



PORT MACQUARIE-HASTINGS  
COUNCIL



# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 13 October 2021

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

**time:** 5:30pm

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

**Community Vision**

A sustainable high quality of life for all

**Community Mission**

Building the future together  
People Place Health Education Technology

**Council's Corporate Values**

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

**Community Themes**

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

# Ordinary Council Meeting

Wednesday 13 October 2021

## Items of Business

Item	Subject	Page
01	Acknowledgement of Country .....	1
02	Remote Attendance at Meeting.....	1
03	Local Government Prayer .....	1
04	Apologies.....	1
05	Confirmation of Minutes .....	1
06	Disclosures of Interest.....	22
<b>07</b>	<b>Mayoral Minute</b>	
08	Confidential Correspondence to Ordinary Council Meeting.....	26
<b>09</b>	<b>Leadership and Governance .....</b>	<b>27</b>
09.01	Status of Reports From Council Resolutions.....	28
09.02	Mayoral Discretionary Fund Allocations - 2 to 29 September 2021 .....	38
09.03	Mid North Coast Joint Organisation - Mechanism By Which To Request Funding .....	40
09.04	Disclosures Register - Annual Returns 2020-2021 .....	45
09.05	Status of Council Policies .....	48
09.06	Community Poll on Fluoridation of the Water Supply - Costs and Process .....	51
09.07	Policy Review - Investment Policy .....	55
09.08	Monthly Budget Review - September 2021 .....	57
09.09	Investments - September 2021.....	61
09.10	Port Macquarie Transport Network Community Consultative Committee Chair .....	66
09.11	Sustainability Policy and Climate Change Response Policy .....	68
09.12	Draft Community Strategic Plan .....	73
<b>10</b>	<b>Your Community Life .....</b>	<b>77</b>
10.01	Wauchope & Surrounds Community Plan .....	78
10.02	2021-2022 Round 1 Community Grant Program for Endorsement.....	83
10.03	Policy Review - Dogs in Public Open Spaces .....	87
10.04	Revocation of Declared Menacing Dog .....	93
<b>11</b>	<b>Your Business and Industry .....</b>	<b>96</b>
11.01	Draft 2022-2032 Economic Development Strategy .....	97
11.02	Major Events Marketing Grant Program - Round 1, 2022 .....	101
11.03	New Destination Brand .....	105

<b>12</b>	<b>Your Natural and Built Environment .....</b>	<b><u>113</u></b>
12.01	Rawdon Island Bridge Update .....	<u>114</u>
12.02	Parklet Trial Outcome Report .....	<u>118</u>
12.03	Koala Recovery Strategy Annual Report .....	<u>125</u>
12.04	Bushfire Mitigation Works - 2021/2022 Update .....	<u>133</u>
12.05	Amendment to Port Macquarie-Hastings Local Environmental Plan 2011 - Optional Standard Instrument LEP Order - 'Special flood considerations' Clause. ....	<u>137</u>
12.06	Voluntary House Raising .....	<u>146</u>
<b>13</b>	<b>Items To Be Dealt With By Exception</b>	
<b>14</b>	<b>Confidential Matters</b>	
	Motion to move into Confidential Session .....	<u>154</u>
14.01	T-21-05 Supply of Timber Products (Bridges)	
14.02	Tender SPT352122MNC - Mattress Collection and Processing	
14.03	T-20-33 High Voltage Maintenance Services	
14.04	T-21-31 Ice Pigging Services	
14.05	T-21-42.03 Rawdon Island Bridge - Repair Contractor	
14.06	T-21-54 Replacement of Filtration Membranes - Camden Haven Waste Water Treatment Plant	

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

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

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

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**RECOMMENDATION**

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

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

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 15 September 2021 be confirmed.

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## **PRESENT**

### **Members:**

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

### **Other Attendees:**

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

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This meeting was held remotely and electronically through Microsoft Teams and is live streamed on Council's YouTube channel.

The meeting opened at 5:30pm.

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## **01 ACKNOWLEDGEMENT OF COUNTRY**

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

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## **02 REMOTE ATTENDANCE AT MEETING**

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

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### **03 LOCAL GOVERNMENT PRAYER**

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

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### **04 APOLOGIES**

Nil.

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### **05 CONFIRMATION OF MINUTES**

*RESOLVED: Griffiths/Alley*

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

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

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### **06 DISCLOSURES OF INTEREST**

There were no disclosures of interest presented.

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### **07.01 INFRASTRUCTURE CONTRIBUTIONS REFORMS**

*RESOLVED: Pinson*

That Council:

1. Request the Chief Executive Officer to write to the Premier of NSW, the Hon. Gladys Berejiklian MP, calling for the NSW Government to:
  - (a) withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
  - (b) undertake further consultation with the NSW Local Government sector on any proposed reforms to the infrastructure contributions system.
  - (c) de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth, from the infrastructure contributions reforms.
2. Request the Chief Executive Officer write to the Local Member for Port Macquarie, the Hon. Leslie Williams MP; the Local Member for Oxley, the Hon.

- 
- Melinda Pavey MP; the Treasurer, the Hon. Dominic Perrottet MP; Minister for Planning and Public Spaces, the Hon. Rob Stokes MP and the Minister for Local Government, the Hon. Shelley Hancock MP seeking their support for the withdrawal of the Bill.
3. Request the Chief Executive Officer write to the Shadow Treasurer, the Hon. Daniel Mookhey MLC; Shadow Minister for Planning and Public Spaces, Mr Paul Scully MP; Shadow Minister for Local Government, Mr Greg Warren MP; The Greens, Mr David Shoebridge MLC; Shooters, Fishers and Farmers Party, the Hon. Robert Borsak MLC; Pauline Hanson's One Nation, the Hon. Mark Latham MLC; Animal Justice Party, the Hon. Emma Hurst MLC; Christian Democratic Party (Fred Nile Group), the Hon. Fred Nile MLC; Independent Mr Justin Field; Portfolio Committee Chair The Greens, Ms Cate Faehmann; Portfolio Committee Deputy Chair Animal Justice Party, the Hon. Mark Pearson MLC; and the Portfolio Committee members being Liberal Party, the Hon. Catherine Cusack MLC and the Hon. Shayne Mallard MLC; The Nationals, the Hon. Ben Franklin MLC; Australian Labor Party, the Hon. Rose Jackson MLC and the Hon. Adam Searle MLC seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining Council's concerns with the Bill.
  4. Request the Chief Executive Officer to alert the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation and shares and promotes these messages through its digital and social media channels and its networks.
  5. Affirms its support to Local Government NSW and requests Local Government NSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.
  6. Note the Council submission to the NSW Parliament as attached to the report and thanks and commends the Chief Executive Officer on the high quality of the submission and the supporting analysis.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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**08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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



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## **SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Intemann/Alley*

That Standing Orders be suspended to allow Items 09.05, 09.07, 09.09, 09.10, 09.12, 09.14, 09.18, 10.01, 10.02, 12.01, 12.02, 12.03, 12.04, 12.05, 12.06 not in the block to be brought forward and considered next.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### **09.05 RECOMMENDED ITEM FROM AUDIT, RISK & IMPROVEMENT COMMITTEE - AUDIT, RISK & IMPROVEMENT COMMITTEE ANNUAL REPORT 2020-2021**

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*RESOLVED: Hawkins/Intemann*

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

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### **09.07 PROFESSIONAL DEVELOPMENT UNDERTAKEN BY THE MAYOR**

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*RESOLVED: Pinson/Alley*

That Council:

1. Note the cost of the professional development undertaken by the Mayor since her election as popularly elected Mayor in 2017.
2. Note the statutory requirements of the Councillor induction and professional development guidelines (the Guidelines) under Section 23A of the Local Government Act 1993 (the Act).
3. Request the Chief Executive Officer bring a report to the November 2021 Council meeting on the professional development funded by Council undertaken by all current serving members of the elected body during the current term.
4. Request the Chief Executive Officer bring an annual report to Council, commencing October 2022, of the professional development undertaken by all members of the elected body of Council, including the costs.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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#### **09.09 POLICY REVIEW - PUBLIC INTEREST DISCLOSURE INTERNAL REPORTING POLICY**

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*RESOLVED: Intemann/Griffiths*

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

*CARRIED: 6/0*

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

*AGAINST: Nil*

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#### **09.10 POLICY REVIEW - COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT POLICY**

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*RESOLVED: Pinson/Griffiths*

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.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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#### **09.12 NOTICE OF MOTION - FINANCIAL STATEMENTS**

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*RESOLVED: Hawkins/Intemann*

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

#### **09.14 INVESTMENTS - JULY 2021**

*RESOLVED: Hawkins/Intemann*

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

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

#### **09.18 RELIEF MEASURES FOR THE IMPACTS OF COVID-19**

*RESOLVED: Turner/Intemann*

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
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 (Waste Management)	On resumption of normal operations	Waived on resumption of normal operations, where businesses have requested a 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 and Charges Hardship Assistance policy.
4. Note that a future report be presented to the November 2021 Ordinary Council Meeting to review the above.

**CARRIED:** 6/0

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

**AGAINST:** Nil

#### **10.01 NOTICE OF MOTION - RECOGNITION OF SERVICE TO THE MAYOR'S SPORTING FUND**

**RESOLVED:** Pinson/Intemann

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.

**CARRIED:** 6/0

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

**AGAINST:** Nil

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## **10.02 NOTICE OF MOTION - INCREASE IN GRAFFITI IN THE LOCAL AREA**

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*RESOLVED: Pinson/Griffiths*

That the Chief Executive Officer be requested to 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.

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

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## **12.01 RAWDON ISLAND BRIDGE UPDATE**

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*RESOLVED: Intemann/Griffiths*

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 of Rawdon Island and Little Rawdon Island 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.

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

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## **12.02 NOTICE OF MOTION - WASTEWATER TREATMENT PROCESSES**

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*RESOLVED: Pinson/Griffiths*

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.

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

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## **12.03 NOTICE OF MOTION - ARTWORK AT ROCKS FERRY RESERVE**

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### **MOTION**

*MOVED: Griffiths/Pinson*

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. Request the Chief Executive Officer to undertake further engagement on the issue of the location of the Zoetrope sculpture installation in conjunction with the community engagement on the reinstatement/restoration and long term plans for Rocks Ferry Reserve.

### **AMENDMENT**

*RESOLVED: Intemann/Turner*

That Council:

1. Note the recent installation of 'Zoetrope', one of the sculptures in the Wauchope Bicentenary Riverside Sculpture Trail on the Rocks Ferry Road river bank in Wauchope.
2. Note that interpretive signage for the sculptures is in production and will be installed in the near future.
3. Note that initial consultation with the community regarding the Sculpture Trail proposed a 'Yarning Circle' sculpture on the site where 'Zoetrope' is now installed, but that the 'Yarning Circle' was deemed unsuitable for that location.
4. Request the Chief Executive Officer to:
  - a) Contact residents who were originally consulted regarding the Sculpture Trail, to advise of the reason for installing 'Zoetrope' instead of the 'Yarning Circle', and also provide a copy of the interpretive words that are to be associated with the artwork.
  - b) Ensure that the information for residents is also made available during future in-person engagement events on the reinstatement/restoration and long terms plans for Rocks Ferry Reserve.
  - c) Also advise the media of the history of the Sculpture Trail and 'Zoetrope' in particular, and provide visuals of the detail of the sculpture.

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

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



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

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

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**12.04 NOTICE OF MOTION - QUESTION WITH NOTICE - ROCKS FERRY RESERVE**

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*RESOLVED: Griffiths/Intemann*

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

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

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**12.05 LAND ACQUISITION - 54 OCEAN DRIVE, KEW**

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*RESOLVED: Alley/Griffiths*

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 and D M Fearn, 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.

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



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**12.06 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).**

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*RESOLVED: Intemann/Hawkins*

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. 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.
5. 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.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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

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*RESOLVED: Alley/Hawkins*

That Items 09.01, 09.02, 09.03, 09.04, 09.06, 09.08, 09.11, 09.13, 09.15, 09.16, 09.17, 10.03, 11.01 be considered as a block resolution.

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

*RESOLVED: Alley/Turner*

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

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

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

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*BLOCK RESOLVED: Alley/Turner*

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

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### **09.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 22 JULY TO 1 SEPTEMBER 2021**

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*BLOCK RESOLVED: Alley/Turner*

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

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### **09.03 DISCLOSURE OF INTEREST RETURN**

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*BLOCK RESOLVED: Alley/Turner*

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

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

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#### **09.04 RECOMMENDED ITEM FROM AUDIT, RISK & IMPROVEMENT COMMITTEE - LEGISLATIVE COMPLIANCE 2020-2021**

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*BLOCK RESOLVED: Alley/Turner*

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

Item 09.05 Recommended Item from Audit, Risk & Improvement Committee - Audit, Risk & Improvement Committee Annual Report 2020-2021, has been addressed previously within the meeting.

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#### **09.06 2021 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE**

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*BLOCK RESOLVED: Alley/Turner*

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.

Item 09.07 Professional Development Undertaken by the Mayor, has been addressed previously within the meeting.

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#### **09.08 SENIOR STAFF ROLES**

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*BLOCK RESOLVED: Alley/Turner*

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.

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Item 09.09 Policy Review - Public Interest Disclosure Internal Reporting Policy, has been addressed previously within the meeting.

Item 09.10 Policy Review - Councillor Induction and Professional Development Policy, has been addressed previously within the meeting.

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#### **09.11 POLICY REVIEW - DRAFT SPONSORSHIP POLICY**

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*BLOCK RESOLVED: Alley/Turner*

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.

Item 09.12 Notice of Motion - Financial Statements, has been addressed previously within the meeting.

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#### **09.13 MONTHLY BUDGET REVIEW - AUGUST 2021**

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*BLOCK RESOLVED: Alley/Turner*

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.

Item 09.14 Investments - July 2021, has been addressed previously within the meeting.

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#### **09.15 INVESTMENTS - AUGUST 2021**

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*BLOCK RESOLVED: Alley/Turner*

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

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## **09.16 FINANCIAL ASSISTANCE GRANTS**

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*BLOCK RESOLVED: Alley/Turner*

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.

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## **09.17 AMENDMENTS TO 2021-2022 FEES AND CHARGES**

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*BLOCK RESOLVED: Alley/Turner*

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.

Item 09.18 Relief Measures for the Impacts of COVID-19, has been addressed previously within the meeting.

Item 10.01 Notice of Motion - Recognition of Service to the Mayor's Sporting Fund, has been addressed previously within the meeting.

Item 10.02 Notice of Motion - Increase in Graffiti in the Local Area, has been addressed previously within the meeting.

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## **10.03 ANNUAL REPORT OF THE ACTIVITIES FOR THE MAYOR'S SPORTING FUND 2020-2021**

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*BLOCK RESOLVED: Alley/Turner*

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

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

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*BLOCK RESOLVED: Alley/Turner*

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

Item 12.01 Rawdon Island Bridge Update, has been addressed previously within the meeting.

Item 12.02 Notice of Motion - Wastewater Treatment Processes, has been addressed previously within the meeting.

Item 12.03 Notice of Motion - Artwork at Rocks Ferry Reserve, has been addressed previously within the meeting.

Item 12.04 Notice of Motion - Question With Notice - Rocks Ferry Reserve, has been addressed previously within the meeting.

Item 12.05 Land Acquisition - 54 Ocean Drive, Kew, has been addressed previously within the meeting.

Item 12.06 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), has been addressed previously within the meeting.

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## CONFIDENTIAL SESSION

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*RESOLVED: Intemann/Griffiths*

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

Item 14.01 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.

3. That the resolutions made by Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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*RESOLVED: Alley/Griffiths*

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

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**14.01 T-21-13 WATER AND SEWER CLIENT SIDE ENGINEERING SUPPORT SERVICES AND T-21-14 WATER AND SEWER DESIGN SERVICES PANEL**

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*RESOLVED: Intemann/Pinson*

That Council:

1. In accordance with the clause 178(1)(b) and 178(3)(b) of the Local Government (General) Regulations 2005, decline to accept any of the tenders submitted for Request for Tender T-21-13 Water and Sewer Client Side Engineering Support Services and invite fresh tenders based on the same or different details.
2. In accordance with the clause 178(1)(b) and 178(3)(b) of the Local Government (General) Regulations 2005, decline to accept any of the tenders submitted for Request for Tender T-21-14 Water and Sewer Design Services Panel Arrangement and invite fresh tenders based on the same or different details.
3. Maintain the confidentiality of the documents and consideration in respect of Requests for Tender T-21-13 and T-21-14.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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**14.02 IRONMAN AUSTRALIA AND 70.3 - CONTRACT EXTENSION**

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*RESOLVED: Turner/Alley*

That Council delegate authority to the Chief Executive Officer to negotiate a one-year extension to the 2019-2022 tripartite hosting agreement with Destination NSW and IRONMAN Oceania for IRONMAN Australia and IRONMAN 70.3 events, based on the financial terms noted in this report.

*CARRIED: 6/0*

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

*AGAINST: Nil*



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#### **14.03 T-21-33 RAWDON ISLAND BARGE OPERATIONS**

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*RESOLVED: Alley/Griffiths*

That Council:

1. Pursuant to section 55(3)(i) of the Local Government Act 1993, resolve not to call tenders as it considers that a satisfactory result would not be achieved by inviting tenders due to extenuating circumstances for the reason that Council has an immediate and critical need requiring the continued barge operations to the Rawdon Island residents.
2. Note that the Chief Executive Officer, under existing delegations to the General Manager, has accepted an offer following negotiations with Polaris Marine Pty Ltd at the schedule of rates detailed in this report.
3. Maintain the confidentiality of the documents and consideration in respect to this contract T-21-33.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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

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The meeting closed at 8:41pm.

.....  
Peta Pinson  
Mayor

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Item: 06  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

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

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

**Pecuniary Interest**

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

**Non-Pecuniary**

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

**Managing non-pecuniary conflicts of interest**

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

**SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION**

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

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

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

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

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

Last Updated: 3 June 2019

**Important Information**

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

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

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

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

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

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

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

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

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**Item: 08**

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

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

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That Council determine that the attachment to Item Numbers 10.02 and 11.02 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.**

**Discussion**

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

<b>Item No:</b>	10.02
<b>Subject:</b>	2021-2022 Round 1 Community Grant Program for Endorsement
<b>Attachment Description:</b>	1. Confidential - 2021-2022 Unsuccessful Grant Applications 2. Confidential - 2021-2022 Round 1 Community Grants Assessment
<b>Confidential Reason:</b>	Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. ( <i>Local Government Act 1993 - Section 10A(2)(d)(i)</i> ).
<b>Item No:</b>	11.02
<b>Subject:</b>	Major Events Marketing Grant Program - Round 1, 2022
<b>Attachment Description:</b>	Confidential - Round 1, 2022 Major Events Marketing Grant Evaluation Summary - Confidential
<b>Confidential Reason:</b>	Relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council. ( <i>Local Government Act 1993 - Section 10A(2)(dii)</i> ).

# 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
MNC Joint Organisation - financial arrangements and funding mechanism	16/06/2021 Item 09.03		CEO		Oct-21
Draft Sustainability Policy and Draft Climate Change Response Policy - post exhibition	04/08/2021 Item 09.13		DDE		Oct-21
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
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	DI	Apr-21 Jun-21 Jul-21	Nov-21



Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
		Traffic Network report for Jul-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
North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan - post exhibition	21/04/2021 Item 13.02		DI		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
Developments, Public Place & Events Waste minimisation and Management Policy - outcomes of engagement	19/05/2021 Item 12.02		DGP		Nov-21
Ferry Operations - Vehicle Movements & Vehicles Left on Bank Monitoring	19/05/2021 Item 12.03	Presenting to Councillor Briefing in October	DI	Oct-21	Nov-21
Integrated Strategic Transport Network Plan - prioritising projects	21/07/2021 Item 12.08		DI		Nov-21
T-20-33 High Voltage Maintenance	04/08/2021 Item 14.02	Negotiations ongoing	DI	Sep-21	Nov-21

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Services - completion of negotiation process					
Disability Inclusion Action Plan 2017-2021 Final Progress Report	04/08/2021 Item 10.02	Still waiting on information	DSG	Oct-21	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
T-21-15 Stage 1 Construction of Rainbow Beach Sporting Fields - completion of negotiation process	04/08/2021 Item 14.01	Still negotiating with the preferred tenderers	DI	Oct-21	Nov-21
Professional Development by Councillors	15/09/2021 Item 09.07		CEO		Nov-21
Councillor Induction and Professional Development Policy - post exhibition	15/09/2021 Item 09.10		CEO		Nov-21
Relief Measures for Impacts of COVID-19 - review	15/09/2021 Item 09.18		DCP		Nov-21
Management of recycled water	15/09/2021 Item 12.02		DI		Nov-21
Draft Sponsorship Policy - post exhibition	15/09/2021 Item 09.11		DCP		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	Nov-21

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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	Nov-21
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.	10/08/16 Item 12.01		DDE		2021 (estimate)
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	SG	Dec-19 Feb-20 Sep-20 Mar-21 Apr-21 Jun-21 Sep-21	Feb-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
		can be built on.			
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
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
Community Strategic Plan - post exhibition	21/07/2021 Item 09.07	To be reported to the new Council	DDE	Oct-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

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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
Draft Port Macquarie-Hastings Local Housing Strategy 2021-2041 - post exhibition	19/05/2021 Item 12.06	Due to the high number of submissions received it is proposed to brief the incoming Council on the Draft Strategy and report to Council in the first quarter of 2022.	DDE	Oct-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
Port Macquarie Aquatic Facility - post exhibition	21/07/2021 Item 10.03	The project Steering Group at its August 2021 meeting resolved to maintain the project on hold until after the December 2021 elections. A Councillor Briefing will be held in early 2022 to update the new Council on the project and next steps.	DDE	Oct-21	Mar-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Draft s9.11 Airport Business Park Roads Contribution Plan	20/05/2020 Item 13.05	The development of a new Contributions Plan will be incorporated in the program for review of Council developer contributions framework.	DSG	Dec-20 Jun-21 Oct-21	Jun-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	DDE	Quarterly	Feb, May,		



Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Assessment System Performance			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		
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
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		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Recreation Action Plan – Status	DDE	Annually	Jul		
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DSG	Annually	Jul		
Local Preference Policy Outcomes	DCP	Annually	Aug	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		
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		
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		
Professional Development of Councillors	CEO	Annually	Oct	Oct-22	



Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
(15/09/2021 - Item 09.07)					
Council's Annual Report	DCP	Annually	Nov		
Update Report - Impact of cost shifting for the previous financial year including any additional categories of cost-shifting that have been identified (21/10/15 - Item 09.04)	DCP	Annually	Nov		
Performance of Property Investment Portfolio (20/11/19 - Item 10.17)	DSG	Annually	Nov		
Code of Conduct Complaints Annual Report	CEO	Annually	Dec		

**Attachments**

Nil

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**Item: 09.02**

**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 2 TO 29  
SEPTEMBER 2021**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the Mayoral Discretionary Fund allocations for the period 2 to 29 September 2021 inclusive.**

### **Executive Summary**

To advise of the Mayoral Discretionary Fund allocations for the period 2 to 29 September 2021.

