

Ordinary Council

Business Paper

date of meeting: Wednesday 3 November 2021

location: Council Chambers
17 Burrawan Street
Port Macquarie

time: 5:30pm

Community Vision

A sustainable high quality of life for all

Community Mission

Building the future together
People Place Health Education Technology

Council's Corporate Values

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

Community Themes

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

Ordinary Council Meeting

Wednesday 3 November 2021

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

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

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

RECOMMENDATION

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

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

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

Item: 04**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 13 October 2021 be confirmed.

PRESENT

Members:

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

Other Attendees:

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

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.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

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

03 LOCAL GOVERNMENT PRAYER

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

04 APOLOGIES

Nil.

05 CONFIRMATION OF MINUTES

RESOLVED: Alley/Griffiths

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

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

06 DISCLOSURES OF INTEREST

Councillor Turner declared a Non-Pecuniary, Less Than Significant Interest in Item 12.02 - Port Macquarie Town Centre - Parklet Trial Outcome Report, the reason being that Councillor Turner is a Director of Hort Property Pty Ltd which owns a property in the Port Macquarie CBD within the boundaries of the Port Macquarie Town Centre Master Plan.

Mayor Pinson declared a Pecuniary Interest in Item 12.05 - Amendment to Port Macquarie-Hastings Local Environmental Plan 2011 - Optional Standard Instrument LEP Order - 'Special flood considerations' Clause, the reason being that Councillor Pinson has a property interest in the area considered for the LEP amendment.

**07.01 NSW GOVERNMENT'S ENVIRONMENTAL PLANNING AND
ASSESSMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS)
BILL 2021**

RESOLVED: Pinson

That Council:

1. Note the correspondence from the Hon Mark Latham MLC as attached to the Mayoral Minute.
2. Note the correspondence from Local Government NSW (LGNSW) campaign "Say No to the Contributions Cash Grab" as attached to the Mayoral Minute.
3. Note the LGNSW's on-line Petition.
4. Request the Chief Executive Officer and Mayor meet and discuss the proposal with the Member for Port Macquarie, the Hon Leslie Williams MP.
5. Authorise the Chief Executive Officer to share the LGNSW campaign material on Council's website and social media.
6. Authorise the Chief Executive Officer to urgently inform our community of the Draft Developer Contributions Bill and the serious effects it will have on future delivery of assets to our region should it be passed.

CARRIED: 6/0

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

AGAINST: Nil

**08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL
MEETING**

RESOLVED: Griffiths/Hawkins

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

CARRIED: 6/0

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

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Griffiths/Alley

That Standing Orders be suspended to allow Items 09.03, 09.11, 10.01, 10.02, 10.03, 11.01, 11.03, 12.01, 12.02, 12.03, 12.04, 12.05 not in the block to be brought forward and considered next.

CARRIED: 6/0

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

AGAINST: Nil

09.03 MID NORTH COAST JOINT ORGANISATION - MECHANISM BY WHICH TO REQUEST FUNDING

RESOLVED: Pinson/Griffiths

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 for the Mid North Coast Joint Organisation.

CARRIED: 6/0

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

AGAINST: Nil

09.11 SUSTAINABILITY POLICY AND CLIMATE CHANGE RESPONSE POLICY

MOTION

MOVED: Turner/Intemann

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.

AMENDMENT

MOVED: Griffiths/Pinson

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.
8. Incorporate into policies, value for ratepayer money for actions and projects which relate to sustainability and climate change through a business case evaluation with a greater financial return than investment.

THE AMENDMENT WAS PUT AND WAS LOST

LOST: 1/5
FOR: Griffiths

AGAINST: Alley, Hawkins, Intemann, Pinson and Turner

RESOLVED: Turner/Intemann

That Councillor Alley be heard.

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

THE MOTION WAS PUT AND CARRIED

RESOLVED: Turner/Intemann

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.

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

10.01 WAUCHOPE AND SURROUNDS COMMUNITY PLAN

RESOLVED: Intemann/Alley

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.
5. Request the Chief Executive Officer to consider progressing some actions from the Wauchope Community Plan as part of any variation to the 2021-2022 Operational Plan.
6. Request the Chief Executive Officer consider including some actions from the Wauchope Community Plan in the 2022-2023 Operational Plan, and also the Delivery Program for the upcoming period.

CARRIED: 6/0

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

AGAINST: Nil

10.02 2021-2022 ROUND 1 COMMUNITY GRANT PROGRAM FOR ENDORSEMENT

RESOLVED: Intemann/Hawkins

1. 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:

Organisation Name	Project	Funding
Community Builders		
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
	Sub-total	\$16,125
Community Celebrations		
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 th Anniversary Celebration	\$4,650

Camden Haven Chamber Commerce	Christmas Celebrations	\$5,000
	Sub-total	\$18,150
Cultural Activities		
Bonny Hills Progress Association	Bonny Hills Art Show	\$3,000
	Sub-total	\$3,000
Youth Projects		
YP Space MNC	BoostYouth Program	\$1,950
	Sub-total	\$1,950
Micro Grants		
MNC Cricket Council Inc.	MNC T20 Cricket Gala Comp	\$1,000
	Sub-total	\$1,000
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
	Sub-total	\$9,521
Total Grant Funding		\$49,746

2. Note the importance of the work of early conservation volunteers in Port Macquarie, and their success in protecting many of the coastal features we all now value so much, and the upcoming 50th Anniversary of the commencement of the ultimately successful Save Windmill Hill campaign.
3. Request the Chief Executive Officer to utilise best endeavours for Council's promotion of the upcoming Anniversary as mentioned in clause 2 above, and the installation of a suitable interpretive sign in time for the occasion in late November 2021, as has previously been discussed between Council staff and some members of the community.
4. Note the source of funding to be the working capital reserve.

CARRIED: 6/0

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

AGAINST: Nil

10.03 POLICY REVIEW - DOGS IN PUBLIC OPEN SPACES

RESOLVED: Pinson/Griffiths

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 that further discussions have been held with Crown Lands and National Parks and Wildlife Service (NPWS) regarding dogs on Washhouse Beach.
3. Note the correspondence received by the Chief Executive Officer from NPWS Acting/Area Manager, Hastings Macleay Area on 18 June 2021 and included as Attachment 5 to the report.
4. Note the mapping of the Kattang Nature Reserve as provided by NPWS and included as Attachment 5 to the report.
5. Note the available area for dog off-leash walking is 125.86 metres from the rock breakwall, as per the mapping referred to in Item 4 above.
6. Note the correspondence from Shane Robinson, NPWS Manager Hastings Macleay Area to Council in February 2021 and included as Attachment 4 to the report.
7. Adopt the revised Dogs in Public Open Spaces Policy, including an amendment to permit off-leash dogs on Washhouse Beach, as referenced in Items 4 and 5 above.
8. Request the Chief Executive Officer urgently consult with NPWS regarding the erection of large information signage advising of the area permitted or prohibited to dogs and make available educational information as to the conservation and biodiversity value of the Kattang Nature Reserve.
9. Request the Chief Executive Officer to investigate upgrades to Dunbogan Beach such as boardwalk, public amenities, formalised carpark to enhance beach use and promote dog walking on the 2.36 kilometre beach and provide a further report back to Council in March 2022 on estimates for upgrades for consideration in the Draft 2022-2023 Operational Plan.
10. Request the Chief Executive Officer ensure that the details of any proposed upgrades be the subject of community consultation prior to being finalised.
11. Thank those who provided feedback during the review of the Dogs in Public Open Spaces Policy and advise them of Council's determination.

CARRIED: 6/0

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

AGAINST: Nil

11.01 DRAFT 2022-2032 ECONOMIC DEVELOPMENT STRATEGY

RESOLVED: Intemann/Turner

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 Economic Development Strategy.
3. Place the draft Economic Development Strategy on public exhibition from 18 October 2021 for a period of 60 days.
4. Advise by email all community members who made submissions or participated in workshops, regarding the commencement of the exhibition period.
5. Actively promote the exhibition of the Draft Economic Development Strategy to relevant local businesses and groups, as well as to the general community.
6. During the exhibition period provide an on-line information session to overview the Draft Economic Development Strategy and its change of direction.
7. 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 Economic Development Strategy for adoption.

CARRIED: 6/0

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

AGAINST: Nil

11.03 NEW DESTINATION BRAND

RESOLVED: Hawkins/Pinson

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.
3. Support Concept 1 as the preferred Visual Identity Concept.
4. Thank all stakeholders who participated in the Destination Brand Review and advise them of the outcome.

CARRIED: 6/0

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

AGAINST: Nil

12.01 RAWDON ISLAND BRIDGE UPDATE

RESOLVED: Intemann/Griffiths

That Council:

1. Note the information provided in the Rawdon Island Bridge Update report.
2. Request the Chief Executive Officer to ensure that the incoming Councillors are kept advised of progress of this matter from the point of their election.

CARRIED: 6/0

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

AGAINST: Nil

12.02 PARKLET TRIAL OUTCOME REPORT

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

RESOLVED: Pinson/Griffiths

That Council:

1. Note the information contained within this report.
2. Offer both existing parklets lease holders the opportunity to renew their lease for their parklet based on Council's standard outdoor dining lease for a period of not less than one month.
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.

CARRIED: 6/0

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

AGAINST: Nil

12.03 KOALA RECOVERY STRATEGY ANNUAL REPORT

RESOLVED: Intemann/Griffiths

That Council:

1. Note the annual report for the Koala Recovery Strategy 2018.
2. Request the Chief Executive Officer to provide a briefing to Councillors on Koala-related matters by no later than 10 February 2022, so a motion can be brought forward to the February 2022 Ordinary Meeting if required.

CARRIED: 6/0

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

AGAINST: Nil

12.04 BUSHFIRE MITIGATION WORKS - 2021-2022 UPDATE

RESOLVED: Intemann/Griffiths

That Council:

1. 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.
2. Prepare a communications plan to inform and educate the community and Councillors about this work, and provide a report no later than the May 2022 Ordinary Council meeting, on progress in Bushfire Mitigation.

CARRIED: 6/0

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

AGAINST: Nil

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

Mayor Pinson declared a Pecuniary Interest in this matter, vacated the Chair and left the room and was out of sight during the Council's consideration, the time being 8:15pm.

The Deputy Mayor assumed the Chair.

RESOLVED: Alley/Griffiths

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.

CARRIED: 5/0

FOR: Alley, Griffiths, Hawkins, Intemann and Turner

AGAINST: Nil

Mayor Pinson returned to the meeting, the time being 8:25pm.

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

13 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Alley/Intemann

That Items 09.01, 09.02, 09.04, 09.05, 09.06, 09.07, 09.08, 09.09, 09.10, 09.12, 10.04, 11.02, 12.06 be considered as a block resolution.

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

RESOLVED: Alley/Intemann

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

09.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Alley/Intemann

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

09.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 2 TO 29 SEPTEMBER 2021

BLOCK RESOLVED: Alley/Intemann

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

Item 09.03 Mid North Coast Joint Organisation - Mechanism By Which To Request Funding, has been addressed previously within the meeting.

09.04 DISCLOSURES REGISTER - ANNUAL RETURNS 2020-2021

BLOCK RESOLVED: Alley/Intemann

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.
-

09.05 STATUS OF COUNCIL POLICIES

BLOCK RESOLVED: Alley/Intemann

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 Propertywith a further report to be considered by Council at the February 2022 Ordinary meeting of Council following the public exhibition period.
-

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

BLOCK RESOLVED: Alley/Intemann

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

09.07 POLICY REVIEW - INVESTMENT POLICY

BLOCK RESOLVED: Alley/Intemann

That Council re-adopt the current Investment Policy.

09.08 MONTHLY BUDGET REVIEW - SEPTEMBER 2021

BLOCK RESOLVED: Alley/Intemann

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.
-

09.09 INVESTMENTS - SEPTEMBER 2021

BLOCK RESOLVED: Alley/Intemann

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

09.10 PORT MACQUARIE TRANSPORT NETWORK COMMUNITY CONSULTATIVE COMMITTEE CHAIR

BLOCK RESOLVED: Alley/Intemann

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.

Item 09.11 Sustainability Policy and Climate Change Response Policy, has been addressed previously within the meeting.

09.12 DRAFT COMMUNITY STRATEGIC PLAN

BLOCK RESOLVED: Alley/Intemann

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.

Item 10.01 Wauchope & Surrounds Community Plan, has been addressed previously within the meeting.

Item 10.02 2021-2022 Round 1 Community Grant Program for Endorsement, has been addressed previously within the meeting.

Item 10.03 Policy Review - Dogs in Public Open Spaces, has been addressed previously within the meeting.

10.04 REVOCATION OF DECLARED MENACING DOG

BLOCK RESOLVED: Alley/Intemann

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.

Item 11.01 Draft 2022-2032 Economic Development Strategy, has been addressed previously within the meeting.

11.02 MAJOR EVENTS MARKETING GRANT PROGRAM - ROUND 1, 2022

BLOCK RESOLVED: Alley/Intemann

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
Total allocated this round	\$20,000

Item 11.03 New Destination Brand, has been addressed previously within the meeting.

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

Item 12.02 Parklet Trial Outcome Report, has been addressed previously within the meeting.

Item 12.03 Koala Recovery Strategy Annual Report, has been addressed previously within the meeting.

Item 12.04 Bushfire Mitigation Works - 2021/2022 Update, has been addressed previously within the meeting.

Item 12.05 Amendment to Port Macquarie-Hastings Local Environmental Plan 2011 - Optional Standard Instrument LEP Order - 'Special flood considerations' Clause., has been addressed previously within the meeting.

12.06 VOLUNTARY HOUSE RAISING

BLOCK RESOLVED: *Alley/Intemann*

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.

CONFIDENTIAL SESSION

RESOLVED: Alley/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-21-05 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.

Item 14.07 2021 Organisational Realignment

This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).

Item 14.08 T-21-35 Pappinbarra Junction Bridge - Bridge & Civil Package

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

RESOLVED: Griffiths/Alley

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

CARRIED: 6/0

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

AGAINST: Nil

14.01 T-21-05 SUPPLY OF TIMBER PRODUCTS (BRIDGES)

RESOLVED: Griffiths/Intemann

That Council:

1. In accordance with the clause 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept the sole tender submitted for Request for Tender T-21-05 Supply of Timber Products (Bridges) as there are insufficient submissions to ascertain value for money, or to establish panel arrangements for the three categories: Round Timber, Sawn Timber, and Engineered Timber.
2. In accordance with the clause 178(3)(a) of the Local Government (General) Regulations 2021, postpone or cancel the proposal for the contract.
3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-21-05.

CARRIED: 6/0

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

AGAINST: Nil

14.02 TENDER SPT352122MNC - MATTRESS COLLECTION AND PROCESSING

RESOLVED: Intemann/Hawkins

That Council:

1. In accordance with clause 178(1)(b) and 178(3)(b) of the Local Government (General) Regulation 2021, decline to accept any of the tenders submitted for Regional Procurement Tender SPT352122MNC Mattress Collection and Processing, and invite fresh tenders in accordance with clause 169 of the Local Government (General) Regulation 2021 from the tenderers that responded to Regional Procurement Tender SPT352122MNC based on different details; and
2. Maintain the confidentiality of the documents and consideration in respect of Regional Procurement Tender SPT352122MNC.

CARRIED: 6/0

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

AGAINST: Nil

14.03 T-20-33 HIGH VOLTAGE MAINTENANCE SERVICES

RESOLVED: Griffiths/Alley

That Council:

1. Note the engagement of Ampcontrol Service (NSW) Pty Ltd for \$41,683.00 per year (excl. GST) for Request for Tender T-20-33 High Voltage Maintenance Services for an initial contract term of three years commencing 1 October 2021, with three options to extend for one year each to be exercised by Council at its sole discretion.
2. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-20-33.

CARRIED: 6/0

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

AGAINST: Nil

14.04 T-21-31 ICE PIGGING SERVICES

RESOLVED: Intemann/Griffiths

That Council:

1. In accordance with s55(3)(i) of the Local Government Act 1993, not invite tenders for Ice Pigging Services due to the unavailability of competitive tenderers as the methodology for ice pigging is proprietary to the sole contractor recognised by Council.
2. Enter into negotiations with the sole contractor recognised by Council with a view to entering into a contract for ice pigging services.
3. Note that the Chief Executive Officer, under existing delegations to the General Manager, may award a contract T-21-31 Ice Pigging Services following successful negotiations, and present a further report to a future meeting of Council after contract award for Council's information.
4. Maintain the confidentiality of the documents and consideration in respect of this report.

CARRIED: 6/0

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

AGAINST: Nil

14.05 T-21-42.03 RAWDON ISLAND BRIDGE - REPAIR CONTRACTOR

RESOLVED: Griffiths/Alley

That Council:

1. In accordance with section 55(3)(i) of the Local Government Act 1993, not invite tenders for Rawdon Island Bridge - Repair Contractor due to extenuating circumstances; being that any delay in the appointment of a contractor will result in extension to the current bridge access restrictions for Rawdon Island residents and businesses.
2. Enter into negotiations with contractors recognised by Council, with a view to entering into a contract for Rawdon Island Bridge repairs.
3. Note that the Chief Executive Officer, under existing delegations to the General Manager, may award a contract following successful negotiations, and present a further report to a future meeting of Council on completion of the negotiation process for Council's information.
4. Maintain the confidentiality of the documents and consideration in respect of this report.

CARRIED: 6/0

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

AGAINST: Nil

14.06 T-21-54 REPLACEMENT OF FILTRATION MEMBRANES - CAMDEN HAVEN WASTE WATER TREATMENT PLANT

RESOLVED: Pinson/Griffiths

That Council:

1. In accordance with section 55(3)(i) of the Local Government Act 1993, not invite tenders for T-21-54 Replacement of Filtration Membranes - Camden Haven Waste Water Treatment Plant due to extenuating circumstances being risk of total failure and loss of Environmental Protection Agency Discharge Licence.
2. Issue a formal Request for Quotation T-21-54 Replacement of Filtration Membranes - Camden Haven Waste Water Treatment Plant on a single invitation basis to the Contractor recognised by Council.
3. Note that the Chief Executive Officer, under existing delegations to the General Manager, may accept a quotation for T-21-54 Replacement of Filtration Membranes - Camden Haven Waste Water Treatment Plant, and present a further report to a future meeting of Council after contract award for Council's information.
4. Maintain the confidentiality of the documents and consideration in respect of T-21-54 Replacement of Filtration Membranes - Camden Haven Waste Water Treatment Plant and this report.

CARRIED: 6/0

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

AGAINST: Nil

14.07 2021 ORGANISATIONAL REALIGNMENT

RESOLVED: Griffiths/Intemann

That Council:

1. Endorse the 2021 Organisational Realignment.
2. Maintain the confidentiality of the documents and consideration in respect of 2021 Organisational Realignment report.

CARRIED: 6/0

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

AGAINST: Nil

14.08 T-21-35 PAPPINBARRA JUNCTION BRIDGE - BRIDGE AND CIVIL PACKAGE

RESOLVED: Intemann/Alley

That Council:

1. In accordance with section 178(1)(b) and 178(3)(e) of the Local Government (General) Regulation 2021, decline to accept any of the tenders submitted for T-21-35 Pappinbarra Junction Bridge - Bridge and Civil Package and enter into negotiations with Bridge and Civil Pty and Saunders Civilbuild Pty Ltd, or any other person where or not they submitted a tender for T-21-35 Pappinbarra Junction Bridge - Bridge and Civil Package, with a view to entering into a contract in relation to the subject matter of the tender
2. Pursuant to section 178(4)(a) and (b) of the Local Government (General) Regulation 2021 decline to invite fresh tenders for the reasons that: the Tender Evaluation Panel considers that the preferred tenderers have the demonstrated the experience, capacity and capability to meet the requirements of the Request for Tender; inviting fresh tenders likely will not achieve a superior outcome; and, inviting fresh tenders will delay the project beyond the funding deadline.
3. Note the Chief Executive Officer, under existing delegations to the General Manager, may accept a tender for T-21-35 Pappinbarra Junction Bridge - Bridge and Civil Package following successful negotiations, and present a further report to a future meeting of Council after contract award for Council's information.
4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-21-35 Pappinbarra Junction Bridge - Bridge and Civil Package.

CARRIED: 6/0

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

AGAINST: Nil

Councillor Alley left the meeting and did not return, the time being 8:42pm.

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

The meeting closed at 8:51pm.

.....
Peta Pinson
Mayor

Item: 06
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

Managing non-pecuniary conflicts of interest

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

This form must be completed using block letters or typed.

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

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

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

Councillor's Signature: **Date:**

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

Last Updated: 3 June 2019

Important Information

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

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

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

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

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

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

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

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

Item: 08

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

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council determine that the attachment to Item Number 09.16 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:

Item No:	09.16
Subject:	Quarterly Budget Review Statement - September 2021
Attachment Description:	Confidential - September 2021 Quarterly Budget Review - Consultancy Engagements
Confidential Reason:	Relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting for proposes to conduct business. (Local Government Act 1993 - Section 10A(2)(c)).

