise that Blackwood Street is able to service only the number of lots shown in the "Subdivision Concept" plan and should not be the first stage of a through road to Ascot Park. The road width (Blackwood Street) is acceptable only for the likely volume of traffic generated by the conceptual layout. It is noted that extension of the road network south and eastward from the conceptual layout is also not supported on environmental grounds as discussed in earlier sections of the report.

Sewerage and Water Supply is available to the site. Registered plans of subdivision relating to Lot 499 DP1258597 show various easements for access and services, fire trail, water and sewer supply, and drainage bisecting the development site. Detailed investigation for infrastructure servicing arrangements has not been made at this stage due to the significant and unresolved environmental issues discussed on the report. An existing transmission line is proposed to be relocated clear of future development lots by the Proponent, and must be clear of future environmental protection zones. Consultation with relevant Authorities on the planning proposal application is required, if progressed.

Extension of, or upgrade to existing services and existing infrastructure to service future development if rezoned, will be at full cost to the developer in addition to applicable monetary contributions, and charges for water and sewer servicing.

Preparation of a Planning Agreements and Vegetation Management Plan if required, will be at full cost to the developer, and include provisions for payment of costs to Council for acquisition and maintenance of assets and services. Ongoing Management fees will also apply.

Asset Protection Zones to protect future development are required to be wholly contained within a residential zone footprint, exclusive of lot boundaries and in accordance with the requirements of the NSW Rural Fire Service.

D. Commonwealth and State Interests

Q11. What are the views of state and Commonwealth public authorities?

At this stage, Council has sought preliminary feedback from the Grafton Office of the Department Planning Industry and Environment (DPIE), the NSW Rural Fire Service, the Biodiversity and Conservation Division (DPIE) in relation to the amended planning proposal application.

The views of the Grafton Office of DPIE and the BCD are discussed in the report.

Conclusion

The staff assessment, and agency advice, is that the proposal cannot be supported in the form submitted in January 2021, or as amended by the Proponent's revised layout submitted 25 May 2021 due to the expected impact on High Environmental Value land.

This assessment considers the Proponent's revisions in May 2021 and provides an evidence base for revising the proposed developable area of approximately 2 hectares area of land for future residential development only.

Based on the long running nature of the current application, the supportable zone concept put forward by Council (**Figure 2**) is considered a workable compromise between the positions of the two parties and in keeping with recommendations of the BCD.

Options

Council's options are:

1. Do nothing. The subject land and adjoining rural residue land would remain zoned rural.
2. Resolve to prepare a Planning Proposal to rezone part Lot 499 DP DP1258597 to R1 General Residential and E2 Environmental Conservation on the basis of the Proponent's amended application of January 2021 and revised concept dated 25 May 2021. There is a risk that any planning proposal submitted on the basis of current information may be refused by the

State Government if planning and environmental issues are not satisfactorily addressed.

3. Resolve to prepare and forward a Planning Proposal based on the concept zone layout shown in **Figure 2** for a Gateway determination, and notify the Proponent.

Option 1 does not provide any scope for development of the land.

Option 2 is not recommended for the reasons outlined in this and previous assessment report to Council in relation to the PP (**Attachment 1**), and on the basis that Council has insufficient information and justification on which to base a decision to proceed with preparation of a planning proposal to rezone the land as proposed by the Proponent. There is also a major risk that the Department of Planning Industry and Environment will not grant a Gateway Determination and authorisation to proceed.

Option 3 is recommended. This would allow for development outcomes which are in keeping with the environmental sensitivity of the location, the regulatory framework, and Council's June 2019 resolution for optimal development and environmental outcomes.

The Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) requires councils to notify a proponent when the council decides not to prepare a planning proposal. The proponent then has 42 days from notification to request a review of the council's decision. The review process is administered by the DPIE.

A planning proposal request which has been amended after Council has resolved to not support the matter is not eligible for a Rezoning Review. Any subsequent revised planning proposal request would need to be submitted to Council as a new planning proposal request.

Community Engagement and Internal Consultation

If progressed, community engagement in relation to a Planning Proposal prepared in relation to Lot 499, will need to be carried out consistent with a Gateway Determination issued by the NSW Government and Council's Community Participation Plan (2019).

There has been internal consultation involving Development and Environment staff, Infrastructure Staff and Strategy and Growth staff. Discussions have been undertaken with BCD, NSW Rural Fire Service and the Grafton Office of the DPIE.