### **Discussion**

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

2 x Floral Wreaths for Victory in the Pacific and Vietnam Veterans Day Services	\$140.00
Donation to Bravehearts "White Balloon Day"	\$200.00
Donation to Suicide Prevention Australia in support of Majestic Cinemas Fundraiser to raise awareness of suicide in our local community	\$250.00
Donation to Mid North Coast Dyslexia for "Go Red for Dyslexia" on 15/10/21	\$97.00
Annual donation to each Primary and High School in the PMHC LGA for end of year Award Presentations	\$1,530.00
<b>Total allocations</b>	<b>\$2,217.00</b>

### **Options**

This report is for noting only.

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

There has been no community engagement or internal consultation in relation to this report.

**Planning & Policy Implications**

There are no planning and policy implications in relation to this report. This report is provided to Council as per the requirements of the Mayoral Discretionary Fund Policy.

**Financial & Economic Implications**

There are no economic implications in relation to this report.

The allocations made during this reporting period are funded from the Mayoral Discretionary Fund as included in the 2021-2022 Operational budget.

**Attachments**

Nil

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**Item: 09.03**

**Subject: MID NORTH COAST JOINT ORGANISATION - MECHANISM BY WHICH TO REQUEST FUNDING**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council:**

- 1. Note the information contained in the Mid North Coast Joint Organisation - Mechanism By Which to Request Funding report.**
- 2. Adopt the process for requesting funding from the Mid North Coast Joint Organisation.**

### **Executive Summary**

The purpose of this report is to provide an update on how the Mid North Coast Joint Organisation (MNCJO) can request funding from Port Macquarie Hastings Council.

### **Discussion**

#### Background

The following section provides an overview of the Mid North Coast Joint Organisation

The Mid North Coast Joint Organisation comprises the member Councils of Bellingen, Kempsey and Port Macquarie Hastings.

Joint Organisations were created in NSW following changes to the Local Government Act 1993 (NSW) in 2017. The MNCJO was created in 2018 and comprises the local government areas of Bellingen, Kempsey and Port Macquarie-Hastings.

Together the Member Councils comprise an area of 8,658 square kilometres and a population of about 125,000.

The core functions of the MNCJO are:

- Strategic Planning and Priority Setting;
- Inter-governmental Collaboration;
- Regional Leadership and Advocacy; and
- Building efficient and effective councils.

- The MNCJO is overseen by a Board comprising the Mayors of the three Member Councils. The Board meets four times each year. The three Mayors are the voting members of the Board. The General Managers of Bellingen and Kempsey and CEO of Port Macquarie Hastings Council also attend Board Meetings. The General Managers Advisory Committee (GMAC) meets prior to each Board Meeting and minutes and papers from this meeting form part of the agenda of the Board meeting. Board and GMAC meetings are also attended by representatives of Regional NSW, Destination NSW, Regional Development Australia and the Office of Local Government.

The initial Statement of Strategic Priorities was completed in 2018 and focused on six strategic goals:

- Social Health and Wellness
- Environment
- Economy
- Infrastructure
- Regional Leadership, and
- Advocacy

Achievements include:

- Completion of the 'Why Local Government Matters' research;
- Delivery of key outcomes of the Hastings Macleay Koala Recovery Partnership which has involved koala monitoring (through the use of 'audio moth' technology and specially bred dogs); koala habitat assessment; engagement with landholders and programs in schools.
- Sponsorship of a Disaster Preparedness Officer to provide advice and support to councils and to local communities in response to recent weather events (bushfire, drought and flooding);
- Engagement of consultant to explore opportunities to engage in a biodiversity stewardship project and to assess the viability of entering the carbon market.
- Receipt of additional funding from the Office of Local Government to develop a project or projects under the Capacity Building Program, Stage 2; and Stage 3 which will be directed toward developing a feasibility study for the community land trust model and a circular economy plan for the region.
- Establishment of a 'Resilience Partnership' with Charles Sturt University and the local community which links University study to the development of resilience projects in the local community;
- Submission of a regional response to the government's commitment to a road re-classification process that includes the handover of regional roads back to the State Government;
- Securing funding to purchase a Simtable for use by councils and the local community which can be used to simulate the impact of serious weather events on local communities;
- Development of a bridge prospectus and securing of funding for bridge replacement across the JO area.



- Provision of an over-arching submission to TfNSW to promote JO engagement in the delivery of a significant program of works under the Fixing Country Bridges Program;
- Engagement, from a JO perspective, in a Climate Change Risk Readiness Program;
- The building of strong relationships with key agencies to facilitate delivery of services to local communities. Agencies include: TfNSW; Regional NSW, the Department of Planning, Industry and Environment; Local Government NSW; the Office of Local Government; the Auditor- General; Regional Development Australia, Local Government Procurement; Local Land Services and the Australian Tax Office.

The MNCJO has financial reporting requirements set down by the NSW government which are essentially the same as member councils. The Financial Sustainability Plan sets out the income and expenditure anticipated for the MNCJO with income/expenditure for the financial year projected at approximately \$380 000. Since its inception the MNCJO has attracted \$1.45million in funding. Each member council contributes \$25,000 per annum to the operations of the MNCJO.

#### Current Situation

A report was prepared for the 16 June 2021 Council Meeting which provided an overview of the MNCJO to date. It was resolved at that meeting that the Chief Executive Officer would:

*“Provide a report to the October 2021 Ordinary Council Meeting providing information on the financial arrangements with the Mid North Coast Joint Organisation and the mechanism by which the Mid North Coast Joint Organisation can request funding from Council”.*

Following internal discussions on the matter, it is proposed that the following procedure be implemented when any funding requests are received by the MNCJO.

1. That the MNCJO prepare in writing, any request for funding for the attention of the Chief Executive Officer.
2. Requests for funding are to be received no later than 2 months prior to funding requirements;
3. and that the CEO present this request to the next appropriate Council meeting for decision by the elected body.

Since its inception, the MNCJO has had considerable success in attracting funds to undertake projects across the region. Most of this funding comes from the State Government and is closely connected to the findings of the ‘Why Local Government Matters’ research and actions outlined in the Statement of Strategic Priorities.

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

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

If adjacent Councils were to join the MNCJO it is reasonable to assume there would be an immediate and positive impact on the financial sustainability of the JO and on the capacity of a larger JO to attract additional funding.

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

### **Options**

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

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

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

### **Planning and Policy Implications**

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

### **Financial and Economic Implications**

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

In March 2020 Council entered into the NSW Government approved COVID-19 economic stimulus package (Stimulus Package) which was directed at safeguarding jobs, services and infrastructure delivery for the State's 128 local Councils. One of the package elements included funding to meet councils' increase in the emergency services levy for 2020-21.

In order, to receive this funding and to comply with the guidelines of the agreement, Council is to ensure that it "continue to support JO's continued operations, including with necessary funding contributions, for a period of two years from the date of this agreement."

As part of the COVID-19 economic stimulus package, Council has received the amounts below for the emergency services levy:

- 2021 - \$359,079.99
- 2020 - \$125,477.00

If this Agreement is terminated, Council must repay the amount of any funds received by it under the Stimulus Package that has been paid to it prior to termination.

**Attachments**

Nil



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**Item: 09.04**

**Subject: DISCLOSURES REGISTER - ANNUAL RETURNS 2020-2021**

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

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### **Alignment with Delivery Program**

1.4.3 Build trust and improve Council's public reputation through transparency and accountability.

### **RECOMMENDATION**

#### **That Council:**

1. **Note the information in the Disclosure Register for 2020-2021.**
2. **Determine that the following positions become a Designated Person pursuant to the provisions of Clause 4.8 of Council's Code of Conduct:**
  - a) **Water and Sewer Investigations Engineer**
  - b) **Coast Estuary and Flood Coordinator**
  - c) **Shelter Team Leader**
  - d) **Strategic Environmental Projects Coordinator**
  - e) **Environmental Health and Building Regulation Coordinator**
  - f) **Environmental Operations Coordinator**
3. **Note the following position title changes:**
  - a) **Biosecurity Officer (previously Biosecurity Officer Weeds)**
  - b) **NRM Team Leader (previously Team Leader Invasive Weeds)**
  - c) **Environmental Projects Officer - Flooding (previously Environmental Projects Officer)**
4. **Note that a further report will be presented to the November 2021 Ordinary Council Meeting tabling the outstanding Annual Disclosure Returns as detailed in this report.**

### **Executive Summary**

Council's Code of Conduct requires the Chief Executive Officer to keep a register of disclosure returns and table the returns at the first Council meeting after 30 September each year.

The Disclosure Register is a public register and can be accessed by members of the public, by appointment.

### **Discussion**

Clause 4.21 of Council's Code of Conduct requires Councillors and Designated Persons to submit a disclosure return on an annual basis and lodge it with the Chief Executive Officer within 3 months after 30 June each year.

Clause 4.24 requires the 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.

A review of Designated Persons has been completed and all disclosure returns for the period 1 July 2020 to 30 June 2021 have been lodged and will be tabled, by the Chief Executive Officer, when this report is dealt with by Council.

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.

#### New Positions, Changes to Position Titles and Responsibilities, Obsolete Positions

As new positions are established, or position titles and responsibilities change, or positions become obsolete, it is necessary to review the list of Council positions which are Designated Persons.

The following new positions should be added to the existing list of Designated Persons:

- a) Water and Sewer Investigations Engineer
- b) Coast Estuary and Flood Coordinator
- c) Shelter Team Leader
- d) Strategic Environmental Projects Coordinator
- e) Environmental Health and Building Regulation Coordinator
- f) Environmental Operations Coordinator

The following titles should be amended on the existing list of Designated Persons:

- a) Biosecurity Officer (previously Biosecurity Officer Weeds)
- b) NRM Team Leader (previously Team Leader Invasive Weeds)
- c) Environmental Projects Officer - Flooding (previously Environmental Projects Officer)

There are no obsolete positions as a result of the review.

#### Outstanding Annual Disclosure Returns

At the time of writing this report the following Annual Disclosure Returns are outstanding:

- Transport Engineer (on extended leave)
- Environmental Engineer (on leave)

#### **Options**

It is a requirement under Council's Code of Conduct that the disclosure returns be presented to Council.

**Community Engagement and Internal Consultation**

Internal Consultation

- Councillors.
- Chief Executive Officer and Directors.
- Designated Persons.

**Planning and Policy Implications**

This report meets Council's legislative requirements with regards to annual disclosure returns for Councillors and designated persons.

**Financial and Economic Implications**

There are no financial or economic implications.

**Attachments**

Nil

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**Item: 09.05****Subject: STATUS OF COUNCIL POLICIES****Presented by: Chief Executive Officer, Dr Clare Allen**

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**Alignment with Delivery Program**

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

**RECOMMENDATION****That Council:**

- 1. Note the information provided in the Status of Council Policies report.**
- 2. That Council publicly exhibit for 28 days the proposal to rescind the following policies:**
  - Gifts and Benefits Policy**
  - Staff and Consultant Access to Private Property****with a further report to be considered by Council at the February 2022 Ordinary meeting of Council following the public exhibition period.**

**Executive Summary**

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

Council currently has 79 adopted Council Policies, which are published on Council's website for public viewing.

With the unexpected impact and competing priorities of COVID-19 and the flooding experienced during 2020-2021, many policies are now required to be reviewed as they have passed their review date. There have also been a number of policies deferred as a result of the postponement of the Local Government elections until December 2021.

The status of Council's policies is concerning with a high number overdue and requiring review. This report provides a timeline for the review of these policies to ensure that they are current and relevant.

**Discussion**

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

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

In the past Council had made a concentrated effort to improve the currency of Council Policies and implement a process to monitor and maintain the currency of Council adopted policies. Unfortunately, this process has lost focus following many competing priorities over the past year with a review being undertaken to better manage the policies of Council.

#### Current Status of Policies

A desktop review of the status of the seventy-nine (79) Council adopted policies was conducted in September and October 2021. The results of this review are provided as an attachment to this report.

As at 5 October 2021, the status of the 79 adopted Council Policies was:

Status	Number	%
Current	28	35.4%
Overdue	51	64.6%

Of the 51 Overdue policies, the status of these policies is outlined below:

Status	Number	%
Not commenced	7	13.7%
Public consultation	3	5.9%
Submitted to Exec	0	0%
Submitted to Council	1	2%
Review initiated	35	68.6%
Deferred	5	9.8%

The status of Council’s policies is concerning with a high number overdue and requiring review. This report has reviewed Council’s policies and provides a timeframe for the policies to be reviewed for relevance and currency.

An extended review period is required for the Development Contributions Assessment Policy and Planning Agreements Policy as Council will be undertaking a holistic review of the contributions framework which will include these policies. The Development Contributions Assessment Policy and Planning Agreements Policy will be considered by Council once the substantial review of the new framework has concluded.

As a result of this initial review it is proposed to rescind the following policies:

- Gifts and Benefits Policy
- Staff and Consultant Access to Private Property



It is proposed to rescind the Gifts and Benefits Policy as gifts and benefits are adequately covered in Council's adopted Code of Conduct. This will reduce duplication and provide for a single source of information relating to this matter.

The Staff and Consultant Access to Private Property Policy was first adopted in 1996 and is recommended to be rescinded. Access to private property is governed by the delegations of officers and the powers imposed under a range of legislation. Consultants should not be accessing land without the consent of the land owner or in the presence of a delegated officer.

It is also noted that Council is currently considering the draft Councillor Induction and Professional Development Policy. Should this be adopted by Council following the public exhibition process it will be recommended at that time that the current Councillor Induction Policy and the Councillor Professional Development Policy be rescinded as they will be superseded.

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

### **Options**

Council may resolve as recommended or in some other way.

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

#### Internal Consultation

- Chief Executive Officer
- Executive Leadership Team
- Group Manager Governance

### **Planning & Policy Implications**

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

### **Financial & Economic Implications**

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

### **Attachments**

1.  Status of Council Policies

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Item: 09.06

Subject: COMMUNITY POLL ON FLUORIDATION OF THE WATER SUPPLY - COSTS AND PROCESS

Presented by: Chief Executive Officer, Dr Clare Allen

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#### Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

#### RECOMMENDATION

**That Council note the report titled Community Poll on Fluoridation of the Water Supply - Costs and Process.**

#### Executive Summary

Council had previously resolved to conduct a community poll at the December 2021 Local Government elections to gauge community opinion on the addition of fluoride to the drinking water supply. At the Ordinary Council meeting held 6 September 2021 this resolution was rescinded by Council with a new motion being adopted as follows:

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#### **12.02 RESCISSION MOTION - COMMUNITY POLL ON FLUORIDATION**

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*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.*

This report responds to point 3(d) of the above resolution.

**Discussion**

At the Ordinary Council meeting held 6 September 2021, Council rescinded the resolution to conduct a community poll on fluoridating the water supply at the December 2021 Local Government election. Council resolved at that meeting not to proceed with the poll as shown in the resolution above and among other items to request a report to the October 2021 meeting outlining the process followed to date as well as financial information. This report responds to this section of the resolution.

The Council first resolved to hold a community poll on the subject of fluoridating the water supply at its Ordinary Council meeting held 18 March 2020. At this stage the elections were scheduled to be conducted in September 2020 however they were subsequently postponed until September 2021 due to the COVID-19 pandemic.

Council further resolved at the 17 July 2020 Ordinary Council meeting that the poll be conducted at the rescheduled September 2021 Local Government election.

At its February 2021 Ordinary Council meeting, a notice of motion was considered to not proceed with the poll. This notice of motion was lost and the motion carried at that time reaffirmed Council's resolution to conduct the poll. It also noted that Council had received correspondence from the Hon Shelley Hancock, Minister for Local Government expressing her concern that Council had resolved to conduct this poll. The Chief Executive Officer had also been requested to advise Councillors with possible options for engaging with the community to determine their opinion on the matter as well as prepare an information sheet to be made available to the public to support the poll.

In accordance with the February 2021 resolution, a report was prepared and considered by Council at its April 2021 Ordinary meeting of Council that outlined various engagement opportunities including the poll, online surveys, quantitative telephone surveys and workshops. As a result, Council resolved to reaffirm its position again to conduct the poll and authorise the Chief Executive Officer to expend up to a maximum of \$90,000 to conduct the poll and promote it throughout the community by creating the information sheets and engaging with various community stakeholder groups regarding the information sheet. It was estimated that the cost to conduct the poll would be approximately \$60,000 as provided by the NSW Electoral Commission.

A further report was considered at the August 2021 Ordinary Council meeting that slightly altered the proposed wording of the poll question. It also noted that correspondence was received by the Minister for Health and Medical Research, the Hon Brad Hazzard MP, also expressing concern with the poll Council would be conducting. This resolution also noted that the date of the Local Government elections had been postponed again to 4 December 2021 due to COVID-19 and that the poll would be conducted at that election.

The final time consideration was given by Council to this matter was at the 6 September 2021 Ordinary Council meeting where a rescission motion was considered regarding the conducting of the community poll. This motion was carried and an alternative resolution was adopted to not hold the proposed community poll as shown earlier in this report. This motion also requested the Chief Executive Officer



to provide a report to the October 2021 Ordinary Council meeting on the community poll process to date and the associated financial information.

Preparations for the community poll has taken a significant amount of staff resources leading up to the poll. These duties range from researching and compiling information suitable to include on the information sheet as well as liaising with external stakeholders to assist in the preparation of the information sheet. Meetings were held with NSW Health, the Australian Dental Association and Fluoride Free Australia to obtain supporting arguments for the yes and no options on the information sheet for the community poll. Much of this information provided had to be reviewed and confirmed as well as discussed among staff for relevance and accuracy. Staff time was also used to prepare reports to be considered by Council on this subject. A significant amount of time liaising with the NSW Electoral Commission was also required due to the changing dates and wording of the poll together with arrangements for conducting the poll.

The staff primarily involved in the preparation work are listed below with an estimate of the number of hours each staff member has allocated to preparing for the community poll.

- Director Infrastructure - 28 hours
- Group Manager Infrastructure Operations - 28 hours
- Group Manager Customer Experience and Communications - 35 hours
- Group Manager Governance - 21 hours
- Internal Communications Specialist - 35 hours
- Communications Office Creative Design - 20 hours

This amounts to approximately \$18,778, including oncosts. Other staff were involved to a lesser extent however these costs have not been included here due to their minimal involvement. No other costs were expended in the preparation for the community poll.

It is recommended that Council note the contents of this report.

### **Options**

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

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

There has been no community engagement in relation to this report. Internal consultation has been undertaken with the following staff who provided resources throughout the community poll organisation phase:

- Director Infrastructure
- Group Manager Infrastructure Operations
- Group Manager Customer Experience and Communications
- Group Manager Governance
- Internal Communications Specialist

**Planning and Policy Implications**

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

**Financial and Economic Implications**

Financial implications have been detailed in the body of the report.

**Attachments**

Nil

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**Item: 09.07****Subject: POLICY REVIEW - INVESTMENT POLICY****Presented by: Corporate Performance, Rebecca Olsen**

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That Council re-adopt the current Investment Policy.**

**Executive Summary**

The Investment Policy has been reviewed for consideration by Council in line with requirements to review on an annual basis. This report addresses the outcome of that review.

**Discussion**

Council is required to have an Investment Policy which is reviewed annually in accordance with the NSW Office of Local Government (OLG) Investment Policy Guidelines issued under section 23A of the Local Government Act 1993 (the Act).

An investment policy is a governing document that guides the investment process to assist councils to invest funds in a prudent and appropriate manner. Details of these investments are then reported to Council each month, as required under section 625 of the Act.

Council procures the services of Imperium Markets for expert financial advice on its Investment Policy, investment strategy and individual investments.

It is noted that the investment policy was reviewed in detail with a number of changes made last year, a process which included two rounds of public exhibition. Since this time, there have been no changes to the list of authorised investments from the OLG and internal review has not highlighted any further changes required at this time. In addition, Council's investment advisors have not identified any required changes.

As such, it is recommended that the existing investment policy be re-adopted with no amendments made.

**Options**

Council has the following options:

1. Adopt the Policy identified within this report

2. Not to adopt the Policy identified within this report
3. Adopted an amended Policy

**Community Engagement and Internal Consultation**

Consultation has occurred with:

- Relevant Finance staff;
- Imperium Markets;
- The Executive

It is noted that two rounds of public exhibition were conducted last year which resulted in the current adopted policy. This review has not recommended further changes.

**Planning and Policy Implications**

There are no planning implications in relation to this report. This report recommends re-adopting the existing Investment Policy without amendment.

**Financial and Economic Implications**

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

**Attachments**

1.  Investment Policy-adopted-2020-08-12

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**Item: 09.08**

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

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

1. **Adopt the adjustments in the "September 2021 Adjustments" section of the Monthly Budget Review – September 2021 report and associated attachment.**
2. **Amend the 2021-2022 Operational Plan to include all budget adjustments approved in this report.**
3. **Remove the Rates / Water Overpayment Refund Fee from the Schedule of Fees and Charges for 2021-2022.**

#### **Executive Summary**

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

The Council adopted 2021-2022 budget position at the commencement of the financial year was a balanced budget. The budget adjustments contained in this report reduce the subsequent budget shortfall position to \$421,562 at the end of September 2021 as outlined in the below table.

#### Monthly Budget Review Summary

<b>Original Budget as at 1 July 2021</b>	<b>Balanced</b>	<b>\$0</b>
<i>Plus adjustments:</i>		
July Review	Balanced	\$0
August Review	Shortfall	(\$427,403)
September Review	Surplus	\$5,841
<b>Forecast Budget Position for 30 June 2022</b>	<b>Shortfall</b>	<b>(\$421,562)</b>

This report also addresses the removal of the Rates / Water Overpayment Refund Fee from the Schedule of Fees and Charges.

**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.

September 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 "September 2021 Budget Review".

September Budget Adjustments

Salaries are being transferred between Communications and Customer Service sections this month totalling \$15k. Transfers of salaries between these areas has a positive flow on effect to the overheads charged (\$5k).

Council was awarded grants totalling \$472k during the month of September 2021. This comprised of a grant from Transport for NSW for Bril Bril Bridge (\$430k) matched by Council funds, and a Better Waste Recycling grant from Environmental Protection Authority (\$112k).

Reserve transfers are required this month to transfer funds back to the Water Reserve. This is due to the Council decision not to proceed with the Fluoridisation Poll (\$90k).

Budget Variance Requests have been approved by Executive this month for the Bicentennial Walkway Project (\$200k), Cairncross Landfill Expansion (\$650k) and Flood Recovery Works (\$100k).