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
Trialling Of Parklets In The Port Macquarie Town Centre	16/05/18 Item 10.02		DCPE	Aug-20 Jun-21 Oct-21	Nov-21
Footpaving of Roads Policy - Review (refer to report titled "Infrastructure Strategy and Regional Integrated Transport Strategy including Footpaving Policy")	01/07/2020 Item 13.01		DCPE	Dec-20 Jun-21 Aug-21 Sep-21	Nov-21
Key intersections for upgrade - costs and prioritisations	09/12/2020 Item 13.01		DCI	Apr-21 Jun-21 Jul-21	Nov-21
Fernbank Creek and Sancro Planning Investigation	17/03/2021 Item 13.08		DCPE	Sep-21	Nov-21

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
- Gateway Determination (refer to report titled "Le Clos Sancroix Planning Proposal")					
North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan - post exhibition	21/04/2021 Item 13.02		DCI		Nov-21
Integrated Strategic Transport Network Plan - prioritising projects	21/07/2021 Item 12.08		DCI		Nov-21
Disability Inclusion Action Plan 2017-2021 Final Progress Report	04/08/2021 Item 10.02	Still waiting on information	DCPE	Oct-21	Nov-21
Temporary Waiver of Fees - Port Macquarie Senior Citizens Club & The Hub Business and Co-Working Centre (refer to report titled "Relief Measures for the Impacts of COVID-19")	04/08/2021 Item 09.12		DCPE		Nov-21

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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		DBP		Nov-21
Management of recycled water	15/09/2021 Item 12.02		DCI		Nov-21
Draft Sponsorship Policy - post exhibition	15/09/2021 Item 09.11		DBP		Nov-21
Disclosures Register - additional returns	13/10/2021 Item 09.04		CEO		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	10/08/16 Item 12.01		DCPE		2024 (estimate)

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
demand for those credits.					
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/18 Item 14.05	Awaiting LEP process to reclassify from community to operational land	DCPE	Mar-20 Nov-20 Mar-21 Apr-21 Jun-21 Sep-21	Feb-22
Council owned lots at North Shore - Progress of Sale	19/09/18 Item 09.24)	Council is currently in the process of obtaining DA's for the individual lots, prior to sale - this will provide assurance to future purchasers that the lots can be built on.	DCPE	Dec-19 Feb-20 Sep-20 Mar-21 Apr-21 Jun-21 Sep-21	Feb-22
Planning Proposal (PP2017-11.1) The Chimneys, Homedale Road, Kew	17/06/2020 Item 13.03	Awaiting further supporting documentation from the proponent.	DCPE	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.	DCPE	Mar-21 May-21 Jul-21 Sep-21	Feb-22
T-20-41 Kew Main Street Upgrade	21/04/2021 Item 15.01	Negotiations ongoing and awaiting design information from consultant	DCI	Jun-21 Jul-21 Sep-21 Nov-21	Feb-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Coastal Protection Options - Illaroo Road, Lake Cathie	21/04/2021 Item 13.06	Postponed to after Council Elections	DCPE	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	DCPE	Aug-2021 Sep-21	Feb-22
Ferry Operations - Vehicle Movements & Vehicles Left on Bank Monitoring	19/05/2021 Item 12.03	Councillor Briefing in Oct 2021 requested report to Feb 2022	DCI	Oct-21 Nov-21	Feb-22
Community Strategic Plan - post exhibition	21/07/2021 Item 09.07	To be reported to the new Council	DCPE	Oct-21	Feb-22
Bushfire Disaster Recovery Funding	04/08/2021 Item 09.14		DCPE		Feb-22
COVID-19 Recovery and Stimulus Projects Update	04/08/2021 Item 11.01		DCPE		Feb-22
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	DCI	Oct-21 Nov-21	Feb-22
Policy Rescissions - post exhibition	13/10/2021 Item 09.05		CEO		Feb-22
T-21-42.03 Rawdon Island Bridge - Repair Contractor	13/10/2021 Item 14.05		DCI		Feb-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
T-21-54 Replacement of Filtration membranes - Camden Haven Waste Water Treatment Plant	13/10/2021 Item 14.06		DCU		Feb-22
T-21-35 Pappinbarra Junction Bridge - Bridge and Civil Package	13/10/2021 Item 14.08		DCI		Feb-22
Establishment of a "Fly Neighbourly Agreement"	21/10/2020 Item 12.01	Currently with CASA for review	DBP	Feb-21 Apr-21 Jun-21 Nov-21	Mar-22
Bonny Hills Reserves Draft Master Plan - post exhibition	09/12/2020 Item 11.02	Delayed until after the LG election	DCPE	Apr-21 May-21 Jun-21 Jul-21 Sep-21	Mar-22
Developments, Public Place & Events Waste minimisation and Management Policy - outcomes of engagement	19/05/2021 Item 12.02	Initial engagement undertaken with local waste management (skip bin) operators. Further investigation required regarding Council's fees and charges, and corresponding construction and demolition waste policy provisions as part of a broader review of Council's Waste Strategy proposed in line with OP	DCU	Nov-21	Mar-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
		action 4.1.7.27.			
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.	DCPE	Oct-21	Mar-22
Joint Integrated Transport Network Plan - final draft for public consultation	21/07/2021 Item 12.08		DCI		Mar-22
Key and critical transport infrastructure - review existing structure and resource base to increase its delivery	04/08/2021 Item 09.06		DCI		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	DCPE	Oct-21	Mar-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
		and next steps.			
Dunbogan Beach - Upgrades	13/10/2021 Item 10.03		DCPE		Mar-22
Draft Community Strategic Plan	13/10/2021 Item 09.12		DCPE		Mar-22
Bushfire Mitigation - Progress Report	13/10/2021 Item 12.04		DCPE		May-22
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.	DCPE	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	DCI	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
Draft 2022-2032 Economic Development Strategy - post exhibition	13/10/2021 Item 11.01		DCPE		TBA - early 2022

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	DBP	Monthly	Every (except July)		
Investments	DBP	Monthly	Every		
Recommendations by the Mayor's Sporting Fund Sub-Committee	DCPE	Monthly	Every		No recommendations
Rawdon Island Bridge - Progress Report (21/07/2021 Item 12.03)	DCI	Monthly	Every		
Legal Fees - Update Report (19/09/18 - Item 09.16)	CEO	Quarterly	Feb, May, Aug, Nov		
Development Activity and Assessment System Performance	DCPE	Quarterly	Feb, May, Aug, Nov		
Operational Plan – Quarterly Progress	DBP	Quarterly	May, Nov (other 2 quarters reported with DP 6 monthly progress report)		
Grant Application Status Report (21/08/19 - Item 11.02)	DCPE	Biannual	Feb, Aug		
Glasshouse Strategic Plan Update	DBP	Biannual	Feb, Aug		
Delivery Program – Six Monthly Progress	DBP	Biannual	Feb, Sep		
Long Term Energy Strategy – Progress	DCPE	Biannual	May, Nov	Feb-22	To be included in Climate Change Response Strategy
Economic Development Strategy - Progress	DCPE	Biannual	May, Nov	Feb-22	new strategy on exhibition

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
(20/11/2013 - Item 10.03)					
Update on Site Specific Planning Proposal Requests	DCPE	Biannual	Jun, Dec	Nov-21	no Meeting in Dec-21
Local Strategic Planning Statement (19/02/2020 - Item 10.22)	DCPE	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)	DCPE	Annually	Jun		
Kooloonbung Creek Flying Fox Camp Management Plan - Annual Update (16/06/2021 - Item 12.03)	DCPE	Annually	Jun		
Council Policy - Status	CEO	Annually	Jul		
Recreation Action Plan – Status	DCPE	Annually	Jul		
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DCPE	Annually	Jul		
Local Preference Policy Outcomes	DBP	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)	DCPE	Annually	Aug		
Annual Report of the Activities of the	DCPE	Annually	Sep		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Mayor's Sporting Fund					
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	DCPE	Annually	Sep		
Legislative Compliance Register	CEO	Annually	Sep		
Koala Recovery Strategy Annual Report (19/09/18 - Item 12.05)	DCPE	Annually	Sep	Oct	Delayed due to KPoM audit and staff leave
Annual Disclosure of Interest Returns	CEO	Annually	Oct		
Professional Development of Councillors (15/09/2021 - Item 09.07)	CEO	Annually	Oct	Oct-22	
Council's Annual Report	DBP	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)	DBP	Annually	Nov		
Performance of Property Investment Portfolio (20/11/19 - Item 10.17)	DBP	Annually	Nov		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Code of Conduct Complaints Annual Report	CEO	Annually	Dec		

Attachments

Nil

Item: 09.02

**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 30
SEPTEMBER TO 20 OCTOBER 2021**

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Mayoral Discretionary Fund allocation for the period 30 September to 20 October 2021 inclusive.

Executive Summary

To advise of the Mayoral Discretionary Fund allocation for the period 30 September to 20 October 2021.

Discussion

The following allocation was made by the Mayor from the Mayoral Discretionary Fund during this reporting period:

Donation to 2021 Great Cycle Challenge - Fundraiser for Children's Medical Research Foundation	\$250.00
Total allocation	\$250.00

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

Attachments

Nil

Item: 09.03

Subject: PROFESSIONAL DEVELOPMENT UNDERTAKEN BY THE
COUNCILLORS

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

RECOMMENDATION

That Council note the professional development undertaken by Councillors since the September 2016 elections.

Executive Summary

To provide information and costs to Council of professional development undertaken by the Councillors since their election to Council.

Discussion

At the Ordinary Council Meeting held on 15 September 2021, Council considered a report on the costs of professional development undertaken by the Mayor since her election as popularly elected Mayor in 2017.

It was subsequently resolved:

09.07 PROFESSIONAL DEVELOPMENT UNDERTAKEN BY THE MAYOR

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

In accordance with Resolution No. 3 above, the professional development and costs undertaken by the Councillors since their election to Council, is shown below:

Councillor	Professional Development	Registration Cost	Other Costs
Hawkins	LGNSW Speed Reading Course - Sydney 07/11/2017	\$660.00	See below
Hawkins	LGNSW Chairing & Effective Meeting Procedures - Sydney 9/11/2017	\$660.00	Accommodation - \$1,027.00 Petrol - \$734.07
Intemann Turner Hawkins Griffiths Alley	Code of Conduct Training with Merryn Crawford - Function Room 12/12/2017 - 1 hr session (Note: All Councillors were invited to this training and the cost for the session was \$1,310.00)	\$145.55 per person	Nil
Intemann	Australian Institute of Company Directors - Membership Renewal December 2017	\$657.50	Nil
Intemann Turner Hawkins Griffiths Alley	Coaching with Deborah Johnston - Function Room 10/09/2018 - 2.5 hr session (Note: All Councillors were invited to this session. Estimated cost only at \$300.00 per hour - included in overall Executive and Councillor Group Coaching)	\$83.33 per person	Nil
Intemann	Australian Institute of Company Directors - Membership Renewal December 2018	\$615.00	Nil
Hawkins	Code of Conduct Training with Monica Kelly from Prevention Partners - Function Room 07/08/2019 - afternoon session	\$342.22 per person	Nil

Councillor	Professional Development	Registration Cost	Other Costs
	(Note: All Councillors were invited to this training. Cost for session was \$3,080.00)		
Griffiths	Webinar (1 hour) - Dysfunction in the Boardroom - Is Conflict Impacting your Performance? - Australian Institute of Company Directors 29/08/2019	\$89.00	Nil
Intemann	Australian Institute of Company Directors - Membership Renewal December 2019	\$550.00	Nil
Griffiths	LGNSW Planning Forum Webinar with Hon Rob Stokes MP 28/04/2020	\$66.00	Nil
Griffiths	Public Sector Women in Leadership Webinar Series - Effectively Communicating through a Crisis 05/05/2020, 12/05/2020, 19/05/2020	\$273.90	Nil
Intemann	Australian Institute of Company Directors - Membership Renewal December 2020	\$605.00	Nil
	TOTAL	\$5,663.02	\$1,027.00

Councillor	Conferences	Registration Cost	Other Costs
Alley	2017 LGNSW Annual Conference - Sydney 04/12/17 - 06/12/17	\$943.00	Accommodation - \$1,190.11 Flight - \$416.28
Hawkins	2017 LGNSW Annual Conference - Sydney 04/12/17 - 06/12/17	\$899.00	Accommodation - \$1,190.11 Petrol - \$564.40
Alley	Climate Leadership Conference 15/03/18 - 16/03/18	\$1,195.00	Accommodation - \$342.32 Flight - \$610.80

Councillor	Conferences	Registration Cost	Other Costs
Griffiths	2018 LGNSW Annual Conference - Albury 21/10/2018 to 23/10/2018	\$1,038.00	Accommodation - \$338.00 Flight - \$888.78
Alley	2018 NSW Public Libraries Conference - Coffs Harbour 27/11/2018 - 30/11/2018	\$770.00	Accommodation - \$313.50
Griffiths	2018 LGNSW Good Governance Forum - Sydney 29/11/2018	\$770.00	Flight - \$503.48
Hawkins	2019 Smart Cities - Melbourne 29/05/2019 to 31/05/2019	\$1,360.00	Accommodation - \$364.81 Flight - \$881.31
Turner	2019 Smart Cities - Melbourne 29/05/2019 to 31/05/2019	\$1,880.00	Accommodation - \$364.68 Flight - \$881.31
Alley	2019 Australian Local Govt Association National General Assembly - Canberra 16/06/19 to 19/06/19	\$1,129.00	Accommodation - \$755.07 Flight - \$498.13
Alley	2019 LGNSW Annual Conference - Warwick Farm 14/10/2019 to 16/10/2019	\$982.00	Accommodation - \$675.00 Petrol - \$308.99
Griffiths	2019 National Local Roads & Transport Congress - Handorf, SA 18/11/2019 to 20/11/2019	\$895.00	Accommodation - \$338.00 Flight - \$579.11
Griffiths	2020 LGNSW Water Management Conference - Virtual 07/10/2020 - 08/10/202	\$566.50	Nil
Alley	2020 LGNSW Annual Conference - Virtual 23/11/2020	\$66.00	Nil
Turner	2021 LGNSW Destination & Visitor Economy Conference - PMQ 27/05/21 - 1 day attendance	\$425.00	Nil

Councillor	Conferences	Registration Cost	Other Costs
Intemann Turner Alley Griffiths	2021 LGNSW Annual Conference - Virtual 29/11/2021	Nil	Nil
	TOTAL	\$13,956.50	\$14,037.88

Options

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

Community Engagement and Internal Consultation

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

Planning and Policy Implications

A review of the "Councillor Induction and Professional Development" policy has been undertaken and is listed for consideration as a separate report on the Agenda.

Attendance at professional development courses were approved by the then General Manager and attendance at the Local Government NSW Conferences were approved via Council resolution.

Financial and Economic Implications

The costs incurred for the professional development opportunities undertaken and conferences attended by the Councillors were funded from the individual Councillor training budgets or the Council Training budget for sessions involving the Mayor and Councillors.

Attachments

Nil

Item: 09.04

**Subject: EXTENSION OF MEMBERSHIP OF INDEPENDENT MEMBERS TO
THE AUDIT, RISK AND IMPROVEMENT COMMITTEE**

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

1.3.3 Ensure there is appropriate management of risk to mitigate impact for Council and the community.

RECOMMENDATION

That Council extend the membership of Grahame Marchant and Stephen O'Rourke to Council's Audit, Risk and Improvement Committee until such time Council conducts an expression of interest for these independent positions.

Executive Summary

Council's Audit, Risk and Improvement Committee (ARIC) currently has three (3) positions for independent members. The membership of two of these positions expired on 18 October 2021.

The Office of Local Government has released its Risk Management and Internal Audit for Local Council's in NSW Guideline for public consultation. This consultation process closes on 26 November 2021. This draft guideline includes significant changes to the qualifications required for independent members to a Council's ARIC. It is recommended to extend the membership of those members whose membership is expiring until Council can undertake an expression of interest process to fill these positions in accordance with the requirements of the adopted guideline.

Discussion

The Office of Local Government has released its Risk Management and Internal Audit for Local Council's in NSW Guideline for public consultation. This draft guideline addresses three main components being the Audit, Risk and Improvement Committee, the Risk Management Framework and the Internal Audit Framework.

The section on ARIC membership includes significant changes to the qualifications required for independent members to a Council's ARIC including independence requirements and prequalification on the NSW Government's Audit Committee chair and member panels. As this guideline has not been finalised and is still on public exhibition for comment, it would be premature to appoint new members to the committee when the membership requirements are not fully understood at this time.

It is recommended that Council extend the membership Grahame Marchant and Stephen O'Rourke in these independent positions until Council can undertake an

expression of interest process to fill these positions in accordance with the requirements of the adopted guideline.

Options

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

Community Engagement and Internal Consultation

Internal Consultation has been undertaken with:

- Chief Executive Officer
- Group Manager Governance
- Affected members of ARIC

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

Nil

Item: 09.05

Subject: POLICY REVIEW - COUNCILLOR INDUCTION AND
PROFESSIONAL DEVELOPMENT POLICY

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

RECOMMENDATION

That Council:

1. Note the public submissions received in response to the draft Councillor Induction and Professional Development Policy.
2. Adopt the Councillor Induction and Professional Development Policy.
3. Thank those who made submissions on this draft policy and notify them of Council's resolution in the matter.
4. Rescind the current Councillor Professional Development Policy and the Councillor Induction Policy.

Executive Summary

At the Ordinary Council meeting held 15 September 2021, Council resolved:

09.10 POLICY REVIEW - COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT POLICY

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.

The draft policy was placed on public exhibition from 20 September 2021 until 18 October 2021 and received two (2) submissions from members of the public. Further commentary on these submissions is provided further in the report.

It is recommended that the policy be adopted as attached to this report as Attachment 1. It is further recommended that the current Councillor Professional Development Policy and Councillor Induction Policy be rescinded upon adoption of the draft Councillor Induction and Professional Development Policy as they will be superseded by this revised policy.

Discussion

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

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

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

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

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

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

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

A draft policy was developed based on a model policy as released in the Office of Local Government that addresses the induction and professional development program of the guidelines. This policy was placed on public exhibition and Council received two (2) submissions regarding this draft policy. Details of these submissions are provided in the Community Engagement section below.

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

Options

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

Community Engagement and Internal ConsultationCommunity Engagement

Submission		Issue
1.	Peter Owen	Asset Management Training for New Councillors

	Response/ Comment:	This submission suggested that Councillors should undertake mandatory Asset Management Fundamentals Training through a recognised specialist asset management organisation. This suggestion is appropriate however there is a significant cost in providing this training through these organisations which would be approximately \$10,000. The Councillor's induction program must be balanced to provide all the information that they will require to effectively exercise their duties as a Councillor in a timely and costly manner. It is planned to provide specific asset management training to Councillors as part of their induction program however this training will likely be delivered in house.
2.	Lynne Arjava	Awareness of Who Councillors Represent
	Response/ Comment:	This submission suggested that Councillors should be aware of demographic data of the community so they are aware of who they are representing and making decisions for. Demographic data will be provided to Councillors during the induction program. There was also a suggestion to improve interaction opportunities for the community to interact with Councillors. Although this does not specifically relate to the policy on exhibition, this will be addressed with the new Council to determine whether any interaction and engagement opportunities with the wider community can be facilitated.

Internal Consultation

- Chief Executive Officer
- Group Manager Governance

Planning and Policy Implications

Upon adoption of this policy, it will become a Council Policy and it is recommended that the current Councillor Professional Development Policy and a Councillor Induction Policy be rescinded.

Financial and Economic Implications

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

Attachments

1.  Draft Councillor Induction and Professional Development Policy

Item: 09.06

**Subject: DISCLOSURES REGISTER - ANNUAL RETURN 2019-2020 -
OUTSTANDING RETURNS**

Presented by: Chief Executive Officer, Dr Clare Allen

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 Annual Disclosure Returns for the following positions:**
 - a) Environmental Engineer.**
- 2. Note that the outstanding Annual Disclosure returns for the followings positions be presented to Council once the designated person has returned from leave:**
 - a) Transport Engineer (on extended leave).**

Executive Summary

Council's Code of Conduct requires the General Manager 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 or they are available on Council's website noting residential addresses of staff may be redacted in accordance with the Local Government Act.

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 General Manager within 3 months after 30 June each year.

Clause 4.24 requires the General Manager 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.

As reported to the 13 October 2021 Ordinary Council Meeting, two (2) Returns were outstanding and Council resolved:

"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."

There is one outstanding annual disclosure return for the following position and this return will be presented to Council once the designated person has returned from leave:

- Transport Engineer.

Options

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

Community Engagement & Internal ConsultationInternal Consultation

- Chief Executive Officer.
- Group Manager Governance.
- Environmental Engineer.

Planning & Policy Implications

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

Financial & Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 09.07

Subject: LEGAL FEES

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information in the Legal Fees report.

Executive Summary

At the July 2018 Ordinary Council meeting, Council resolved for a report to be provided to the September 2018 Ordinary Council meeting listing a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2017-2018 financial year. As a result of the September 2018 Ordinary Council meeting, Council requested an updated report to be provided each quarter.

There were no matters costing more than \$10,000 in the 2021-2022 financial year as at the end of September 2021.

Discussion

At the July 2018 Ordinary Council meeting, Council resolved:

1. *Note the information contained within the Question from Previous Meeting - Enforcement of Unlawful Activity Policy report.*
2. *Request the General Manager undertake a review of the Regulatory Enforcement Policy in relation to its adequacy for assessing the cost benefits of taking enforcement action, prior to such action taking place.*
3. *Request the General Manager report back to a future meeting of Council as soon as practicable on the findings of the review referred to in 2) above.*
4. *Request the General Manager provide a report to the September 2018 Council meeting listing a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2017-2018 financial year.*

A report was then provided to the September Ordinary Council meeting that related to point 4 of the resolution above. As a result, at the September 2018 Ordinary Council meeting, Council resolved:

That Council:

1. *Note the information in the Legal Fees report.*
2. *Request the General Manager to provide an updated report quarterly to Council.*

There were no matters costing more than \$10,000 in the 2021-2022 financial year as at the end of September 2021.

Options

Council can resolve to request further information.

Community Engagement and Internal ConsultationInternal Consultation

- Chief Executive Officer
- Director Corporate Performance

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

Nil

Item: 09.08

Subject: CODE OF CONDUCT COMPLAINT STATISTICS

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Code of Conduct Complaint Statistics for the period 1 September 2020 to 31 August 2021.

Executive Summary

The "*Procedures for the administration of the Model Code of Conduct*" state that Council's Complaints Coordinator is to report certain statistics pertaining to Code of Conduct complaints to Council each year.

Council's Group Manager Governance, has prepared the required statistics for Council. The statistics pertain to the period 1 September 2020 to 31 August 2021.

Discussion

Clause 12.1 of the "*Procedures for the administration of the Model Code of Conduct*" state that the Council's Complaints Coordinator is to report certain statistics pertaining to Code of Conduct complaints to Council within three (3) months of the end of September each year.

Additionally, clause 12.2 of the "*Procedures for the administration of the Model Code of Conduct*" states that Council is to provide the Office of Local Government a report containing the statistics detailed in clause 12.1 within three (3) months of the end of September each year.

Council's Group Manager Governance, has prepared the required statistics for Council.

Code of Conduct Statistics

1	a) The total number of complaints received in the period about Councillors and the Chief Executive Officer under the Code of Conduct	4
	b) The total number of complaints finalised in the period about councillors and the Chief Executive Officer under the code of conduct	4

2	a) The number of complaints finalised at the outset by alternative means by the Chief Executive Officer or Mayor	0
	b) The number of complaints referred to the Office of Local Government under a special complaints management arrangement	0
	c) The number of code of conduct complaints referred to a conduct reviewer	1
	d) The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	1
	e) The number of code of conduct complaints referred back to the Chief Executive Officer or Mayor for resolution after preliminary assessment by conduct reviewer	1
	f) The number of finalised code of conduct complaints investigated by a conduct reviewer	0
	g) Number of finalised complaints investigated where there was found to be no breach	0
	h) Number of finalised complaints investigated where there was found to be a breach	0
	i) Number of complaints referred by the Chief Executive Officer or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	3
	j) Number of complaints being investigated that are not yet finalised	0
	k) The total cost of dealing with Code of Conduct complaints within the period made about Councillors and the Chief Executive Officer including staff costs	\$5,328
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
	a) To take no action	0
	b) To resolve the complaint by alternative and appropriate strategies	0
	c) To refer the matter back to the Chief Executive Officer or the Mayor, for resolution by alternative and appropriate strategies	1
	d) To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
	e) To investigate the matter	0
4	The number of investigated complaints resulting in a determination that there was no breach, in which the following recommendations were made:	
	a) That the Council revise its Policies or procedures	0
	b) That a person or persons undertake training or other education	0

5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:	
	a) That the Council revise any of its Policies or procedures	0
	b) In the case of a breach by the Chief Executive Officer, that action be taken under the Chief Executive Officer's contract for the breach	0
	c) In the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the Local Government Act 1993	0
	d) In the case of a breach by a Councillor, that the matter be referred to the Office for further action	0
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures	0
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
	a) General conduct (Part 3)	0
	b) Conflict of interest (Part 4)	0
	c) Personal benefit (Part 5)	0
	d) Relationship between council officials (Part 6)	0
	e) Access to information and resources (Part 7)	0
8	The number of investigated complaints resulting in a determination that there was a breach in which the Council failed to adopt the conduct reviewers recommendation	0
9	The number of investigated complaints resulting in a determination that there was a breach in which the Council's decision was overturned following a review by the Office	0

The statistics pertain to the period 1 September 2020 to 31 August 2021.

Options

No other options.

Community Engagement & Internal Consultation

Community Engagement

The Office of Local Government has been consulted with relating to reporting requirements.

Internal Consultation

- Chief Executive Officer.
- Director Corporate Performance.
- Complaints Coordinator (Group Manager Governance).

- Governance and Legal Officer.

Planning & Policy Implications

This report satisfies the requirement of Clause 12.1 of the *“Procedures for the administration of the Model Code of Conduct”*. This section states that the Council's Complaints Coordinator is to report certain statistics pertaining to Code of Conduct complaints to Council within three (3) months of the end of September each year.

Financial & Economic Implications

No financial or economic implications.

Attachments

Nil

Item: 09.09

Subject: POLICY REVIEW - SPONSORSHIP POLICY - POST EXHIBITION

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the Sponsorship Policy as presented.

Executive Summary

This report provides details of the results of the public exhibition of the draft Sponsorship Policy. The draft Sponsorship Policy was placed on public exhibition for a period of 28 days from Friday 17 September 2021.

No submissions were received during the exhibition period.

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

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

Discussion

At the Ordinary Council meeting held on 15 September 2021, Council considered a report on the draft Sponsorship Policy and resolved as below:

09.11 POLICY REVIEW - DRAFT SPONSORSHIP POLICY

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.*

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

In accordance with Resolution 2, the draft Sponsorship Policy was placed on public exhibition via Council's online *Have Your Say* community engagement hub for a period of 28 days from Friday 17 September to Friday 15 October 2021.

A summary of the "Have Your Say" activity during this period is provided below.

Visitors Summary



During the exhibition period there were 21 views and 3 downloads of the draft Policy.

No submissions were received during the exhibition period.

Options

Council has the option to adopt the Sponsorship Policy as presented (see attached), or to request further information and/or other changes to the Policy prior to adopting.