Planning and Policy Implications

The planning process for making an amending local environmental plan (LEP) to alter or make changes to land use zones or development controls involves preparation of a Planning Proposal document that explains the intended effect of a proposed amending LEP.

A LEP is a legal instrument, and a statutory document. The plan must give effect to the objectives of the EP&A Act, the *North Coast Regional Plan 2036*, the council and community derived Community Strategic Plan (CSP) and Council's Local Strategic Planning Statement.

The Department of Planning Guidelines for planning proposals and local environmental plans emphasise the importance of strategic planning in determining whether the land is appropriate for the identified future use, providing certainty for future landowners and investors, and ensuring that future users are not exposed to unexpected or unreasonable development costs.

Under the Guidelines, Council has a responsibility to provide a level of certainty to the Government Gateway. This means ensuring that the land is suitable and acceptable for the proposed use and that the identified land can be reasonably and practically developed for its intended purpose. It is not appropriate to accede assessment of relevant environmental, social, economic and other site specific merit considerations, or obligations to later development applications under Part 4 of the EP&A Act.

Formal notification of any application for the preparation of a Planning Proposal that is not supported by the Council is regulated under the Environmental Planning and Assessment Regulation 2000. Council is required to notify a proponent in writing as soon as practicable after a decision not to proceed.

The proponent then has 42 days, if desired, to request that the relevant Planning Panel or the Commission review the proposal. A guide to preparing local environmental plans sets out lodgement requirements, including fees and information a proponent must provide to the Department in order for a review to be undertaken.

Only the same application that was initially presented to Council will be reviewed by the Planning Panel or Commission. The Planning Panel or Commission will undertake a strategic and site specific merit assessment of the rezoning review proposal.

Financial and Economic Implications

A Stage 1 rezoning fee of \$6,700 was paid in 2011 consistent with Council's Fees and Charges at the time.

The fee is significantly less than the current rezoning fee, and resources expended in pre-lodgement discussions, further review and re-assessment of the amended application, staff-proponent negotiations, and reporting requirements since 2011 has expended the fee paid by the landowner.

In the event that Council does not support Option 3, and/ or requests further revisions of the PP (requiring reassessment), full payment of fees by the Proponent is considered appropriate on the basis of resources expended, a positive uplift in the value of the land if rezoned, and in view of the expense of progressing any subsequent application through a rezoning process. The *Environmental Planning & Assessment Regulation 2000* contains provisions whereby Council may enter into a agreement for the payment of costs and expenses incurred in undertaking studies and other matters required to progress a planning proposal. This would include for example, addressing the conditions of a Gateway determination requiring further work to be undertake before a PP can proceed to the next stage.




There are no changes proposed to Council's Section 7.11 or Section 7.12 Development Contributions Plans, or Development Servicing Plans for Water and Sewer, in connection with the planning proposal. Development contributions will apply to the future development of the land.

The up-front cost of extension of services to the land including a suitable extension of all roads and utilities to serve future development will be at the expense of the developer. Preparation and establishment of any voluntary planning agreement and vegetation management plan will be at full cost to the developer, if progressed.

Costs associated with establishment and management of any E2 zoned land will be at the expense of the developer/landowner.

Long-term maintenance and replacement of developer provided assets as a consequence of the rezoning and development of the land for residential purposes (for example roads, water mains, sewerage, stormwater, footpaths and street lighting, fire trails if acquired) will be an ongoing expense to Council.

Attachments

1.  Attachment 1: OC 17 March 2021 - Agenda & Minute - Planning Proposal 2011 - 9.3 Assessment Report
2.  Attachment 2: Proponent response to BCD requirements and amended zoning layout - 25 May 2021
3.  Attachment 3: NSW Biodiversity Conservation Division - Response to revised Planning Proposal - 24 February 2021

Subject: CONFIDENTIAL SESSION

RECOMMENDATION

1. That Council move into Confidential Session to receive and consider the following items:
 - Item 14.01 T-21-13 Water and Sewer Client Side Engineering Support Services and T-21-14 Water and Sewer Design Services Panel

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
 - Item 14.02 IRONMAN Australia and 70.3 - Contract Extension

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
 - Item 14.03 T-21-33 Rawdon Island Barge Operations

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Confidential Session of Council on the basis that the items to be considered are of a confidential nature.
3. That the resolutions made by Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.