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
<b>Operating Activities Movements</b>						
<b>Income from continuing operations</b>						
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	1,598	65,228	392	65,620
Other Operating Receipts	5,458		127	5,585	6	5,591
<b>Expenses from continuing operations</b>						
Employee Costs	(55,268)		(482)	(55,750)		(55,750)
Materials and Contracts	(45,201)	(2,104)	(93)	(47,398)	58	(47,340)
Depreciation	(50,236)		0	(50,236)		(50,236)
Interest Paid	(2,158)		0	(2,158)		(2,158)
Other Operating Payments	(15,352)		(2)	(15,354)		(15,354)
Loss on Disposal of Assets	(3,000)		0	(3,000)		(3,000)
<b>Operating result from continuing operations</b>	<b>48,521</b>	<b>681</b>	<b>1,148</b>	<b>50,350</b>	<b>456</b>	<b>50,806</b>
<b>Restricted Asset Movements</b>						
Transfer from Restricted Assets	38,796	6,146	89	45,031	860	45,891
Transfer to Restricted Assets	(55,466)		0	(55,466)		(55,466)
<b>Net Revenues (Used in)/Provided by in Restricted Assets</b>	<b>(16,670)</b>	<b>6,146</b>	<b>89</b>	<b>(10,435)</b>	<b>860</b>	<b>(9,575)</b>
<b>Property, Plant and Equipment Movements</b>						
Purchase of Assets	(67,573)	(6,827)	(1,664)	(76,064)	(1,310)	(77,374)
Developer Provided Assets	(6,500)		0	(6,500)		(6,500)
<b>Net Revenues (Used in)/Provided by Property, Plant and Equipment Activity</b>	<b>(74,073)</b>	<b>(6,827)</b>	<b>(1,664)</b>	<b>(82,564)</b>	<b>(1,310)</b>	<b>(83,874)</b>
<b>Financing Activities Movements</b>						
Proceeds from Borrowings and Advances	0			0		0
Repayments of Borrowings and Advances	(11,014)			(11,014)		(11,014)
<b>Net Revenues (Used in)/Provided by Financing Activity</b>	<b>(11,014)</b>	<b>0</b>	<b>0</b>	<b>(11,014)</b>	<b>0</b>	<b>(11,014)</b>
<b>Net Result (Incl Depreciation)</b>	<b>(53,236)</b>	<b>0</b>	<b>(427)</b>	<b>(53,663)</b>	<b>6</b>	<b>(53,657)</b>
Add Back: Non Cash Items	53,236		0	53,236		53,236
<b>Budget Surplus/(Shortfall)</b>	<b>0</b>	<b>0</b>	<b>(427)</b>	<b>(427)</b>	<b>6</b>	<b>(421)</b>

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

**Amendment to Fees and Charges**

A Rates / Water Overpayment Refund Fee was introduced to the Schedule of Fees and Charges in 2020-2021. The intent of this charge was to cover the resourcing cost of processing refunds for overpayments of certain charges, where multiple refunds within a period have been requested or refunds are requested on a regular basis. A review of the charge, including consideration of community feedback and frequency of these instances, has been conducted and on balance it is recommended to remove this charge from the Schedule of Fees and Charges.

**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 reduce the budget position to a shortfall of \$421,562.

**Statement by Responsible Accounting Officer**

*"The adopted original budget result for 2021-2022 was a balanced budget. As at 30 September 2021, this position is changed to a budget shortfall of \$421,562 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.  September 2021 Budget Review



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**Item: 09.09**

**Subject: INVESTMENTS - SEPTEMBER 2021**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

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

#### **Executive Summary**

- Total funds invested as at 30 September 2021 is \$340,633,567.
- Interest for the month of September was \$441,820.
- The year-to-date investment income of \$1,362,782 represents 27% of the total annual investment income budget of \$5,132,800.
- Council's total investment portfolio performance for the financial year to date was 1.64% above the benchmark (1.66% against 0.02%), benchmark being the Bank Bill reference rate as at 30 September 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 1.89% p.a., outperforming bank bills by 1.85% 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 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 are often large and diverse organisations which have many regulatory and compliance requirements including how to raise revenue, and how that can be spent. For context, Port Macquarie-Hastings Council is a large regional Council with an annual expenditure of approximately \$200 million. Whilst every Council has some similarities, they often have characteristics that may set them apart. Port Macquarie-Hastings Council is a large regional Council with high development activity and is also a water authority. These points are relevant in the context of Council reserves / investments. Following is a summary outline of the main areas that have seen an increase in reserves being collected.

*Development Activity*

This Council has experienced large development growth in recent years and this cycle of activity will see larger amounts of developer contributions being received during those years. The purpose of these contributions is to fund infrastructure associated with the growth of an area and consequently are for new infrastructure and are future focussed. The funds cannot be spent on existing infrastructure. There are specific contribution plans which dictate which projects can be funded from these funds and many of the projects are not ready for completion yet (or are not yet needed as growth levels do not yet require the infrastructure). To complicate matters, Councils cannot spend these funds on projects that are not listed in the relevant contribution plans.

*Water and Sewer*

Port Macquarie-Hastings Council is a water authority. Not every Council is (as separate Water Authorities exist e.g. Sydney Water and Hunter Water). The provision of water and sewer services requires large capital investment, with large projects often occurring cyclically and requiring a combination of reserve funds and borrowing to fund these large infrastructure requirements.

Current Investments

Council is required to undertake investments in accordance with section 625 of the *Local Government Act 1993*. This report provides details of Council's investments,

and certifies that all funds that Council has invested as at 30 September 2021, comply with this Act. All investments have been made in accordance with the Act and Regulations, and Council's Investment Policy.

As at 30 September 2021, the investments held by Council totalled \$340,633,567 and were attributed to the following funds:

General Fund*	141,471,933
Waste Fund	21,623,419
Water Fund	119,426,129
Sewer Fund	56,579,235
Broadwater	1,478,350
Sanctuary Springs	54,501
	<b>340,633,567</b>

*\*Includes funds collected from development that must be expended in relation to adopted contribution plans. Also includes funds collected for works on the Port Macquarie Town Centre Master Plan totalling \$2.6m.*

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.

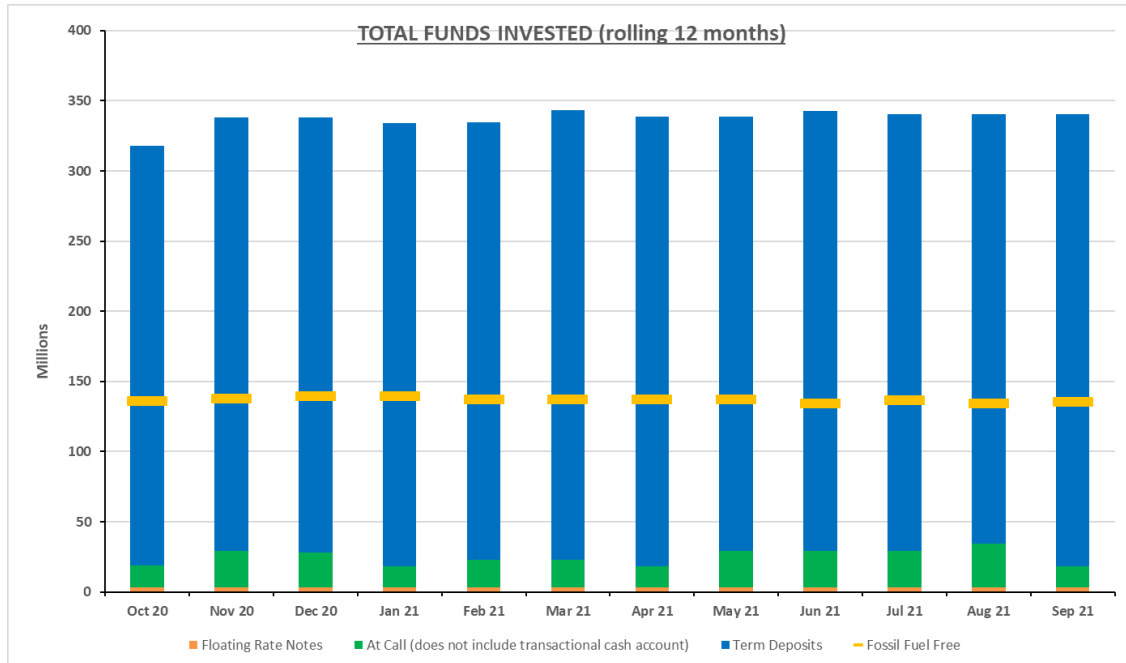
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$340,633,567), and total investments held as per Imperium's attached monthly report (\$340,685,527). 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	49,020,000	83.06%	205,133,567	60.22%
No	10,000,000	16.94%	135,500,000	39.78%
	<b>59,020,000</b>		<b>340,633,567</b>	

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



The value of Council's investments at 30 September 2021 has not changed significantly from August 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 1.64% above the benchmark (1.66% against 0.02%) and year to-date income is 27% 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 - September 2021
2.  Port Macquarie-Hastings Council Portfolio Valuation - September 2021



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**Item: 09.10**

**Subject: PORT MACQUARIE TRANSPORT NETWORK COMMUNITY  
CONSULTATIVE COMMITTEE CHAIR**

**Presented by: Infrastructure, Dan Bylsma**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council endorse the Director Infrastructure as the interim Chair of the Port Macquarie Transport Network Community Consultative Committee from December 2021 until April 2022.**

### **Executive Summary**

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

Current membership was extended until April 2022 to allow for an Expression of Interest (EOI) process to be completed for new membership.

The Committee Chair has indicated an inability to continue membership past the original EOI period of November 2021. The current Charter does not provide for an interim Chair.

### **Discussion**

The PMTNCCC was adopted in 2019 to:

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

network improvements and upgrades to the existing Port Macquarie road network.

Membership to the Committee was initially appointed on a 12-month basis with the option to extend for a further 12-month period in line with the Charter. This option was resolved at the 17 February 2021 Council meeting.

With Council entering the 2021 Local Government Election caretaker period from 8 August 2021, it was resolved at the 21 July 2021 Council meeting to extend membership for a further 5 months to April 2022.

The Committee Chair is unable to continue her role past November 2021 and the current Charter does not provide for an interim Chair.

As the Committee meets quarterly, there will be only one meeting between November 2021 and April 2022 and it is therefore recommended that the Director Infrastructure Chair this meeting.

### **Options**

Council may endorse the recommendation as described in this report or determine in another manner.

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

Consultation was undertaken with the current PMTNCCC Chair.

### **Planning and Policy Implications**

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

### **Financial and Economic Implications**

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

### **Attachments**

Nil

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Item: 09.11

Subject: SUSTAINABILITY POLICY AND CLIMATE CHANGE RESPONSE  
POLICY

Presented by: Strategy and Growth, Jeffery Sharp

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#### Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

#### RECOMMENDATION

That Council:

1. Note the submissions and feedback received relating to the draft Sustainability Policy and draft Climate Change Response Policy during the public exhibition period.
2. Thank those people who provided feedback during the review of the draft Policies.
3. Note the unanimous endorsement by Council's Sustainability Advisory Sub-committee of the draft Sustainability Policy and draft Climate Change Response Policy as presented.
4. Thank members of Council's Sustainability Advisory Sub-committee for their participation in the development of the draft Policies.
5. Adopt the draft Sustainability Policy as presented.
6. Adopt the draft Climate Change Response Policy as presented.
7. Note that references in the Policies to the current Community Strategic Plan *Towards 2030* will be amended to reference the *Imagine 2050* Community Strategic Plan (currently in draft) once adopted by Council.

#### Executive Summary

Following Council's resolution at the 17 March 2021 Ordinary Council Meeting, work has continued on the development of a Sustainability Framework to enable and drive the integration of sustainability across all areas of Council's responsibility.

At the Ordinary Council Meeting on 4 August 2021, Council resolved to place the draft Sustainability Policy and draft Climate Change Response Policy on Public exhibition for a period of 28 days from 5 August 2021 - 1 September 2021.

Council received a total of 28 submissions relating to both draft Policies during the Public Exhibition Period.

This report provides a summary of the submissions received during the Exhibition Period and outlines the amendments made to the exhibited Policies as a result of the feedback received.

The revised Policies were shared with Council's Sustainability Advisory Sub-committee who unanimously endorsed that both Policies be presented to Council for adoption.



**Discussion**1. The Sustainability Policy

As presented to the 4 August 2021 Ordinary Council Meeting, the Sustainability Policy outlines Council's commitment to quadruple bottom line (QBL) sustainability across all of Council's operations and forms the first part of Council's QBL Sustainability Framework - as shown below:



The draft Policy (Attachment 1):

- Includes a definition of sustainability;
- Identifies the role of the Sustainability Framework in Council's operations and the roles and responsibilities of Councillors and Council staff.
- Defines the four Sustainability Pillars which address the Quadruple Bottom Line (QBL) elements of sustainability.
- Outlines the Principles Council will follow in its planning and day-to-day operations

Work is continuing on the development of Part B of the QBL Sustainability Framework - Implementation - which will provide the tools by which the Sustainability Policy is implemented.

2. Climate Change Response Policy

At the March 17 2021 Ordinary Council Meeting, Council resolved to declare a Climate Emergency. The Climate Change Response Policy, which has been drafted in collaboration with Council's Sustainability Advisory Sub-Committee, is the first in a range of actions that Council will take to develop a comprehensive and integrated response to climate change.

The draft Climate Change Response Policy (Attachment 2) articulates Council's commitment to respond to climate change through meaningful actions that:

- Reduce Council's greenhouse gas emissions;
- Facilitate and support an LGA-wide reduction in greenhouse gas emissions, and;

- Help Council and the community adapt to the projected impacts of climate change.

The draft Climate Change Response Policy aligns with the draft Sustainability Policy and sets the principles and direction for the development and implementation of supporting documents (including the Climate Change Response Strategy and Action Plans which Council staff are currently developing), processes and tools that are being developed by Council to respond to our changing climate.

#### Amendments made to Draft Policies placed on Public Exhibition

As a result of the feedback received from the community during the Public Exhibition Period (see further discussion below) a number of changes were made to the Draft Policies.

- Key changes are noted below:

#### Sustainability Policy:

- Definitions of sustainability and sustainable development - there was some commentary about the interchange of these in the draft documents. The intent is now to have these both defined and talk to the fact that Council will be addressing both of these in the work we do.
- The acknowledgement that we need to find *an acceptable balance* between the 4 pillars of sustainability.
- Change to the definition of economic sustainability - to be consistent with the format of the other areas of sustainability. The definitions stand alone and it is in our decision-making and practice that we need to achieve the balance.
- Changes to economic valuation to be more clear about what this means.
- Inclusion of education as a key means to effect change.

#### Climate Change Response Policy:

- Acknowledgement that we do not have control of any community net zero targets that may be set but we can work with the community to help achieve these.
- Better explanation and placement within the Policy of the precautionary principle and how this will be applied.
- Reference to and definition of net zero
- Change to the definitions of climate change mitigation and adaptation to reflect the Intergovernmental Panel on Climate Change (IPCC) definitions.

#### **Options**

Council has the option to:

1. Resolve to adopt the Draft Sustainability Policy and Draft Climate Change Response Policy, as presented;
2. Resolve to undertake amendments to one or both draft Policies;
3. Resolve not to adopt either or both of the draft Policies and seek further information;
4. Resolve in some other manner.

**Community Engagement and Internal Consultation**

The approach and findings for the community and stakeholder engagement conducted as part of the public exhibition of the draft policies is detailed in the Community Engagement Report (Attachment 3).

The draft Policies were on public exhibition from 5 August - 1 September 2021. As a result of the exhibition there were 105 people aware of the project and Council received 23 survey submissions across both policies via the Have Your Say platform and 3 submissions directly to Council.

All submissions were largely in support of the draft Policies. The key themes raised in the survey comments and submissions and Council's response to these are shown below. In addition, there were some suggestions for changed wording to clarify the intent of certain principles and definitions.

Comment/Issue	Council's Response
The need for Council to provide education on its roles to meet the sustainability/climate change policies.	Noted. Education added to Principle 7 in the Sustainability Policy and Principle 4 in the Climate Change Response Policy.
Incorporate performance indicators for implementation, monitoring and evaluation.	Noted. Specific actions and supporting measures will be identified in the supporting strategies and action plans. Sustainability indicators will be integrated into the IP&R Framework and Australian Business Excellence Framework.
Suggested inclusion of First Nations perspectives; and	Noted. The development of supporting strategies and plans will involve engagement with the PMHC community including our local Biripai people. Council also has an Aboriginal Advisory Group who will assist us in the development of the strategies.
Inclusion of a principle regarding targets around achieving net zero carbon emissions in both policies	The development of specific net zero targets will be addressed in supporting Climate Change Response Strategy accompanied by a clear roadmap of actions to reach targets.
Improved clarity on the definition and application of economic valuation	Noted and changes made to Principle 4 in the Sustainability Policy.
Improved clarity on the precautionary principle	Noted and changes made to Principle 1 of the Climate Change Response Policy.
The need for strong leadership and implementation of the Policies	Noted.

**Planning and Policy Implications**

These Policies will inform the development of all future strategic and operational plans and projects for Council.

**Financial and Economic Implications**

There are no direct financial and economic implications in relation to this report. Should the draft Policies be adopted as drafted however, Council will need to consider the allocation of resources and finances to ensure that the principles contained within the Policies are adhered to in future Council decision-making.

**Attachments**

1.  Draft Sustainability Policy
2.  Draft Climate Change Response Strategy
3.  Engagement Report - Draft Sustainability Policy and Draft Climate Change Response Policy

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Item: 09.12

Subject: DRAFT COMMUNITY STRATEGIC PLAN

Presented by: Strategy and Growth, Jeffery Sharp

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### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. Note that the Office of Local Government (OLG) has revised the Integrated Planning and Reporting Guidelines.
2. Note that Council staff are reviewing the draft Community Strategic Plan *Imagine 2050* to ensure alignment with the revised Integrated Planning and Reporting Guidelines.
3. Note the proposed timetable for the adoption of the IP&R suite of documents including finalisation of the Community Strategic Plan
4. Note that a future report will be presented to the March 2022 Ordinary Council Meeting with a review of community submissions and the final Community Strategic Plan with a recommendation for its adoption.

### Executive Summary

Council's draft Community Strategic Plan *Imagine 2050* is the roadmap devised by our community for the future of the Port Macquarie-Hastings region.

The culmination of extensive community input, *Imagine 2050* defines our community's vision and provides a description of the route we need to take to reach this vision without being prescriptive about the itinerary on how to get there.

*Imagine 2050* is the culmination of an extensive community engagement program, which sought to understand our community's priorities and aspirations for the future, through a range of different activities and opportunities over a 15-month period between 2019 and 2021.

The draft Community Strategic Plan was placed on public exhibition for a period of 28 days from 26 July 2021 until 27 August 2021.

It was expected that following review of submissions received during the public exhibition period, a report would be presented to Council at the 13 October Ordinary Council Meeting summarising the community submissions and including a recommendation to adopt the final Community Strategic Plan.

In early September, the NSW Office of Local Government issued updated Integrated Planning and Reporting Guidelines and an associated Handbook to assist Councils in the development of their Community Strategic Plan.



Council staff are therefore reviewing the draft Community Strategic Plan *Imagine 2050* to ensure that the amendments to the *Local Government Act 1993* (the Act) in the *Local Government Amendment (Governance and Planning) Act 2016* are addressed in Council's Community Strategic Plan.

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

### Discussion

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

The culmination of extensive community feedback, this plan:

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

At the 21 July 2021 Ordinary Council Meeting the draft Community Strategic Plan *Imagine 2050* was presented to Council and it was resolved as follows:

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#### 09.07 DRAFT COMMUNITY STRATEGIC PLAN

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**RESOLVED:** *Intemann/Griffiths*

That Council

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

**CARRIED:** 6/0

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

**AGAINST:** Nil

The draft Community Strategic Plan was placed on public exhibition in accordance with Council's resolution.

In early September, Council received advice from the Office of Local Government that the Integrated Planning and Reporting (IP&R) Guidelines which were first issued in 2010, have been updated to reflect legislative changes enacted through the Local Government Amendment (Governance and Planning) Act 2016.

All councils in NSW use the IP&R framework to guide their planning and reporting activities. The requirements for IP&R are set out in the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2021 (the Regulation).

These Guidelines explain what councils, county councils and joint organisations must do to ensure they comply with their planning and reporting requirements set out in the Act. The Guidelines are issued under section 406 of the Act and the Regulation.

The Guidelines include:

- Requirements under the Act
- Requirements under the Regulation
- Essential Elements which are also mandatory requirements

In addition to the Guidelines, the OLG has also issued Councils with the Integrated Planning and Reporting Handbook which is a practical guide for the preparation of the suite of IP&R documents which includes the Community Strategic Plan.

The Handbook identifies standards ('good', 'better', 'best') for the Community Strategic Plan including a self-assessment checklist for each of these standards.

An initial review of the Guidelines and Handbook against Council's current draft Community Strategic Plan indicates that it is close to meeting the 'good standard'. Council will be able to move towards the 'best standard' with further work on detailing assessment methods for measuring success and the integration of **all** Council activities and services with community aspirations. These steps will also assist in the development of supporting IP&R documents such as the Delivery Program and Operational Plan.

The potential changes are structural rather than strategically-driven and would not result in the Community Strategic Plan needing to be re-exhibited.

#### Proposed Timeline for CSP

It is a Local Government statutory requirement for NSW Councils to develop the Integrated Planning and Reporting (IP&R) suite of documents, and for them to be endorsed by Council, by 30 June in the year following a Council election. The following outlines the proposed timeline for adoption of the Community Strategic Plan.

- |                    |  |
|--------------------|--|
| 4 December 2021:   | Council Elections  |
| February OCM 2022: | First OCM with new Council body  |
| March OCM 2022:    | Finalised Community Strategic Plan presented to Council for adoption and remaining draft IP&R documents (Resourcing Strategy; Delivery Program; 2022-23 Operational Plan, Rates/Fees & Charges) presented to Council for endorsement to go on Public Exhibition for 28 days. |
| June OCM 2022:     | (Resourcing Strategy; Delivery Program; 2022-23 Operational Plan, Rates/Fees & Charges) adopted by Council.  |



**Options**

Council could choose to:

1. Adopt the recommendation as proposed
2. Seek further information

**Community Engagement and Internal Consultation**

As reported to Council at the 21 July 2021 Ordinary Council Meeting, the Community Strategic Plan is the culmination of an extensive community engagement program which took place between early December 2019 to January 2021 to understand our community's priorities and aspirations for the future of Port Macquarie-Hastings.

The draft Community Strategic Plan Imagine 2050 was placed on public exhibition for a period of 28 days from 26 July 2021 to 27 August 2021.

The outcomes from this public exhibition period including a summary of the submissions received and Council's response will be provided to Council in the Council report which presents to Council the final draft Community Strategic Plan for adoption.

**Planning and Policy Implications**

The recommendations in this report have been made to ensure that Council meets its obligations under the NSW Integrated Planning and Reporting Framework requirements.

**Financial and Economic Implications**

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

There is a subsequent financial impact associated with the supporting IP&R documents including the Delivery Program; Operational Plan; the Resourcing Strategy and Revenue Policy and Fees and Charges documents. These impacts however are not known at this time and will be considered further in the development of the suite of IP&R documents to be put before the new Council in 2022.

**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

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**Item: 10.01**

**Subject: WAUCHOPE & SURROUNDS COMMUNITY PLAN**

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

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### **Alignment with Delivery Program**

2.4.1 Work with the community to identify and address community needs, to inform Council processes, services and projects.

### **RECOMMENDATION**

#### **That Council:**

- 1. Endorse the Wauchope and Surrounds Community Plan.**
- 2. Note the extensive engagement which has taken place with the community and their Community-Council Action Team to finalise the Plan.**
- 3. Note the goals and actions identified for each of the communities outlined in the Community Plan for consideration in future Operational Plans.**
- 4. Note the Public Exhibition submissions, responses and updates to the current, revised version, of the Wauchope and Surrounds Community Plan.**

### **Executive Summary**

The regional community planning process was initiated in mid-2018 to work collaboratively with our communities to develop and deliver community plans. This included the establishment of Community Council Action Teams (CCATs) across twelve of our towns and villages.