Community Engagement and Internal Consultation

As outlined above, the draft Sponsorship Policy was placed on public exhibition via Council's online *Have Your Say* community engagement hub for a period of 28 days from Friday 17 September to Friday 15 October 2021.

No submissions were received during the exhibition period.

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

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

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

Planning and Policy Implications

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

Financial and Economic Implications

This Sponsorship Policy and associated Guidelines articulate Council's approach to seeking and receiving sponsorship for Council activities or events.

In seeking strategic sponsorship arrangements for financial or other support, Council's aim is to enhance the financial sustainability and delivery of Council programs, events and services to the community.

Attachments

1.  Sponsorship Policy - for adoption

Item: 09.10

Subject: PROPERTY INVESTMENT PORTFOLIO - 2021 ANNUAL UPDATE

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the update provided on the Property Investment Portfolio as provided in this 2021 Annual Update report.

Executive Summary

Council adopted a Property Investment Policy in December 2017, to formalise the use of property investment by Council. As part of this adoption, it was resolved to "regularly review and report to Council on the performance of the Property Investment Portfolio and make recommendations regarding the portfolio, on a minimum six monthly basis, to contribute to financial sustainability, and to improve long term outcomes for the community."

At the Ordinary Council meeting held on 20 November 2019, it was subsequently resolved to provide annual update reports as follows:

10.17 PROPERTY INVESTMENT PORTFOLIO - SIX MONTHLY REPORT

RESOLVED: Hawkins/Intemann

That Council:

- 1. Note the update provided on the Property Investment Portfolio as provided in this report.*
- 2. Request the General Manager provide annual update reports on the Property Investment portfolio in November each year rather than the current six monthly updates.*

CARRIED: 8/0

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

AGAINST: Nil

Recommendations regarding individual assets within the Portfolio are made to Council in line with identified priorities and market conditions. The following report covers the performance of the Property Investment Portfolio for the reporting period 1 October 2020 to 30 September 2021.

Discussion

The land value of Council's property assets as at 30 June 2020 is \$140.7 million. This incorporates 1,154 property assets, 593 which are designated for community use, and 561 which are designated for operational use.

During the reporting period, Council's approach to managing the Property Investment Portfolio has continued to focus on three key areas, being property lease income, property development activities, and monitoring the market for external purchase or disposal opportunities. These are detailed below:

1. Property Lease Income

The focus during the reporting period has been on continuing to ensure that appropriate commercial and community leases are in place for existing Council-owned properties. Council generates approx. \$1.26 million per annum in property-based lease and license income, noting that during the reporting period significant rent relief has been provided to various Council lessees and licensees.

Council manages 327 different lease and licence arrangements, comprising Airport leases (32), commercial leases (30), outdoor dining and trading licenses (61), temporary licences (40), residential leases (5), community leases (76), and Council as lessee arrangements (83).

During the upcoming reporting period, Council will continue to manage existing commercial and community leases in an appropriate manner, and look to identify additional property-based revenue opportunities where appropriate.

2. Property Development Activity**Property Investment Policy**

Council's adopted Property Investment Policy provides the framework for Council's approach to property investment and development activity to support the long-term financial sustainability of Council and improve long-term outcomes for the community.

This Policy covers Council's strategic activities in relation to Property Investment. This includes, but is not limited to, property due diligence activities; market research and investigations; financial feasibilities; property development activities; concept planning and design; development applications; subdivision works; renovation and construction works; property investment activities; property acquisition activities; and property marketing and sales.

During the reporting period, the focus has been on generating value-add to Council's existing land holdings through progression of planning, environmental studies or lodgement of development applications as appropriate.

For the period, Council has progressed the following activities:

- Lot 2 Greenmeadows Drive, Port Macquarie - Residential
- Emily Avenue, Port Macquarie – Residential

- Partridge Creek, Thrumster – Residential
- Port Macquarie Airport - Business & Technology Park Development
- Kangaroo Park, North Shore - Residential
- Kew-Kendall Sewer Site – Potential Solar Development and or Lease

Lot 2 Greenmeadows Drive, Port Macquarie - Residential

Council currently owns a vacant land site in the residential area of Greenmeadows Drive in Port Macquarie. The 1.5ha site is zoned R1 General Residential, is flat, fairly regular in shape, and is potentially suitable for residential development. A pre DA lodgement meeting was held on 31 August 2021, and Council staff are now working through ecological and bushfire considerations for this development.

Emily Avenue, Port Macquarie - Residential

Council currently owns a vacant residential zoned parcel of land at Emily Avenue, Port Macquarie.

At the Ordinary Council Meeting on 20 May 2020, a Development Application for residential subdivision was approved subject to various conditions. Planning work during the period has focussed on existing contamination conditions on site and obtaining quotations for removal of contaminated material to enable the site to be developed as individual residential lots.

Partridge Creek, Thrumster - Residential

The subdivision of residential land at Council's Partridge Creek precinct at Thrumster was approved by the Northern Joint Regional Planning Panel on 3 April 2019. This project involves the creation of 503 residential lots, a master lot for the future neighbourhood centre, 2 open space lots, a residual lot, and dedication of environmental land.

Noting current demand in the Port Macquarie residential land market, Council has received interest from a number of commercial developers regarding the development of this site. A report is due to be presented to Council in the first half of 2022 outlining development options for Council's consideration.

Port Macquarie Airport - Business & Technology Park Development

The Port Macquarie – Hastings Local Environmental Plan 2011 (Amendment 56) was approved by the Delegate (to the Minister for Planning and Public Space) on 10 September 2020, providing 23.75 hectares of B7 Business Park zoned land for future development, strategically located at Port Macquarie Airport, as a regional hub and significant Gateway to Port Macquarie and the broader region.

A briefing will be provided to Councillors in the first half of 2022 to determine the next steps and timing for progressing with further detailed planning and design for this strategic development.

Kangaroo Park, North Shore - Residential

Council currently owns 8 individual residential lots at Kangaroo Park, North Shore. Each of the lots has a dwelling entitlement and sewer connections to the existing low pressure sewerage system. An existing Resolution of Council is in place enabling the sale of these lots.

A Pre DA lodgement meeting was held in March 2020 to progress the development of this site, and Council staff are currently working through further planning considerations for this land.

Kew-Kendall Sewer Site – Potential Solar Development/Lease

Council's existing sewer treatment plant buffer area adjacent to the Pacific Highway near Kew was identified as being potentially suitable for a solar development under a long term land lease arrangement, and potentially delivering the Long Term Energy Strategy's renewable energy target of 100% renewables by 2027.

In early 2021, Council's sewer section confirmed that sewer treatment plant expansion plans will utilise the majority of the site, rendering a future solar development on this site unfeasible.

During the upcoming reporting period, Council will continue to progress these and other potential property development opportunities as appropriate.

3. Monitoring of the Market

Council regularly monitors the market for property acquisition and disposal opportunities. For the period, Council has undertaken work on the following activities:

- 1 Commerce St, Wauchope – Purchase
- 178 Nancy Bird Walton Dr, Kew – Sale
- 8 Belah Rd, Port Macquarie – Long Term Lease

1 Commerce St, Wauchope – Purchase and Leaseback

During the period, Council finalised negotiations for the purchase of 1 Commerce St, Wauchope, being adjacent to the existing Wauchope depot, and owned by Regional Australia Bank. The purchase settled on 6 April 2021, and incorporated a 1-year lease-back on the existing commercial building to generate cash flow, and provided immediate access to the vacant land adjacent to the existing Wauchope depot. This lease term was subsequently shortened by mutual agreement, with the new lease end date of 26 October 2021. The site provides long-term expansion options for the Wauchope depot.

178 Nancy Bird Walton Dr, Kew - Sale

Council currently owns vacant land located on the eastern side of Nancy Bird Walton Drive, to the north of Kew village. The property has a land area of approx. 13ha, and is zoned IN2 Light Industrial. Council has received various purchase enquiries on the site in recent time, and at the 19 May 2021 Ordinary Council Meeting, Council

resolved to dispose of this site. The property is expected to be listed for sale in November 2021.

8 Belah Rd, Port Macquarie – Long Term Lease

Council currently owns a vacant land site located in the Port Macquarie industrial estate, with a land area totalling 6,652m². The land is contaminated due to previous use, however is still suitable for use in certain circumstances. The property was listed for long term lease in June 2021, and discussions are currently being finalised with a potential lessee for a 10-year lease term.

Options

This is an information report.

Community Engagement and Internal Consultation

This report provides an annual update on Council's Property Investment Portfolio, and as such there has been no specific community engagement undertaken in relation to the report.

Planning and Policy Implications

This report is consistent with the property actions detailed in Council's 2021-22 Operational Plan and the principles outlined in Council's adopted Property Investment Policy.

Financial and Economic Implications

There are no financial and economic implications in relation to this report. The adopted Property Investment Policy aims to support the long-term financial sustainability of Council and improve long-term outcomes for the community.

Attachments

Nil

Item: 09.11

Subject: MONTHLY BUDGET REVIEW - OCTOBER 2021

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

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

Executive Summary

This report details monthly budget adjustments recommended to be made for the month of October 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 \$402,926 at the end of October 2021 as outlined in the below table.

Monthly Budget Review Summary

Original Budget as at 1 July 2021	Balanced	\$0
<i>Plus adjustments:</i>		
July Review	Balanced	\$0
August Review	Shortfall	(\$427,403)
September Review	Surplus	\$5,841
October Review	Surplus	\$18,636
Forecast Budget Position for 30 June 2022	Shortfall	(\$402,926)

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.

October 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 "October 2021 Budget Review".

At the 15 September 2021 Ordinary Council meeting, Council endorsed a number of COVID-19 relief measures to support members of the community and local businesses. The financial impact of the recent lockdowns and the provision of relief measures is still being assessed. However, at the time of writing this report, the amount of direct financial assistance provided to affected members of the local community that can be quantified is estimated to be approximately \$292k and this has been brought to account in this review.

The above impacts have been offset by decreases in expenditure relating to Emergency Services Levies (\$311k) where actuals for the year are below budget.

Grants totalling \$7,807k recognised during the month. These include grants from Transport for NSW for Pappinbarra Bridge (\$1m) and Owen & Home Street Roundabout (\$100k), a Multi Dwelling Organics Recycling grant (\$64k) and a Domestic Airport Security Grant (\$369k). Funding has also been received for Bushfire Hazard Reduction (\$146k) and a COVID-19 Safe Events Grant (\$25k).

Expenditure incurred in relation to the March 2021 Flood Response of \$6,103k has also been brought to account with a funding source of grants. Natural Disaster Funding is expected to be received to cover related expenditure, however until claims are lodged and approved, there is some uncertainty over the final amounts that will be paid. Should these differ from the above amounts, alternate funding sources will need to be determined.

Reserve transfers are required this month for the Power Upgrade project at Town Green West (\$29k), funded from the Town Centre Master Plan Reserve, and for Transformation related projects (\$137k), funded from the Business Improvements Reserve.

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

An adjustment of \$1.2m was recognised in the August Monthly Budget Review Report in relation to Rawdon Island, resulting in a shortfall of approximately \$427k that will need to be funded by savings in other areas over the coming months. It is noted that further costs are to be incurred in relation to repair works or alternate crossing works and these costs are likely to be significant. A funding source, including potential grant funding, will need to be determined. Should a funding source not be available, borrowings may be required. Once budget impacts and funding sources have been clarified, these will be brought to account.

Forecast Budget Statement for the Year Ended 30 June 2022

	2021-22 Original Budget ‘\$000	Carry Overs ‘\$000	Approved Adj YTD ‘\$000	Prior Month Forecast ‘\$000	Current Month Adj ‘\$000	2021-22 Full Year Forecast ‘\$000
Operating Activities Movements						
Income from continuing operations						
Rates and Annual Charges	108,390		0	108,390		108,390
User Charges and Fees	39,588		0	39,588		39,588
Interest Received	5,455		0	5,455		5,455
Grants and Contributions	60,845	2,785	1,990	65,620	7,807	73,427
Other Operating Receipts	5,458		133	5,591	(292)	5,299
Expenses from continuing operations						
Employee Costs	(55,268)		(482)	(55,750)		(55,750)
Materials and Contracts	(45,201)	(2,104)	(35)	(47,340)	(401)	(47,741)
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)	310	(15,044)
Loss on Disposal of Assets	(3,000)		0	(3,000)		(3,000)
Operating result from continuing operations	48,521	681	1,604	50,806	7,424	58,230
Restricted Asset Movements						
Transfer from Restricted Assets	38,796	6,146	949	45,891	166	46,057
Transfer to Restricted Assets	(55,466)		0	(55,466)		(55,466)
Net Revenues (Used in)/Provided by in Restricted Assets	(16,670)	6,146	949	(9,575)	166	(9,409)
Property, Plant and Equipment Movements						
Purchase of Assets	(67,573)	(6,827)	(2,974)	(77,374)	(7,572)	(84,946)
Developer Provided Assets	(6,500)		0	(6,500)		(6,500)
Net Revenues (Used in)/Provided by Property, Plant and Equipment Activity	(74,073)	(6,827)	(2,974)	(83,874)	(7,572)	(91,446)
Financing Activities Movements						
Proceeds from Borrowings and Advances	0			0		0
Repayments of Borrowings and Advances	(11,014)			(11,014)		(11,014)
Net Revenues (Used in)/Provided by Financing Activity	(11,014)	0	0	(11,014)	0	(11,014)
Net Result (Incl Depreciation)	(53,236)	0	(421)	(53,657)	18	(53,639)
Add Back: Non Cash Items	53,236		0	53,236		53,236
Budget Surplus/(Shortfall)	0	0	(421)	(421)	18	(403)

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

Options

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

Community Engagement and Internal Consultation

Not applicable.

Planning and Policy Implications

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


Financial and Economic Implications

Attachment 1 to this report contains information of each individual budget adjustment by Division and Section. The budget movements within this report reduce the budget position to a shortfall of \$402,926.

Statement by Responsible Accounting Officer

“The adopted original budget result for 2021-2022 was a balanced budget. As at 31 October 2021, this position is changed to a budget shortfall of \$402,926 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.  October 2021 Budget Review

Item: 09.12

Subject: INVESTMENTS - OCTOBER 2021

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Investment Report for the month of October 2021 (as at 18 October 2021).

Executive Summary

- Total funds invested as at 18 October 2021 is \$346,633,567.
- Interest for the month of October was \$479,894.
- The year-to-date investment income of \$1,842,676 represents 36% of the total annual investment income budget of \$5,132,800.
- Council's total investment portfolio performance for the financial year to date was 1.61% above the benchmark (1.63% against 0.02%), benchmark being the Bank Bill reference rate as at 18 October 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 1.86% p.a., outperforming bank bills by 1.83% 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 4.25%, 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.
- Council's exposure to institutions that fund fossil fuels is 61% of the total portfolio.
- PMHC remains amongst the best performing Councils in the state of NSW where deposits are concerned, earning on average, \$2.8m in additional interest income compared to its peers.

Discussion

It is noted that the following information has been prepared as at 18 October 2021 due to the timing of Council meetings and the upcoming caretaker period.

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 18 October 2021, comply

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

As at 18 October 2021, the investments held by Council totalled \$346,633,567 and were attributed to the following funds:

General Fund*	143,963,853
Waste Fund	22,004,299
Water Fund	121,529,729
Sewer Fund	57,575,835
Broadwater	1,504,390
Sanctuary Springs	55,461
	346,633,567

**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.

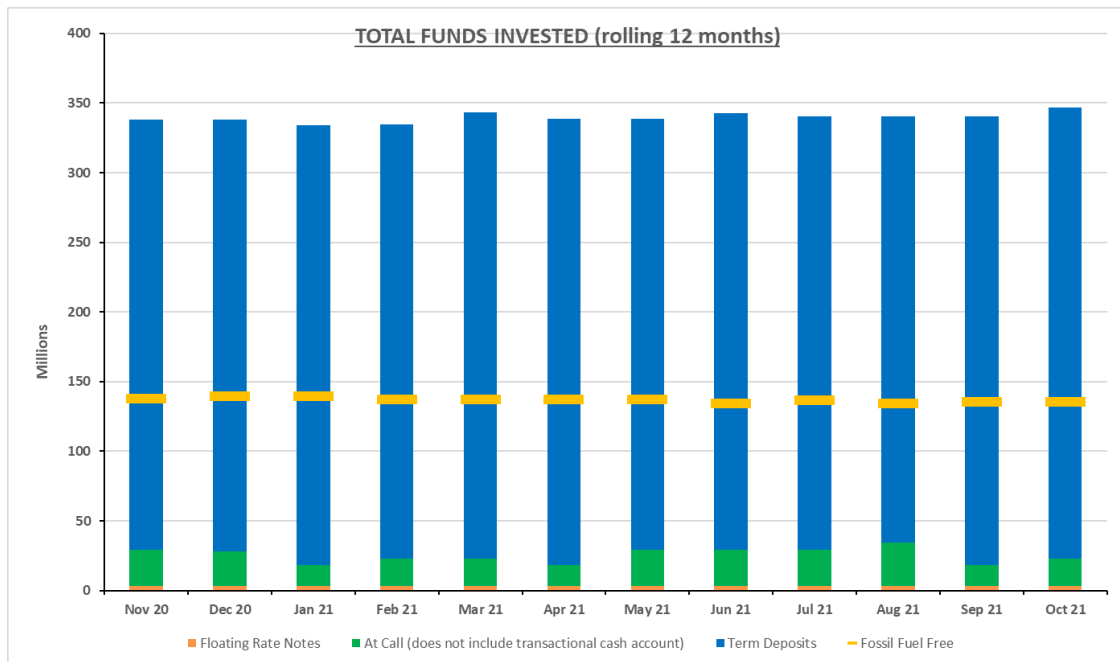
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$346,633,567), and total investments held as per Imperium's attached monthly report (\$346,682,191). 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 18/10/21 (\$)	Amount invested at 18/10/21 (%)
Yes	55,020,000	84.62%	211,133,567	60.91%
No	10,000,000	15.38%	135,500,000	39.09%
	65,020,000		346,633,567	

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



The value of Council's investments as at 18 October were \$6m higher than September due to a term deposit maturity of \$4m on the 30th September. This remained in Council's working fund account and was not reinvested until October so was not included in the September investment balance. Council also received grant funding from Transport NSW for Milestone 1 of the Ocean Drive Project (\$2m).

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 1.61% above the benchmark (1.63% against 0.02%) and year to-date income is 36% 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 - October 2021
2.  Port Macquarie-Hastings Council Portfolio Valuation - October 2021

Item: 09.13

Subject: ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

1.4.2 Manage Council's financial assets, and provide accurate, timely and reliable financial information for management purposes and provide plain English community reporting.

RECOMMENDATION

That Council:

- 1. Adopt the annual financial statements for the year ended 30 June 2021, as submitted, together with the auditor's report.**
- 2. Note the resolutions of the Audit, Risk & Improvement Committee at its Extra-Ordinary meeting held on 22 October 2021 as detailed in the body of the report.**
- 3. Request the Chief Executive Officer prepare a communications strategy to promote a broad understanding of the need for the collection, retention and use of funds held in reserves.**

Executive Summary

The external audit of the financial statements for the year ended 30 June 2021 is now complete, with an unmodified audit opinion having been issued. The Local Government Act, 1993 requires that Council hold a public meeting for the purpose of considering the annual financial statements together with the auditor's report. These are now presented for Council's consideration.

Council has reported a strong financial performance in what has been another challenging year. The Port Macquarie-Hastings LGA and surrounding regions were subject to unprecedented flood and storm activity during March 2021, with large scale damage and a significant number of people forced to evacuate their homes. The area was declared a natural disaster zone, with significant damage to Council assets as well as privately owned assets, resulting in significant cost to Council. In addition, the impacts of COVID-19 have been ongoing.

Despite the once again challenging circumstances during 2020-2021, Council has reported a consolidated net operating surplus of \$42.4m, compared to \$37.4m in the previous year. The consolidated net operating result before capital revenue is a surplus of \$4.4m, compared to a deficit of \$5.5m in the previous year, noting that the prior year result was none-the-less impacted by significant one-off amounts recorded in net loss from disposal of assets and impairment expense. The General Fund net

operating result before capital is a deficit of \$4.3m, which is much improved when compared to a deficit of \$11.1m in the previous year.

Whilst continuing to focus on longer term assets related benchmarks, Council has again performed strongly across the key financial performance measures. This is a positive outcome in light of the circumstances noted above, with strong financial management delivering a pleasing result and ensuring a strong balance sheet position moving forward.

Discussion

At the Ordinary Council Meeting held on 4 August 2021 it was resolved:

09.07 2020-2021 FINANCIAL STATEMENTS AUDIT

BLOCK RESOLVED: Hawkins/Alley

1. That Council refer to audit the draft Financial Statements as at 30 June 2021.
2. That the Statement by Councillors and Management be signed by the Responsible Accounting Officer, the Chief Executive Officer, the Mayor and one Councillor as required by the Local Government Act 1993.

Council resolutions 1 and 2 have now been implemented.

Sections 418 to 420 of the Local Government Act, 1993 provide that Council must give public notice of its intention to consider the annual financial statements and the auditor's report. This notification has been given by way of advertisements placed in local newspapers including Camden Haven Courier, Hastings Gazette and Port Macquarie News and has been placed on the Council web-site.

Section 420 of the Act allows any person to make a written submission on the content of the annual financial statements or the auditor's report. At the time of writing this report, no submissions had been received. If any submissions are received, they will be distributed prior to the meeting.

The purpose of this report is to present to Council the 2020-2021 audited annual financial statements, together with the auditor's report. A copy of the 2020-2021 annual financial statements are attached to this report for information (Attachment 1).

Results for the Year

As noted above, Council has reported a consolidated net operating surplus of \$42.4m and a net operating surplus before capital revenue of \$4.4m. These results are a significant improvement on the previous year and are driven by the following:

- Operating revenue has overall stayed relatively flat year on year, with the consolidated result aided by a \$2.5m increase in water usage charges. This is largely driven by a shift in the revenue policy for water. Best practice water supply pricing requires councils to provide strong pricing signals to encourage efficient water use. With this in mind the water usage charge is being

increased and the water access charge is being reduced over three years commencing 2019-2020, with the goal that 75% of water income will be derived from usage charges by 2021-22, in line with best practice recommendations.

- Council has continued to feel the impacts of the COVID-19 pandemic, with service closures or restrictions and relief measures provided to our community impacting revenue streams during the financial year. The primary impact has been a reduction in income for the Glasshouse (\$0.3m) and the Airport (\$1.8m), both of which have experienced reduced usage during the year. As a result of economic pressures and declining interest rates, investment income has also decreased by \$1.6m, which effectively offsets a large portion of the annual rate increase. As reported in the monthly investment reports to Council, interest rates are expected to remain low for some time.
- Operating grants have decreased mainly in the bushfire / disaster recovery space, with Natural Disaster funding for \$10.4m of expenditure on the flood emergency works expected to be received in the 2021-2022 financial year. Capital grants and contributions are down \$4.8m, primarily driven by the receipt of a \$3.1m grant for the Stuart Park Precinct in the previous year, as well as \$3.8m for the Small Villages Sewerage Scheme, compared to only \$0.9m this year.
- Operating expenses have decreased significantly by \$7.5m. It is noted however that the 2019-2020 expenditure was impacted by significant one-off amounts recorded in net loss from disposal of assets and impairment expense. Without these impacts operating expenditure has increased by \$1.3m or 0.77%, which is still moderate. None-the-less, there are some significant movements within this amount.
- Materials and services have increased by a significant \$5.3m or 10.4%. This area has been impacted by the flood emergency with a large amount of additional emergency works undertaken in the last quarter of the year. In addition, however, there have been noticeable increases in material costs due to the impacts of COVID-19, floods and bushfires and the resulting supply shortages and supply chain issues.
- The impact of the above materials and services increase has been able to be offset in the current year by a significant decrease in depreciation. Depreciation has decreased by \$3.1m, largely driven by the flow on effects of the 2019-2020 infrastructure revaluation and resulting decrease in asset depreciable values.
- Employee costs have remained relatively stable with a 2% increase year on year. This is in line with award increases.

Statement of Financial Position

Council maintains a strong balance sheet position, with equity increasing by \$60.1m or 2.6%.

Liabilities have remained relatively consistent year on year, with increases in contract liabilities being offset by decreases in borrowings due to repayments on existing loans. It is noted that contract liabilities have increased by \$13.7m. This relates mainly to specific capital grants that have been received in advance of the work being carried out (refer note 3-2 of the financial statements) and is a direct result of the new revenue recognition accounting standards that came into effect last year. Prior to this, these amounts would have been recognised as revenue when received. Now they are held as a liability until the work is completed, at which point the revenue will be brought to account.

The increase in equity is mainly driven by increased Infrastructure, Property, Plant and Equipment, and Cash and Investments, with the following noted:

Infrastructure, Property, Plant and Equipment (IPPE)

IPPE has increased by \$40.1m compared to the previous year. Whilst this is impacted by new assets and depreciation charges as in any year, there are two particularly significant areas of impact in the current year.

Revaluations of Council's Land Improvements, Other Structures and Other Assets asset classes have been required in the current year. The valuations undertaken for 2021 have resulted in a total revaluation increment of \$72.6m, with the main impacts being in Land (\$45.6m) and Open Space / Recreational Assets (\$18.9m).

The above has been offset significantly by impairment losses totaling \$55.0m. These relate predominantly to the impacts of the flood emergency and damage to Council assets. As the assets are restored, the impairment provision will in effect be released and the asset values increased.

Cash and Investments

Total cash and investments equate to \$347m, with \$278m or 80% held as external restrictions and \$64m or 18% held as internal restrictions. The remaining \$5m is held in unrestricted cash and is used predominantly to pay outstanding creditor balances at 30 June.





Cash and investments have increased by \$34.4m compared to the previous year. The main driver of this is an increase of \$40.1m in external restrictions, mainly across the following areas:

- Unexpended grants and contributions = \$18.0m: this will fluctuate depending on the level and timing of grant activity, however the current year has been impacted significantly by a grant amount for Maria River Road of \$11.6m which was unspent as at 30 June
- Developer contributions, (including water and sewer) = \$11.2m
- Water, Sewer and Waste = \$11.0m

Performance Measures

Below are Council's ratio results for the last four years for the consolidated Council position.

1. *Operating Performance*

Benchmark	2020-2021	2019-2020	2018-2019	2017-2018
	3.99%	3.38%	5.12%	4.66%
Greater than 0%				

This ratio measures Council's ability to contain operating expenditure within operating revenue and excludes capital grants and contributions, and gain/loss on disposal of assets.

The Operating Performance Ratio has increased from 2019-2020, largely due to the decrease in expenditure noted above.



The Operating Performance Ratio for each fund is as follows:

Fund	General	Water	Sewer
Ratio	(2.54%)	15.72%	14.98%

The general fund ratio is below benchmark, at -2.54%. The impacts on the result are similar to the consolidated result, with revenue remaining relatively flat, compared to significant increases in materials and contracts, offset somewhat by a decrease in depreciation.

The flood emergency has been a significant factor in this year's general fund results, with increases in operational expenditure due to emergency and restoration works. Council has lodged claims for funding under the Natural Disaster Assistance Scheme and expects to receive funding to cover the additional expenditure incurred. Under Accounting Standards however, the operating grant revenue cannot be recognised until the claim has been approved. This means that whilst the expenditure forms part of the current year result, revenue of \$10.4m cannot be brought to account until it is received and will form part of the 2021-2022 result. Had the revenue been recognised in the current year, i.e. matching the expenditure, the General Fund would have actually reported an operating surplus of \$6.1m and a positive Operating Performance Ratio.





2. Unrestricted Current Ratio

Benchmark	2020-2021	2019-2020	2018-2019	2017-2018
	1.30:1	1.43:1	1.74:1	2.05:1
Greater than 1.5				

This ratio measures Council's liquidity, i.e. the ability to meet short term obligations as they fall due.

The Unrestricted Current Ratio has reduced from 2019-2020 and is below the benchmark of 1.5:1. This is due to the timing difference in relation to the flood expenses and corresponding Natural Disaster Assistance Scheme grant income as noted above. Due to this unexpected and unprecedented event, additional current cash and investment funds were used in the last quarter of the financial year to cover emergency works, pending the receipt of natural disaster funding. The debtor to recognise the grant income must however be recognised in the 2021-2022 financial year, the timing of which impacts this ratio. Had the claim been finalised and the grant funding received prior to 30 June, the ratio would have been above benchmark at 1.56:1 and it is expected to return above benchmark in the current financial year.

3. *Own Source Operating Revenue*

Benchmark	2020-2021	2019-2020	2018-2019	2017-2018
	74.54%	71.82%	65.42%	66.14%
Greater than 60%				

This ratio measures fiscal flexibility which is the degree of reliance on external funding sources such as grants and contributions.

The Own Source Operating Revenue ratio has increased from 2019-2020 due to the impacts of significant developer provided assets on the 2019-2020 ratio, with additional grant and contribution funding having a negative effect on this ratio.

4. *Debt Service Cover*

Benchmark	2020-2021	2019-2020	2018-2019	2017-2018
	4.69	4.83	4.32	3.98
Greater than 2				

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments. This ratio is impacted by Council's operating result and has been marginally impacted by the flood event impacts, though is still well above benchmark due to the reducing outstanding loan portfolio.

5. *Rates and Annual Charges Outstanding percentage*

Benchmark	2020-2021	2019-2020	2018-2019	2017-2018
	6.02%	5.71%	5.01%	4.88%

Less than 10% for rural & regional councils				
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This ratio measures the effectiveness of Council in recovering rates and annual charges legally owed to it.

The Rates and Annual Charges Outstanding Percentage has worsened slightly from 5.71% to 6.02%. It is noted however that Council implemented relief measures in relation to the COVID-19 pandemic and subsequent flood emergency. These measures provided hardship options for ratepayers, as well as freezing interest on overdue accounts. Significantly, formal debt recovery was placed on hold in April 2020 for the remainder of that financial year and the whole of 2020-2021. In light of this, it is pleasing that this ratio has remained well within the benchmark, with only a slight deterioration on the previous year.

Council's general fund ratio (including waste management) for 2020-2021 is 5.74%, sewer fund is 4.71%, with the water fund recording the highest ratio at 12.50% (outside the benchmark). This is due to the fact that water accounts are generated constantly and may not be due for payment until the new financial year. Consistent with prescribed methodology, these outstanding amounts must be included in the ratio as they are outstanding at year end. Council will therefore compare unfavourably on a consolidated basis to councils with no water authority function.

6. Cash Expense Cover Ratio

Benchmark	2020-2021	2019-2020	2018-2019	2017-2018
	30.35	28.31	28.42	26.14
Greater than 3 months				

This ratio indicates the number of months that Council can continue paying for its immediate expenses without additional cash inflow and includes term deposits which drive the significant outperformance when compared to benchmark.

7. Building and Infrastructure Renewal Ratio





Benchmark	2020-2021	2019-2020	2018-2019	2017-2018
	31.59%	49.35%	70.22%	87.64%
Greater than 100%				

This ratio is a longer term indicator of the condition and cost to maintain public infrastructure assets. It is measured by the amount expended on asset renewals for buildings and infrastructure over the depreciation expense of those assets. The

definition of renewals used for the ratio is “replacement of existing assets with equivalent capacity or performance as opposed to the acquisition of new assets”. Council often upgrades the capacity of an asset as part of the renewal process and as this work is regarded as an improvement and not renewable, these costs are not included in the ratio calculation. Due to the definition of a renewal this ratio may vary significantly up and down over the years. The 2017-2018 ratio for example, was positively impacted by works undertaken on Stingray Creek Bridge.





Council is continuing on its journey of improving its asset management planning processes in line with the state government's Integrated Planning & Reporting Framework. Asset management plans are designed to provide a strategic framework for assessing and addressing asset management issues (including appropriate renewals and maintenance) in future years. This result indicates that additional funding for the renewal of assets is required over the construction of new assets, however as with all Councils, the ability to meet acceptable levels under this benchmark will be limited to available funding.

8. Infrastructure Backlog Ratio

Benchmark	2020-2021	2019-2020	2018-2019	2017-2018
	3.65%	3.51%	6.66%	5.63%
Less than 2%				

This ratio shows the proportion of infrastructure backlog against the total value of Council's infrastructure. It is calculated by taking the estimated cost to bring the assets to satisfactory standard over the total value of Infrastructure, building and other structures assets. This ratio has remained relatively consistent with the previous year.

9. Asset Maintenance Ratio

Benchmark	2020-2021	2019-2020	2018-2019	2017-2018
	93.77%	93.00%	100.00%	91.00%
Greater than 100%				

This ratio compares the actual versus required annual asset maintenance. A ratio of above 100% indicates that the Council is investing enough funds within the year to stop the infrastructure backlog from increasing.

This ratio has deteriorated in the last couple of years due to additional maintenance requirements for bridges and stormwater drainage.

Ordinary Council Meeting 15 September 2021 - Notice of Motion

It is noted that at the Ordinary Council Meeting on 15 September 2021, Council resolved as follows:

09.12 NOTICE OF MOTION - FINANCIAL STATEMENTS

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.*

CARRIED: 6/0

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

AGAINST: Nil

In relation to resolutions 2 and 4, the draft financial statements were circulated out-of-session to the Audit, Risk & Improvement Committee (ARIC) and were considered at an extraordinary meeting of the ARIC on 22nd October 2021. Refer to attachment 2 for the report presented to ARIC.

The ARIC were also provided an update on the status of reserve funding in relation to the August Project Delivery Status report presented to ARIC. This confirmed that whilst many of these projects are currently in the early planning stages, \$225m of the reserves balance at 30 June 2021 has been earmarked for these projects (refer Attachment 3 for the ARIC presentation. It was also noted that for all the projects to proceed, significant additional funding sources would be needed - i.e. there are in fact more potential projects than available funds. It is further noted that whilst \$225m of the reserves have been earmarked for the above, the majority of the remaining reserves are also allocated to additional operational projects / purposes.

In relation to ARIC's review of the draft financial statements and in addressing resolution 3 above, ARIC resolved as follows at this meeting:

04 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021

Rebecca Olsen, Director Business and Performance, address the Committee and answered questions from members.

Nicole Spencer, Group Manager Financial Services, address the Committee and answered questions from members.

Michael Ferguson, Group Manager Governance, address the Committee and answered questions from members.

MOVED: Parkinson/O'Rourke

That:

1. *The Audit, Risk and Improvement Committee note the draft financial statements; and*
2. *In accordance with the resolution of item 09.12 at the 15 September 2021 Ordinary Council Meeting, the Audit, Risk and Improvement Committee provide the following:*
 - a) *The Committee, having considered the restrictions that apply to the reserves and the forward program of works approved and planned by the Council, have come to the conclusion that the reserves being held do not appear to be excessive given the information that the Committee has been provided. The Committee also notes that funds that have been collected for a specific purpose cannot lawfully be used for another purpose. The Committee further notes that \$225 million of the funds currently restricted in reserves have been allocated to specific future projects.*
 - b) *The Committee, noting the current financial position of Council as at 30 June 2021 and general increases in costs being experienced throughout NSW Local Government, have come to the conclusion that any reduction in forecast rates revenue may result in the necessity to reduce services in order to maintain the ongoing financial sustainability of the Council.*
 - c) *That the Council be provided with the information presented to the Audit, Risk and Improvement Committee regarding this item at its November 2021 Ordinary Council meeting.*
 - d) *That it be recommended that Council develop a communication strategy to promote a broad understanding of the need for the collection, retention and use of funds held in reserves.*

CARRIED: 5/0

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

AGAINST: Nil

The Committee have provided commentary as requested by Council in their resolution above (refer 2 a and 2 b).

The information presented to the Audit, Risk and Improvement Committee have been provided as attachments as per 2 c) above. Resolution 2 d) has been incorporated as a recommendation for the consideration of Council.

Options

Not applicable.

Community Engagement & Internal Consultation

Extensive consultation has taken place with Council's finance section, external auditors and Council's Audit, Risk & Improvement Committee. The public have also been notified by way of advertisement.




Planning & Policy Implications

These Annual Financial Statements form Part C of the Council's Annual Report, legislated under the Integrated Planning and Reporting Framework.

Financial & Economic Implications

As outlined in the body of this report.

Attachments

1.  PMHC Financial Statements - 2020-2021
2.  Report to ARIC on the draft financial statements
3.  Presentation to ARIC

Item: 09.14

Subject: 2020-2021 ANNUAL REPORT

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

1.1.4 Provide easy to understand and accessible community reporting.

RECOMMENDATION

That Council:

- 1. Adopt the 2020-2021 Annual Report, comprising Part A and Part B, and the End of Term Report.**
- 2. Submit the adopted 2020-2021 Annual Report to the Minister for Local Government by 30 November 2021.**
- 3. Publish the adopted 2020-2021 Annual Report and the End of Term Report on Council's website and make copies of the reports available at all Council Offices and Libraries.**
- 4. Note the distribution proposal for Part A Community Report Card 2020-2021.**

Executive Summary

The Annual Report is the key reporting document for Council to keep the community informed as to what was achieved in the financial year. By reporting on the actions undertaken against the 2020-2021 Operational Plan, the community and Council can assess the progress of Council's broader objectives as stated in the 2017-2022 Delivery Program and the Towards 2030 Community Strategic Plan.

Under *Section 428 of the Local Government Act (1993) and Local Government (General) Regulation (2005)*, Council must, within five months of the end of each financial year, prepare an Annual Report and submit to the Office of Local Government no later than 30 November each year.

Discussion

This report is separated into four (4) parts:

Part A - Community Report Card (Attachment 1) - is a reader friendly summary that provides an overview of the key achievements against Operational Plan actions and Delivery Program objectives supporting the Towards 2030 Community Strategic Plan. The document includes financial details and highlights of major initiatives delivered throughout the 2020-2021 financial year.

The distribution proposal for the Community Report Card will see it made available on Council's website, with reference hard copies available from Council offices and libraries. Printed copies will be available to Councillors for their distribution to

community groups and networks, with additional copies used in coming months as a reference tool for community engagement activities.

Part B - Statutory Information (Attachment 2) - contains the statutory information that Council is required to provide under the *Local Government Act (1993)* and *Local Government (General) Regulation (2005)* and the requirements of the New South Wales Integrated Planning and Reporting Framework. This information gives a technical insight into the legislated obligations that Council must meet each year and a compilation of reporting details to meet statutory requirements including:

- Achievements in implementing the 2017-2022 Delivery Program and 2020-2021 Operational Plan;
- Amount of rates and charges written off during the year;
- Total cost during the year of the payment of expenses and the provision of facilities to Councillors, in relation to their civic functions;
- Details of overseas travel by Councillors, Council staff or other persons representing Council;
- Details of contracts awarded for amounts greater than \$150,000
- Summary of the amounts incurred by the Council in relation to legal proceedings;
- Summary of resolutions made under Section 67 of the Local Government Act concerning work carried out on private land;
- Statement of all external bodies that exercised functions delegated by Council
- Statement of all corporations, partnerships, trusts, joint ventures, syndicates or other bodies in which Council held a controlling interest;
- Statement of all corporations, partnerships, trusts, joint ventures, syndicates or other bodies in which the Council participated;
- Total amount of grants, financial assistance and contributions made by Council;
- Statement of activities to implement Council's Equal Employment Opportunity Management Plan;
- Statement of the total remuneration package of the CEO;
- Statement of the total remuneration packages of all senior staff members;
- A statement detailing the stormwater management services provided;
- A statement detailing the coastal protection services provided;
- Particulars of any environmental upgrade agreement entered into;
- Report on special variation of rating income;
- 7.3% Special Rate Variation (SRV) Activity Breakdown;
- 3.89% Special Rate Variation (SRV) Activity Breakdown;
- Companion Animals Act 1998;
- Swimming Pool Inspections Act 1992;
- Carers Recognition Act 2010;
- Statement on Capital Works;
- Fisheries Management Act 1994;
- Public Interest Disclosures Act 1994;
- Government Information (Public Access) (GIPA) Act 2009;
- Environmental Planning and Assessment Act 1979;

- Government Information (Public Access) Act Agency Report; and
- Disability Inclusion Action Plan.

Part C - Financial Statements is made up of Council's audited financial statements which give the community a very detailed insight into the financial management of the organisation.

These statements are being presented to Council under separate cover at the November 2021 Ordinary Council Meeting.

The End of Term Report 2016-2021 (Attachment 3) is legislated by the *Local Government Act (1993)* Section 428 (2) to report over the previous four years. However, a number of statutory deadlines were modified as per the *Office of Local Government Circular A700190* dated 1 May 2020 which indicated that the existing four year Delivery Program would apply for a further 12 months, maintaining the key themes and activities. This report was therefore amended to cover a five year period 2016-2021.

The aim of this report is to provide details on achievements to date against the Community Strategic Plan (CSP). It outlines projects, activities and actions that have been conducted over five financial years (2016-2021) which have contributed toward progressing achievement of the strategic outcomes identified in the CSP.

Options

Under *Section 428* of the *Local Government Act (1993)* and *Local Government (General) Regulation (2005)*, Council must, within five months of the end of each financial year, prepare an Annual Report and submit to the Office of Local Government no later than 30 November each year.

Community Engagement and Internal Consultation

- Chief Executive Officer;
- Directors;
- Group Managers and relevant staff.

Subject to adoption by Council, the 2020-2021 Annual Report and End of Term Report will be published on Council's website and made available at all Council Offices and Libraries.




Planning and Policy Implications

The submission of the Annual Report meets Council's legislative requirements under the *Local Government Act (1993)* and *Local Government (General) Regulation (2005)*.

Financial and Economic Implications

No direct financial and economic implications in relation to this report, noting that detailed Financial Statements are provided as an attachment to a separate agenda item to this November 2021 Ordinary Council Meeting.

Attachments

1.  2020-2021 Annual Report - Part A - Community Report Card
2.  2020-2021 Annual Report - Part B - Statutory Information
3.  End of Term Report 2016-2021

Item: 09.15

Subject: 2017-2022 DELIVERY PROGRAM AND 2021-2022 OPERATIONAL PLAN - QUARTERLY PROGRESS REPORT AS AT 30 SEPTEMBER 2021

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

1.1.4 Provide easy to understand and accessible community reporting.

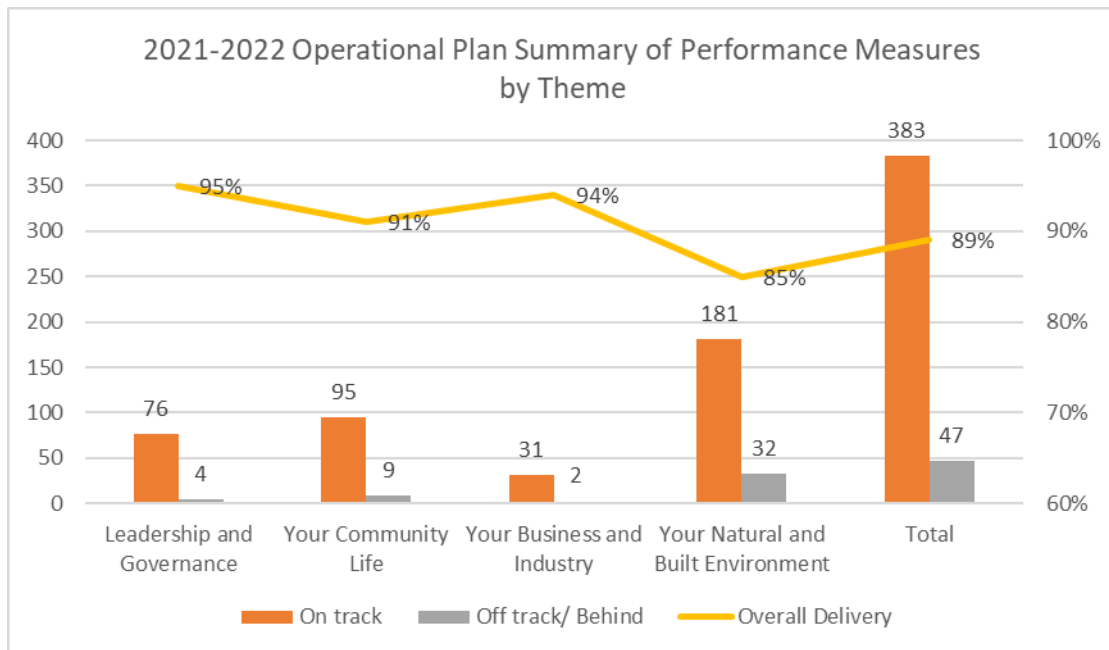
RECOMMENDATION

That Council note the 2017-2022 Delivery Program and 2021-2022 Operational Plan Quarterly Progress Report as at 30 September 2021.

Executive Summary

The 2021-2022 Operational Plan (OP) is a sub plan of the adopted 2017-2022 Delivery Program (DP). The Delivery Program is designed as the single point of reference for all key activities to be undertaken during a term of Council. The Operational Plan details the individual actions, projects and activities Council will undertake in the financial year to achieve the Delivery Program.

Progress reports to Council and the community provide information on the progress of all actions in the 2021-2022 Operational Plan. The section below provides an overall statistical snapshot of Operational Plan performance by Community Theme. As at 30 September 2021, 430 performance measures are associated directly to Operational Plan actions, with 383 (89%) on track for delivery.



Discussion

As at 30 September 2021, 430 performance measures are associated directly to Operational Plan actions. These include 2020-2021 Carry Over projects and new projects with grant funding received as reported in the Monthly Budget reviews.

There are 383 actions (89%) on track for delivery and 47 actions (11%) reported as behind schedule/off track.

2021-2022 Operational Plan Summary of Performance Measures by Theme				
Community Theme	Total	On track	Off track/ Behind	Overall Delivery
Leadership and Governance	80	76	4	95%
Your Community Life	104	95	9	91%
Your Business and Industry	33	31	2	94%
Your Natural and Built Environment	213	181	32	85%
Total	430	383	47	89%

Details of this quarterly progress are included in the following attachments:

- A1:** 2021-2022 Operational Plan Summary of Performance Measures by Theme
- A2:** Exception Report - listing of OP action, activity or project that is currently experiencing delays and is reported as off target/behind schedule
- A3:** Capital Works projects - listing of project status by location

- B:** Lists all OP line items with commentary on progress and status. It also shows the links from the Community Strategic Plan (CSP), Delivery Program objective and Operational Plan action, activity and/or project that is being delivered.

Options

It is a statutory requirement under Integrated Planning and Reporting legislation to report on what has been delivered against the Delivery Program on a regular basis.

Community Engagement and Internal Consultation

Internal consultation was undertaken with:

- Chief Executive Officer, Directors, Group Managers and all staff reporting against the annual 2021-2022 Operational Plan;
- Corporate Reporting Analyst;
- Integrated Planning and Reporting Development Officer;
- Planning & Reporting Officer.





Planning and Policy Implications

This report is aligned with legislative obligations under the Local Government Act and the requirements of the NSW Integrated Planning and Reporting Framework. There are no planning and policy implications in relation to this report.

Financial and Economic Implications

There are no direct financial implications in relation to this report. Quarterly budget review statements (QBRs) align with the reporting period referenced in this report.

Attachments

1.  A1: Summary of Performance Measures by Theme
2.  A2: Exception Report
3.  A3: Capital Works by Location
4.  B: Quarterly Progress Report as at 30 September 2021

Item: 09.16

Subject: QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2021

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

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

Executive Summary

This report will detail Council's progress against the original and revised 2021-2022 budget as at the end of the first quarter being 30 September 2021.

Discussion

The Quarterly Budget Review Statement (QBRs) is a statutory report prepared in accordance with sections 202 and 203 of the *Local Government (General) Regulation 2005* ('Regulations').

The QBRs presents a summary of Council's financial position at the end of the first, second and third quarter of the financial year. It is a mechanism whereby the Councillors and the community are informed of Council's progress against its current adopted budget.

Whilst the Regulations require the Council, as a minimum, to prepare quarterly revised estimates of income and expenditure through the QBRs, Port Macquarie-Hastings Council adopts budget variations on a monthly basis.