Community Plans take a place-based approach that draws on the idea of participatory planning. They identify each community's vision, priorities and actions to achieve positive change, while recognising the unique qualities of each community and the challenges posed by significant forecast growth. The Plans will enable us to assess these priorities across the entire LGA and assist communities to deliver projects relevant, and important, to them.

The Wauchope and Surrounds Community Plan has now been completed as a result of extensive consultation with the community and CCAT representing the areas of Wauchope, King Creek, Crosslands, Yippin Creek, Huntingdon, Bago and Rosewood.

Feedback received during the August 2020 public exhibition period, along with updates made by the Wauchope CCAT have been incorporated into the current Plan, which is presented for Council endorsement.

**Discussion**

The Wauchope and Surrounds Community Plan is one of two remaining plans to be endorsed from a total of 12 plans representing communities across our LGA.

The delay in seeking endorsement follows the restructure and on-boarding of a new community engagement team; and, the widespread impact of the March flood events, which resulted in staff resources being redirected to community recovery work.

The Wauchope and Surrounds Community Plan has been developed using our Community Planning Process detailed under the Community Consultation heading below. Endorsement of the Plan is a key step in realising the goals and actions of the Plan.

**Vision, Goals and Actions**

The Wauchope community worked together to identify a vision, goals and actions to deliver the vision for their place. The Wauchope and Surrounds Community Plan is included at Attachment 1.

The Vision for Wauchope was created in September - December 2019 through community input via surveys, meetings and consultations. The community of Wauchope values the unique history and heritage of their town, they strive to live sustainably in a changing climate and to protect and preserve the surrounding natural environment. They support the continued development of Wauchope as a unique, vibrant, activated, safe and connected destination to ensure continued future growth of the region.

**Vision**

Wauchope is the heart of the Hastings with a proud local community who preserves and celebrates its long history while embracing sustainable tourism, events and initiatives that attract visitors and grown our inclusive, connected community.

**Goals**

1. Friendly Wauchope/We live in a safe and connected community
2. Activate Wauchope
3. Vibrant tourism and culture/Visit Wauchope
4. Sustaining Wauchope in a changing climate
5. Moving around
6. Sound planning and infrastructure

**Options**

Council can resolve in line with the recommendation included in this report or request additional information.

**Community Engagement and Internal Consultation**

The Wauchope and Surrounds Community Plan was developed following extensive community consultation as outlined in the Community Planning process (illustrated below).



A draft plan was developed by the CCAT incorporating insights and feedback collected during the consultation period. The draft plan was as put on public exhibition from 9 July to 13 August, 2020 to gather feedback from the community. The following was recorded:-

- HYS Visitors - 38
- Downloads of Plan - 41
- Submissions Received - 3

Submissions received and responses are outlined in Attachment 2: Wauchope Community Plan, Public Exhibition Submissions.

### Public Exhibition Submissions

A summary of submissions (which were considered by the CCAT) is included below, under relevant headings. Verbatim feedback, responses and actions are detailed in Attachment 2 - Community Engagement and Internal Consultation - Wauchope Community Action Plan.

#### *Introduction*

- Remove reference to Port Macquarie - focus on merits of Wauchope [things people like about Wauchope included proximity to beaches]

#### *Map*

- Add Bago Lookout.
- Update 21 to Showground.
- Add existing sports fields: Lank Bain Sporting Complex, Andrews Park, Blackburn [Blackbutt] Park and Fairmont Gardens.
- Add racetrack and greyhound track.

#### *History*

- Include pre-1818 history.



- Include Bain Family donation of Lank Bain Sporting Complex, noting the rugby league game vs international touring side.

***Goal 2 - Activate Wauchope***

- Improve lighting close to sporting fields (such as Blackbutt and Fairmont) to encourage safe walking or cycling to and from sport after school.
- Upgrade Queen's Wharf in recognition of historical importance and open up Wauchope to day trippers from Port Macquarie by river - connect directly with sculpture and river walks.
- Target CBD for revitalisation.

***Goal 3 - Vibrant Tourism and Culture/Visit Wauchope***

- Work with identified stakeholders to build safe platform at Bago Lookout include signage and maps to encourage visitation.

***Goal 5 - Moving Around***

- Create better cycle ways and walking connectivity between our local villages - Wauchope to Beechwood (e.g. Laurieton to Kew).
- Upgrade, widen and elevate paths around Rocks Ferry Reserve/ under the train bridge.
- Install pedestrian link from CBD carpark off Cameron Street [near High St roundabout].
- Install a set of stairs from Rocks Ferry reserve to Rocks Ferry Bridge.

***Goal 6 - Sound Planning and Infrastructure***

- Plan for affordable accommodation for university students and young professionals.
- Advocate for business centres and co-working spaces to encourage businesses to operate from Wauchope.

**Actions and Updates**

The Wauchope and Surrounds Community Plan has over 60 actions associated with the above goals, some of which have already been achieved or are in process. During review of the public exhibition submission review process, the CCAT consolidated some actions under Goal 1: Friendly Wauchope/We live in a safe and connected community. Some images were also updated along with grammar and spelling corrections. These changes are detailed in Attachment 2 - Community Engagement and Internal Consultation - Wauchope Community Action Plan.

Following endorsement, it is expected that the Plan will be updated on an annual basis to reflect changing priorities and completed actions.



**Planning and Policy Implications**

Outcomes from the Wauchope and Surrounds Community Plan will need to be considered for inclusion in future Council Delivery & Operational Plans.

**Financial and Economic Implications**

Outcomes from the Wauchope and Surrounds Community Plan will need to be considered for inclusion in future Council Delivery & Operational Plans and budget planning.

**Attachments**

1.  Wauchope and Surrounds Community Plan
2.  Community Engagement and Internal Consultation - Wauchope & Surrounds Community Plan



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**Item:** 10.02

**Subject:** 2021-2022 ROUND 1 COMMUNITY GRANT PROGRAM FOR  
ENDORSEMENT

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

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### Alignment with Delivery Program

2.2.1 Support and advocate for all community sectors.

### RECOMMENDATION

That Council pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2021-2022 Round 1, and the NSW Bushfire Community Recovery and Resilience Fund, for the total amount of \$49,746 according to the following:

<u>Organisation Name</u>	<u>Project</u>	<u>Funding</u>
<b>Community Builders</b>		
Beechwood Recreation Ground Reserve trust	Beechwood Reserve Playground	\$5,000
Hastings Valley Miniature Railway	Track Duplication	\$5,000
Wauchope Neighbourhood Centre	Community Playgroup	\$2,800
Hastings Valley Amateur Beekeeper Association	Apiary Equipment	\$3,325
	<b>Sub-total</b>	<b>\$16,125</b>
<b>Community Celebrations</b>		
Telegraph Point Community Assoc.	Telegraph Point Christmas Party	\$2,000
Wauchope Chamber of Commerce	Christmas Celebrations	\$5,000
Marine Rescue NSW	Community Aquatics Aus Day 2022	\$1,500
All Saints Pappinbarra Comm. Church	All Saints 90 <sup>th</sup> Anniversary Celebration	\$4,650
Camden Haven Chamber Commerce	Christmas Celebrations	\$5,000
	<b>Sub-total</b>	<b>\$18,150</b>
<b>Cultural Activities</b>		
Bonny Hills Progress Association	Bonny Hills Art Show	\$3,000
	<b>Sub-total</b>	<b>\$3,000</b>
<b>Youth Projects</b>		
YP Space MNC	BoostYouth Program	\$1,950
	<b>Sub-total</b>	<b>\$1,950</b>

**Micro Grants**

MNC Cricket Council Inc.	MNC T20 Cricket Gala Comp	\$1,000
	<b>Sub-total</b>	<b>\$1,000</b>

**2021-2022 Round 1 Community Grants Distribution Total** **\$40,225**

**Additional Funding Opportunities - NSW Bushfire Community Recovery and Resilience Fund (NSW Resilience)**

Northside Progress Association	Emergency Generators	\$4,521
Camden Haven Chamber Commerce	Camden Haven Festival	\$5,000
	<b>Sub-total</b>	<b>\$9,521</b>

**Total Grant Funding** **\$49,746**

**Executive Summary**

Applications for Round 1 of the 2021-2022 Community Grants Program opened on 30 August 2021 and closed on 19 September 2021. A total of 31 applications were received of which 13 were recommended for funding support by the assessment panel as having successfully met the Community Grants Program criteria.

**Discussion**

Annually, Port Macquarie-Hastings Council provides up to \$200,000 in Community Grants for our community with the objectives being to:

- provide opportunities for residents of Port Macquarie-Hastings to participate in a broad range of arts, culture, or local history activities that benefit the quality and cultural heritage of their lives;
- provide opportunities for residents to participate in special community events with the aim of celebrating and enriching the community's lifestyle;
- foster initiative and self-help among residents;
- encourage the participation of people in activities who have limited opportunities to participate due to low income, geographic or social isolation, cultural background or disability; or
- strengthen community skills and capacity.

The Community Grant Guidelines 2021-2022, available on Council's website, set out the objectives, eligibility and assessment criteria, and other information for the Grant round. Online applications were submitted online via the PMHC website or via email. Information sessions were held online on Monday 23 and Wednesday 25 August 2021, prior to the opening of the Grant program.

Applications opened on 30 August 2021 and closed on 19 September 2021. A total of 29 applications were received, the breakdown by category was as follows:

- 16 Community Builders

- 8 Community Celebrations
- 1 Cultural Activities
- 2 Youth Projects
- 2 Micro Grants

The assessment of applications was undertaken in two stages. Stage 1 was a check against eligibility criteria, restrictions and supplementary information by the Community Inclusion Team Leader and Stage 2 was an assessment of projects against the criteria as published in the *Community Grant Guidelines* by the assessment panel.

The assessment panel consisted of the below staff members:

- Group Manager Recreation, Property & Building
- Community Inclusion Team Leader
- Cultural Development Officer
- Grants Officer

#### Community Grants

A total of \$40,225 is recommended for allocation in 2021-2022 Round 1 Community Grants program as follows:

- Community Builders for community organisations to establish, strengthen or implement projects that can demonstrate a benefit to the wider community (\$16,125);
- Community Celebrations to establish projects that engage the whole community, encourage celebration and strengthen community spirit & connectedness (\$18,150);
- Cultural Activities for projects that provide opportunities for residents to participate in a broad range of arts and cultural activities that enhance quality of life (\$3,000);
- Youth Grants that provide opportunities for youth to put on programs to benefit other youth (\$1,950)
- Micro Grants provide support for unexpected opportunities for our community to enhance people, places & spaces (\$1,000)

#### Additional Funding Opportunities

Two applications were submitted for the Community Grants Program however the assessment panel felt they were better suited as Recovery Projects. Both applications met all the relevant criteria and the projects would have a strong community benefit in Recovery & Resilience.

- NSW Bushfire Community Recovery and Resilience Fund (\$9,521).

Notification will be forwarded to the successful and unsuccessful applicants.

Successful applicants will also be contacted by telephone and email. Unsuccessful applicants will be contacted via email with feedback on their application, and suggestions on other possible grant opportunities that are available.

Descriptions of all projects, grant guidelines and assessment evaluations are detailed in the confidential attachments.

*The confidential attachments titled “Confidential - 2021-2022 Unsuccessful Grant Applications” and “Confidential - 2021-2022 Round 1 Community Grants Assessment” contains information that relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d)(i)).*

**Options**

Council may choose to seek further information or request an alternative distribution.

**Community Engagement & Internal Consultation**

Internal consultation:

- Group Manager Recreation, Property & Building
- Community Inclusion Team Leader
- Cultural Development Officer
- Grants Officer
- Natural Resources Manager

External consultation: Nil.


**Planning & Policy Implications**

The grant process is consistent with *Council’s Funding and Support provided to the Community Policy (July 2013)*.

**Financial & Economic Implications**

The above recommendation distributes \$40,225, leaving \$159,775 available for Round 2 Community Grants program.

**Attachments**

1.  2021-2022 Community Grant Guidelines
2. Confidential - 2021-2022 Unsuccessful Grant Applications (Confidential)
3. Confidential - 2021-2022 Round 1 Community Grants Assessment (Confidential)

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**Item: 10.03**

**Subject: POLICY REVIEW - DOGS IN PUBLIC OPEN SPACES**

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

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

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

#### **RECOMMENDATION**

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

- 1. Note the submissions and feedback received relating to the Draft Dogs in Public Open Spaces Policy during the public exhibition period.**
- 2. Note further discussions have been held with Crown Lands and NPWS regarding dogs on Washhouse Beach.**
- 3. Defer any changes to the current Draft Dogs in Public Open Spaces, until completion of the Local Government Area Wide Coast and Estuary Recreational User Needs Analysis.**
- 4. Thank people who provided feedback during the review of the Dogs in Public Open Spaces Policy and advise them of Council determination.**

#### **Executive Summary**

At the Ordinary Council meeting held on 21 July 2021 it was resolved, in part:

##### *That Council:*

- 4. Note that the Draft Dogs in Public Open Spaces Policy will be presented to Council for further consideration in October 2021 following further discussions with NPWS regarding dogs on Washhouse Beach.*

**CARRIED: 6/0**

Due to the level of feedback and nature of submissions received in respect of the Draft Policy, particularly around the issue of dogs on Washhouse Beach, Dunbogan further consultation was undertaken with NSW Crown Lands and the NPWS regarding the proposed prohibition of dogs on Washhouse Beach, prior to submission of this report. These discussions were held on 9 July and 24 August 2021.

Following public exhibition of the Draft Policy during 24 May to 21 June 2021, this report now provides a summary of the submissions received and recommends any proposed changes to the current Policy be deferred until completion of the LGA Wide Coast and Estuary Recreational User Needs Analysis, as part of the Coastal Management Program.



**Discussion**

The current Dogs in Public Open Spaces Policy was adopted by Council on 20 April 2011 (**Attachment 1**), after numerous Council Reports dating back to the Ordinary Council Meeting held on 17 February 2010.

At that time, dogs were permitted on Washhouse Beach only below the mean high water mark and between specific hours, after a rescission motion was passed by Council in 2005 overturning previous prohibition. The parameters around the situation were reported as not practically enforceable, and was in direct contradiction to the conservation principles being applied to the adjoining land at Kattang Nature Reserve.

At the February 2010 meeting it was resolved:

1. *That Council amend its "Dogs on Beaches" Policy in accordance with the following:*
  - (a) *That Wash House Beach change from a Permitted Timed Unleashed Area to a Prohibited Area.*
  - (b) *That the small beach area directly to the North of the Tacking Point Lighthouse namely Little Bay be included in the policy as a Prohibited Area.*
  - (c) *That Pelican Island be included in the Policy as a Prohibited Area.*
2. *That the proposed Policy amendments be reported back to Council following a public exhibition of 28 days.*

The policy was then presented to the Ordinary Council Meeting held on 28 April 2010 an amendment was proposed; in part,

At this meeting the following was ultimately resolved:

1. *That Council defer recommendations (a), (b) and (c) until the next Council Meeting to enable Council to consider the submission made by Camden Haven/Surround Areas Dog Support Committee.*
2. *That Council review all current policies in relation to dogs in public places, facilities and conditions in conjunction with a public consultation process.*
3. *That the review be completed and placed on public exhibition by October 2010.*

In accordance with the resolutions from the Ordinary Council Meeting of 28 April 2010, a full review of Council's dog policies was undertaken and incorporated into one consolidated policy. An internal Working Party and a public engagement process informed the draft policy which catered for the exercising of dogs on beaches and in other public open spaces.

The draft policy was presented to the Ordinary Council meeting held on 16 February 2011.

At this meeting it was resolved:

1. *That Council place the proposed policy "Dogs in Public Open Spaces" on public exhibition for comment for a period of 28 days, with any proposed changes being reported back to Council.*

2. *That in addition to existing leash-free dog exercise areas on nominated beaches, Council consider the establishment of three (3) leash-free parks, one in each of the major residential areas namely Port Macquarie, Camden Haven and Wauchope.*
3. *That leash-free areas options be subject to a community engagement process in association with the exhibition of the draft Dogs in Public Open Spaces policy.*

Finally, the policy was presented to the Ordinary Council Meeting held on 20 April 2011 it was resolved:

1. *That Council adopt the draft policy, Dogs in Public Open Spaces.*
2. *That Council establish three (3) leash-free dog exercise areas on reserves at:*
  - *The Boom Reserve, Port Macquarie;*
  - *Henry Kendall Reserve, Laurieton; and*
  - *Wilbur Trotter Reserve, Wauchope.*
3. *That Council prioritise the delivery of each of the proposed leash-free dog exercise areas and consider funding options as part of future Operational Plans.*

This resolution meant that Washhouse Beach, Lighthouse Beach and Nobby's Beach were adopted as leash free dog beaches and work commenced on development of new off leash areas.

Over the years Council and NPWS have received a number of complaints about non-compliance of dog related matters at Washhouse Beach south, where some people allow their dogs to enter the Kattang Nature Reserve northern boundary. As a result, NPWS are not able to undertake vertebrate pest management programs and have raised concerns about the impact domestic dogs have on threatened species known to occur on Washhouse Beach. NPWS compliance data indicates 60% of their patrols detected illegal dog walking in the dog prohibited area, with 50% of those breaches committed by locals.

In November 2020, the current Policy underwent an internal review with consideration of the recreational use of the growing population in our LGA, community expectation and feedback, environmental and social factors to ensure minimal impacts. Following initial feedback and survey responses from key stakeholders, Washhouse Beach was included as a Prohibited Area in the Draft Policy (**Attachment 2**). This recommendation, if adopted, would see Washhouse Beach re-classified from Off-Leash to a Prohibited dog area.

The Draft Policy was placed on public exhibition between 24 May to 21 June 2021 where a significant number of submissions were received relating to the proposal to reclassify Washhouse Beach. The overall majority of respondents were against this proposal. Given the level of interest in this issue, further discussions were held with NSW Crown Lands and NPWS regarding dog management at this site, in response to the submissions received. Discussion points included land tenure, enforcement and compliance resourcing issues, existing signage layout (**Attachment 3**) and the Coastal Management Program.

Commencing January 2022, Council will undertake a Local Government Area (LGA) Wide Coast and Estuary Recreational User Needs Analysis for the Coastal Management Program. This project will focus on existing recreational infrastructure



and policies, identifying gaps and current service levels. It will allow for targeted and strategic assessment of new recreational facilities, with findings to help guide any future changes to the Dogs in Public Open Spaces and Driving on Beaches policies.

The project report is expected by January 2022, and will incorporate feedback from external agencies including DPI Fisheries, NPWS and the Marine Estate Management Agency. Accordingly, this report recommends that Council defer any changes to the current Draft Dogs in Public Open Spaces, until completion of the LGA Wide Coast and Estuary Recreational User Needs Analysis.

### **Options**

Council could choose to:

1. Defer considering the adoption of the Draft Dogs in Public Open Spaces, until the LGA Wide Coast and Estuary Recreational User Needs Analysis is completed.
2. Adopt the Draft Dogs in Public Open Spaces Policy, as presented or
3. Resolve in some other manner.

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

Internal engagement has taken place with the following stakeholders:

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

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

#### External Consultation:

- National Parks and Wildlife Service
- NSW Crown Lands

#### Community Engagement:

Key stakeholders during the entire engagement process included the general community, dog clubs, dog training programs and veterinary practices.

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

The Draft policy was placed on public exhibition between 24 May to 21 June 2021. The following key statistics relating to engagement via PMHC 'Have Your Say' during the exhibition period are as follows:

- Total visits: 935
- Policy views/downloads: 189
- Engagement summary infographic (views and downloads): 48
- Have Your Say submissions: 137
- Written submissions: 56

Analysis of the submissions shows that:

- Significant public interest has been demonstrated throughout this policy review with approximately 60 community members attending the pop-up stand at Washhouse Beach on 15 June 2021.
- Environmental impacts were the most significant reason in support of the proposed policy changes with specific focus on the threatened and vulnerable species in the Kattang Nature Reserve (**Attachments 4, 5 & 6**).
- Responses advised of continued infringements of the existing policy, specifically dogs being walked beyond the permitted section and into the Nature Reserve.
- However, the overall majority of respondents were against the draft policy, in particular, the proposal to reclassify Washhouse Beach from Off-Leash to Prohibited. Factors contributing to this include the mental and social wellbeing of the community, accessibility and safety, economy and tourism and the lack of enforcement and need for further education of the policy.
- The perceived lack of enforcement, need for further policy education and improved signage is a key factor for and against the proposed changes.

Submissions and feedback have been collated in the attached Community Engagement Report (**Attachment 7**) and Public Exhibition Report (**Attachment 8**).

Similar sentiments were presented during the 2011 public exhibition, including:

- Access to other permitted areas (South Beach, Dunbogan) is limited to the seniors (which account for a high proportion of current users of Wash House Beach).
- The benefits of exercising and socialising for both humans and dogs alike and the attraction to tourists and visitors of the Dunbogan / Camden Head area because of the ability to exercise dogs on beaches.
- The long standing ability to residents to access this area for dog exercising.

Separate to the recent community engagement program, two petitions were instigated on social media by concerned community members. At the time of drafting this report, 870 signatures were against the re-classification proposal for Washhouse Beach, with 146 signatures supporting the change.

### Planning and Policy Implications

The current Dogs in Public Open Spaces will remain in force until completion of the LGA Wide Coast and Recreational User Needs Analysis. Analysis results will assist

in guiding any future changes to the Dogs in Public Open Spaces and Driving on Beaches Policies.

**Financial and Economic Implications**

The Policy is managed within existing staff resource levels.

**Attachments**

1.  Dogs in Public Open Spaces Policy - Adopted 20 April 2011
2.  Draft Policy - Dogs in Public Open Spaces
3.  Existing Signage - Washhouse Beach
4.  NPWS Submission - (DOC21.120739)
5.  NPWS Submission - (DOC21.469471)
6.  NSW Environmental Trust - Washhouse Beach Rock Platform Brochure
7.  Community Engagement Report - 23 February 2021
8.  Public Exhibition Report - 30 June 2021

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**Item: 10.04**

**Subject: REVOCATION OF DECLARED MENACING DOG**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council revoke the Menacing Declaration on the dog named 'Sid', microchip number 900164000667268, described as a male, black and white, Mastiff/German Shorthaired Pointer cross.**

### **Executive Summary**

Council investigates and enforces matters relating to dog attacks under the Companion Animals Act 1998. Council received a complaint regarding a dog attack (CRM 74987/2020) in Coreen Place, Bonny Hills on 30 April 2020. A Ranger investigated the complaint and determined there was sufficient evidence to take further action. A Declaration to declare the dog menacing was issued to the owner on 15 May 2020 (**Attachment 1**).

On 10 June 2021 the owner wrote to Council asking that the declaration be revoked. On 29 June 2021 the owner sent further information to Council with a letter attached from the dog's veterinarian certifying that the dog had been examined and had exhibited 'excellent temperament' towards him and other staff (**Attachment 2**).

The dog has no prior history, and has not been involved in any incidents since. The investigating Ranger determined the incident to be on the lower end of the scale for what is considered menacing, with observations that the dog has a good temperament.

This report recommends that based on the additional information received that Council revoke the Menacing Declaration on the dog named 'Sid' microchip number 900164000667268.

### **Discussion**

The Companion Animals Act 1998 authorises Council to declare a dog menacing if it has displayed unreasonable aggression towards a person or animal (other than vermin) or it has, without provocation attacked a person or animal (other than vermin) but without causing serious injury or death. More serious incidents may warrant a Dangerous Dog Declaration. Less serious matters can be dealt with by warnings or a Nuisance Dog Order.

The incident investigated involved the dog 'Sid' escaping from its property and approaching another dog being walked by its owner on lead. When the dog on lead growled 'Sid' proceeded to attack causing bite injuries to the dog on lead which required veterinary attention. Both dog owners also suffered minor bites in attempt to separate the dogs and both attended hospital to have their wounds cleaned and treated. It is noted that serious injury is defined in the Act and in summary includes an injury requiring hospitalisation or an injury requiring medical/veterinary attention that is a level of seriousness such as a broken bone, major laceration or partial loss of sensation or function, or requires cosmetic surgery.

Following investigation, a Menacing Dog Declaration was issued to the owner on 15 May 2020. The declaration requires the owner to comply with additional control conditions for the dog to prevent it from being a further danger to the public. These measures are outlined in the Menacing Dog Declaration in **Attachment 1** and include measures to keep the dog secure and under control, the display of 'Warning Dangerous Dog' signage on the property, requirements for the dog to be desexed, wear a dangerous dog collar and muzzle as well as a restriction on selling or giving away the dog.

Section 39 of the Companion Animals Act 1998 states;

**39 Council can revoke declaration**

*(1) The owner of a dog that has been declared a dangerous dog or a menacing dog under this Division can apply to the council of the area in which the dog is ordinarily kept (whether or not it is the council whose authorised officer made the declaration) for the declaration to be revoked.*

*(1A) An application under subsection (1) cannot be made until after the period of 12 months following the date on which the dog was declared to be a dangerous dog or a menacing dog.*

*(2) The council to which the application is made may revoke the declaration but only if satisfied that—*

- (a) it is appropriate to do so, and*
- (b) if the council determines that it is necessary—the dog has undergone appropriate behavioural training.*

*(2A) In making a determination under subsection (2) (a) in relation to a menacing dog declaration, the council is to have regard to the nature and extent of any behavioural training that the dog has undergone.*

*(3) The council must, as soon as practicable, give notice to the owner of the dog that the declaration has been revoked or that the council has refused to revoke the declaration.*

The Declaration has been in place for in excess of 12 months. As permissible under Section 39(1A) of the Companion Animal Act 1998 the owner has requested that Council consider revoking the declaration

Whilst there has been no formal behavioural training, Council's investigating Ranger recommends that this is not necessary in this instance given the nature of the initial



offence, the history of the dog and the enclosed supporting letter from the dog's veterinarian regarding the dog's temperament (**Attachment 2**).

**Options**

1. Council may revoke the Declaration based on the information presented
2. Council may require further behavioural assessment or additional information prior to considering to revoke the Declaration.
3. Council may choose not to revoke the Declaration at this time. The owner may make another application at another time.

**Community Engagement and Internal Consultation**

No community engagement is required for this matter.

Internal consultation has been undertaken amongst the Compliance team to determine this recommendation to revoke.



**Planning and Policy Implications**

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

**Financial and Economic Implications**

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

**Attachments**

1.  Menacing Dog Declaration - 900164000667268
2.  Letter from Vet - 900164000667268



# 3 Your Business and Industry

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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

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**Item: 11.01**

**Subject: DRAFT 2022-2032 ECONOMIC DEVELOPMENT STRATEGY**

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

---

### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the broad community engagement and input received during development of the new draft 2022-2032 Port Macquarie-Hastings Economic Development Strategy.**
- 2. Thank Council's Economic Development Steering Group and all community members who participated in workshops to support the development of the draft Strategy.**
- 3. Place the draft Economic Development Strategy on public exhibition from 18 October 2021 for a period of 28 days.**
- 4. Note that a further report will be tabled to the new Council in early 2022, detailing the submissions received from the public during the exhibition period and presenting an updated draft Strategy for adoption.**

### **Executive Summary**

With the 2017-2021 Economic Development Strategy coming to an end, a new ten-year Economic Development Strategy has been drafted to define our approach to supporting our community's economic future.

The draft 2022-2031 Economic Development Strategy sets out the strategic pathway to achieve inclusive and sustainable economic development outcomes through the coming decade. It aims to build on recent economic growth and development, support our recovery from recent economic challenges (natural disasters and COVID-19), and deliver a range of positive economic impacts for our community.

The draft Strategy has been developed with broad community engagement reflecting on diverse perspectives across our region and is now recommended for public exhibition seeking community feedback.

### **Discussion**

When developed, Council's 2017-2021 Economic Development Strategy was considered to be a renewal rather than a totally new strategy. It maintained the five key outcomes that had been prioritised in the previous 2013-2016 Strategy:

1. Embracing business and a stronger economy;
2. Providing the foundations;
3. Creating vibrant and desirable places;
4. Embracing opportunity.
5. Partnering for success.

While many aspects of this current Strategy are still relevant today, and indeed, were strong themes in recent engagement, a holistic review and renewal of the Strategy was deemed timely, noting much has changed in our local economic landscape and many new challenges have been faced in recent times.

The attached draft Strategy has been developed to serve as a 'whole of council' strategy, integrating and aligning with Council's position and priorities across a range of other strategies and plans including our draft Community Strategic Plan, Local Strategic Planning Statement, Regional City Action Plan and draft Sustainability Policy.

It has been informed via a range of engagement with local business, industry and community members, as well as Council's Economic Development Steering Group which includes representatives from a range of local industries and business groups. At its meeting of 22 September 2021, the Economic Development Steering Group resolved to "support the presentation of the Draft strategy to Council for public exhibition, pending the modifications discussed." (these modifications have been incorporated in the attached draft).

The draft Strategy sets the following vision:

- *To forge a vibrant and inclusive economy that utilises our enviable lifestyle, skills and assets in a way that allows all community members and our environment to thrive.*

The vision is presented as a balanced yet aspirational outlook, and seeks to maintain and protect core values while recognising that change is inevitable. Ultimately, it aims to acknowledge that development which achieves sustainable goals and is proactive and innovative, is consistent with the values and aspirations of the Port Macquarie-Hastings community.

Sustainable economic development was a key theme in our engagement when developing the draft Strategy. There was strong recognition that, whilst economic growth is important, sustainable economic development is the ultimate outcome that will benefit all of our community via a better standard of living. It should be noted that the Strategy focuses on 'sustainability' as a process of ensuring the wise use and management of all resources within a framework in which environmental, social and economic well-being are integrated and balanced.

Other key themes emerging during the engagement sessions included strong support for continued investment in the infrastructure needed to facilitate sustainable growth; the on-going desire for Council to be solutions-focused, to embrace and encourage innovation and to create a connected and productive Port Macquarie-Hastings region. The topics of vibrant towns and villages, and economic participation for all, were also prominent in discussions.

The draft Strategy includes a simple 'Plan on a page' to provide an overarching snapshot of our proposed approach. This 'Plan on a page' (page 12), presents our overarching commitment as a Council, links to the United Nations Sustainable Development Goals, outlines our strategic objectives, strategic priorities and provides a sample of key initiatives (which are presented in full from page 24).

The document also includes a detailed explanation on each strategic objective. This and the descriptions of key concepts aims to explain the "why". It is recognised that this document also serves as an education tool, so there is a focus on explaining economic approaches and concepts such as the circular economy. Finally, and importantly, the draft Strategy outlines how we intend to measure success using a range of qualitative and quantitative information.

### **Options**

Council has the option to:

1. exhibit the draft 2022-2032 Economic Development Strategy as recommended;
2. request amendment to the draft 2022-2032 Economic Development Strategy prior to public exhibition; or
3. not to exhibit the draft 2022-2032 Economic Development Strategy and seek further information.

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

106 members of our community have actively contributed to the development of the draft 2022-2032 Economic Development Strategy to date.

Their input was received via a range of engagement methods including:

- Community surveys completed online;
- Written submissions;
- Targeted 1-on-1 sessions (online and in person);
- Structured workshops (in person, in various locations across the region, and via zoom)
- Regular engagement with the Economic Development Steering Group; and,
- Internal consultation on strategies and initiatives across key areas of Council.

The challenges of 2021 did cause some delays and changes to the engagement process, with the first round of community engagement sessions planned to occur in the days after our region's record flood event in March 2021. The rescheduled sessions took place in late April 2021, and in response to community feedback, further online engagement sessions were held in June 2021. Despite the challenges, broad involvement and input into the Strategy development was achieved.

**Planning and Policy Implications**

There are no planning or policy implications with the proposed exhibition of the draft Strategy. If adopted in the future, the draft Strategy will set the new vision, strategic objectives and priorities for our economic future.

**Financial and Economic Implications**

There are no financial or economic implications with the proposed exhibition of the draft Strategy. If adopted and implemented, the initiatives outlined in the Strategy will be subject to consideration by Council as part of our Resourcing Strategy and annual Operational Plan and budget process. In addition, there will be strong focus on securing external funding to support the Strategy implementation.

**Attachments**

1.  Draft 2022-2032 Port Macquarie Hastings Economic Development Strategy



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**Item:** 11.02

**Subject:** MAJOR EVENTS MARKETING GRANT PROGRAM - ROUND 1, 2022

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

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### Alignment with Delivery Program

3.1.3 Implement Major Events Strategy.

### RECOMMENDATION

That Council pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Major Events Marketing Grants Program Round 1, 2022 in the total amount of \$20,000 to:

Event Name, Organiser & Ranking	Sponsorship Recommended
1. Ride the Wave (Make a Difference PMQ INC)	\$5,000
2. TORTUGA (Original Good Time Merchants)	\$5,000
3. Mi Casa Su Casa (Su Casa Entertainment)	\$5,000
4. PMCC Junior Cycle Tour (Port Macquarie Cycling Club)	\$2,500
5. Teams Challenge (Port Macquarie Bodyboarding Association)	\$2,500
<b>Total allocated this round</b>	<b>\$20,000</b>

### Executive Summary

The current round of Council's Major Events Marketing Grant program opened in August and closed on 19 September 2021, for events to be held in the first half of 2022. The program, formerly called Events Sponsorship Grants, aims to support event organisers to develop, promote, execute and sustain locally grown, long-term major events which attract out of region visitation. Major events are an important and growing part of our local economy and add to the vibrancy of our region. The program's name changed in early 2021 to better reflect the nature of the grant and that it was not intended for small 'local' events.

The panel members were unanimous in their agreement that five events were worthy recipients of the Major Events Marketing Grant Funding in this round.



**Discussion**

In applying for funding under Council's Major Events Marketing Grant program, applicants are required to demonstrate that the proposed event is either a driver of significant overnight visitation (i.e. a measurable economic impact, evidenced by previous data collected), or has the potential to grow to 'major event' status with a significant economic impact. Due to COVID restrictions and an unpredictable visitor market, we have relaxed our requirements of the visitation KPI's, so they are seen as targets. We continue to encourage event owners to apply and don't want to penalise them for things out of their control. In making assessments, and given this situation, we have put more focus on the KPI's relating to generation of destination exposure.

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

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

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

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

Table 1- Program Criteria & Weightings

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

Following completion of their individual assessments, the panel met to discuss each application and make a final assessment. Based on criteria weightings, applicants were ranked and funds allocated. 65% of funds are payable prior to the event, with

the remaining 35% paid upon satisfactory acquittal (evidenced by visitor data and proven marketing).

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

*The confidential attachment titled "Round 1, 2022 Major Events Marketing Grant Evaluation Summary - Confidential" contains information that relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council. (Local Government Act 1993 - Section 10A(2)(dii)).*

### **Options**

Council may choose to:

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

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

Round 1 of the Major Events Marketing Grant program was promoted to the community through various Council communication channels.

Internal consultation, including the internal assessment panel, included:

- Council's Executive Group
- Group Manager Economic & Cultural Development
- Acting Group Manager Community
- Acting Group Manager Recreation Property and Buildings
- Events Manager
- Project Officer - Events
- Project Officer - Destination & Culture
- Project Officer - Waste

### **Planning and Policy Implications**


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

### **Financial and Economic Implications**

Since February 2015, Council has allocated \$244,000 to the Major Events Marketing Grant Program with an economic impact of approximately \$13 million being realised (based on increased visitor nights as a direct result of these events).

Under the 2021/2022 budget, Council has \$40,000 (total) for two contestable funding rounds for the Major Events Marketing Grant program. Should Council choose to agree with the recommendation, \$20,000 will be allocated from this budget to the five events recommended.

**Attachments**

1. Confidential - Round 1, 2022 Major Events Marketing Grant Evaluation Summary - Confidential (Confidential)
2.  History of allocations under the Major Event Marketing Grant

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**Item: 11.03**

**Subject: NEW DESTINATION BRAND**

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

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### **Alignment with Delivery Program**

3.1.4 Implement the Destination Management Plan.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the extensive engagement and co-design approach taken to develop a new Destination Brand for our region.**
- 2. Endorse the Brand Strategy and Concept 2 as the preferred Visual Identity Concept.**
- 3. Thank all stakeholders who participated in Destination Brand Review and advise them of the outcome.**

### **Executive Summary**

This report provides an overview of the recent Destination Brand Review project and presents the outcome for Council endorsement. The objective of the project was to deliver a new consumer facing destination brand, a key priority in the Port Macquarie-Hastings Destination Management Plan 2020-2024.

Stakeholder and industry engagement has been critical in all stages of the project to foster ownership and buy-in, acknowledging that while Council will be the official custodian of the new Brand, it will be stronger and more effective if embraced and used by stakeholders across our region.

There has been strong stakeholder support for the new Brand Strategy which positions our destination with a lifestyle brand. This, and the approach outlined in the Strategy, will help differentiate our region from many others in the fiercely competitive regional (and nature-based) tourism space. As a lifestyle brand, we will not only focus on destination/tourism experiences but have the ability to share stories from across our region about our way of life, as a means of engaging visitors and potential visitors. A lifestyle brand also offers the opportunity to use brand in a range of contexts beyond the visitor experience (eg investment attraction, local produce branding and more).

This report presents two visual identity concepts - in essence the visual identity is the look and feel used to implement the brand strategy. Both concepts have received strong support from stakeholders, with Concept 2 ultimately being recommended for its clear alignment to the 'next generation' archetype, and creation of a distinct point of difference from other destination brands.



## Discussion

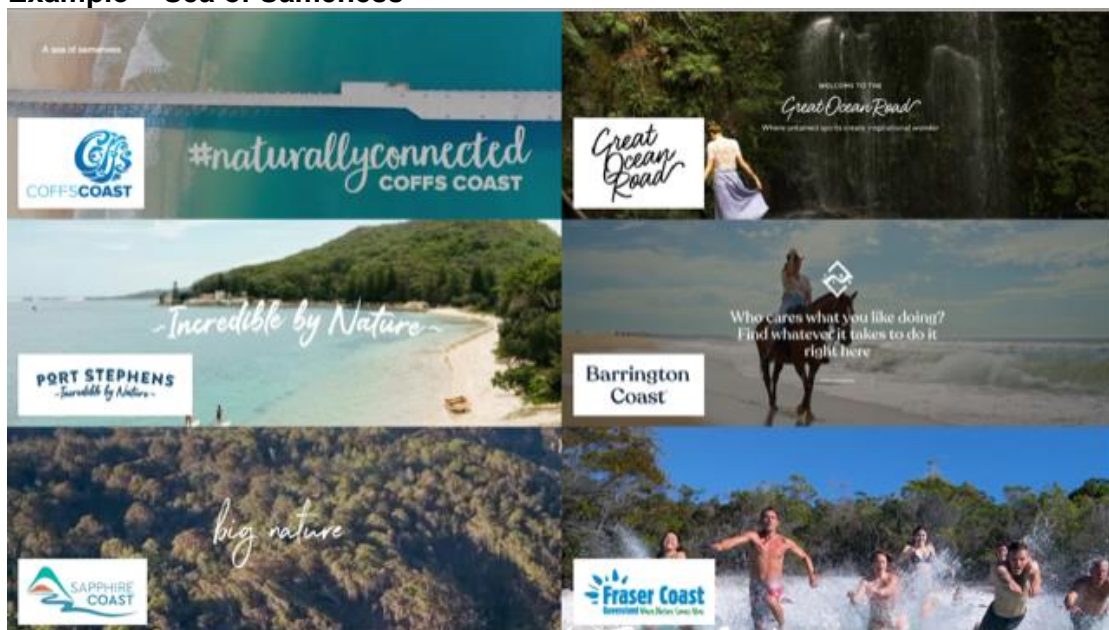
Earlier this year, Council engaged the services of the Destination Marketing Store (DMS) and Swell Design Group (Swell) to conduct an extensive research and stakeholder engagement process to review the current Destination consumer facing visitor brand and develop a new Destination Brand Strategy and Visual Identity for the Port Macquarie-Hastings region.

In developing the brand strategy, it was key to involve and engage the destination's stakeholders, to harness their meaningful input, explain and educate on destination branding approaches and help identify 'brand champions' to work with Council in implementing the new brand. It was also critical that the personality of the places and villages within our destination are brought to life while ensuring consistency in communication driven by a single destination positioning statement (the 'hook') and overarching brand strategy (the 'common ground').

Beyond these considerations, there are four principal reasons driving the development of a high-quality and well-crafted destination brand and identity:

- In a **'sea of sameness'** destination brands need to stand out and inspire engagement.
- The brand can provide a **strong emotional connection** between a destination and its audiences.
- It provides a **framework to influence the way in which our destination shows up in the world**, across all customer touch points; driving clarity and consistency in communication and marketing as well as shaping the experience offer and strategic planning.
- It is the **foundation for sustainable growth**. Providing a destination with a credible, compelling and competitive identity that engages all stakeholders and provides a blueprint for both tourism and economic development.

### Example - 'Sea of Sameness'



### Stage One - Research and Situational Analysis

A Project Reference Group (PRG) was formed to provide input and ensure key stakeholder communication as the project progressed. The PRG consisted of Council staff, a Destination North Coast representative, Tourism stakeholder representatives from across the Port Macquarie-Hastings and staff from Destination Marketing Store.

The research component of the project looked to define the visitor experience and visitor perceptions of our region. This has been achieved via:

- Qualitative research through an online forum with visitors to our region,
- Situation analysis:
  - Review of global and domestic travel and tourism trends
  - Impact of COVID-19 on tourism and consumer motivation and behaviour
  - Review of local community plans and other relevant documentation
  - Interviews with incumbent PR and Media agencies to understand current activities and marketing.

This initial stage informed a 'research roadmap', a robust picture of our destination's challenges and opportunities for developing a new and distinctive consumer facing destination visitor brand. This was shared with the PRG and provided a foundation for Stage two of the project.

### **Stage Two - Stakeholder Engagement and Consultation**

The consultation program was delivered by DMS with Swell and Council staff in attendance. It involved a number of core elements, including but not limited to:

- 5 x Stakeholder workshops – two in Port Macquarie, and one each in Wauchope and Camden Haven, plus a joint meeting of Council's Cultural and Economic Development Steering Groups.
- 9 x small group meetings, including Greater Port Macquarie Tourism Association, the Chambers of Commerce, Aboriginal community representatives, real estate agent representatives and the hospitality and education sectors, among others.
- Presentation to the Greater Port Macquarie Tourism Association's networking function, held on the CSU campus.
- Have Your Say survey promoted through various communication channels.
- DMS and Swell familiarisation visit of the wider region, including visiting various experiences and hospitality venues as well as smaller towns and villages across the Port Macquarie-Hastings region.

### **Stage Three - Brand Strategy Development**

Findings from the 'research roadmap' and local insights from the extensive consultation and stakeholder input informed the development of the Brand Strategy. The process delivered a clear signal that the region has the opportunity to stand out from the crowd and drive future success by showing up and acting as a lifestyle brand. This transition means that as a lifestyle brand we will not only focus on destination assets but also market and tell the story of the way of life behind it. A lifestyle brand is one that people are 'invested' in beyond what the brand is selling.

Another critical consideration in the brand review was how to position the brand into the future. This is called the brand archetype - the guiding light for how a brand behaves in the marketplace. The brand archetype for the region is 'Next Generation'.



This perfectly reflects our long history as a sleepy holiday destination and place for retirees, but clearly says that time has now gone, the 'Next Generation' challenger positions us as a brand for those wanting to be part of a new generation. *'That was then, this challenger says, but this is now; new times and a new cohort call for new brands that truly reflect them – and we are one of those.'*

Supporting this is the brand platform that illustrates and articulates our region's essence, values, attributes, its characters and experience offering and enables them to be brought to life in a more remarkable way. **Attachment A** summarises the Brand Strategy and below is a high level outline:

<b>Vision</b>	What will drive the future success of this brand? <b><i>Show up and act as a lifestyle brand</i></b>
<b>Values</b>	What are the core values? <b><i>Unhurried, Thoughtful, Dependable, Sociable, A meeting place</i></b>
<b>Essence</b>	What at its heart is the one thing upon which this brand is built and that gives it meaning? <b><i>An Indulgence of Time</i></b>
<b>Personality</b>	Who is the brand seen to be? What set of personality traits help to define the ways in which audiences see the brand and relate to it? <b><i>Informal/casual, Sociable, Human</i></b>

The draft Destination Brand Strategy was presented to Councillors on 14 July 2021 and the PRG on 16 July 2021, feedback was invited and amendments were incorporated. Following this, the Strategy was presented to stakeholders (via four Zoom sessions and smaller groups) with feedback invited over the following week. Overwhelmingly the feedback received was positive and at the end of July 2021, the project proceeded to the next stage, based on this Strategy foundation.

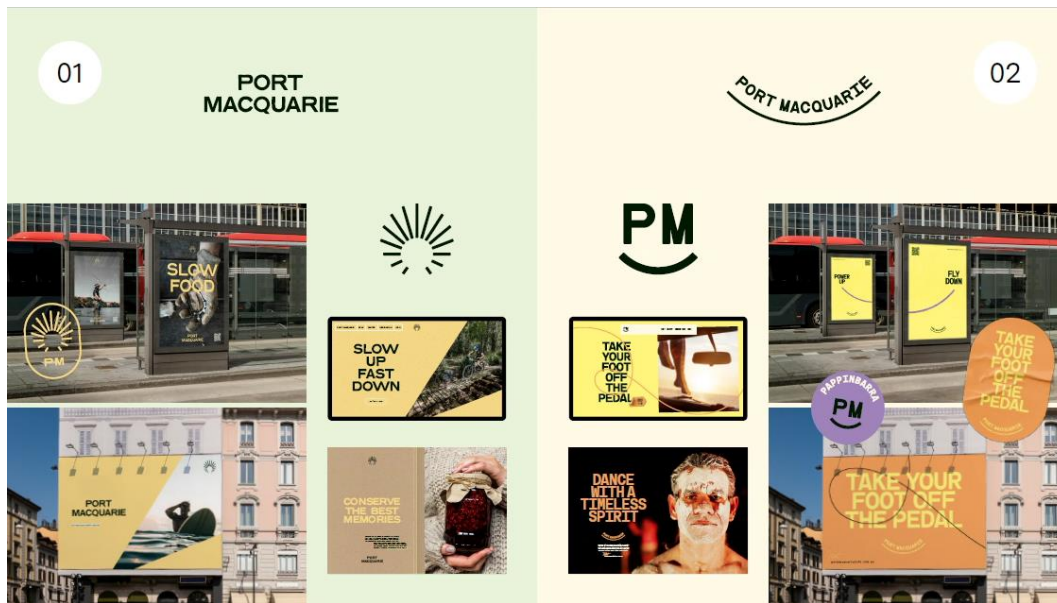
### Stage Three - Creative Execution

The Brand Strategy supported by a strong Visual Identity provides the framework and tools for the destination to 'show up' and allows the region's point of difference to shine. This is especially important in the context of that 'sea of sameness' where many destinations offer the same attributes. Creatively capturing the destination's unique positioning and 'Next Generation' archetype outlined by the Brand Strategy enables the region to emotionally connect with its audience to win both hearts and minds.