Attached to this report (Attachment 1) are the mandated components of the QBRs as prescribed in the 'NSW Local Government Code of Accounting Practice and Financial Reporting'. Those components include:

1. Budget Review Income and Expenditure (Consolidated);
2. Budget Review Capital Budget;
3. Budget Review Cash and Investment;
4. Budget Review Key Performance Indicators;
5. Budget Review Contracts and Other expenses; and
6. Statement by the Responsible Accounting Officer.

Also attached is a confidential attachment (Attachment 2) on consultancy engagements as resolved by Council under Item 09.09 Supply of Services to Council on 21 October 2015. This resolution resolved:

1. To Adopt Option 2 to expand the existing reporting format of the Quarterly Budget Review Statement to include additional categories of consultancy engagements including accounting, audit, legal, planning, architectural, surveying, environmental, IT and HR with individual consultant data to be provided in a confidential attachment.
2. Commence the reporting regime from the next Quarterly Budget Review Statement.

CARRIED: 8/0

FOR: Besseling, Cusato, Hawkins, Intemann, Roberts, Sargeant and Turner

AGAINST: Nil

Confidential Attachment 2 titled "September 2021 Quarterly Budget Review - Consultancy Engagements (Confidential)" relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting for proposes to conduct business. (Local Government Act 1993 - Section 10A(2)(c)).

Budget Progress Commentary

The variances listed below should be read in conjunction with **Attachment 1** (September 2021 Quarterly Budget Review Statement).

Income and Expenses – QBRs Page 1

Rates and Annual Charges

YTD Budget	YTD Actual	Budget Variance	% Received
\$89.532m	\$102.039m	+\$12.507m	113.97%
<i>Rates revenue is in line with YTD budget, however Waste Annual Charges is above YTD budget. This is due to the Waste Annual Charges budget being phased straight line across the year. This will be amended in November to reflect the upfront levying of this charge.</i>			

User Fees and Charges

YTD Budget	YTD Actual	Budget Variance	% Received
\$7.283m	\$9.262m	+\$1.979m	127.2%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Water User Charges: + \$2.185m - Airport Fees: - \$0.324m <p><i>Water User Charges are above budget as the reversal of the 2020-2021 end of year accrual has not yet been processed. With this taken into account, actuals and budget broadly align.</i></p> <p><i>Airport Fees income is below YTD budget. This is due to lockdowns and restrictions associated with COVID-19.</i></p>			

Interest and Investment Income

YTD Budget	YTD Actual	Budget Variance	% Received
\$0.781m	\$1.410m	+\$0.629m	180.5%
<p><i>Interest and Investment Income is above YTD budget. This is largely impacted by revenue being received in a differing pattern to the budget phasing. The first quarter has however produced a slightly favourable result, although modelling indicates that investment returns will decrease in the latter part of the year, with current investments which are due to mature rolling into lower rates. This will continue to be monitored throughout the year.</i></p>			

Other Revenues

YTD Budget	YTD Actual	Budget Variance	% Received
\$1.284m	\$1.122m	-\$0.162m	87.4%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Rental of Council Facilities: - \$0.122m - Glasshouse Revenue: - \$0.287m - <p><i>Due to the reduced usage of Council venues as a result of COVID-19 restrictions, there has been reduced income in the areas of Rental of Council Facilities and The Glasshouse. Budget adjustments have been included in the October Monthly Budget Review.</i></p>			

Operating Grants & Contributions

YTD Budget	YTD Actual	Budget Variance	% Received
\$2.757m	\$2.396m	-\$0.361m	86.9%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Pensioner Rebates: - \$0.088m - Street Lighting: - \$0.148m - Parks & Gardens: - \$0.113m - Public Order & Safety: - \$0.087m <p><i>The variances in Operating Grants and Contributions are all timing related.</i></p>			

Capital Grants & Contributions

YTD Budget	YTD Actual	Budget Variance	% Received
\$4.602m	\$7.372m	+\$2.770m	160.2%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Developer Contributions: - \$1.155m - Roads & Bridges: + \$3.331m <p><i>Developer contributions are below budget. This is likely to be timing, however these will be monitored in the next quarter and if required a budget adjustment will be recommended.</i></p>			

Grant funds have been received in advance for multiple bridges under the Fixing Country Bridges Funding totalling \$3.894m.

Employee Costs

YTD Budget	YTD Actual	Budget Variance	% Expended
\$14.016m	\$13.122m	-\$0.894m	93.6%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Salaries & Wages: - \$0.392m - Travelling: - \$0.172m - Superannuation: - \$0.296m - Training: - \$0.039m <p><i>The small favourable variation in salaries and wages is due mainly to vacant positions and the timing of employees taking leave / public holidays.</i></p> <p><i>Superannuation is under budget due to payments being processed after September month end.</i></p> <p><i>Employee costs also contains an element of training and travel, which in Q1 is below budget due to COVID-19 limitations on such activities. This will continue to be monitored and an adjustment proposed if required.</i></p>			

Borrowing Costs

YTD Budget	YTD Actual	Budget Variance	% Expended
\$0.399m	\$0.275m	-\$0.124m	68.9%
<p><i>Interest on Loans is in line with YTD budget. Borrowing Costs overall are under budget due to the timing of Tip Amortisation journals.</i></p>			

Materials & Contracts

YTD Budget	YTD Actual	Budget Variance	% Expended
\$10.660m	\$12.566m	+\$1.906m	117.9%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Fleet Management: - \$0.287m - Transport & Traffic: + \$5.541m - Waste Disposal: - \$1.116m - Sewerage Services: - \$0.626m - Water Supply: - \$0.320m - Events: - \$0.290m - Glasshouse: - \$0.132m <p><i>The variance in Fleet Management is due to Plant Recoveries being higher than budgeted and timing of depot maintenance, in addition to fuel, scheduled maintenance and registration and insurance being less than budgeted. This will continue to be monitored and any underspends transferred to reserve at year-end.</i></p>			

The majority of the variance in Transport & Traffic relates to additional costs arising from the March 2021 Floods of \$5m. A budget adjustment has been included in the October Monthly Budget Review.

The variance in Waste Management is due to the timing of contractor invoicing for Organics, Recycling and Domestic & Commercial Waste.

Sewer and Water variances are due to timing on various operational projects.

Events and Glasshouse are both impacted by COVID-19 restrictions, with lower levels of service also having a flow-on impact to expenditure. These will continue to be monitored and an adjustment proposed if required.

Other small variances exist in Materials and Contracts throughout areas of Council.

Depreciation

YTD Budget	YTD Actual	Budget Variance	% Expended
\$12.599m	\$12.492m	-\$0.107m	99.5%
<i>Depreciation is in line with YTD Budget.</i>			

Other Expenses

YTD Budget	YTD Actual	Budget Variance	% Expended
\$3.731m	\$3.466m	-\$0.265m	92.9%
<i>Major budget variances include:</i> <ul style="list-style-type: none"> - Waste Levy: - \$1.083m - Insurances: + \$0.699m <p><i>The variances in Waste Levy is timing only. Only the July and August payments have been made in first quarter. September is yet to be processed.</i></p> <p><i>Insurances are above YTD budget however are in line with Annual Budget. This is due to phasing of budgets not in line with when insurance premiums are paid.</i></p>			

Asset Disposal

YTD Budget	YTD Actual	Budget Variance	% Expended
\$0.0m	\$0.0m	+\$0.0m	
<i>There is no variance to budget.</i>			

Capital Expenditure – QBRs Page 2

YTD Budget	YTD Actual	Budget Variance	% Expended
\$13.045m	\$18.485m	+\$5.440m	141.7%
<i>Projects with major budget variances include:</i> <ul style="list-style-type: none"> - March 2021 Flood Response: + \$5.770m 			

Identification and restoration of works to restore assets to their pre-flood condition. Expected to be covered by Natural Disaster grant funding, with an adjustment included in the October Monthly Budget Review.

- **Gordon Street Pavement Reconstruction: - \$0.574m**
Timing only. Project on budget. Variance due to current month progress claim processed in October 2021.
- **Thrumster Recycled Water Interim Supply Rising Main: + \$1.396m**
Timing only. Project is currently 71% cost and tracking to budget. Project cash flow to be re-phased in October 2021.
- **Cairncross Landfill Expansion: - \$0.670m**
Timing only. Project on budget. Variance due to current month progress claim received in October 2021.
- **Pembroke Road: - \$0.965m**
Timing only. Reprioritisation of works due to crews working on Rawdon Island Bridge. Will be re-phased in October 2021.
- **Sewer Relining Works: + \$0.488m**
Timing only. Expenditure in line with Annual Budget. Will be re-phased in October 2021.
- **Rawdon Island Bridge Structural Repairs: + \$0.635m**
Budget adjustment for \$1.2m processed as part of the September Monthly Budget Review (October Council meeting).
- **Owen & Home Street Roundabout: + \$0.250m**
Grant funded project. Budget adjustment in the October Monthly Budget Review.
- **Marbuk Motorised Valve Relocation: - \$0.600m**
Variance is timing, contractors quoting for works. Budget to be re-phased in October 2021.

It is noted that the actual expenditure does not necessarily reflect the amount of funds that have been committed to particular projects through the raising of purchase orders. For capital projects, progress against their budgets may not necessarily reflect their progress in relation to physical completion.

Progress details for particular capital projects can be found in the report "2021-2022 Operational Plan Quarterly Progress Report as at 30 September 2021" which is also on the agenda of the Ordinary Council Meeting for November 2021 and contained within the business paper.

Cash and Investments – QBRs Page 3

The return on Council's investment portfolio for the financial year as at 30 September 2021 was 1.66% which was 1.64% above the benchmark of 0.02%.

Key Performance Ratios – QBRs Page 4

The budget variations and carry-overs that have been adopted throughout the financial year have not had a material impact on a number of the forecasted T-Corp ratios set out in the adopted original budget. The Rates & Annual Charges Outstanding ratio is projected to be slightly worse than expected due to the impacts of the COVID-19 pandemic, however this is still within benchmark.

Contracts and Other Expenses – QBRS Page 5-6

There were no unbudgeted contracts entered into during the second quarter of the financial year. There was no expenditure incurred for consultancy or legal expenses that was not budgeted for during this quarter.

Statement by Responsible Accounting Officer

Below is a statement made by Council's Responsible Accounting Officer made in pursuant to section 203(2) of the Regulations:

Responsible Accounting Officer Statement

It is my opinion that the Quarterly Budget Review Statement for Port Macquarie-Hastings Council for the quarter ended 30 September 2021 indicates that Council's projected financial position at 30 June 22 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

At the end of each quarter this financial year budget review meetings will be undertaken with all Managers to ensure any budget deficit is addressed.



Nicole Spencer

September 30, 2021

Responsible Accounting Officer - Port Macquarie-Hastings Council

Options

Council may adopt the recommendation or amend as required.

Community Engagement & Internal Consultation

Not applicable


Planning & Policy Implications

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

Financial & Economic Implications

As indicated in the QBRS, the projected operating result for Council on a consolidated basis, as at 30 June 2022, is a surplus of \$1.177m and this result is satisfactory. However, there is currently a budget deficit for the 2021-2022 financial year which will need to be remedied during the remainder of the year through favourable budget variations.

Attachments

1.  September 2021 Quarterly Budget Review Statement
2. Confidential - September 2021 Quarterly Budget Review - Consultancy Engagements (Confidential)

Item: 09.17

Subject: FINANCIAL IMPACT OF COST SHIFTING FROM OTHER LEVELS
OF GOVERNMENT

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

1.3.3 Ensure there is appropriate management of risk to mitigate impact for Council and the community.

RECOMMENDATION

That Council:

1. Note the information on the financial impact of cost shifting for the 2020-2021 financial year.
2. Note that any future reports or updates on cost shifting to be determined by Council following the election if required.

Executive Summary

At the Ordinary Council meeting held on 21 October 2015, Council resolved:

RESOLVED: Hawkins/Sargeant

That Council:

1. *Request the General Manager provide a report to the November 2015 Ordinary Meeting of Council on the impact of cost shifting on Council in the 2014-2015 financial year, updating the draft figures provided to Council in May 2015.*
2. ***Request the General Manager provide an updated report to the November 2016 Ordinary Meeting of Council on the impact of cost shifting for the financial year 2015-2016 and annually, including any additional categories of cost-shifting that have been identified.***
3. *Request that the General Manager give consideration to collecting additional cost shifting information as part of the service review process.*

CARRIED: 8/0

FOR: Besseling, Cusato, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

This report addresses the annual update as per resolution 2. It provides information with respect to the estimated financial impact of cost shifting on Port Macquarie-Hastings Council for the 2020-2021 financial year.

This represents the final update on cost shifting for the term of this Council. Local Government NSW has in the past coordinated a cost shifting survey of all NSW Councils in order to establish the impact of cost shifting by the Australian and NSW Governments to NSW Local Government. The last survey was in relation to the 2015-2016 year.

Discussion

Cost shifting is defined by Local Government NSW as follows:

“Cost shifting describes a situation where the responsibility for, or merely the costs of, providing a certain service, concession, asset or regulatory function are 'shifted' from a higher level of government on to a lower level of government without providing corresponding funding or the conferral of corresponding and adequate revenue raising capacity.”

Local Government NSW has previously coordinated cost shifting surveys of all NSW councils which have highlighted that despite the recognition of cost shifting and its adverse impacts on NSW Local Government, the impost on Councils continues to increase.

Council's cost shifting as a proportion of total income before capital currently stands at 6.4% for 2020-2021, with the main impacts arising from State Government policies. The most significant areas in 2020-2021 continue to be the Waste levy (43% of Council's total impact), the Emergency Services levy (7.5%), State Libraries (7%) and Pensioner Rebates (13%).

Impacts on Port Macquarie-Hastings Council

The following table provides further detail of the cost shifting trend:

	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
	Actuals	Actuals	Actuals	Actuals	Actuals	(Based upon budget figures)
	\$	\$	\$	\$	\$	\$
Impacts from NSW State Government						
Contribution to NSW Fire Brigade	332,538	345,477	342,787	376,047	419,909	426,203
Contribution to NSW State Emergency Services	142,238	127,032	108,411	126,639	160,717	163,127
Contribution to Rural Fire Service	395,697	493,201	500,703	598,619	347,306	885,959
Public Library Operations	692,620	782,712	796,663	754,243	799,825	859,571
Onsite Sewerage Facilities	(97,717)	(144,071)	(125,397)	(147,987)	(166,577)	(151,135)
Administration of the Companion Animals Act	258,238	169,633	190,591	165,750	241,756	262,226
Functions as Local Control Authority for Noxious Weeds	317,791	356,031	353,452	297,040	352,171	360,402
Functions under the Rural Fires Act	86,385	80,426	75,270	86,849	86,018	96,490
Administering Food Safety Regulations	30,644	20,447	24,550	46,824	58,678	25,443
Community Safety	9,090	396	8,140	727	2,523	8,000
Flood Mitigation Programme	48,871	36,620	104,207	53,618	65,326	78,043
Road Safety	25,071	90,372	55,336	19,464	44,149	51,228
Community & Human Services	600,290	602,730	536,286	571,902	271,389	478,135
Waste Levy	4,496,378	5,992,588	5,882,714	5,295,742	4,996,037	5,500,000
Sewerage Treatment System Licence Fee	69,120	76,344	64,339	62,151	89,371	70,000
Waste Management Site Licence Fee	9,381	11,642	12,003	12,274	12,545	9,630
Processing of DA Fees	(406,672)	(420,630)	(205,673)	(16,619)	(171,230)	(231,323)
Voluntary Conservation Agreements	7,681	8,379	10,715	10,947	15,587	10,929
Administration of Contaminated Land Management	5,084	12,281	20,649	107,117	93,285	21,062
Functions under the Protection of the Environment Operations Act	143,510	270,203	351,183	275,607	352,171	358,207
Cost of Fluoridation	162,296	166,474	109,417	169,803	38,543	111,605
Cost of Maintaining Crown Reserves	1,980,156	2,213,625	2,346,636	2,441,342	2,601,080	2,393,569
Cost of RMS Transferred Assets - John Oxley Drive	38,844	49,580	33,741	5,900	9,922	34,416
Cost of RMS Transferred Assets - John Oxley Drive (Vegetation Management only)	3,276	24,861	8,501	2,024	8,504	8,672
Cost of RMS Transferred Assets - Kew (Nancy Bird Walton Drive)	680	1,574	689	11,632	1,513	683
Cost of RMS Transferred Assets - Bobs Creek Road	-	3,888	1,931	77	4,612	1,970
Contribution to Regional Arts Development Organisation (Arts Mid North Coast)	13,736	15,000	15,750	15,750	15,750	18,270
Subtotal	9,365,226	11,366,815	11,623,554	11,343,482	10,750,880	11,851,380
Impacts from Federal Government						
Pensioner Rates Rebates	1,405,330	1,609,963	1,505,272	1,504,089	1,517,996	1,508,095
Immigration Services & Citizenship Ceremonies	2,629	1,693	1,909	2,086	1,172	2,998
Subtotal	1,407,959	1,611,656	1,507,181	1,506,175	1,519,168	1,511,093
Total of Cost Shifting Impacts	10,773,185	12,978,471	13,130,735	12,849,657	12,270,048	13,362,473
Other Current and Future Impacts						
Cumulative Ongoing Impact of Indexation Freeze on Financial Assistance Grant						
Non Rateable Properties						
Infrastructure Works Associated with Development Undertaken by Other Levels of Government						
Impacts of Forestry Corporation						
Impacts of Biodiversity Conservation Act						
Impacts of Crown Land Management Act						
Underground Fuel Storage Facilities (UPSS)						
Regulation of Private Water Supplies						
Impacts of National Parks and Wildlife Act 1974						
Impacts of Telecommunications Act 1997						
Expected increases in Waste Levy						
Impact of Koala Habitat Protection						
Impacts of National Sword Policy						

Note that these areas represent cost shifting impacts which are currently being absorbed or are expected to impact in the future, but which at this stage cannot be fully quantified. For further details, refer to commentary below.

The reduction in cost shifting for 2020-2021 from 2019-2020 is due mainly to a \$0.3m reduction in the Waste Levy, which is driven by the tonnes of waste placed into landfill, with a rebate received for crushed concrete that is used on rural roads, and a \$0.3m decrease in community place staff resources due to vacant positions.

The above amounts are not exhaustive of the cost shifting impact on Council. Other impacts of cost shifting that are currently being absorbed by Council or will be absorbed by Council into the future are described below. The estimated impact of these items on the total cost shifting amount for 2020-2021 is as follows, notwithstanding that not all items are able to be quantified at this time:

	2020/2021 Actuals (\$'000)
Total of Cost Shifting Impacts from Table Above	12,270
Cumulative Ongoing Impact of Indexation Freeze on Financial Assistance Grant (1)	252
Non Rateable Properties (2)	2,300
TOTAL IMPACT	14,822

- (1) The Federal Government's decision to pause indexation to the Local Government Financial Assistance Grants (FAG) Program for the three years commencing 1 July 2014 resulted in a \$269k decrease in grant revenue despite inflationary pressures. The cumulative effect of this will continue to impact into the future and to date, it is estimated that Council has incurred a cumulative loss of \$3.5m.
- (2) The amount of rates forgone during 2020-21 for properties for which Council does not levy rates due to legislative exemptions, was approximately \$2.3m, noting that this is a conservative estimate and the actual impact is likely to be higher, as valuations are not available for all of these properties.

Other items not able to be fully quantified:

- Infrastructure works associated with development undertaken by other levels of Government, such as hospitals and schools. Whilst there is a significant benefit from this investment, these government developments are exempt from paying development contributions and often have a requirement that Council provide prioritised associated infrastructure such as footpaths without contributing towards the cost of that infrastructure.
- Activities conducted by the Forestry Corporation such as timber logging has a significant impact on the wear and tear of Council assets, specifically our rural roads and timber bridges, which impacts maintenance programs and costs of our rural network. State Forests are exempt from Rates, hence the deterioration of Council assets and the associated increase in maintenance costs is borne by the community.
- The Biodiversity Conservation Act 2016 and SEPP (Vegetation in non-rural areas) 2017 has created a highly complex system to navigate and has meant that Council is required to fulfil a number of additional requirements at an additional cost to Council.
- Changes to the Crown Land Management Act came into effect 1 July 2018 with the implementation of a new reserve management structure. The changes in legislation and new requirements have affected Council resources across a number of areas.
- Impact of National Sword Policy: following China and other Asian markets' border restrictions implemented over the past few years, the Australian Government is introducing exporting bans on several recycling materials. This

will continue to put considerable pressure on the processing of recycled waste and has the potential to significantly affect the cost structure of Materials Recovery Facilities.

- Impacts of National Parks and Wildlife Act 1974: Council has experienced an increase in costs and resources associated with planning and surveys related to boundary issues, due to an increased focus on compliance requirements when working adjacent to national parks.
- The Telecommunication Act 1997 allows new telecommunication assets to be installed in road reserves which results in increased future costs of excavation works around these assets.
- Management of Underground Petroleum Storage Facilities (UPSS): the NSW EPA transferred responsibility for the implementation and enforcement of the Underground Petroleum Storage System (UPSS) Regulation to local government from 1 September 2019, meaning that Council is responsible for a number of actions at an additional cost.
- The enactment of two different SEPP Koala Habitat Protection in 2020/2021 has also resulted in additional responsibilities and therefore cost to Council.

Potential Additional Future Impacts

- Council is expected to be charged a NSW Waste Levy amount of over \$100m over the next 20-year period. Currently only a third of the Waste Levy charged to LGAs in NSW is being reinvested back into the waste and environmental industry, mostly through grant funding. This percentage is regarded as being significantly below the amount required to support the significant capital expenditure in new plants and supporting programs necessary to implement the circular economy principles included in the Australian Government, Department of the Environment and Energy (2018), National Waste Policy 2018 and the recently published NSW Government Waste and Sustainable Materials Strategy 2041.
- The Public Health Regulation 2012 requires private water suppliers to create a quality assurance program for their water supplies for any commercial, tourist or visitor accommodation, food premises that is not connected to Council's reticulated water supply. Council is currently working to ensure that the buildings Council manages comply with these requirements, and will register, monitor and follow up with other known private water suppliers in the LGA. It will be necessary to identify businesses and individuals that are operating private water supplies to register and undertake public health inspections and provide education.
- Changes to SEEP (Affordable Rental Housing) 2009 and the EP&A Regulation will take effect on 1 November 2021 to further regulate Short Term Rental Accommodation. This will result in additional regulation by Council for fire safety and swimming pools, as well as the potential for additional compliance investigations.

Financial Impact of Cost Shifting on Council's Operational Plan and Long Term Financial Plan

Cost shifting impacts Council's available funds to deliver quality services and infrastructure, and its operating performance.

The impact of cost shifting could otherwise improve Council's operating position and/or be spent on some of the following:

- Additional services to the Community.
- Increasing current service levels to the Community.
- New infrastructure works.
- Increased maintenance expenditure.
- Increased spend on renewal of assets.

Some of these items would lead to a better overall performance against TCorp ratios and improve Council's financial sustainability.

Options

This report is for information purposes.

Community Engagement & Internal Consultation

There has been no community engagement.

Planning & Policy Implications

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

Financial & Economic Implications

This report discusses the impact of cost shifting imposed on Council from both the Federal and NSW Governments.

This cost shifting is largely out of the control of Local Government yet has a significant impact on Council's financial position and ability to deliver to the community.

It should be noted that in 2020-2021 Council received \$23.1m in grant funding from other levels of government. Grant funding does greatly assist in the provision of services and infrastructure to the community.

Of this funding, \$9.4m was untied which means that it is not required to be spent on specific projects. This is predominantly the Financial Assistance Grant, which is provided by the Australian Government. This consists of two components:

- A general purpose component
- An identified local roads component

This provides a contribution towards funding annual operational expenses (in 2020-2021, employee benefits & oncosts were \$52.6m, materials and services were \$56.2m and other expenses were \$6.4m).

The remaining grant funds of \$13.7m were received for specific projects / purposes, with \$10m of that relating to capital projects. Council also provided funding of \$11.4m towards these projects.

Attachments

Nil

Item: 09.18

Subject: BOUNDARY ADJUSTMENT

Presented by: Business and Performance, Rebecca Olsen

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 make application to Her Excellency the Honourable Margaret Beazley - Governor of New South Wales, Minister of Local Government and MidCoast Council to approve a minor boundary adjustment from MidCoast Council to Port Macquarie-Hastings Council.