Initially Council staff were presented three creative executions, two were deemed stronger and refined and presented to the PRG. Following feedback and amendments, we had two well rounded concepts - Concept 1 'Sundial' and Concept 2 'Timeline'. Both concepts can be seen in full in **Attachment A**.

#### Concept 1: Sundial

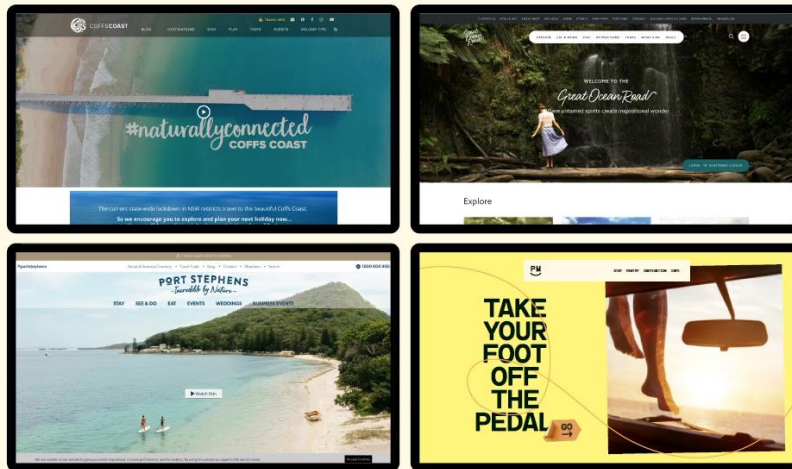
#### Concept 2: Timeline



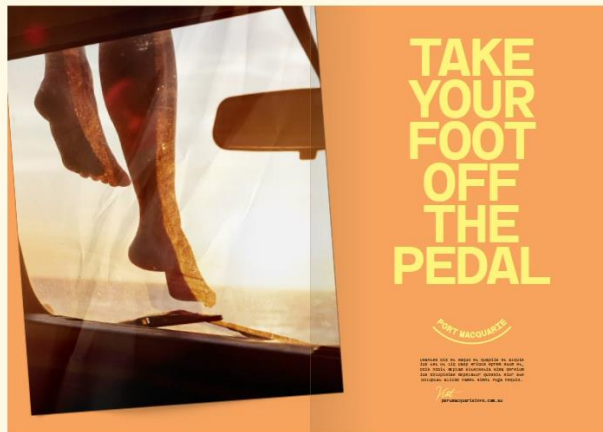
Both concepts were presented at a Zoom meeting to our broader stakeholder group. The session included a robust Q & A and polling so the project team could consider stakeholder support for each concept.

Ultimately, the polling results indicated strong support for both concepts, with Concept 2 attracting 23 votes, and Concept 1, 20 votes. When further analysed, the polling indicated the Project Reference Group members were fairly evenly split in their votes, with Concept 2 again coming out ahead. On the contrary however, when project team votes were removed from the total, Concept 1 was the more preferred by external stakeholders.

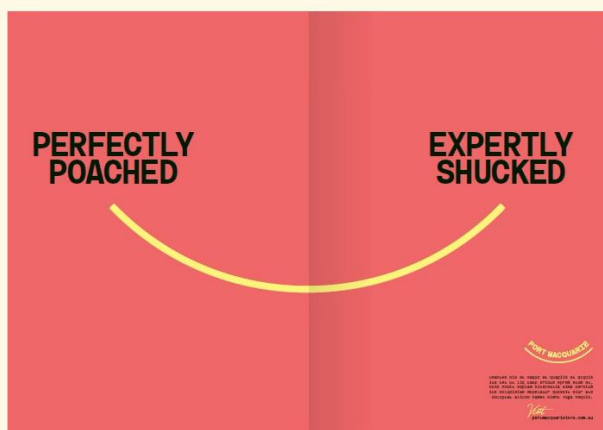
This provided reassurance that we have two very strong concepts which would be able to deliver on the brand Strategy. Ultimately, Concept 2 is recommended by Council staff and our Brand experts from DMS and Swell, noting it is a braver, more forward focused/next generation branding approach. This is illustrated in the below representative comparison with other coastal destinations. The subsequent images provide a sample of concepts of potential concept 2 brand implementation.

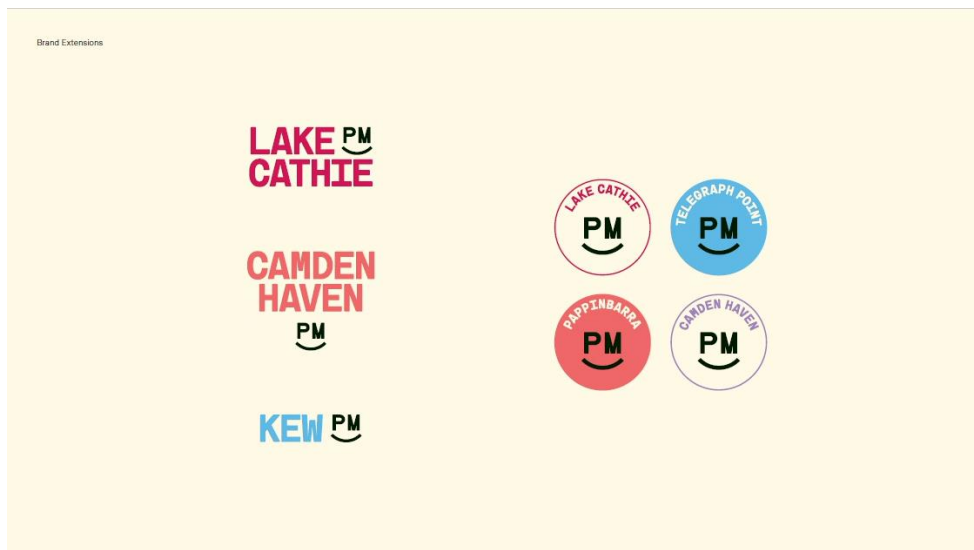
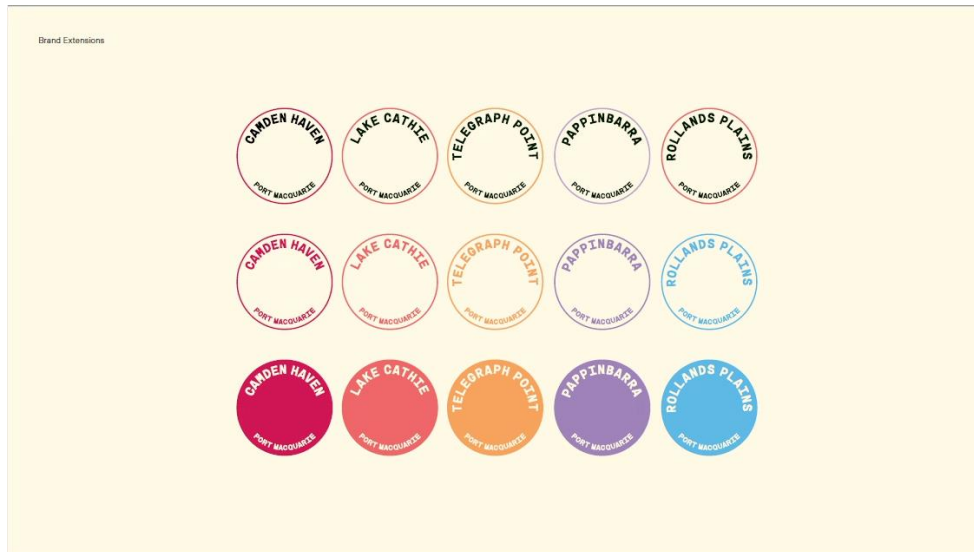


Press Advertising



Press Advertising





## Options

Council has the option to:

1. Endorse the Brand Strategy and Concept 2 -Timeline Visual Identity, as recommended.
2. Seek further information or endorse the Brand Strategy and Concept 1 Sundial Visual Identity.

## Community Engagement and Internal Consultation

The Destination Brand Strategy and Visual Identity has been developed through an extensive engagement and consultation process, as detailed within this report (refer Stage 2). The Project Reference Group made up of stakeholders from across our region, worked with staff and the consulting team throughout the process.



Communication and consultation has occurred with in excess of 120 stakeholders, staff and Councillors, who participated in the workshops and online sessions. Invitations were issued to in excess of 3000 local stakeholders via destination and industry databases and Community Council Action Team members.

The attached engagement report (Attachment B) provides an overview of findings from these conversations.



**Planning and Policy Implications**

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

**Financial and Economic Implications**

The Destination Branding project and next step implementation and marketing plan development have been funded within adopted Council budgets for the 2020/21 and 2021/22. Any future financial implications of the Brand Strategy implementation will be reported to Council as appropriate. As noted, the Destination Brand will play a vital role in how we present our region and ensure a sustainable and vibrant visitor economy in years to come.

**Attachments**

1.  Attachment A - Destination Brand Strategy and Visual Identity Summary
2.  Attachment B - Brand Project Engagement Summary

# 4 Your Natural and Built Environment

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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





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**Item: 12.01**

**Subject: RAWDON ISLAND BRIDGE UPDATE**

**Presented by: Infrastructure, Dan Bylsma**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

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

#### **Executive Summary**

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

Council continues to work closely with specialist bridge consultants and repair contractors to keep works on schedule.

Advice is expected by 6 October 2021 regarding re-opening the bridge to medium vehicles and designs and construction specifications, environmental approvals and preconstruction planning and materials procurement are expected to be completed by the end of October 2021.

Council continues to provide support via a range of measures to facilitate safe and workable access solutions for the community and impacted individuals on Rawdon Island.

#### **Discussion**

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

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### **12.03 RAWDON ISLAND BRIDGE UPDATE**

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*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 to provide an update to item 3i of the above resolution, further to the 15 September 2021 Council Meeting report.

The Rawdon Island Bridge was re-opened to light vehicles under strict conditions on 30 August 2021 after being closed for 8 weeks while structural investigations took place.

Live monitoring of bridge movement continues to be undertaken and a warning system is in place to close the bridge in a flood event, or if overloaded.

The navigable waterway remains closed in the vicinity of the bridge for unauthorised vessels. Due to a number of water vessels breaching the unauthorised vessel zone,

additional buoys have been installed in recent weeks to assist with increased awareness and slowing water vessels down as we move into the warmer months.

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

- Emergency solutions - Works have been completed to the barge landing site on the Island to improve safety and access.
- Short-term solutions - The timeline for further re-opening of the bridge to medium vehicles remains on track, with advice expected back by 6 October 2021.
- Medium-term solutions - The timeline for bridge repairs remains on track, with designs and construction specifications, environmental approvals and preconstruction planning and materials procurement expected to be completed by the end of October 2021.

Council anticipates mobilisation in early November, working toward completion of the key repairs by the end of the year. Due to the extent of work, construction activities may extend into 2022.

Work continues on a contingency plan for a temporary alternative access crossing of Caswell Channel should significant repairs be required to re-open the bridge.

- Long-term solutions - As the project transitions into the next stage, Council will be better positioned to develop a pathway forward, exploring funding options and analysing projected costs to assist with delivering a long term solution.

### **Options**

Council has the option to:

1. Note the information provided
2. Request additional information

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

Council continues to engage with impacted residents and relevant stakeholders on a regular basis.

An internal workshop was held on 23 September 2021 to redesign future project communication to better inform and engage stakeholders.

### **Planning and Policy Implications**

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

**Financial and Economic Implications**

The previous budget adjustment for immediate response activities of \$1.2 million (not fully funded) remains unchanged. A separate budget will need to be established for any repair works or alternate crossing works required to support restored access.

Council are closely monitoring the costs and funding sources as the project continues.

**Attachments**

Nil

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**Item: 12.02**

**Subject: PARKLET TRIAL OUTCOME REPORT**

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

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### **Alignment with Delivery Program**

4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the information contained within this report.**
- 2. Offer both existing parklets the opportunity to renew their lease for their parklet based on Council's standard outdoor dining lease.**
- 3. Request the Chief Executive Officer to develop a policy for parklets to encourage low cost, short-term parklet installations that are easily relocatable to further activate the Port Macquarie Town Centre.**

### **Executive Summary**

The parklet trial was initiated in September 2018 following a Council resolution to proceed at the 16 of May 2018 Ordinary meeting of Council. The trial was for a 2-year period ending in October 2021.

In short, a parklet is the pedestrianisation of on street car parks and in this scheme, as outdoor dining areas within the Port Macquarie CBD. A maximum of 2 submissions were to be chosen each occupying a maximum of 2 carparks.

This report outlines the outcomes and conclude the parklet trials.

### **Discussion**

#### *Initial activation*

In May 2018 Council resolved to support a 2-year trial for Outdoor dining parklets within the Port Macquarie Town Centre. A maximum 4 parking spaces were to be taken up from over 400 car parking spaces within the town centre. The parklets were to be constructed by the operators, entirely at their cost. A report was required to be submitted at the end of the trial period for Council to resolve as to whether to support the continuation of the scheme, and, if so, consider improvements to the scheme.

Invitations to submit were hand delivered to all eateries with street frontage in September 2018, with 4 parties attending an information session and 2 businesses submitting a proposal. Both submissions were approved to be taken to detailed design stage, however only one of the two proponents proceeded.



Construction of Reyhana's parklet was approved in late October and it was activated in early November 2019, with the parklet proving to be very popular with customers, much more so than eating inside the restaurant.

#### *Second activation*

In early 2020 Council received several enquiries from eateries in the Port Macquarie Town Centre interested in installing a parklet. As only one of the maximum 4 maximum parking bays for this trial had been taken up, Council resolved to conduct another round of invitations to submit, which was activated in May 2020. A one-year trial period was to be granted to this next round of parklets in order to bring them closer to the end of term of the original two-year scheme trial period.

Despite the initial interest, only one proposal was received in June 2020 from the Ritz owners for the corner of Horton and Clarence Streets. The area mirrored that of Reyhana's parklet directly across the road, with only one car park taken up.

This parklet was approved for construction in September 2020, to be managed by the building owner and utilised by the three tenant eateries fronting the street. It was completed and activated in December 2020.

Several Covid 19 lockdowns occurred during the trial, affecting local and tourist numbers. When the eateries were allowed to operate, the parklets acted as a means to accommodate greater numbers of customers within the social distancing rules. With strict capacity limits being imposed by the NSW Government, the additional area allowed the operators to access additional outdoor dining space.

#### *Conclusion*

The parklets were intended as ephemeral installations that occupied up to two parking spaces and was able to be moved on or discontinued after a season or year without resulting in a substantial net loss to the operator. Although a degree of quality finish and safety standard was expected, the resultant parklets are both much costlier and more permanent structures than what was initially intended. A future parklet policy should consider alternatives to achieve more temporal structures.

Both parklets continue to be well used and present a positive, attractive and vibrant element to the streetscape and have achieved a new level of activation that wasn't there prior to the parklets being established.

An evaluation criteria scoring item in the selection process gave preference to street extents in need of activation. The outcome of this trial did not achieve activation in quieter locations, noting that both parklets eventuated in an already busy area.

Feedback received from interested parties who did not proceed (and were in areas which would have benefited from activation) identified that affordability was a major reason why they did not proceed. Pre-construction activities (such as engaging a designer, contractor etc.) were also a deterrent due to the additional effort required (on top of running a business). It was suggested that the proposed parklet policy should consider alternatives models of delivering a parklet to facilitate a more equitable activation of the town centre.





Welcome back guys! /Girls just wanna have fun!



Summer's here / who's missing our deck? We sure are and can't wait to pick up where we left off! / Did you know that Reyhana is pet friendly?



Calm before the storm...Ahh so thankful Port Macquarie we love you! / No way we're letting some virus get the better of us!

### *Recommendations*

Following this trial period, it is recommended to Council that both existing parklets be offered the opportunity to renew their lease for the parklet based on the outdoor dining lease.

It is also recommended that a policy for parklets be developed for Council's consideration, with input from the Sub-Committee based on low cost, short-term installations that are easily relocatable.

The report and recommendations above were presented to the TCMP Subcommittee in the 29 September Monthly Meeting with the consensus that the report and recommendations above be presented at the October Ordinary Council Meeting.

### **Options**

Council could opt to:

1. Adopt the recommendations contained in this report; or
2. Resolve to seek additional information about the parklets and proposed new policy; or
3. Resolve in some other manner.

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

Feedback was sought on the success or otherwise of the parklets. The experiences and opinions from the relevant groups were obtained via a variety of methods and from key groups including the existing parklet operators, interested parties that did not submit or proceed with the approved concept submission and from discussions with the many operators when the invitations to apply were distributed.

Parklet operators and interested parties which did not submit or did not proceed with the construction of the parklet were sent questionnaires and interviewed. The feedback received was as follows:

#### *Parklet Operators*

1. What were the approximate cost for consultants, approvals and construction?

*Total costs were approximately between \$80,000 and \$100,000; with construction attributing to approximately 75% and design fees 25%.*

2. What was the Parklet effect on trade and profit and the degree of change, if any?

*One operator stated that the parklet has helped increase trade to a certain degree. The other operator did not comment.*

3. Do you consider the parklet a worthwhile undertaking, please explain?

*'We are extremely happy with our parklet and we thank council for giving us the opportunity to take part in this endeavour.'*



*'Yes, very worthwhile. We are very happy with the way it turned out. All of the eateries in the centre have expressed how good it has been for their customers who enjoy sitting there.'*

4. Would you do anything differently. Any suggestions for Council?

*'We worked well with Council and hope that they are happy with the end result as well'.*

*'We would appreciate more communication from council representatives in terms of what's needed by council and it's criteria'.*

Interested parties which did not submit or proceed

Parklet operators and interested parties which did not submit or proceed with the construction of the parklet were sent questionnaires and interviewed. *Three eatery managers responded providing the following feedback:*

1. Why did you consider installing a parklet?

*The main reason stated was additional capacity. Other reasons included creating a more attractive outdoor eating environment; achieving greater street exposure; creating a safer outdoor dining environment with added protection from vehicles, and people prefer to eat outdoors.*

2. Why did you not proceed with the project?

*Cost prohibitive was the main reason, availability of Contractors provided as another.*

3. If the opportunity was presented again, would you apply?

*Most stated that they would not apply again if presented with the same opportunity due to cost and duration.*

*Two operators advised that they would consider applying again.*

4. Any suggestions to Council in regards to the parklet scheme?

*All respondents requested longer period i.e. 3 to 5 year term and to be in line with the outdoor dining permit term, or even that these become a 'permanent fixture'.*

*One operator suggested Council should consider leasing a already constructed parklet to eateries.*

Other business operators

When invitations to submit were handed to over 70 eateries with street frontage most viewed the parklet scheme in a positive light. Only 2 eateries voiced concern that their largely take-away based business would benefit more from parking spaces rather than a parklet.

During the construction of one parklet, an adjacent business raised concern regarding the loss of the carpark, because they relied on short term parking availability. As this was a 1hour parking bay, it provided limited short term parking benefit.

Businesses either side of the parklet were supporting noting it would attract more people near their shops. However, both expressed concerns with reduced visibility to their shopfront from the roadway.

General public Due to the recent Covid19 lockdown, staff were unable to conduct the proposed onsite questionnaire with members of the public that actually visited the Port Macquarie Town Centre. Instead, public opinion was obtained from social media and websites including, news articles, Facebook discussions, Trip Advisor and restaurant reviews. Reyhana's is a popular dining restaurant with an active clientele in regards to populating their website. A select group of parklet relevant extracts from their Facebook page is shown in the following page.

As the Ritz parklet was installed and is managed by the building owner and the businesses it serviced were casual day time eateries, we were unable to find public comment in regards to their use of the parklet.

Port News article 18.06.2021:

<https://www.portnews.com.au/story/7303340/outdoor-dining-parklet-serves-up-results-at-cbd-restaurant/>

*"Outdoor dining parklet serves up results at Reyhana's Turkish Restaurant*

*An outdoor dining parklet, as part of a trial process, is popular with customers at Reyhana's Turkish Restaurant.*

*Reyhana's Turkish Restaurant manager Omer Elma said the outdoor dining parklet had doubled the restaurant's seating capacity. That, in turn, has boosted revenue. "When it's a beautiful day outside, we leave the umbrellas closed, because the sun shines through and people love it," he said.*

*Mr Elma said diners loved the setting and the initiative had been highly successful. The restaurant decorates the outdoor dining parklet during holidays, such as Christmas, to add atmosphere."*

Port News article 18.06.2021:

<https://www.portnews.com.au/story/6769401/parklet-trial-goes-al-fresco-in-cbd-dining-offer/>

*"Parklet trial goes al fresco in CBD dining offer*

*"When other restaurants and cafes saw how well it worked, we started receiving more enquiries about how they could activate the front of their business as well.*

*"Businesses are recognising the opportunity to activate our town centre a little more and create vibrancy and more outdoor dining options. There is also an economic driver there as well for business and that's particularly important at the moment given the significant number of business impacted by COVID-19," Mr Bulley said.*

*Meanwhile, NSW Treasurer Dominic Perrottet and NSW Planning Minister Rob Stokes have discussed lifting restrictions on cafe and restaurant businesses to help them adhere to social distancing measures.*

**Planning and Policy Implications**

This report recommends development of a parklet policy.

**Financial and Economic Implications**

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

**Attachments**

Nil

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Item: 12.03

Subject: KOALA RECOVERY STRATEGY ANNUAL REPORT

Presented by: Development and Environment, Melissa Watkins

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### Alignment with Delivery Program

4.6.1 Develop and implement a range of programs for the environmental management of lands within the local government area.

### RECOMMENDATION

**That Council note the annual report for the Koala Recovery Strategy 2018.**

#### Executive Summary

The [Port Macquarie Hastings Koala Recovery Strategy](#) (Strategy) was developed and adopted by Council on 19 September 2018. An annual update on the progress of actions within the Strategy was presented at the [Council Meeting](#) on 21 October 2020 where Council resolved to;

1. *Note the information presented in the Koala Recovery Strategy annual update report.*
2. *Resolve to postpone major actions identified in the Koala Recovery Strategy pending the outcome of a review and update of the Koala Recovery Strategy due to be completed 2021-2022, with the exception of the following:*
  - a) *Continue to deliver educational actions that align with the purpose and aim of the adopted Koala Recovery Strategy and that are achievable in the short term whilst the review and update are being completed.*
  - b) *Investigate a feasibility study into engineering solutions to address koala road strike at identified locations to be included in the draft Operation Plan for 2021-2022.*
  - c) *Continue to participate in the NSW OEH/Joint Organisation Koala Partnership to improve koala habitat protection measures in the region.*
3. *Request the General Manager to keep Councillors advised of the situation regarding proposed changes at the state level that affect Koala protection, and opportunities for Council to lobby for clearer protection measures.*

CARRIED: 7/0

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

AGAINST: Nil

#### Discussion

This report provides the annual update on progress and implementation of the Strategy actions to date (Table 1), and identifies future actions within the 2021-2022 Operational Plan.



In relation to the Council Resolution from 21 October 2021, please note the following outcomes, some of which are contained in Table 1 below.

- 1 No action required
- 2a) Educational actions:
  - i. The development of a Memorandum of Understanding (MOU) between Hastings Secondary College and Council resulted in the installation of 4 koala climbing structures (stiles) on 11 May 2021. The stiles provide safe passage for koalas from the Oxley Highway road corridor into Hastings Secondary College school grounds where suitable koala habitat is present. This MOU requires Council's Ecologist to deliver two presentations annually on ecology to the students.
  - ii. Presentations were delivered on 4 June 2021 to 150 Hastings Secondary College students from years 7 and 11. The presentations included an overview of some of the issues facing koalas in our Local Government Area (Vulnerable species, loss of habitat, fragmentation, development assessment, population decline) and instructions on conducting field survey's for koala.
  - iii. Dog training program investigated, however it proved cost prohibitive and as a result, the mobile app was not delivered.
- 2b) The Request for Quote (RFQ) process has begun on the Road Strike Mitigation feasibility study for engineering solutions and will be released in September 2021.
- 2c) NSW OEH/Joint Organisation Koala Partnership has delivered a report on Plant Community Types to the Joint Organisation (JO) and NSW DPIE (formally OEH).
- 2d) An educational plan is currently being developed in partnership with the JO - Koala Recovery Ecologist and interested community members.
- 3 A [Council report](#) relating to State Environmental Planning Policy Koala Habitat Protection 2021 was presented at 21 April 2021 Ordinary Meeting where Council resolved as follows:
  - "1. Note that Council will be required to implement the Koala Habitat Protection SEPP 2020 and 2021 as it applies to the Port Macquarie-Hastings Local Government Area.
  2. Request the Chief Executive Officer to provide an update to Council regarding any future updates to the relevant codes or SEPPs.
  3. Request the Chief Executive Officer to write to the Hon Leslie Williams MP (Member for Port Macquarie) and the Hon Rob Stokes MP (Minister for Planning and Public Spaces) and urge consideration for rural lands on the North Coast to be included within Koala Habitat Protection SEPP 2021 and for private native forestry (forestry) be retained in Council's Local Environmental Plan as a landuse that is permitted with consent or prohibited in the identified zones.

4. *Note that Koala populations are in serious decline due to various known risks, but especially habitat loss, and that protection of the species will be untenable unless strong controls requiring development consent are maintained in place across all landscapes, including rural lands. Further, that removal of enforceable controls over rural lands is to abandon crucial protections for this iconic species and individual Koalas."*

Noting that point 3 above was completed as outlined in April 2021 and there has been no response to date.

### Progress to Date

Table 1: Koala Recovery Strategy Actions

Koala Recovery Strategy - Actions	Due Date	Status	Comments
Within the first three months of the Strategy's adoption an expert panel will be formed to design a monitoring program in conjunction with the Comprehensive Koala Plan of Management.	19/12/2018	Not undertaken	An expert panel was not formed as the Comprehensive Koala Plan of Management (CKPoM) was not adopted at Council Meeting 19 September 2018. Council further resolved at 12 August 2020 <a href="#">Council Meeting</a> to not proceed.
A comprehensive initial survey to examine likely populations within the Coastal CKPOM area (using genetics) delivered within the first 12 months.	19/09/2019	Not undertaken	As above
Snapshot surveys using a stratified, replicated design at the 1, 3 and 5-year mark which can examine broad population trends.	19/09/2020	Not undertaken	Required the previous baseline survey.
	19/09/2022	Not yet due	
	19/09/2024	Not yet due	
Actions - Habitat Loss and Fragmentation			
Completion and adoption of the draft Coastal Koala Plan of Management.	Date not specified	Not completed	As above
Review provisions in the Development Control Plan (DCP).	Date not specified	Review	CKPoM not proceeding  To be incorporated within the Koala Recovery Strategy Review.
Request an update of the NSW Biodiversity Values Map pursuant to Biodiversity	Date not specified	Review	CKPoM not proceeding

Koala Recovery Strategy - Actions	Due Date	Status	Comments
Conservation Act 2016 to include core koala habitat as per approved Coastal Koala Plan of Management.			To be incorporated within the Koala Recovery Strategy Review.
In partnership with NSW OEH update the NSW koala likelihood model based on updated home range information and koala habitat mapping (see Research Initiatives) to improve koala habitat protection measures associated with private native forestry.	Date not specified	<b>Completed</b>	The Joint Organisation Koala Recovery Ecologist (on behalf of multiple partners including PMHC) has determined the most suitable Plant Community Types (PCT's_ for Koalas in Port Macquarie and Kempsey LGA's.
Expand Coastal Koala Plan of Management to include the entire LGA once home range study and fine scale habitat mapping is complete (see Research Initiatives)	Date not specified	<b>Review</b>	Review as part of the Koala Recovery Strategy Review.
Explore re-populating unoccupied koala habitat on rural lands with willing landholders.	Date not specified	<b>Underway</b>	Within the scope of works undertaken by the Joint Organisation Koala Recovery Ecologist (on behalf of PMHC) and the NSW Government.  Education Plan is under development and in partnership with the JO - Koala Recovery Ecologist and interested community members
Resolve, by way of Council internal procedure, that development approved under Part 5 of the <i>Environmental Planning and Assessment Act 1979</i> be subject to the same provisions as those outlined in Council's Coastal Koala Plan of Management.	Date not specified	<b>Completed</b>	Completed with the adoption of the Koala Recovery Strategy.
Ensure land rezoning takes into account koala habitat as per Council's Coastal Koala Plan of Management (once approved)	Date not specified	<b>Yet to commence</b>  <b>Identify Land to rezone E2 to be included in OP 2022-2023.</b>	Draft CKPoM not proceeding in current format.  Planning proposals consider rezoning in accordance with the North Coast Regional Plan 2036, including the

Koala Recovery Strategy - Actions	Due Date	Status	Comments
			identification of High Environmental Value (HEV) land which is assessed at planning proposal stage. HEV should be avoided and zoned as E2 through this process.
<b>Action - Road Strike</b>			
Risk of road strike on future development regulated by provisions and road design measures detailed in Council's Coastal Koala Plan of Management.	Date not specified	<b>Review</b>	Draft CKPoM not proceeding in current format. Currently addressed during development assessments using the provisions of currently approved KPoM's and guidance provided by the BCD division (formerly OEH) of DPIE.  In addition, Engineering feasibility study about to commence (see below).
Design and trial an 'urban-friendly' koala road grid solution to be used on urban road intersections together with fit for purpose koala proof fencing to exclude koala from high risk roads	Date not specified	<b>Underway</b>	Road Strike Mitigation feasibility study RFQ for engineering solutions will be released in September 2021(OP 4.6.1.24).  This aims to address road strike at five identified locations within the LGA.
Install koala proof fencing and koala grids at major intersections shown to be koala black spots.	Date not specified	<b>Underway</b>	As above



Koala Recovery Strategy - Actions	Due Date	Status	Comments
Target and investigate solutions to reduce road strike on currently identified roads, as listed below, and future sites as identified: Lake Road between Blackbutt Road and Hill Street and Oxley Highway between Morton Street and Widderson Street.	Date not specified	Ongoing	Contemporary road strike hot spot report completed for 2020.  This data was included to identify 5 locations to focus the Road Strike feasibility study outlined above.  Garden bed design for Widderson Street is underway and was due for submission by end of September.
Advocate for the installation of koala proof fencing on the Pacific Highway between the Oxley Highway and Kew interchanges.	Date not specified	Not commenced	Letter to be drafted to request consideration of this to the NSW Government as the Pacific Highway is a state managed road.
<b>Action - Dog Predation</b>			
Risk of dog attack from future development be regulated by provisions / development design measures detailed within Council's Coastal Koala Plan of Management.	Date not specified	Ongoing	Draft CKPoM not proceeding in current format.  Currently addressed during development assessments using the provisions of currently approved KPoM's and guidance provided by the BCD division (formerly OEH) of DPIE.
Develop a dog desensitisation training mobile app and education material to be provided to all new registered dogs and to local dog clubs.	Date not specified	Completed training package.  Educational information is ongoing.	A program was initiated with an expert dog trainer however the program proved to be cost prohibitive. The app was not developed after this finding.  Staff are currently investigating the most beneficial ways to provide education to prevent dog attacks.



Koala Recovery Strategy - Actions	Due Date	Status	Comments
Where dog desensitisation is not an option, investigate measures with the home- or dog-owner to exclude koalas from entering the property in areas.	Date not specified	<b>Review</b>	No options have been found for individual dog owners at this time.

Council staff are currently undertaking a review of the Koala Recovery Strategy in accordance with the 2021-2022 Operational Plan (OP 4.6.1.27) and will report findings to Council in December 2021.

### Community Engagement and Internal Consultation

#### Road Strike Mitigation Feasibility Study

Community consultation was undertaken with the Port Macquarie Koala Hospital, National Parks and Wildlife and FAWNA to gather road strike records to be incorporated into Council mapping. These sites assisted in identifying the five locations for investigation. Internal consultation was also undertaken with the Infrastructure Delivery team and GIS team in order to write the RFQ.

#### Hastings Secondary College - Westport Campus

Consultation was undertaken with Hastings Secondary College staff to develop a Memorandum of Understanding (MOU) between Hastings Secondary College and Council. This resulted in the installation of 4 koala climbing structures (stiles) on 11 May 2021 to provide safe passage for koalas from Oxley Highway road corridor into Hastings Secondary College School grounds where suitable koala habitat is present. This MOU requires Council's Ecologist to deliver two presentations annually on ecology.

Presentations were delivered on 4 June 2021 to 150 Hastings Secondary College students from years 7 and 11. The presentations included an overview of some of the issues associated with Koala in our Local Government Area (Vulnerable species, loss of habitat, fragmentation, development assessment, population decline) and instructions on conducting field surveys for koala.

### Planning and Policy Implications

There are no planning and policy implications in relation to this report. Such matters will be addressed as a result of the Koala Recovery Strategy review.

**Financial and Economic Implications**

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

**Attachments**

Nil

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**Item: 12.04**

**Subject: BUSHFIRE MITIGATION WORKS - 2021/2022 UPDATE**

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

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### **Alignment with Delivery Program**

4.2.1 Develop and implement coastal, estuary, floodplain, and bushfire management plans.

### **RECOMMENDATION**

**That Council note the bushfire hazard reduction measures being undertaken on Council owned and managed land to reduce the risk to residential and commercial assets in the Local Government Area to manage the bushfire hazard.**

### **Executive Summary**

The purpose of this report is to provide transparent, accurate information about Council's Bushfire Mitigation annual works program for Operational year 2021/2022. Given the 2019 bushfire events and the subsequent heightened awareness of the community to bushfire issues, it is important that Council is fully aware of the mitigation measures taken historically, works planned for 2021/2022, and opportunities for improvement in how Council plans to identify and manage bushfire hazards in the PMHC LGA into the future.

Council is required under the Rural Fires Act 1997 to take steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of a bush fire on or from—

- (a) any land vested in or under its control or management, or
- (b) any highway, road, street, land or thoroughfare, the maintenance of which is charged on the authority.

Council does this through the Bushfire Risk Management Plan which includes the need to carry out maintenance of asset protection zones and fire trails on Council managed land. Opportunities for improvement in our management are continually being sought to ensure the protection of our community in the most efficient and cost effective manner.

### **Discussion**

#### **Background**

Historically council's bushfire hazard reduction program has been managed as per the Bushfire Risk Management Plan (BFRMP) with regard to maintenance of asset protection zones and prescribed burns. Amongst the requirements for maintenance

staff have also managed customer's queries and requests from fire management agencies.

There are three primary avenues for hazard reduction which include:

- a) Asset Protection Zones
- b) Fire Trails within the (FAFT) plan
- c) Hazard Reduction Burns

Maintenance of these interfaces is funded through both Council's general ledger and also a mitigation grant supplied by the Rural Fire Access Fire Trails Fire Fighting Fund (RFFF). The Bushfire Management Officer is responsible for managing these funds and the contractors that carry out the works.

During the 2019/2020 and 2020/2021 operational years there have been delays in delivering on the bushfire hazard reduction program. These delays have been caused by significant natural disasters and adversities such as the COVID pandemic and new software (managed externally by the Rural Fire Service (RFS)) to create environmental approvals, which are required for each project before works can be completed on-ground. These delays and significant events have been a catalyst for staff to seek out opportunities for improvement in how to manage bushfire mitigation work in the PMHC LGA.

#### Current Situation

As described above, staff manage bushfire mitigation in PMHC through three primary avenues:

- 1) Asset Protection Zones (APZ) - Maintenance of established sites

Throughout June, July and August of 2021 the Bushfire Management Officer mapped and inspected all historical and known APZ's in the LGA to create a contemporary status condition report which will be updated each year. This map is geospatially referenced with 2250 photo point images and has become the primary desktop resource for bushfire related queries. This mechanism has already created efficiencies by improving the customer service experience.

Based on the mapped APZ's staff are now able to resource 3 maintenance runs on each known APZ during 21/22. The planned works program and costings are included in **Attachment 1**. At this stage 50% of the APZ's are undergoing their first maintenance run. The goal is to have the 1<sup>st</sup> maintenance run completed on the majority of sites by October 2021. The constraint of 100% of sites being completed lies in the environmental approval process which staff are also working with the RFS to complete.

- 2) Maintenance of existing Fire Trails

The RFS is currently reviewing their Fire Access Fire Trails plan (FAFT Plan). The review will enable Council to work more effectively with the RFS around updates on maintenance requirements for Council owned and managed firetrails.

**3) Business Improvements**

Council has engaged a consultant to build a bespoke tool specifically for Council which will assist staff in determining appropriate bushfire mitigation management works.

The aim of the tool is to deliver consistent, transparent decisions to the community by eliminating subjectivity. The tool will base recommendations on significant elements impacting the spread of fire such as proximity to saline water bodies, elevation, fire run, fire history and coastal SEPP mapping.

Moving forward there have been noticeable opportunities for better management found and Council is working towards creating a more efficient operational system.

**Community Engagement and Internal Consultation**

Staff have been engaging in multi-agency discussions this year with the Rural Fire Service, Forestry, Crown Lands and Fire and Rescue NSW as a result of changes to the management of the RFS and the introduction of the new Guardian system. The Guardian system used by RFS is a software system used to process environmental approvals for bushfire mitigation works including mechanical lines (APZs and Fire trails) as well as hazard reduction burns. Guardian is used to schedule and record on-ground works completed using its mapping feature. The on-ground works recorded in the Guardian system are then used to determine whether grant applications for the Rural Fire Fighting Fund (RFFF), RFS grant fund, will be successful or not. Although it has presented challenges, it has also provided an opportunity to build partnerships within the bush fire network and partake in open conversations with these land holders. The training conference for the Guardian system was one of those opportunities where bushfire officers from Cessnock to Kempsey Shire councils were present for 3 days of networking.

Council sits on the Mid Coast Bush Fire Sub Committee where support is given for projects and information is shared about areas of concern. Many resources have been shared between agencies as well as guidance on our expected roles and outcomes in this space. Council has requested members of this sub-committee engage in a peer review group for a draft version of the aforementioned Bushfire tool.

A community engagement day between these agencies was missed due to Covid 19 Restrictions, Council is eager to participate when it is rescheduled. The Bushfire Management Officer has worked with the Communications team to begin distributing bushfire preparedness resources to the community through social media as part of a longer term engagement plan to support the hazard reduction program.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

The financial component of this program is primarily provided by the Rural Fire Fighting Fund. PMHC demonstrates works it has scheduled for the financial year ahead which is forecasted based on valid environmental approvals. The application



submitted is determined by the schedule of works. Historically, the RFS has accepted Council applications and has provided the full amount of funding requested. In addition, a small component of the work and associated support (approximately \$20,000/year) is funded from a Special Rate Variation which was approved in 2012.

**Attachments**

1.  Attachment 1 - Bushfire Mitigation Works 2021/2022

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Item: 12.05

Subject: AMENDMENT TO PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - OPTIONAL STANDARD INSTRUMENT LEP ORDER - 'SPECIAL FLOOD CONSIDERATIONS' CLAUSE.

Presented by: Development and Environment, Melissa Watkins

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### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. Adopt the new State Government Standard Instrument Local Environmental Plan Order 'Clause 5.22 Special flood considerations' for inclusion in the Port-Macquarie-Hastings Local Environmental Plan 2011.
2. Notify the Department of Planning Industry and Environment of its decision to opt-in to the 'Special flood considerations' clause.
3. Note that the Department of Planning Industry and Environment will provide further detail regarding the next steps in the process of implementing the 'Special flood considerations' clause.
4. Present the report to Council's Coast, Estuary and Floodplain Sub Committee for information.

### Executive Summary

This report provides an overview of a package of flood related planning reforms introduced by the NSW Government in July 2021 to manage flood prone land across NSW, and makes recommendations regarding updates to the *Port Macquarie-Hastings Local Environmental Plan (LEP) 2011* to ensure consistency with State Government requirements.

The report notes already commenced LEP provisions for development on flood prone land - '*Clause 5.21 flood planning*' - and recommends that Council formally adopt and implement Standard Instrument Clause 5.22 'Special Flood Considerations', and work with the Department of Planning Industry and Environment (DPIE) to repeal and replace existing outdated LEP provisions (Clause 7.4) for at risk developments.

The new flood planning package ensures that flood risk is appropriately identified and managed in NSW and enables councils to have more flexibility to make informed decisions on land planning and development controls in flood-prone areas, giving them greater ability to manage the risk of extreme flooding. The aims of the package are to increase resilience and reduce potential property damage and loss of life in recognition of increasing extreme flood events throughout NSW, with a key aim being to, *protect the safety of people, property, infrastructure and emergency services*,

*through the management of the cumulative impacts of development.* The package came into effect on 14 July 2021.

This report provides an update on implementation of the two (2) standard instrument LEP clauses for assessing development proposals, and specifically seeks Council endorsement to work with the Department of Planning Industry and Environment (DPIE) to implement new *Clause 5.22 - Special flood considerations*.

The new Standard Instrument (SI) LEP Order clauses are:

- **Clause 5.21** - The 'Flood planning' clause. This clause is mandatory. The clause was automatically placed into most council LEPs through an amendment to the Standard Instrument Order, including *Port Macquarie-Hastings Local Environmental Plan (LEP) 2011*, commencing 14 July 2021, and
- **Clause 5.22** - The 'Special flood consideration' (SFC) clause. This clause is optional for councils to opt-in to.

*Clause 5.22* will update *LEP 2011* to ensure appropriate controls for flood risk assessment in relation to sensitive and hazardous land uses or developments and risk to life considerations (such as infrastructure, homes, hospitals and schools). The control enables specific land uses to have controls placed on them to ensure risk is not increased as a result of the development.

Implementation of the clause in *LEP 2011* will complete requirements relating to development assessment to ensure the flood risk faced by our communities in new and existing developments is identified and appropriately managed in line with the new package.

The report recommends that Council formally adopt the SI Order *Clause 5.22 Special flood consideration* without variation, and notify the DPIE that it supports inclusion of the provision in *LEP 2011*, and the repeal of existing *Clause 7.4 Floodplain risk management*.

## Discussion

### The updated Flood Prone Land Package

Following an extensive period of engagement and consultation from 30 April 2020 to 25 June 2020, the DPIE finalised the flood prone land package. The package commenced on 14 July 2021.

The package consists of:

- Amendment to Schedule 4 Planning Certificates of the *Environmental Planning and Assessment Regulation 2000* as it relates to clause 7A (Flood related development controls). The changes simplify the notation to advise of flood-related development controls up to the flood planning area (clause 7A(1)) or between the flood planning area and the PMF (clause 7A(2)),
- A new Planning Circular providing guidance and statutory requirements for considering flooding in land use planning (and revoking the existing planning circular PS 07-003),
- A revised Local Planning Direction regarding flooding issued under section 9.1 of the *Environmental Planning and Assessment Act 1979*

- A new guideline: Considering Flooding in Land Use Planning (2021) (and revoking the Guideline on Development Controls on Low Flood Risk Areas),
- New Standard Instrument local environmental plan flood clauses (one mandatory and one optional)
- A SEPP amendment to replace councils existing flood planning clause with the new mandatory standard instrument clause. (Note: The SEPP Amendment revoked Council's existing flood planning LEP clause and replaced it with the mandatory Standard Instrument flood planning clause - Effective 14 July 2021 - Refer explanatory comment below)

Key components of the package for development assessment are revised LEP provisions as outlined above, and transition of flood mapping from LEP Map Sheets to an online mapping portal on local council websites.

#### New/Revised LEP clauses

To reflect the changes to the Regulation for flood-related development, two LEP clauses have been developed to apply to local government areas with flood prone land. The LEP clauses are:

- **Clause 5.21** - The 'Flood planning' clause (compulsory)
- **Clause 5.22** - The 'Special flood consideration' clause (optional).

Note: Optional LEP provisions (clauses) are a type of mandatory provision which councils can choose whether or not to use, but which cannot be altered. Councils cannot include local provisions in their LEP that could be addressed using an optional standard instrument provision.

#### Clause 5.21 - Flood planning

Clause 5.21 - Flood planning when introduced on 14 July 2021, repealed and replaced the *Port Macquarie-Hastings Local Environmental Plan 2011* clause 7.3 *Flood planning*.

The clause, is already effective across NSW having been introduced into local council LEPs through the mandatory 'flood planning' clause in the Standard Instrument. The flood planning clause applies to land within the *Flood Planning Area* (FPA), being land below the *Flood Planning Level* (FPL).

Clause 5.21 provides as follows:

#### **5.21 Flood planning [compulsory]**

- (1) *The objectives of this clause are as follows—*
- (a) *to minimise the flood risk to life and property associated with the use of land,*
  - (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
  - (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
  - (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*



- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
  - (a) *is compatible with the flood function and behaviour on the land, and*
  - (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
  - (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
  - (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
  - (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*
- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
  - (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
  - (b) *the intended design and scale of buildings resulting from the development,*
  - (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
  - (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*
- (4) *A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*
- (5) *In this clause—*
  - ‘Considering Flooding in Land Use Planning Guideline’ means the ‘Considering Flooding in Land Use Planning Guideline’ published on the Department’s website on 14 July 2021.*
  - ‘flood planning area’ has the same meaning as it has in the Floodplain Development Manual.*
  - ‘Floodplain Development Manual’ means the ‘Floodplain Development Manual’ (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.*

#### Clause 5.22 - Special flood considerations

Special flood considerations (SFC) are particular flood risk considerations that a consent authority must be satisfied with before granting consent to certain types of development that have been identified by councils and the State Government as having a higher risk to life and warranting the consideration of the impacts of rarer flood events on land located outside the FPA.