Executive Summary

At the Ordinary Council Meeting held on 21 March 2018, Council resolved:

14.07 BOUNDARY ADJUSTMENT

RESOLVED: Levido/Alley

That Council make application to the Minister of Local Government and MidCoast Council to approve a minor boundary adjustment from MidCoast Council to Port Macquarie-Hastings Council.

CARRIED: 9/0

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

AGAINST: Nil

Discussion

This report is to re-consider the above resolution of Council dated 21 March 2018, as Office of Local Government requires the resolution to be addressed to Her Excellency the Honourable Margaret Beazley - Governor of New South Wales as well as the Minister of Local Government to enable them to action.

The original application has not changed.

The Property was purchased by Mr & Mrs Carruthers with the knowledge that Lot 1 DP 1159577 was registered within both Council's.

Mr. & Mrs. Carruthers pay rates and charges to both Port Macquarie-Hastings Council and also MidCoast Council for Lot 1 DP 1159577.

See table below for rates levied in 2017/2018.

Council	Property Description	Rates Levied 2017/2018	Land value Base Date 1/7/16
Port Macquarie	Lot 116 DP 754407(58.27ha) & Part Lot 1 DP 1159577 (1.703ha)	\$1,022.11	\$310,000
MidCoast	Part Lot 1 DP 1159577 (4155sqm)	\$ 323.00	\$4,300
Total Paid		\$1,720.11	

Their property comprises of Lot 116 DP 754407 being 58.27ha and Part Lot 1 DP 1159577 being 1.703ha making a total area of the property within Port Macquarie of 59.973ha.

The boundary adjustment relates to the other Part Lot 1 DP 1159577 located within MidCoast Council (Greater Taree) with an area of 4155sqm.

Options

The following are options for a resolution:

1. That both Part Lot 1's DP 1159577 remains within the boundaries of both Councils.
2. That a proposal be sent to MidCoast Council together with a recommendation to be sent to the Office of Local Government for the part lot 1 within the MidCoast Council area to be included into Port Macquarie-Hastings Council boundary.

Community Engagement & Internal Consultation

Discussion with both senior finance staff and MidCoast Council's senior rate staff has been undertaken.

Planning & Policy Implications





There are no planning & policy implications

Financial & Economic Implications

When the part lot 1 is transferred to Port Macquarie-Hastings Council, the increase in income would be equivalent dependant on the Valuer General's assessment of the combined lots.

Port Macquarie-Hastings Council has reviewed the information on this matter and considers that there would be no risk involved in the boundary adjustment.

Attachments

1.  Property Map showing boundaries
2.  Email request from Property Owners
3.  PMHC rate notice
4.  Mldcoast Rate notice

Item: 09.19

Subject: RELIEF MEASURES FOR THE IMPACTS OF COVID-19

Presented by: Business and Performance, Rebecca Olsen

Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

RECOMMENDATION

That Council:

- 1. Note the significant impacts on the local community of the COVID-19 Pandemic and the significant financial assistance provided by Council, via relief measures, to those affected members of the community;**
- 2. Waive application fees and park hire fees for activities on public / community land under the Local Government Act (Section 68) and applications under the Roads Act 1993 (Section 138) for a further period up to 30 June 2022 for 'regular' local events from the date of recommencement, (e.g. markets) or waive fees for next event for irregular or new events. These will be 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, and excludes driveway / footpath works and power charges incurred;**
- 3. Waive monthly rental fees for the Port Macquarie Senior Citizens Facility for a further period of 6 months up to 30 June 2022;**
- 4. Note that remaining measures that had been implemented will revert to pre-COVID-19 adopted fees and charges status from 1 January 2022; and**
- 5. Note that members of the community can seek assistance in times of hardship under the provisions of Council's Rates and Charges Hardship Assistance Policy.**

Executive Summary

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

These impacts have again been felt over recent months with further lockdowns throughout the state. This also comes on the back of many difficult months during and after the 2019 bushfires, and the March 2021 flood emergency, with these unprecedented times seeing immense challenges for our communities, with businesses across multiple industries again reducing services or closing.

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

In September 2021, Council again endorsed a number of local relief measures to support members of the community and local businesses who were being severely impacted by COVID-19 and to assist in minimising their financial burden. These local relief measures were proposed with a focus on working with affected businesses and individuals on a case by case basis to formulate the most appropriate solution for their particular needs, whilst making the process as easy and accessible as possible in these difficult times.

The purpose of this report is to provide an update on the impact of the relief measures implemented and seek recommendation in relation to the following period.

Discussion

At the 15 September 2021 Ordinary Council meeting, Council resolved as follows:

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:*

	<i>Fee / Charge</i>	<i>Timeline of waiver / deferral</i>	<i>Conditions of waiver / deferral</i>
a)	<i>Interest on rates and charges</i>	<i>Up to 6 months commencing 01/07/21</i>	<i>For applicants who enter into payment arrangements on outstanding accounts as per recommendation 2 below.</i>
b)	<i>Direct debit dishonour fees</i>	<i>Up to 6 months commencing 01/07/21</i>	<i>Assessed on a case by case basis on application.</i>
c)	<i>Rent / licence fees for Council owned cafes and commercial facilities</i>	<i>Up to 6 months commencing 01/07/21</i>	<i>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.</i>
d)	<i>Interest on outstanding rental fees</i>	<i>Up to 6 months commencing 01/07/21</i>	<i>For applicants where rent / licence fees are deferred in accordance with c) above.</i>

e)	<i>Fees for outdoor dining, outdoor trading and footpath displays</i>	<i>Up to 31 December 2021</i>	<i>N/A</i>
f)	<i>Glasshouse venue hire and associated fees, including provisions for tickets to patrons</i>	<i>Up to 6 months commencing 01/07/21</i>	<i>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.</i>
g)	<i>Fees for mobile food vending vehicles</i>	<i>Up to 6 months commencing 01/07/21</i>	<i>Annual approval fee</i>
h)	<i>Fees for food shop inspections</i>	<i>Up to 6 months commencing 01/07/21</i>	<i>Fees for routine inspections only, with reinspection fees still to apply.</i>
i)	<i>Fees for public health inspections</i>	<i>Up to 6 months commencing 01/07/21</i>	<i>Fees for routine inspections only, with reinspection fees still to apply.</i>
j)	<i>Ferry fees for delivery of food and other items to the North Shore</i>	<i>Up to 31 December 2021</i>	<i>N/A</i>
k)	<i>Licence fees / application fees for activities on Council managed land</i>	<i>Up to 6 months commencing 01/07/21</i>	<i>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.</i>
l)	<i>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)</i>	<i>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</i>	<i>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.</i>
m)	<i>Bin reinstatement fee for businesses (Waste Management)</i>	<i>On resumption of normal operations</i>	<i>Waived on resumption of normal operations, where businesses have requested a suspension of bin services due to COVID-19.</i>

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

In addition, at the 4 August 2021 Ordinary Council meeting, Council resolved as follows:

09.12 TEMPORARY WAIVER OF FEES - PORT MACQUARIE SENIOR CITIZENS CLUB & THE HUB BUSINESS AND CO-WORKING CENTRE

RESOLVED: Hawkins/Griffiths

That Council:

1. Note the recent NSW Health Orders in response to the latest COVID-19 outbreak, calls on communities to work from home where possible.
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 current COVID-19 outbreak. These fees and charges include:

	Fee / Charge	Timeline of waiver / deferral
a)	Monthly Rental Fee - Port Macquarie Senior Citizens Facility	For 6 months commencing from July 2021

b)	Hub Business and Co-Working Centre User Subscription Fee	For 6 months commencing from July 2021
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3. Note that a future report be presented to the November 2021 Ordinary Council Meeting to review this schedule.

CARRIED: 6/0

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

AGAINST: Nil

The financial impact of the recent lockdowns and the provision of relief measures is still being assessed. However, at the time of writing this report, the amount of direct financial assistance provided to affected members of the local community that can be quantified is estimated to be approximately \$290k.

In addition to this, a number of requests for hardship assistance for Rates and Charges, as well as other areas, have been received, with 10 payment arrangements entered into and interest on outstanding amounts waived, as well as fees waived across a range of other areas.

With the easing of Government restrictions, it is now recommended to revert back to the pre-COVID-19 status in relation to the fees and charges amended as part of the suite of relief measures. This is with the exception of application fees for activities on public / community land under the Local Government Act (Section 68) and applications under the Roads Act 1993 (Section 138), as well as the monthly rental fee for the Port Macquarie Senior Citizens Facility. These are recommended to be extended for a further period of 6 months.

It is noted that members of the community can still seek assistance in times of hardship under the provisions of Council's Rates and Charges Hardship Assistance Policy.

Options

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

Community Engagement and Internal Consultation

Consultation has occurred with the Chief Executive Officer, Executive Leadership Team, Senior Leadership Team, Rates and Revenue Coordinator.

Planning and Policy Implications

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

Financial and Economic Implications

The above recommendations will have minimal impact on Council's financial position.

It is noted that there is still some uncertainty in relation to the pandemic and assessment of impacts is ongoing, with continuing re-assessment performed in the event of any changes in circumstances.

Should there be any further adjustments required to the budget, these will be dealt with through the Monthly Financial Update reports to Council.

Attachments

Nil

Item: 09.20

Subject: DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM
PERFORMANCE

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Note the Development Activity and Assessment System Performance report for the first quarter of 2021-2022.
2. Note the determinations made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.
3. Acknowledge the tremendous efforts of development assessment staff in realising the \$3million grant under the State's Public Spaces Legacy Fund program.

Executive Summary

This report provides a summary of development assessment, building certification and subdivision certification activities for the July to September 2021 quarter. Data on the number of applications and processing times, together with a commentary on development trends is provided for the information of Council.

The report also includes details of determinations made by Council staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011.

Discussion

1. Development Activity and Assessment System Performance

Table 1 provides data on the volume of applications received and determined over the quarter relative to the yearly average and monthly average of the preceding two years. The quarter saw a continuation of the high volumes of applications being received.

The monthly average number of Development Applications (DAs) received for the quarter was 98, compared to a monthly average of 99 in 2020-2021 and 83 in 2019-2020. This continues to be a very positive sign of confidence in the Port-Macquarie-Hastings, with building and construction activity at an all time high.

This increase in activity (compared to 2019-2020) is also evident in other associated application types with a monthly average of 90 plumbing and drainage, 53 Roads Act and 45 Construction Certificates applications being received for the quarter.

This approximate 15-20% increase in core application types over the past 12-18 months, coupled with an average of 566 monthly building/plumbing inspections (note the 2020-21 monthly average was 456) and 500+ monthly duty planner/surveyor counter enquiries, is resulting in a backlog of work for the development assessment team. Resourcing has been increased through the appointment of a permanent planner, a temporary planner, an additional permanent building surveyor, an additional temporary administration officer and the backfilling of a vacant development engineer role is also underway. Notwithstanding the much needed, and benefits of this increased resourcing, there is still a significant backlog of applications at all stages of the registration and assessment process.

Table 1 - Applications Received and Determined

Applications Received and Determined	2019-20 Monthly Average	2020-21 Monthly Average	2020 - 21 TOTAL	First Quarter			2021-22 TOTAL	2021-22 Monthly Average
				Jul-21	Aug-21	Sep-21		
Development Application Received	83	99	1184	95	102	97	294	98
Development Application Approved	76	90	1079	81	67	96	244	81
Development Application Refused/Withdrawn/Rejected	4	5	57	3	1	1	5	2
DA Modifications Received	13	17	200	19	17	17	53	18
DA Modifications Determined	12	16	193	20	16	14	50	17
Complying Development Certificates Received (Council)	10	9	106	5	11	10	26	9
Complying Development Certificates Determined (Council)	7	5	65	2	5	4	11	4
Complying Development Certificates Determined (Private Certifier)	17	19	233	36	37	34	107	36
Construction Certificates - Building Work Received (Council)	45	48	576	38	53	45	136	45
Construction Certificates - Building Work Determined (Council)	44	43	514	32	46	48	126	42
Construction Certificates - Building Work Determined (Private Certifier)	39	22	261	23	44	45	112	37
Plumbing & Drainage Received	82	95	1142	93	100	76	269	90
Plumbing & Drainage Determined	81	87	1045	80	73	93	246	82
Subdivision Works Certificates Received	9	8	99	9	8	11	28	9
Subdivision Works Certificates Determined	8	8	98	6	9	4	19	6
Subdivision Certificates Received	9	7	88	9	9	5	23	8
Subdivision Certificates Determined	8	8	100	5	5	19	29	10
Strata Certificates Received	3	1	9	2	3	0	5	2
Strata Certificates Determined	4	1	8	3	1	4	8	3
Roads Act Applications Received	40	55	665	61	45	52	158	53
Roads Act Applications Determined	35	49	585	48	51	40	139	46
Planning Certificates Issued	245	277	3319	283	272	255	810	270
Building Inspections Undertaken	461	456	5470	573	583	542	1698	566
Planning Proposals (received)				1	1	0	2	1
Building Information Certificates (received)				7	8	8	23	8
Building Information Certificates (determined)				9	2	14	8	8

Note: private certifier data not available at the time of writing. Note some data is available but it is not complete due to the Private Certifier registration backlog.

Application processing data and longer-term trends for the various application types is provided in **Table 2**. For DAs, monthly gross average processing times for quarter was 62 days. Whilst this is an improvement from the monthly average of 68 days for the 2020-2021 period, it is likely that the figure will rise due to the backlog of applications in the system. It is worth noting that PMHC's gross average processing time is still well below the NSW average of 91 days.

Under the Department of Planning's Public Spaces Legacy Program (PSLP), one of the requirements for Council to realise \$3 million in grant funding for public open space projects was to achieve an improvement in DA processing times by 30 June 2021. Council's development assessment team worked extremely hard to maintain processing times despite there being a 20% increase in application volumes. This unprecedented surge in DA volumes (subsequent to entering the grant program) was appropriately acknowledged by the PSLP grant evaluation committee in awarding the \$3million in funding for public space projects at Bain Park, Westport Park and Town Beach. This is a fantastic achievement and a great outcome for the community.

The monthly net average processing days for works certificates for the quarter was 47 days, compared to a 73-day monthly average in 2020-2021, representing a significant improvement. The gross average data for works certificates is considerably greater than the net average due to a number of applications that have been on 'stop the clock' while officers are waiting for necessary information. Staff are working to improve the lodgement review process to improve the quality of applications being received. Significant improvements have been realised in monthly averages for the processing of subdivision certificates, with the gross monthly average for the quarter being 52 days compared to the monthly average of 94 days in 2020-2021. The backfilling of a longstanding vacancy in the development engineering team is expected to improve processing times.

Table 2 - Application Processing Times

			First Quarter			
Processing Days	PMHC 2019 - 20 Monthly Average	2020 - 21 Monthly Average	Jul-21	Aug-21	Sep-21	2021-22 Monthly Average
Development Application Net Median Days	37	41	40	42	43	42
Development Application Gross Median Days	56	50	45	52	56	51
Development Application Net Average Days	42	47	41	46	50	46
Development Application Gross Average Days	61	68	61	61	65	62
Complying Development Net Average Days	13	21	8	52	19	26
Complying Development Gross Average Days	15	25	8	55	69	44
Building Construction Certificate Net Average Days	9	14	23	28	27	26
Building Construction Certificate Gross Average Days	66	61	58	61	75	65
Plumbing and Drainage Net Average Days	18	21	37	49	29	38
Plumbing & Drainage Gross Average Days	53	60	93	88	66	82
Subdivision Works Certificates Net Average Days	39	73	33	62	47	47
Subdivision Works Certificates Gross Average Days	77	99	207	139	105	150
Subdivision and Strata Certificates Net Average Days	44	48	21	34	49	35
Subdivision and Strata Certificates Gross Average Days	91	94	66	41	49	52
Roads Act Net Average Days	13	19	17	17	6	13
Roads Act Gross Average Days	39	37	57	37	31	42

2. Applications determined under delegation including Clause 4.6 - Exceptions to Development Standards

Table 3 below lists DAs that have been determined during the quarter which have included a Clause 4.6 exception to a development standard under the Port Macquarie Hastings Local Environmental Plan 2011. Senior staff have delegation to determine applications involving a Clause 4.6 objection where the variation is no greater than 10% of the development standard.

Table 3 - Variations to Development Standards

Application	Property	Extent of Variation
DA2019 - 425.2	50 William Street, Port Macquarie	5.5%
DA2021 - 243.1	47 Vendul Crescent, Port Macquarie	4.5%
DA2021 - 537.1	1 Red Cedar Ridge, Kew	3.6%

This information is provided for notation by Council in accordance with the Department of Planning, Industry and Environment Circular PS 08-003.

Options

This is an information report.

Community Engagement and Internal Consultation

Development assessment statistics are discussed internally as the key indicator of system performance.

Ongoing engagement on development activity and process improvement is also undertaken through the Construction Industry Action Group (CIAG) forum.

Planning and Policy Implications

There are no planning or policy impacts.

Financial and Economic Implications

This report does not have direct financial or economic implications. However, monitoring the performance of the development assessment system is an important undertaking given the role of development regulation in the broader economy and the need to minimise costs to business and the community in managing development.

Attachments

Nil

2 Your Community Life

What we are trying to achieve

A healthy, inclusive and vibrant community.

What the result will be

We will have:

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

How we will get there

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

Item: 10.01

**Subject: DISABILITY INCLUSION ACTION PLAN ANNUAL PROGRESS
REPORT**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

2.2.1 Support and advocate for all community sectors.

RECOMMENDATION

That Council note the Disability Inclusion Action Plan 2020-2021 Annual Progress report.

Executive Summary

Council adopted a Disability Inclusion Action Plan (DIAP) 2017-2021, which commenced on 1 July 2017. The State Government under the NSW Disability Inclusion Act 2014 mandates that all councils monitor and deliver a Plan.

Progress in implementing the DIAP is reported annually to Council, and then in the fourth (and final year), the implementation of the Plan is also reported to NSW Parliament. This report constitutes the final annual report to Council.

Within the Port Macquarie - Hastings Local Government Area, 5,797 of our residents, or 7.4% of the population, identify as having a disability. This compares to the NSW average of 5.4%. The Port Macquarie electoral district also has the 3rd highest prevalence of dementia per capita in NSW.

The implementation of the Plan helps create a more inclusive and disability-friendly community.

This report recommends that Council note the Disability Inclusion Action Plan annual progress report.

Discussion

This report demonstrates how Council has continued to deliver on the Plan, with a specific focus on the 4th year implementation (2020-2021).

Attachment 1 provides the full detail of implementation progress, with highlights including:

- The installation of 1,135m of footpaths connecting the community

- Success in securing Country Passenger Terminal Infrastructure Grant for 19 new bus shelters across the region.
- Pilot Beach and Blackbutt Park accessible toilet upgrades
- An on-going strong commitment to accessible programming at the Glasshouse.
- Completion of walkways on Town Green West connecting Town Green East to the recently completed Fishermen's Wharf upgrades.
- A successful Access Audit conducted at the new Port Macquarie Airport.

Options

Council may choose to seek additional information regarding the implementation of the Disability Inclusion Action Plan 2017-2021 or adopt the recommendation to note the report.

Community Engagement and Internal Consultation

The DIAP implementation involved collaboration between the Hastings Working Group and a wide range of Council staff, including the following teams - Community, Infrastructure Planning, Recreation, Property and Building Services, Communications, Glasshouse, Library Services and Customer Service.

Planning and Policy Implications

This activity is consistent with the NSW Disability Inclusion Act 2014 and Council's 2017-2021 Delivery Program 2.3.1.1 *Implement the Disability Inclusion Action Plan and inclusive programs.*

Financial and Economic Implications

This year, Council had approximately \$80,000 allocated for Disabled Access projects within the LGA, as adopted through the Operational Plan.

For the 2020/2021 Financial Year, the below projects had been identified through the Disability Inclusion Action Plan and Council staff priorities to receive funds:

- \$20,000 Blackbutt Park - accessible toilet upgrade
- \$20,000 Port Macquarie Senior Citizens Hall - accessible toilet upgrade
- \$20,000 Port Macquarie Olympic Pool - accessible lift & wheelchair for 50-metre pool
- \$8,000 Mrs York's Garden - 2 x accessible car parks
- \$8,000 Lighthouse Beach - 4 x accessible car parks.

Attachments

1.  Annual Report Disability Inclusion Action Plan Year 4

Item: 10.02

Subject: PLAN OF MANAGEMENT FOR COUNCIL MANAGED COMMUNITY
CROWN RESERVES

Presented by: Community, Planning and Environment, Melissa Watkins

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, in accordance with Sections 38, 39,40 and 40A of the *Local Government Act 1993*:

1. Receive and note the draft Council Managed Crown Land Plan of Management.
2. Forward the draft Council Managed Crown Land Plan of Management to the land owner, Crown Lands (NSW Department of Planning, Industry and Environment), seeking endorsement to proceed to public exhibition of the draft Plan of Management.
3. Delegate authority to the Director Community, Planning and Environment to revise the draft Council Managed Crown Land Plan of Management in accordance with any direction received from Crown Lands, prior to placing on public exhibition for a minimum period of 28 days and inviting the public to make submissions over a period of 42 days.
4. Bring the final version of the Council Managed Crown Land Plan of Management to a future Council meeting for consideration and adoption.

Executive Summary

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils appointed to manage dedicated or reserved Crown land (Council Crown Land Managers) to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). Under the LG Act a Plan of Management (POM) must be adopted by Council for all community land.

The purpose of this report is to request Council endorsement for the draft Council Managed Crown Land Plan of Management (**Attachment 1**) to be submitted to Crown Lands (Department of Planning, Industry and Environment) (the Department) in accordance with legislative requirements, and subject to any amendments directed by the Department, to place the draft POM on public exhibition.

Council has received confirmation from Crown Lands that 71 reserves are to be classified as community land and are to be included in the POM. Crown Lands also confirmed that 14 reserves are to be classified as operational land and are not required to be included in the POM. There are also 61 Crown reserves which

have been devolved to Council to manage and are not required to be included in the POM. This is a total of 146 Crown reserves which Council manages in total.

Discussion

A Plan of Management (POM) is a statutory instrument that provides strategic planning and governance for the management and use of land.

POMs set out objectives and performance targets for community land and provide for active land management and use, including the requirements for the issuing of tenures over the land. POMs for Crown reserves typically provide significant information about the reserves.

Under amendments to the Crown land management system in 2018, councils in NSW have responsibility to manage some areas of Crown land, generally in the same way that they manage their own community land under the *Local Government Act 1993*. The draft PMHC Council Managed Crown Land POM applies to all Council managed Crown land that has been classified as "Community" land within the Port Macquarie-Hastings local government area.

Whilst remaining as Crown land reserves, the *Crown Land Management Act 2016* establishes the process to facilitate the land essentially being managed by Council as if it were Council's land. This means that the Crown land reserves are being classified and categorised for the first time. All land that is classified as "Community" land requires a POM to guide future use and management of the land to ensure that Crown land is lawfully used and occupied, which is an essential part of Council's role as the manager of the Crown land.

The POM addresses the history of the subject lands, its current development and uses and establishes directions for future management and use of these important public resources to meet the diverse needs of the community. The POM also authorises Council to renew and enter into future leases and licences over the subject lands, where certain conditions can be met.

Since the *Crown Land Management Act 2016* (CLM Act) came into effect in 2018, Council has been working through a series of stages for developing a POM for the Council Managed Crown Land Reserves. Figure 1 below details the legislative stages of this process.

Figure 1: Legislative stages to the management of Council Managed Crown Land

Stage 1 – Legislation

The CLM Act came into effect on 1 July 2018 and amended the way in which councils manage the Crown lands of which they were previously (in most cases) appointed as Trust Manager. The CLM Act does not require Council to develop a POM for those Crown Reserves that have been devolved to Council as these are managed with less autonomy under the CLM Act. Many of the devolved reserves include the cemeteries in the local government area and have typically been managed by Council for many years within a POM.

Stage 2 – Classification

Section 25 of the *Local Government Act 1993* stipulates that all public land must be classified. There are two classifications as set out at Section 26; 'Community' and 'Operational'. Classification as 'Community' land reflects the importance of the land to the community and is land intended for public access and use, or obligation to maintain public access.

'Community' land cannot be sold, leased, licenced or have any other estate granted for more than 30 years and must have a POM adopted for its management. 'Community' land must also have a category assigned that most closely aligns with the purpose(s) for which the Crown land was reserved and preserves and facilitates the ongoing use of the land.

Council has received initial approval from Crown Lands to classify 71 reserves as 'Community' land and 14 reserves as 'Operational' land.

Stage 3 – Plan of Management

Land classified as 'Community' is then guided by a site specific or generic POM, describing the land and associated management processes.

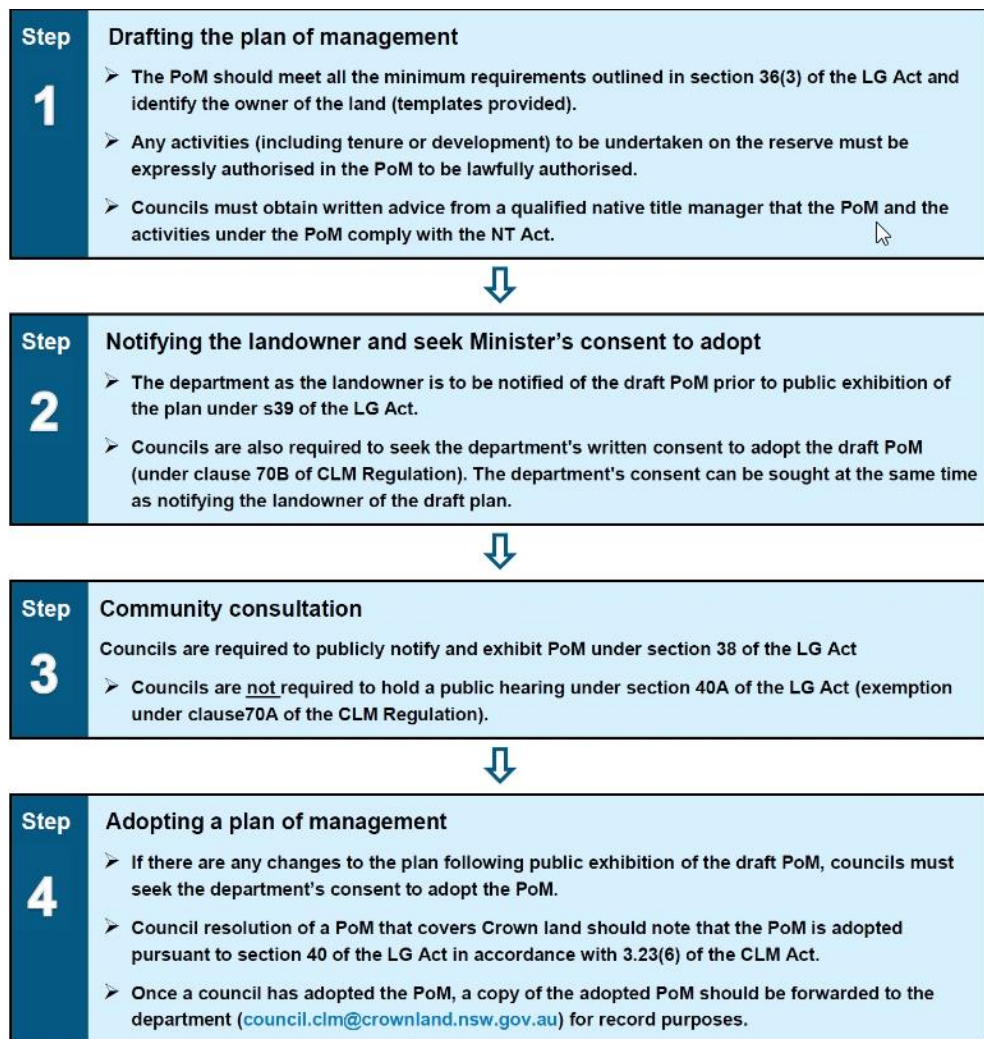
In late 2020 Council engaged Locale Consulting to develop a generic POM for all PMHC Managed Crown Land. The draft POM is attached to this report (**Attachment 1**) for Council's consideration and endorsement for submission to Crown Lands at the Department of Planning, Industry and Environment, and then public exhibition, in accordance with legislative requirements.

Figure 2 below provides a pictorial overview of the POM adoption process. The light blue box indicates where PMHC is currently positioned in relation to the adoption of the POM process.

Overall, the attached POM allows Council to meet the legislative obligations for the management of Crown reserves where Council is the appointed Crown Land Manager, and which is classified as "Community" land.

Figure 2: Overview of the POM adoption process

Council has completed Step 1 of the process below and this report seeks Council endorsement to move to Step 2.



Stage 4 - Categorisation

'Community' land is required to be further 'categorised' in accordance with the LG Act. These categories must also be aligned to the Crown land reserve "purpose/s" that give direction to how this land may be used. The initial categorisation of the land has been received from Crown land and the POM reflects these directions with the exception of the Kendall Recreation Reserve, which is intended to change use from a sporting (tennis) facility to a community open space during the life of the POM, and Kooloonbung Creek Nature Reserve which is a linear park area along Kooloonbung Creek near the Port Macquarie CBD.

The *Crown Land Management Amendment (Plan of Management) Regulation 2021*, effective from 4 June 2021, provides an exemption from the requirement of the CLM Act for Council to adopt the POM prior to 30 June 2021, which was the original deadline for adoption. Under the same amending Regulation Council does not have to hold a public hearing as would typically be required under s40A of the LG Act and as previously required under the CLM Act.

Native Title Assessment

Before the POM is provided to the Department it must be reviewed by a Native Title Manager and the outcome of that review must accompany the POM on submission. This review has been undertaken by a specialist consultant, Lands Advisory Services and forms Appendix B of the POM.

Options

Council can either endorse the draft Council Managed Crown Land POM or request amendments to the draft, prior to its submission to Crown Lands for endorsement.

Community Engagement and Internal Consultation

The POM has drawn upon all previously consulted and adopted Council documents including the Community Strategic Plan, Operational Plan, Delivery Program, and Community Plans, Masterplans, Strategic Plans etc. All of these documents have been drafted, and placed on exhibition following extensive consultation with the community and relevant parties and then formally adopted by Council.

The POM does mention known future projects and strategies currently in development and should be considered in conjunction with the POM.

A key part of the process in developing this POM was recognising the input and ongoing conversations Council has with the community regarding public land in recent times. In particular, this included extensive consultation undertaken in the recent adoption of the 14 Community Plans for the local areas in the LGA.

A large range of existing PMHC plans and strategies have been used to inform the directions for the specific reserves in the POM including:

- Toward 2030 - Community Strategic Plan
- 14 Local Community Plans

Other adopted plans and strategies relevant to the Plan of Management include:

General strategies:

- Port Macquarie Regional City Action Plan
- Shaping our Future 2040 - Local Strategic Planning Statement 2020
- Economic Development Strategy 2017-2021
- Cultural Plan 2021-2025
- Events Plan 2019-2024
- Community Participation Plan 2019
- Destination Management Plan 2020-2024
- Disability Inclusion Action Plan 2017-2021
- Port Macquarie-Hastings Pedestrian Access and Mobility Plan 2015
- Resourcing Strategy (including Long Term Financial Plan, Workforce Management Strategy and Asset Management Strategy and associated Plans)

Sporting and community facility strategies:

- Recreation Action Plan 2020-2025
- Bike Plan 2015
- Pedestrian, Access and Mobility Plan for Beechwood, Comboyne, Long Flat, North Shore and Telegraph Point 2017
- Open Spaces Contributions Plan 2018
- Laurieton Sports Complex Master Plan 2019

Locality specific plans and strategies:

- Town Centre Master Plan 2014
- Bain Park Master Plan 2021
- Coastal Walk Master Plan 2017
- Lake Cathie Foreshore Reserve Master Plan 2018
- Mrs Yorks Garden Master Plan 2019
- Bruce Porter Reserve Master Plan
- Kendall Main Street Master Plan 2017
- Westport Park Plan of Management (DPIE) 2012

Environment and sustainability plans:

- Long Term Energy Strategy 2017
- Koala Recovery Strategy 2018
- North Coast Strategic Weed Management Plan 2017
- Council's Bushland Matrix (unpublished)
- Dredging Strategy 2007
- Lake Cathie Coastal Zone Management Plan 2016
- Town Beach Coastal Zone Management Plan 2006
- Kooloonbung Creek Flying-fox Camp Management Plan 2019

Engagement has also been undertaken with other areas of Council responsible for managing community land such as Parks and Recreation and Natural Resources.

Planning and Policy Implications

The attached POM has been prepared in accordance with relevant legislation, primarily relating to the CLM Act 2016 and the LG Act 1993. These Acts provide

the core framework to enable the future management and improvement of the 'Community' land to which this POM applies.

A range of other legislation also applies to the management of public land. Application of these will typically depend on the activities or uses being undertaken, and the attributes of the land - for example, the presence of native vegetation or proposed use. Legislation that is typically relevant to the land management process includes:

- *Environmental Planning & Assessment Act 1979* and the Environmental Planning
- Instruments (EPIs) that it enables including:
 - *Port Macquarie-Hastings Local Strategic Planning Statement 2020*
 - *Port Macquarie-Hastings Local Environmental Plan (LEP) 2011*
 - *Port Macquarie-Hastings Development Control Plan (DCP) 2013*
 - relevant State Environmental Planning Policies (SEPPs), including *SEPP (Infrastructure) 2007* and *SEPP (Exempt and Complying Development Codes) 2008*
- *Biodiversity Conservation Act 2016*
- *Rural Fires Act 1997* – Council may be required to manage vegetation within reserves via means of mechanical control and/or hazard reduction burns for the purpose of satisfying bush fire mitigation responsibilities and preventing bushfires governed by Section 63 of the *Rural Fires Act 1997*
- *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)*.

Following adoption, it is recommended that the POM be reviewed every 2 years to ensure it remains current in capturing the current uses and improvements on the reserves included in the POM according to all the current PMHC strategic plans.

Financial and Economic Implications

The costs associated with the development of the POM have been included in the 2020-21 and 2021-2022 budgets.

Council received \$56,000 in funding from the Office of Local Government towards the cost of preparing the POM.

As the POM does not propose any future development that has not already been adopted by Council there are no financial and economic implications in relation to the endorsement of the POM.

Attachments

1.  Plan of Management for Council Managed Community Crown Reserves

3 Your Business and Industry

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

Item: 11.01

Subject: UPDATE ON IMPACTS OF COVID-19 ON THE PORT MACQUARIE-HASTINGS ECONOMY

Presented by: Community, Planning and Environment, Melissa Watkins

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 analysis provided in the report.**
2. **Note the broad based impacts COVID-19 has had on the local economy and acknowledge a continued focus will be required from Council and other levels of government to support recovery.**

Executive Summary

COVID-19 has caused challenges for regional economies everywhere. The impacts on the Port Macquarie-Hastings economy have varied somewhat with some sectors bearing the full range of impacts while others have found unexpected opportunity.

Overall, the local economy's diversity has been a strength and the State and Commonwealth government supports coupled with Council's own hardship relief measures have supported economic performance during the pandemic period to date.

Key economic indicators including output, value add, employment by job count and wages and salaries have recorded a small degree of growth since the pandemic first impacted the region (March 2020).

Vulnerable industries that rely on international/domestic travel, footfall traffic and face to face/physical service settings have been largely impacted. These are anticipated to have weakened results until all travel restrictions are lifted.

Discussion

COVID-19 has challenged regional economies everywhere. The Port Macquarie-Hastings region (PMH) has performed relatively well against the shocks of the pandemic, particularly in light of the preceding bushfire impacts and devastating flood event that punctuated the recovery efforts of many businesses this year.

Encouraging phases of recovery and growth during 2020 to mid-2021 have served to support the broader economy through the border closures and protracted lockdowns experienced in the second half of this year. Vulnerable sectors such as tourism,

retail and hospitality however, are showing impacts in the September quarter and remain likely to have weak results up until the 1 December roadmap milestone when all intrastate travel restrictions lift.

A simple timeline of the COVID-19 pandemic in Australia shows:

2020

- 14 March - Australia records its 100th case of COVID-19
- 20 March - our nation's borders close to non-residents
- 22 March - shutdown of non-essential services begin and schools begin to close
- 21 - 29 March - social distancing and additional shutdowns/restrictions introduced
- 30 March - Job Keeper and Job Seeker supplement announced
- Early May - Job Keeper payments commence - planned end date: 30 September
- 8 May - social distancing and business restrictions begin to ease
- June - Job Maker Package announced
- 1 October - Job Keeper extension phase begins
- 7 October - Job Maker Hiring Credit Scheme begins (ends 6 October 2021)

2021

- 15 February - vaccine rollout commences (frontline workers)
- 28 March - Job Keeper extension phase ends
- 26 June - Greater Sydney lockdowns commence
- 26 July - Job Saver Program begins & COVID-19 Disaster Payment available

General Impact on our Local Economy

Overall, there has been a small degree of growth across key indicators since the pandemic first impacted the region (March 2020). Recovery has taken two quarters, however the indicators identified in the table below are all now ahead.

Economic Indicator	Prior to COVID <March 2020	April 2020	December 2020	March 2021	June 2021
Output	\$795.395m	\$756.844m (-4.8%)	\$792.642m (-0.3%)	\$801.395m (+0.8%)	\$804.372m (+1.1%)
Value Added	\$386.086m	\$357.470m (-7.4%)	\$384.746m (-0.3%)	\$391.841m (1.5%)	\$394.269m (2.1%)
Employment by Job Count	29,368	28,340 (-3.5%)	29,169 (-0.7%)	29,367 (0%)	29,415 (+0.2%)
Wages & Salaries	\$195.630m	\$189.894m (-2.9%)	\$194.788m (-0.4%)	\$195.985m (+0.2%)	\$196.136m (+0.3%)

1. Source: REMPLAN [COVID 19 Impact Explorer](#)

Vulnerable Industries

Public health driven lockdowns and social distancing policies have had greatest impact on sectors that rely on international/domestic travel, footfall traffic and face to face/physical service settings.

- 13.75% (3,678) of total PMH businesses are in these most vulnerable industries: Accommodation and Food Services (809 businesses), Arts and Recreation Services (831), Retail (1,532) and Personal Services including Hair and Beauty Services (506).

The June quarter 2021 showed positive improvement for North Coast accommodation operators compared to the same quarter in 2020, however North Coast Destination Survey results (September 2021) indicate this recovery has been challenged by the lockdowns, border closures and travel restrictions activated in late June 2021.

- 107 out of 122 (88%) survey respondents across Mid North Coast reported a loss of regular turnover of between 61 - 100% due to lockdown and travel restrictions/border closures
- 46 out 122 (37.70%) survey respondents across Mid North Coast reported a drop in regular staffing levels of between 61 - 100% due to lockdown and travel restrictions/border closures

Looking at Tourism Research Australia data we can see that visitation to the region declined dramatically in the April - June quarter 2020 with -66% based on the same quarter in the previous year (2019). Ongoing reductions in visitation of between -20% and -30% continued each quarter until the April - June quarter 2021 which saw a significant uplift of 182%. This illustrates the challenges facing tourism businesses managing staffing requirements overlaid by impacts to cash flow from COVID-19 capacity restrictions.

Local Workforce

The **Job Keeper Payment Scheme** has been widely credited with retaining workforces in most sectors. To be eligible, businesses were required to show a decline in revenue of at least 30%.

- At its peak, around 45.3% of all PMH businesses applied for Job Keeper.
- In the final three month period of the Scheme, local application rates hovered at around 12% per month.

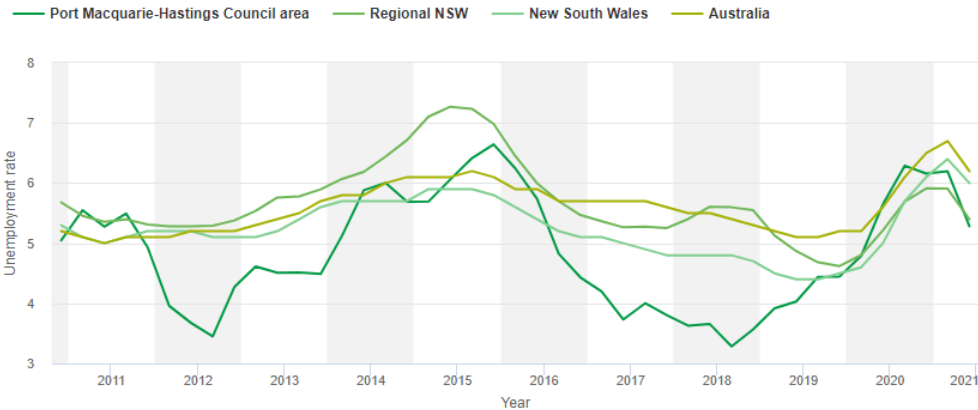
Local **Unemployment and Job Seeker/Youth Allowance recipient rates** in the PMH LGA indicate the expected aggregate impact on unemployment that was predicted once the Job Keeper Scheme was withdrawn on 28 March 2021 did largely not occur.

- PMH LGA unemployment rates peaked early in the pandemic period at 6.3% (September 2020 quarter) up from 4.8% (March 2020 quarter). Rates then fell to 6.2% (March 2021 quarter) before declining further to 5.3% (June 2021 - quarter immediately following the end of Job Keeper Scheme).

- Job Seeker and Youth Allowance recipient numbers (as a % of the region's available labour force) rose from 7.9% (March 2020) to peak at 12.7% (June 2020) before declining and remaining at around 9% from June 2021.

Quarterly unemployment rate

export

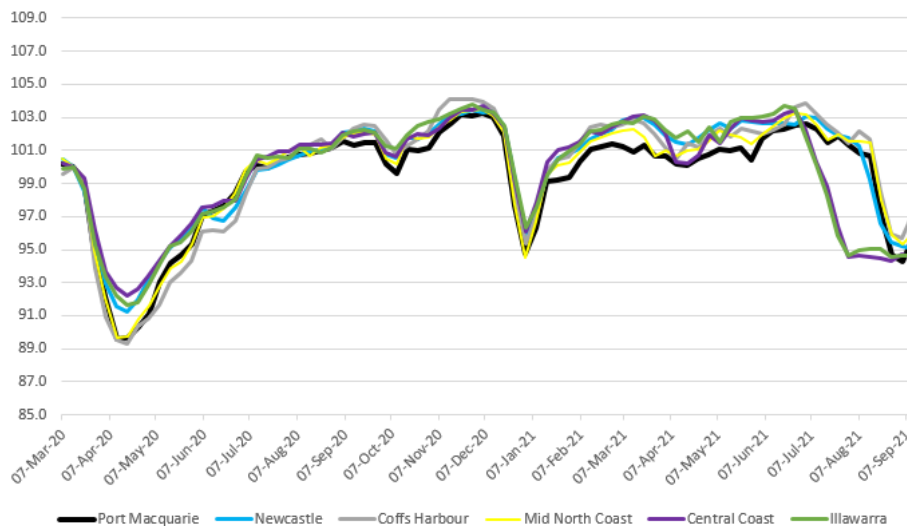


Source: Australian Bureau of Statistics, Labour force survey catalogue number 6202.0, and Department of Employment, Small Area Labour Markets. Compiled and presented in economy.id by .id (informed decisions).

.id informed decisions

The Payroll Jobs Index indicates a decline in jobs during August 2021 however these were trending upwards again during the early part of September 2021 and are still well above the significant decline experienced during the early part of the pandemic.

Payroll Jobs Index
March 2020 to September 2021



The Internet Vacancy Index (IVI) data indicates recruitment activity in the broader NSW North Coast region has declined slightly in September, but overall remains above pre-pandemic levels. The IVI is based on a count of online job advertisements newly lodged on SEEK, CareerOne and Australian JobSearch during the month.

Despite impacts on job numbers, local sectors including aged and disability care, hospitality, retail, construction trades, manufacturing and agriculture are indicating ongoing labour and skill needs. Easing of restrictions and the AgVisa scheme is anticipated to contribute to labour supply as workforce mobility improves.

Local Business Community

Business count in the PMH LGA has remained positive during the pandemic with Construction and Health and Social Services showing the strongest growth in new business counts. Commercial property vacancies have steadily trended downward since September 2020 and currently sitting at their lowest rate since the beginning of COVID confirming new business and growth is occurring.

Change in registered businesses by industry, 2018 to 2020
Port Macquarie-Hastings Council area - Total registered businesses



Australian Bureau of Statistics, Counts of Australian Businesses, including Entries and Exits, 2016 to 2020

id informed decisions

Remote Working

Remote working has proven to be a universal phenomenon of COVID-19 and one that offers benefit for the local economy via its ability to diversify the workforce and attract skills, knowledge and networks previously not available through physically constrained and centralised workforces. PMHC's Co-working facility at CSU will re-open shortly to support remote workers and new registrations are anticipated from workers and business owners who have relocated to the region during the pandemic.

Conclusion

There is no doubt the impacts of COVID-19 have varied across the local economy with some industry sectors bearing the full range of adverse effects, while others have found opportunity. The economy's diversity however coupled with State and Commonwealth supports and Council's own relief projects and hardship support

measures should be acknowledged for the role played in economic performance during the pandemic period to date.

Options

Council may note the report or choose to ask for further information.

Community Engagement and Internal ConsultationCommunity Engagement

N/A

Internal Consultation

Economic and Cultural Development Group

Planning and Policy Implications

There are no planning or policy implications arising from this report specifically, although it is acknowledged that current and future Council policy can impact on local economic performance.

Financial and Economic Implications

This report has no direct financial implications for Council. As noted above, the impact of COVID-19 has challenged key industries in the Port Macquarie-Hastings region throughout the last 18 months. The 2021 Port Macquarie-Hastings Business Confidence Survey - which concludes on 31 October - will provide a high level of detail on current and anticipated business conditions throughout the region. Nevertheless, it will continue to be important that efforts continue under the future Economic Development Strategy to support the region's recovery.

Attachments

Nil

4 Your Natural and Built Environment

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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



Item: 12.01

**Subject: NOTICE OF MOTION - HOUSTON MITCHELL DRIVE AND PACIFIC
HIGHWAY INTERSECTION - NEED FOR OVERPASS**

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

RECOMMENDATION

That Council:

- 1. Note the submission received by the Bonny Hills Progress Association Inc, as attached to the report.**
- 2. Note temporary safety upgrades currently being undertaken by the State Government at the Houston Mitchell Drive and Pacific Highway intersection.**
- 3. Note the recent decision of the Federal Government to fund an overpass at the intersection of Harrington Road and the Pacific Highway.**
- 4. Note GHD 2018 report identifying an overpass would be required by 2026.**
- 5. Note PMHC Urban Growth Management Strategy 2017-2036 reference to population growth (page 17).**
- 6. Note PMHC Draft Local Housing Strategy 2021-2041.**
- 7. Request the Chief Executive Officer again write to the Member for Port Macquarie, the Hon Leslie Williams MP and the Deputy Premier, the Hon Paul Toole MP requesting a funding commitment be made for the designs for the Houston Mitchell Drive and Pacific Highway overpass and include the submission of the Bonny Hills Progress Association Inc.**
- 8. Request the Chief Executive Officer write to the Federal Member for Lyne, the Hon Dr David Gillespie MP advising of the request to the State Government for funding for designs for an overpass for Houston Mitchell Drive and Pacific Highway and include the submission of the Bonny Hills Progress Association Inc.**
- 9. Request the Chief Executive Officer to report back to Council at the 2022 February Ordinary Council Meeting on the responses received from the State and Federal Governments.**

Comments by Mayor (if provided)

Attached to this Notice of Motion, is a submission received from the Bonny Hills Progress Association on the Houston Mitchell Drive/Pacific Highway intersection identifying the need for an overpass to be constructed at this location.

Attachments

- 1.  Submission - Bonny Hills Progress Association Request for Overpass - Houston Mitchell Drive and Pacific Highway Intersection**

Item: 12.02

Subject: RAWDON ISLAND BRIDGE UPDATE

Presented by: Community Infrastructure, Dan Bylsma

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information provided in the Rawdon Island Bridge Update 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.