These types of development require special flood considerations relating to the management of risk to life and the risk of hazardous industry/hazardous storage establishments to the community and the environment in the event of a flood.



Special Flood Considerations apply to *land between the flood planning area and the probable maximum flood*, and sensitive and hazardous development in areas or on land that may cause a particular risk to life and other safety considerations that require additional controls. These controls relate to the management of risk to life and the risk of hazardous industry/hazardous storage establishments to the community and the environment in the event of a flood.

Clause 5.22 defines '*sensitive and hazardous development*', providing for an expanded list of development types. A summary table comparing the existing LEP 2011 Clause 7.4 development types and the proposed new Clause 5.22 development types is included below.

The 'Special flood consideration' clause, if adopted by Council and introduced by the NSW Government will replace clause 7.4 *Floodplain risk management* of LEP 2011.

Clause 7.4 relates to land below the *Probable Maximum Flood* but above the *Flood Planning Level* to manage risk to life. Clause 7.4 currently requires Council to consider appropriate measures to manage risk to life from flood, particularly in relation to at risk developments. Specifically listed land uses are *caravan parks, correctional facilities, emergency services facilities, group homes, hospitals, residential care facilities, and tourist and visitor accommodation*.

Clause 5.22 provides as follows:

**5.22 Special flood considerations [optional]**

- (1) *The objectives of this clause are as follows—*
  - (a) *to enable the safe occupation and evacuation of people subject to flooding,*
  - (b) *to ensure development on land is compatible with the land's flood behaviour in the event of a flood,*
  - (c) *to avoid adverse or cumulative impacts on flood behaviour,*
  - (d) *to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,*
  - (e) *to avoid adverse effects of hazardous development on the environment during flood events.*
- (2) *This clause applies to—*
  - (a) *for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and*
  - (b) *for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—*
    - i. *cause a particular risk to life, and*
    - ii. *require the evacuation of people or other safety considerations.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—*
  - (a) *will not affect the safe occupation and efficient evacuation of people in the event of a flood, and*
  - (b) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
  - (c) *will not adversely affect the environment in the event of a flood.*

- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.
- (5) In this clause—  
*Considering Flooding in Land Use Planning Guideline*—see clause 5.21(5).  
*flood planning area*—see clause 5.21(5).  
*Floodplain Development Manual*—see clause 5.21(5).  
*probable maximum flood* has the same meaning as it has in the *Floodplain Development Manual*.  
*sensitive and hazardous development* means development for the following purposes—
- (a) boarding houses,
  - (b) caravan parks,
  - (c) correctional centres,
  - (d) early education and care facilities,
  - (e) eco-tourist facilities,
  - (f) educational establishments,
  - (g) emergency services facilities,
  - (h) group homes,
  - (i) hazardous industries,
  - (j) hazardous storage establishments,
  - (k) hospitals,
  - (l) hostels,
  - (m) information and education facilities,
  - (n) respite day care centres,
  - (o) seniors housing,
  - (p) sewerage systems,
  - (q) tourist and visitor accommodation,
  - (r) water supply systems.

Councils will be able to list the types of *sensitive and hazardous development* to which the clause will apply in their individual LEPs. Only the land uses listed above will be permitted to be included. A summary table comparing development types in the existing LEP Clause 7.4 and the new LEP Clause 5.22 is included here for reference.

Sensitive and hazardous development	Existing LEP 2011 Clause 7.4	New Clause 5.22
(a) boarding houses,		✓
(b) caravan parks,	✓	✓
(c) correctional centres,	✓	✓
(d) early education and care facilities,		✓
(e) eco-tourist facilities,		✓
(f) educational establishments,		✓
(g) emergency services facilities,	✓	✓
(h) group homes,	✓	✓
(i) hazardous industries,		✓
(j) hazardous storage establishments,		✓
(k) hospitals,	✓	✓

Sensitive and hazardous development	Existing LEP 2011 Clause 7.4	New Clause 5.22
(l) hostels,		✓
(m) information and education facilities,		✓
(n) respite day care centres,		✓
(o) seniors housing,		✓
(p) sewerage systems,		✓
(q) tourist and visitor accommodation,	✓	✓
(r) water supply systems.		✓

Opting in to Clause 5.22

On 6 August 2021 the Department provided an update to Council on the implementation of the SFC standard instrument clause. The Department has requested that if Council wants to opt-in to the 'Special flood considerations' clause, a formal resolution of Council is required to be achieved prior to the Council caretaker period commencing.

This report recommends that Council formally adopt the SI Order SFC clause, and notify the Department that it supports inclusion of the Clause 5.22 in LEP 2011, as a replacement of existing Clause 7.4.

Defined Flood Event

The NSW Government Floodplain Development Manual identifies the 1% AEP flood event, or an equivalent historic flood, as an appropriate starting point for determining the Flood Planning Level (FPL). *Port Macquarie-Hastings LEP 2011* defines the *flood planning level* as the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

The manual allows councils to select a rarer defined flood event (DFE) to address broad scale flood impacts in consideration of the social, economic, environmental and cultural consequences associated with floods of different probabilities.

The DFE is typically selected by council through the floodplain risk management process outlined in the Floodplain Development Manual as the basis for limiting the likelihood of exposure to flooding and associated risks to life and property damage.

The Special flood considerations clause will apply to land located above the FPA to the probable maximum flood (PMF).

Flood-prone land, or the floodplain, is defined in the manual as the land susceptible to flooding by the PMF event.

LEP Flood Planning Maps

The DPIE have advised Council that in association with phasing in of the SFC clause, the current Flood Planning Map Series for *Port Macquarie-Hastings Local Environmental Plan 2011* will be removed from the NSW Legislation website in due

course, and transitioned to a local format; comprising either DCP provisions and maps, or other planning instrument, or on Council's website.

The government will still require Council to ensure that their Maps are kept up-to-date and made publicly available and accessible in accordance with Ministerial requirements. The Department will provide time for Council to update documentation and systems in response to the package, before the maps are removed from the NSW Legislation website.

The existing LEP Flood Planning Map series is available on the NSW Planning Portal:

[Port Macquarie-Hastings Local Environmental Plan 2011 | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](https://www.nsw.gov.au/planning-portal/port-macquarie-hastings-local-environmental-plan-2011)

Phasing in of the new SFC clause by the DPIE will ensure currency of the Port Macquarie-Hastings LEP 2011 in relation to assessment of development proposals in flood prone areas in the short term, and prior to transfer of updated related mapping from the NSW legislation website to a local online format on Council's website.

Discussions between Council staff and relevant agencies in relation to the timing of introduction of the SFC clause, and options for transitioning mapping and local policy provisions are ongoing, and Council staff will work with the Department to consider changes to development controls and flood policies if required.

### Options

1. Do nothing - The current clause 7.4 - Floodplain risk management would remain. *Port Macquarie-Hastings LEP 2011* would be out-of-date, and existing and future occupants of flood-prone land at risk. Council could also be at risk and exposed to liability for not following the new guideline: *Considering Flooding in Land Use Planning* (2021).
2. Resolve to adopt the new SI Clause 5.22 - Special flooding considerations as a replacement clause for current clause 7.4, and advise the DPIE of the decision.

Option 2 is recommended.

### Community Engagement and Internal Consultation

This report proposes that Council will work with DPIE to determine the requirements for community engagement if necessary, following a decision to include the SFC in LEP 2011. It is likely that the introduction of the SFC clause will be via a SEPP amendment prepared by DPIE to include the new clause in Council's LEP.

Internal consultation has been undertaken with Council's development assessment and natural resource staff. It is proposed to present the report to Council's Coast Estuary and Floodplain Sub Committee for their information.

### Planning and Policy Implications

As *Port Macquarie-Hastings LEP 2011* already includes an equivalent SFC clause (clause 7.4 Floodplain risk management), it is appropriate the updated version is included to ensure consistency with the new *Considering Flooding in Land Use*



*Planning (2021)* guideline, avoid obsolete provisions for at risk development types, and to minimise exposure to risk from liability.

Section 733 of the *Local Government Act 1993* provides councils with a limited liability protection if they have followed the principles of the Flood Plain Development Manual for protecting existing and future occupants of flood-prone land (that need to be considered) in land use planning:

- The safety of people including evacuation considerations
- management of flood risk, to reduce flood damage to public and private property and infrastructure
- management of the impacts of development, including cumulative impacts of development
- application of development controls
- management of the impacts of development on emergency services.

The manual and its supporting guides, the National Best Practice Guidance Australian Institute of Disaster Resilience (AIDR) Handbook 7 and its supporting documents, the AIDR Guideline 7.5 and AIDR Practice Note 7.7, all encourage the full range of flood risk to be considered in land use planning. The new guideline supports the principles of the manual and provides advice to councils on land use planning on flood-prone land. It provides councils with greater flexibility in defining the areas to which flood-related development controls apply, with consideration of defined flood events, freeboards, low-probability/high consequence flooding and emergency management considerations. Understanding the constraints that flooding places on development of land will assist in identifying areas suitable for different types of development, as well as risk-appropriate controls that should apply to different types of development in LEPs.

It is likely that amendments to update Development Control Plan 2013 will be required as a consequence of implementing the flood prone land package, including the adoption of Clause 5.22, and this may include for example, development controls currently detailed in Council's Flood Policy. Council will receive a further report if this is the case when the next steps are clarified with the DPIE.

### **Financial and Economic Implications**

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

Council could potentially be exposed to liability if the new SFC clause is not adopted and implemented in Port Macquarie-Hastings LEP 2011 as discussed in the report.

### **Attachments**

Nil



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**Item:** 12.06

**Subject:** VOLUNTARY HOUSE RAISING

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

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

4.2.1 Develop and implement coastal, estuary, floodplain, and bushfire management plans.

#### **RECOMMENDATION**

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

- 1. Note the review of the NSW Voluntary House Raising Scheme contained in this report.**
- 2. Request the Chief Executive Officer to develop a project plan and draft engagement strategy to undertake community engagement with the community in flood affected areas to determine the degree of support for pursuing Voluntary House Raising for consideration in the development of the draft 2022-2023 Operational Plan.**

#### **Executive Summary**

This report provides an overview of the NSW Voluntary House Raising Scheme (VHR), how it can be applied in a Port Macquarie-Hastings context, the issues and opportunities associated with the scheme, and a history of previous investigations related to Voluntary House Raising at Council.

The NSW Voluntary House Raising Scheme has the potential to provide financial assistance to some members of the Port Macquarie-Hastings community, allowing them to upgrade existing dwellings to be more resilient to the impacts of flooding.

The VHR Scheme requires Council investment in the preparation of scoping studies, an amendment to the existing Flood Risk Management Studies, committing staffing resources in the administration of the grants program and finance management, auditing of construction works and stakeholder relations with the Department of Planning, Infrastructure and Environment.

Previous investigations into the VHR Scheme at PMHC have been unsuccessful, with the Camden Haven VHR scoping study finding the partial funding model was not well supported. The Hastings River Flood Risk Management Study also found similar low levels of interest. Given the March 2021 flood event it may be found that community sentiment has changed since those studies were done, and a reassessment of broader community appetite for the scheme may be warranted.

It should also be noted that the VHR Scheme has a high eligibility criteria barrier which is compounded by the allocation of funds through a state-wide funding pool

rather than a regional or LGA allocation. This means eligible properties of lower priority may have to wait multiple grant cycles and many years before receiving funds.

Councils are generally offered funding based on the projected total cost over the three-year period of the scheme at a funding ratio of \$2 State to \$1 Council or local contribution. Councils often structure VHR schemes to require the local contribution to be fully paid by the house owner as the beneficiary of the damage reduction under the project. In these cases, councils may assist the owner by waiving their inspection and approval fees.

This report recommends that if Council wishes to further investigate the application of the VHR Scheme in the Port Macquarie-Hastings LGA further community consultation to quantify community appetite to engage with the scheme is undertaken prior to proceeding with further VHR Scoping Studies and that this be the subject of an Engagement Strategy. This report recommends the development of the Engagement Strategy should be considered with the development of the draft 2022-2023 Operational Plan and budget.

### **Discussion**

During the significant March 2021 flood event NSW experienced extreme rainfall that led to widespread flooding from the Northern Rivers down to Sydney. Rainfall records across the state were broken with the NSW coast experiencing its wettest week ever and many towns such as Port Macquarie, Wauchope, Lake Cathie and Dunbogan recording more than 300mm of rain in a day. This event was described as a “once-in-100-year flood” and the rising waters saw 18,000 people evacuated from their homes and caused more than \$1 billion in property damage (NSW Rural Fire Service 2021).

Following the floods Council staff have received a substantial increase in flood related enquiries and applications to address residential re-development including re-building flood affected homes, house raising enquires and questions seeking advice on what schemes are offered by Council to assist the Community in their flood preparation and/or recovery.

The NSW VHR scheme has been a subject of some enquiries and has the potential to assist residents in the Port Macquarie Hastings LGA by offering a support supplement payment to improve the flood resilience of older homes by raising them to comply with current flood requirements.

#### **The NSW Voluntary House Raising Scheme**

The NSW VHR Scheme is a NSW State Government initiative administered by the Department of Planning, Infrastructure and Environment (DPIE) through the Floodplain Management Program.

The VHR scheme is designed to provide support for residents in flood affected areas access financial support to increase the flood resilience of their properties provided they meet certain criteria.

For the purposes of this report and in the context of VHR in the PMHC context, VHR is generally undertaken to:

- Reduce the frequency of exposure to flood damage of the house and its contents – reducing the frequency of household disruption, associated trauma and anxiety, and clean up after floods may also have social benefits.

The Floodplain Management Program Guidelines for VHR schemes outlines a range of program requirements and individual dwelling eligibility criteria that must be met as discussed below in this report.

Annual funding available through the scheme is currently around \$150M for the state which is allocated through state-wide priority rankings.

#### Eligibility for the VHR Scheme

To be considered for the VHR scheme, Council's Flood Risk Management Plans (FRMP) must include VHR as part of the investigated options for Floodplain Risk Management. The FRMP must include detailed assessment and identification of eligible properties, undertake cost-benefit analysis, community consultation and develop an implementation plan for the scheme.

Some key aspects governing individual dwelling eligibility for the VHR scheme are:

- Age of dwelling - homes built after 1986 are ineligible
- Location of dwelling - homes in a Floodway or within a High or Medium flood hazard zone are ineligible
- Dwellings constructed of material suitable for raising (i.e. timber, not brick)
- Dwelling floor level must be at or below the present 1 in 100-year flood level

As per the VHR Guidelines (2013), the following items are **excluded** from funding under the scheme:

- Properties which are benefiting substantially from other floodplain mitigation measures, such as houses already protected by a levee or those that will be in future.
- Additional features, improvements, renovations and substitutions of services such as landscaping and concrete floor to the understorey.
- Any relocation costs incurred during the work.
- Remedial works to the house if the house needs to be brought up to a standard to allow it to be raised.
- Retrospective works (with the exception of valuation fees).

#### Administering the VHR Scheme

##### *Applying for VHR funding*

In order to apply for VHR scheme funding Council must follow a prescribed process as follows:

1. Council prepares and submits to DPIE a VHR scoping study in accordance with the guidelines.
2. Once the scoping study has been approved, Council submits a funding application for the VHR scheme to DPIE during a funding round, which is on a

3-yearly cycle. The application details the total number of properties with houses to be raised, as well as the number that are proposed for raising during the funding round, in priority order.

3. All applications are reviewed by the State Flood Mitigation Assessment Committee and recommendations are made to the Minister for approval. Consideration of funding for all flood risk management projects is based on state wide prioritisation for a maximum three-year period.
4. If approved Council will be advised by DPIE the grants are available and need to provide estimated expenditure for the funding period.
5. DPIE then reviews the expenditure estimates provided by all Councils and *targets the highest ranked eligible properties across the state* before awarding final grants to successful Councils. There is no guarantee that any particular Council will have properties ranked high enough to qualify in a given funding round.

It is important to note that inclusion of a house in a VHR scheme as part of an FRMP adopted by the Council places no obligation on the owner of the property to raise the house or on the council or NSW Government to fund the raising. Owner participation in the scheme is voluntary and there are limitations on the availability of funding.

#### *Raising the houses*

In practical terms, the following steps are to be followed for the design and construction of the house raising:

1. After funding availability is awarded Council is responsible for approaching the highest priority landowners for the VHR scheme. Participation is voluntary and as such landowners may not be interested in the scheme allowing lower priority houses to be approached.
2. Prior entering into binding contracts with VHR recipients Council must seek confirmation from DPIE that funds are still available from the funding pool as this may change over time. Binding agreements are signed between Council and the landowner and between Council and DPIE.
3. The landowner is responsible for submitting any Development Applications related to the works for approval prior to commencement and bears the costs of this process.
4. The landowner is required to obtain three quotes to ensure all works are best value for money before a contract is entered into with a selected builder. Prior to work commencing the owner must sign a liability waiver indemnifying Council and the NSW government against all claims arising from the works
5. Following practical completion Council is required to inspect the house and provide confirmation of completion and final reporting to DPIE before final payments are made.



History of VHR at PMHC*Camden Haven Voluntary House Raising Scoping Study 2006*

This previous investigation into the VHR Scheme was commenced in 2006 with the Camden Haven Voluntary House Raising scoping study. The Study included 422 residents of which 274 residents met the criteria for VHR.

The scoping study established that 55% of the residents would not be interested in the scheme if it was only partly funded. When asked of their interest for a fully subsidised VHR scheme 33% advised they would not be interested in the scheme regardless of the type of funding.

The scoping study found that 67% of residents would be in support of the VHR scheme if Council was to **fully fund** their developments.

Several respondents to the scoping study raised concerns of their health related struggles with stairs and accessibility issues around raised dwellings for people with limited mobility.

*Hastings River Flood Plain Risk Management Study 2012*

A review of potential flood mitigation measures on the Hastings River was commissioned by Council in 2012 by flood consultants Advisian. The study included VHR as part of a range of potential flood mitigation measures that could be provided to the community. The report found that when the community consultation process was complete “*more than two-thirds of respondents are against the implementation of a Voluntary House Raising Scheme*”.

VHR was not pursued further for the Hastings River following endorsement of the study.

*Council Decisions Relating to VHR*

The following table contains a timeline of previous Council and Advisory Subcommittee items relating to VHR.

Document	Date	Description
Council meeting - 5 March 2004	05/03/2004	The meeting proposed a VHR whereby owners can receive a subsidy from Council and the State Government to raise their homes to a higher level. A scoping study for the purpose of VHR Scheme was agreed upon to be commissioned.
Councillor workshop - 15 March 2004	15/03/2004	Raised in the minutes as potential flood mitigation measure. Not adopted.
Council meeting - 22 March 2004	22/03/2004	Raised in the minutes as potential flood mitigation measure. Not adopted.



Document	Date	Description
Council meeting - 12 September 2005	12/09/ 2005	2004/05 Carry-over Report included Camden Haven Voluntary House Raising, moving item to 2006 Operational Plan.
Hastings River Floodplain Risk Management Study	12/09/2011	Included in the options review and not adopted as the report stated that <i>more than two-thirds of respondents are against the implementation of a Voluntary House Purchase Scheme, and a similar proportion are not in favour of investing effort in improving flood emergency response protocols</i>
Coast, Estuary & Floodplain Advisory Sub-Committee - 25 February 2021	25/02/2021	Recommended scoping study on a VHR scheme for high flood hazard properties (outside eligibility requirements for VHR scheme).
Council meeting - 21 July 2021	21/07/2021	Recommendation: That Council request the Chief Executive Officer to provide a report to the October 2021 Ordinary Council Meeting providing an overview of the NSW State Government's Voluntary House Raising Scheme. An assessment of potential opportunities and barriers to implementing the Voluntary House Raising Scheme for the Port Macquarie-Hastings Local Government Area and seek advice from the Department of Planning, Infrastructure and Environment on the processes required to be considered for the scheme.

### Options

1. Adopt the recommendations contained in this report.
2. Do nothing - The current Flood Risk Management Studies would remain as adopted. Residents will continue to be ineligible for the VHR Scheme.
3. Resolve in some other manner.

### Community Engagement and Internal Consultation

If Council resolves to pursue Option 1 or 3 above, a community engagement process will need to be initiated to communicate the findings of this report and the VHR Scheme and determine the level of support for pursuing eligibility for the scheme.

### Planning and Policy Implications

No changes to the Port Macquarie Hastings LEP will be required. However, Council will need to include conditions in Section 149 Certificates by replacing restrictions on

the land under the NSW Conveyancing Act 1919, amend the DCP and amend the PMHC Flood Policy 2018 to include all residential dwellings that have been included under the VHR Scheme.

Section 733 of the Local Government Act 1993 provides councils with a limited protection from liability if they have followed the principles of the Floodplain Development Manual. As Councils undertake or update studies under the FRM process or obtain additional flood information, this information could support Councils with the implementation of the new guidelines.

### **Financial and Economic Implications**

Pursuing the NSW VHR Scheme has financial and economic implications for both residents applying for the scheme and Council in the scoping and administration of the scheme.

#### For Residents

Benefits include:

- The VHR scheme will generate positive financial returns from reduced cost of damage relative to costs of the construction required to raise the dwelling.
- The raising of the dwelling will bring the structure up to the current Flood Planning Level resulting in reduced flood impacts for future flood events.

Disadvantages include:

- Resident to bear upfront costs associated with development application, including design and consultant fees, council fees etc. prior to guarantee of grant funding.
- Only 2/3rds of the project cost is funded through DPIE with either property owner or Council covering the remainder.
- Based off previous community consultation, 2/3rds of the community consulted are not willing to access the scheme at less than 100% subsidy.

#### For Council

The benefits include:

- Improved resilience of communities in flood affected areas and reduced economic impact in the wake of flood events.

Costs to Council include:

- Consultant fees associated with amending Council's endorsed Flood Risk Management Plans to incorporate VHR, conduct VHR scoping studies and community engagement activities. Estimated costs are ~\$75,000-\$150,000. Grant funding may be eligible.
- Significant ongoing program management resources including the need for dedicated skilled planning administration personnel during the scoping phase of VHR scheme to assess properties for eligibility using Council's systems. In the Hastings 1:100-year flood affected area there are over 1100 residential

properties that would need to be assessed for eligibility which may take 10 minutes to 1 day per property depending on the records available. (based on 20min/property this equates to 10.5 weeks of a full time resource)

- Need for dedicated grants administration personnel to conduct administration phase of the VHR scheme.
- Additional impost on Council's finance staff to manage funding and payments to property owners.

Given the identified potential costs likely to be associated with the NSW VHR Scheme, it is appropriate that further consideration of the matter be considered in the development of future Operational Plans and budgets.

**Attachments**

Nil

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Subject: CONFIDENTIAL SESSION

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**RECOMMENDATION**

1. That Council move into Confidential Session to receive and consider the following items:

**Item 14.01 T-21-05 Supply of Timber Products (Bridges)**

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 Tender SPT352122MNC - Mattress Collection and Processing**

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 14.03 T-20-33 High Voltage Maintenance Services**

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

**Item 14.04 T-21-31 Ice Pigging Services**

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

**Item 14.05 T-21-42.03 Rawdon Island Bridge - Repair Contractor**

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 14.06 T-21-54 Replacement of Filtration Membranes - Camden Haven Waste Water Treatment Plant**

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.**