A detailed works tender submission has been received from the identified contractor, Duratec Ltd, for a detailed design and construction contract to undertake the required repair works. At the time of writing this report Council is currently negotiating the finer detail of the contract in order to allow works to commence on 2 November 2021. The contractor has commenced site establishment on 19 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:

12.03 RAWDON ISLAND BRIDGE UPDATE

RESOLVED: Intemann/Alley

That Council:

1. *Note the current status of the Rawdon Island Bridge, and the absolute reliance of the local community on the bridge access.*

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

CARRIED: 6/0

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

AGAINST: Nil

This report is 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.

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

- Emergency solutions - Access for heavy vehicles to the island via barge is continuing.
- Short-term solutions - Structural analysis of the bridge to determine if the weight limit could be increased to allow medium vehicles, being up to 22.5 tonne, has been completed. Unfortunately, the analysis determined that the required factor of safety could not be achieved for 22.5 tonne vehicles due to the extent of damage on pier 4 and the unknown concrete material strength properties from the chemical degradation. Further analysis will be undertaken to analysis a 15 tonne vehicle.
- Medium-term solutions - The timeline for bridge repairs remains on track for works to commence on 2 November 2021. Environmental approval was given on 18 October 2021 and the contractor started site establishment on 19 October 2021. The currently project schedule has completion of the key repairs to piers 3 and 4 by 17 December 2021, prior to the Christmas shutdown period. Due to the extent of work, construction activities will stretch into 2022 with all works completed at the beginning of June 2023.

Options

Council has the option to:

1. Note the information provided
2. Request additional information

Community Engagement and Internal Consultation

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

Internal consultation has occurred with the following staff:

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

Planning and Policy Implications

There are 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 the repair works required to restored access.

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

Attachments

Nil

Item: 12.03

Subject: MANAGEMENT OF RECYCLED WATER

Presented by: Community Utilities, Jeffery Sharp

Alignment with Delivery Program

4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region.

RECOMMENDATION

That Council note the information provided in the Management of Recycled Water report.

Executive Summary

Council is introducing a Recycled Water Scheme in the Bonny Hills and Thrumster areas to reduce the impact on drinking water supplies. Upgrades are underway on both Schemes.

Discussion

At the 15 September 2021 Ordinary Council Meeting, Council resolved:

12.02 NOTICE OF MOTION - WASTEWATER TREATMENT PROCESSES

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

This report response to point 2.

The Bonny Hills Wastewater Treatment Plant is currently being upgraded to provide recycled water to new development areas within Bonny Hills. The upgrade includes the addition of UV disinfection and chlorination to ensure we are providing the best quality recycled water for residents. Work is currently on schedule to be completed by the end of November 2021.

These upgrades to the Plant will also be used to treat effluent to a higher quality prior to discharge to the effluent seepage trench at Duchess Creek.

Once the upgrades are completed, a number of approvals are required to allow recycled water to be provided to residents. This includes:

- Verification and validation of the water quality and treatment processes to ensure NSW Health requirements are met
- A program of checking the piped network, both public and private, to ensure there are no cross connections between the drinking and recycled water networks.
- An Independent IPART audit of the Recycled Water Scheme quality and risk management processes, the operations and Plant performance.
- Application for Section 60 approval from the Department of Primary Industries.

It is expected that Council will begin providing recycled water to the Bonny Hills growth areas by the end of February 2022.

Once approved and operational, there will be ongoing audits of both the infrastructure and of the properties receiving recycled water to ensure that no cross connections are created in the future. These will be conducted by Council and reported through to the Department of Primary Industries.

A recycled water reservoir is being constructed at Thrumster to supply new developments in the Sovereign Hills and Thrumster areas. Similar approvals to those for the Bonny Hills Recycled Water Scheme, identified above, will be required to commission the Thrumster Recycled Water Scheme.

Commercial use for the current Port Macquarie Recycled Water Scheme is increasing, as many business and organisations start to utilise recycled water for irrigation, vehicle washing, laundry and toilet flushing uses. Users must be registered with Council and have a Recycled Water Site Management Plan approved to outline the type and amount of water used, in accordance with Department of Primary Industries requirements.

At this stage, there are no required upgrades or changes required for Port Macquarie Recycled Water to provide the new reservoir with water, though a capacity increase may be considered in the future if there is a strong uptake of recycled water by the community.

The use and expansion of the recycled water network continues to help reduce the pressure on drinking water supplies and the amount of effluent needing to be disposed of, as well as keeping parks and other open community spaces green.

Options

Nil.

Community Engagement and Internal Consultation

Nil.

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

Nil

Item: 12.04

Subject: NORTH BROTHER LOCAL CATCHMENTS FLOOD STUDY - DRAFT
FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN - POST
EXHIBITION

Presented by: Community Infrastructure, Dan Bylsma

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the feedback received from the community on the North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan during the public exhibition period.**
- 2. Thank all those residents and landowners who made submissions during the recent public exhibition period.**
- 3. Endorse the Draft Floodplain Risk Management Study and Plan subject to the amendments listed in the report.**
- 4. Request the Chief Executive Officer consider funding opportunities for implementation of the North Brother Local Catchments Floodplain Risk Management Plan through development of future Operational Plans and relevant State and Federal government grant programs.**

Executive Summary

The purpose of this report is to detail the outcomes of the recent public exhibition period for the North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan (FRMSP).

The Draft Floodplain Risk Management Study and Plan was publicly exhibited from Monday 23 August until 19 September, 2021. During this period 128 submissions were received, with a breakdown of the submissions included in the body of the report.

Submissions were generally supportive of the proposed structural and non-structural mitigation measures proposed, however a number of amendments are sought to the final Study and Plan in response to concerns regarding the use of the word "flood", and a further addition is proposed in response to internal consultation regarding an ongoing Council design and investigation at Black Swan Terrace, West Haven.

In this regard to the former, numerous submissions and discussions with residents raised concern with the terminology utilised in the plan - specifically, the community is concerned that the use of the term 'flood' in the document, mapping, future

planning policy amendments and development controls would have negative impacts with regard to insurance prices and land value.

Preliminary research indicates that the kind of flooding/inundation experienced in the catchment as a result of stormwater overland flows from the North Brother Mountain would likely not meet the definition of flood utilised by insurers, however Council has listened to the community and propose to undertake the following nomenclature changes:

- The future policy relating to flows identified by the Floodplain Risk Management Study and Plan (and associated LEP amendments) will be called a “*Stormwater Management Policy*”, with flows referred to as “Stormwater Overland Flows” (as opposed to Flood),
- The Provisional Flood Planning Area (FPA) mapping produced by the Floodplain Risk Management Study and Plan will be changed to Stormwater Overland Flow Planning Area (SOFPA),
- Other mapping referred to by the future Stormwater Management Policy will also be named as such.

The second key change proposed to the draft Floodplain Risk Management Study and Plan as attached (attachment 1) is to add a fifth structural mitigation option to the plan as a means of allowing Council to seek State and Federal Funding under the NSW Floodplain Management Scheme to assist with the completion of stormwater mitigation works at Black Swan Terrace, West Haven.

In this regard, Council Transport and Stormwater Planning staff have been working for a number of years on an upgrade design to address the high priority, high risk existing overland flooding issues impacting Black Swan Terrace, West Haven. This project commenced prior to the commencement of the North Brother Local Catchments Flood Study project and whilst the Flood Study defined and assessed the risks associated with flooding at this priority location, structural mitigation measures at this location were omitted from the options development process, assessment and resultant Floodplain Risk Management Plan on the basis that a project was already underway. Recent design amendments have seen the scope of works required at this location increase substantially, and project timelines for design completion push out to the current financial year. On the grounds that the location is identified as a high risk location within the Flood Study phase, and is Council’s top priority for the catchment from an ongoing risk perspective, it is recommended that the Floodplain Risk Management Plan be updated to include Structural improvements at Black Swan Terrace as currently proposed by Council.

Detailed consideration of the submissions received and additional measure proposed by Council Staff is included later in this report.

Discussion

Following the adoption of the North Brother Local Catchments Flood Study by Council at the 17 July 2019 Ordinary Council Meeting, Council entered Phase 2 of this ongoing project to complete the Floodplain Risk Management Study (FRMS) and the Floodplain Risk Management Plan (FRMP).

The North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan (FRMSP) formally identifies, assess and evaluates management options to address the risks identified by the *North Brother Local Catchments Flood Study*.

The FRMSP ultimately aims to adopt a plan of management for those flood risks based on rigorous options assessment and prioritisation. Building on the *Working Draft Options Report 2020*, the FRMSP defines and assesses a range of both structural and non-structural flood risk management measures for suitability.

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

**13.02 RECOMMENDED ITEM FROM COAST ESTUARY AND FLOODPLAIN
ADVISORY SUB COMMITTEE - NORTH BROTHER LOCAL
CATCHMENTS FLOOD STUDY - DRAFT FLOODPLAIN RISK
MANAGEMENT STUDY AND PLAN (FRMSP)**

RESOLVED: Pinson/Intemann

That Council:

- 1. Place the North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan on public exhibition for a period not less than 28 days.*
- 2. Receive a further report detailing the submissions received from the public during the exhibition period at a future Ordinary Council Meeting post engagement.*
- 3. Noting the current community recovery from the recent March flood event postpone any engagement until September 2021.*

CARRIED: 6/0

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

AGAINST: Nil

The North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan (FRMSP) was public exhibited from Monday 23 August until 19 September, 2021. During this period, 128 submissions were received. The following outlines the Community Engagement and Internal Consultation undertaken and the outcomes of those processes.

Community Engagement and Internal Consultation

Key stakeholder groups and the broader community were invited to participate in a variety of engagement methods during the period 23 August until 19 September, 2021.

The Draft North Brother Floodplain Risk Management Study and Plan (FRMSP) was last considered at the Ordinary Council Meeting held on 21 April 2021 where it was resolved to place the Draft FRMSP on public exhibition for 28 days. The date of exhibition was delayed at that time due to the ongoing clean-up from the March 2021 floods occurring in the study area catchment at the time.

The public exhibition period is a formal process undertaken prior to finalisation of the FRMSP and subsequent recommendation for adoption. During this period, the Council's Transport and Stormwater Planning Team and Community Engagement team undertook the following activities to promote the public exhibition period and encourage the community to have their say:

- Have Your Say project page (<https://haveyoursay.pmhc.nsw.gov.au/north-brother-flood-study-and-plan>)
- Media release
- Social media posts
- Targeted email campaign to stakeholders who have been previously involved in prior stages of the project plus the Camden Haven Chamber of Commerce,
- Letterbox drop to all residents and landowners in the study area (2,918 letters in total).

In addition to the above, the Have Your Say Page, email correspondence and letters also invited landowners and residents to attend an online Zoom Meeting held on Wednesday 8 September, 5:30pm - 7.00pm. At this meeting, Council's consultant, Jacobs Pty Ltd undertook a presentation on the project and FRMSP and answered community questions. 22 residents registered and attended this meeting, with a copy of the Consultant Presentation attached for reference as Attachment 3.

In order to promote discussion and interest in the project and invite feedback on the various measures proposed, the key stakeholder groups and broader community were provided with survey seeking feedback on the draft FRMSP. The survey was provided in both hard copy (as attached) and online via the Have Your Say website. A copy of the hard copy survey is attached as Attachment 4.

A total of 128 pieces of feedback were received. Submissions received during the public exhibition period were generally very supportive of the proposal, however concern was raised about the potential impact of the non-structural mitigation options proposed on land and insurance prices.

Detailed discussion of each proposed mitigation measure as identified by the Draft FRMSP and a summary of community feedback is outlined further in this report. A copy of the verbatim comments received via the exhibition process and Council's response to each of which is included in Attachment 2:

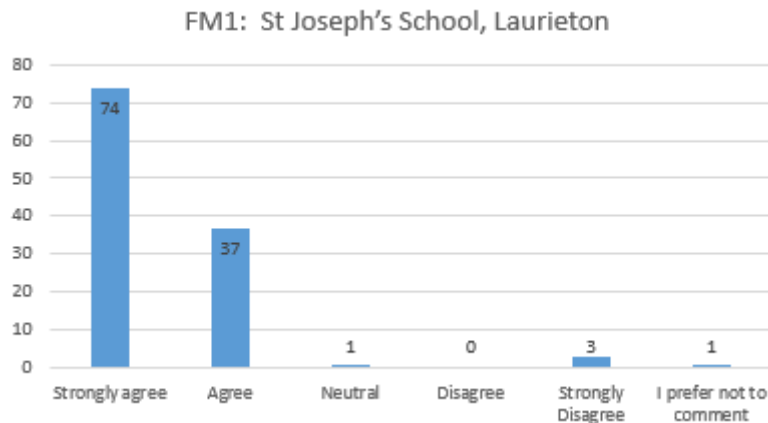
The attached Draft FRMSP document formally identifies, assess and evaluates management options to address the risks identified by the *North Brother Local Catchments Flood Study*.

The FRMSP ultimately aims to adopt a plan of management for those flood risks based on rigorous options assessment and prioritisation. Building on the *Working Draft Options Report 2020*, the FRMSP defines and assesses a range of both structural and non-structural flood risk management measures for suitability as summarised below:

Structural Mitigation Options*FM1 - St Joseph's School Laurieton*

- Install 2x 3m x 1.2m box culvert in the middle flow path, including upgrade of Ocean Street culvert crossing. Inlet rock debris trap basin required
- **High Priority**
- **\$2,781,000**

The following chart summarises the community feedback with regard to FM1 (number of submissions in each category). As can be seen, a majority of submissions (96%) either Agree or Strongly Agree with the inclusion of this measure in the Floodplain Risk Management Study and Plan.



One submission queried whether Council should be funding these works, versus the private landowner, however on the basis that the issues experienced at this location are a result of poor historic land use planning and undersized infrastructure and present a very high risk to the wider community it is not appropriate that the burden of such high cost works be placed on the private landowner. Furthermore, part funding is available for Council under the State Governments Floodplain Management Program (Subject to application/approval, however if approved funding is allocated as 1/3 Council, 1/3 State and 1/3 Federal Government). No such grant funding is available to Private Individuals/Businesses).

Furthermore, another submission queried whether this solution would be more suitable as an open drain, which is less susceptible to blockage. An open drain at this location was considered, however was discounted on land availability and safety grounds. See comments in Attachment 2 for further detail.

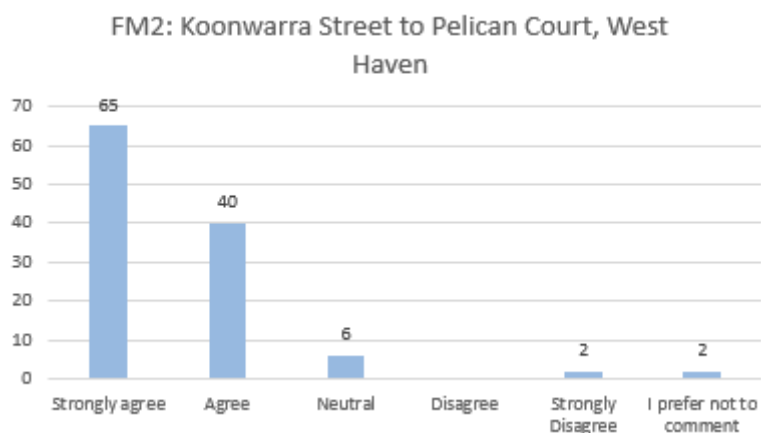
The inclusion of this item is supported.

FM2- Koonwarra Street to Pelican Court, West Haven

- Provision of 2 x 2.1m x 1.2m box culverts, intercepting flows at downstream end of channel on Captain Cook Bicentennial Drive villas, running across Ocean Drive and under The Gateway.
- Re-profile grassed verge of access road stub to increase surface outflow capacity from Pelican Court sag

- Install 2x 3m x 1.2m box culvert in the middle flow path, including upgrade of Ocean Street culvert crossing. Inlet rock debris trap basin required
- **High Priority**
- **\$2,787,000**

The following chart summarises the community feedback with regard to FM2 (number of submissions in each category). As can be seen, a majority of submissions (92%) either Agree or Strongly Agree with the inclusion of this measure in the Floodplain Risk Management Study and Plan.



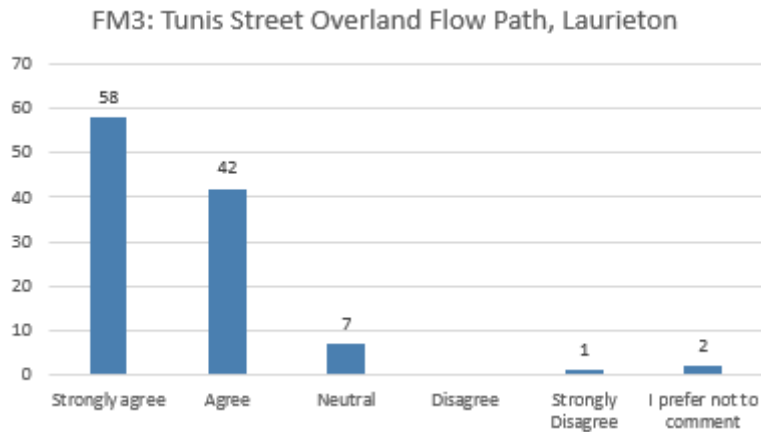
Similarly to FM1, one submission queried whether this solution would be more suitable as an open drain, which is less susceptible to blockage. Again, an open drain at this location was considered, however was discounted on land availability and safety grounds. See comments in Attachment 2 for further detail.

The inclusion of this item is supported.

FM3 - Tunis Street Overland Flow Path, Laurieton

- Increase existing diversion channel capacity behind Blackbutt Crescent properties. Widen and remove/maintain vegetation
- Construct new diversion channel behind Peach Grove properties north of Tunis Street
- Install new 3 x 1.35m trunk drainage line from the easement down Tunis Street to discharge to the river (approximately 740m in length).
- Upgrade and extend drainage in Gow Place to consist of 1.05m dia pipe. Upgrade pit inlets. Install new 900mm pipe connection from the gully to the new trunk drainage line.
- **Medium Priority**
- **\$12,043,000.**

The following chart summarises the community feedback with regard to FM3 (number of submissions in each category). As can be seen, a majority of submissions (91%) either Agree or Strongly Agree with the inclusion of this measure in the Floodplain Risk Management Study and Plan.



A number of submissions provided support for increasing the priority weighting of this solution from Medium to High. In this regard, this measure was provided a lower priority due to the high cost of works implementation (>\$12M) which resulted in a lower score being assigned following completion of a multi-criteria analysis (multi criteria analysis assesses and prioritises a projects benefits and costs from an economic, environmental and social perspective).

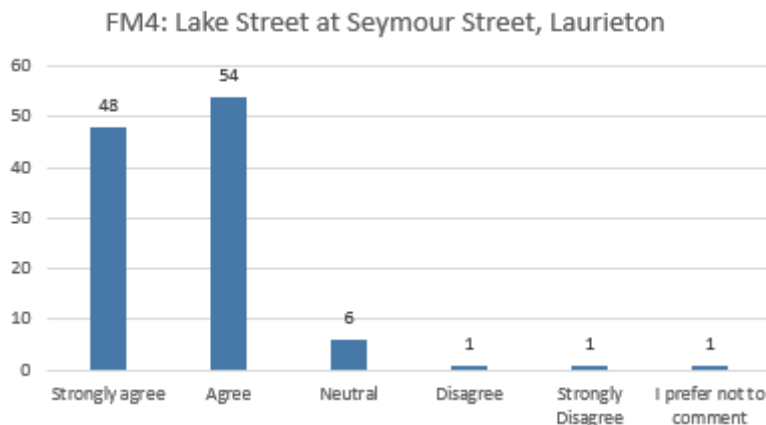
In addition, one submission queried whether this solution would be more suitable as an open drain, which is less susceptible to blockage. Again, an open drain at this location was considered, however was discounted on land availability and safety grounds. See comments in Attachment 2 for further detail.

The inclusion of this item is supported.

1. *FM4 - Lake Street at Seymour Street, Laurieton*

- Install debris control structure at existing or proposed upgraded culvert inlet
- **Medium Priority**
- **\$21,000**

The following chart summarises the community feedback with regard to FM4 (number of submissions in each category). As can be seen, a majority of submissions (92%) either Agree or Strongly Agree with the inclusion of this measure in the Floodplain Risk Management Study and Plan.



One submission queried the risks associated with blockage of the proposed inlet screen over the downstream culvert entry, and another sought a wider scope of works to better address downstream flooding.

With regard to the screen blocking, it is considered that this issue can be addressed at the detailed design stage via utilising best practice design guidelines. With regard to the need for an increase scope of works, whilst there would be a benefit to doing so, from a priority perspective, those wider works do not rate as highly as the other measures listed. It is possible that further works will be considered at this location in a future iteration of the North Brother Floodplain Risk Management Study and Plan.

The inclusion of this item is supported.

Note - The assessed structural options are described, and their modelled performance is summarised within the attached draft FRMSP report (attachment 1).

Non-Structural Mitigation Options

In an ideal world of unlimited funding and resources, structural works would be undertaken throughout the catchment to mitigate and address all stormwater overland flow related risks to the catchment - not only those locations identified as High Priority by the FRMSP, but all locations identified as a risk. This would negate the need for non-structural options to be implemented.

However due to time, budget and resource limitations, the FRMSP has identified the top four priority structural mitigation measures to address the highest risks to the community. The value of those works as described above is currently ~ \$17.6M and will take a number of years to complete (works tentatively scheduled within our forward 10 year program and subject to Grant funding).

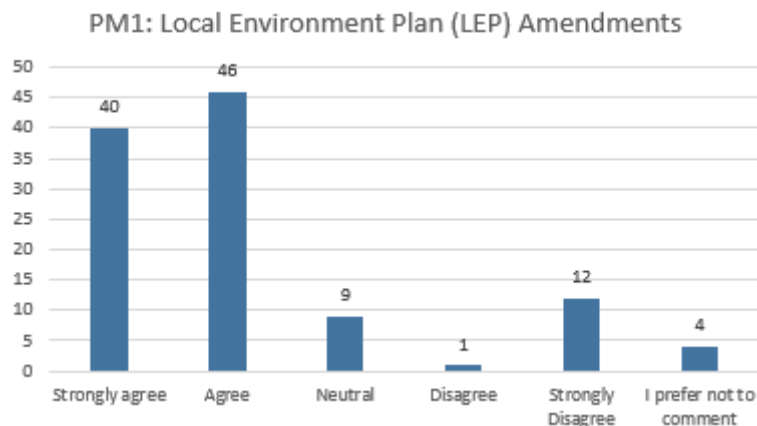
Given these realities, stormwater overland flow related risks will remain throughout the catchment until works are completed, and in those lower risk areas where no remedial works are yet proposed, the risk will remain longer term.

Whilst the Floodplain Management Process will necessitate that the Plan be reviewed and updated periodically following the completion of the listed structural mitigation measures, it would be negligent for Council to continue to allow unsuitable development, activities and works to proceed in the catchment whilst knowing of the catchment specific risks - the non-structural measures outlined below address this

legacy issue and will aim to prevent further poor land use planning and use in the catchment, exacerbating risks to the community.

2. *PM1- Local Environment Plan (LEP) Amendments*
 - Amendment of LEP 2011 to include the North Brother local catchments flood mapping on the LEP Flood Planning Map. The current flood prone land mapping and flood planning area mapping does not include this study area.
 - Further review and refinement of the Overland Flood Planning Mapping may be undertaken by Council prior to adoption and implementation.
 - The Section 10.7 certificates are recommended to provide flood information for properties such as flood levels and flood planning levels across the lot, in addition to the flood hazard and hydraulic categories present on each lot.
 - **High Priority**

The following chart summarises the community feedback with regard to PM1 (number of submissions in each category). As can be seen, a majority of submissions (77%) either Agree or Strongly Agree with the inclusion of this measure in the Floodplain Risk Management Study and Plan.



However a number of submissions did strongly disagree with this proposal on the grounds that:

- future flood mapping may increase insurance premiums and de-value properties mapped as impacted - perception that the measure shifts the cost of action from Council to the community,
- terminology - flood vs stormwater
- residents did not wish to see their property mapped as impacted by flooding

In this regard, whilst increase costs to the community may be a result of future development controls (to be developed with the future LEP amendments, Stormwater Management Policy and Flood Policy updates), it would be negligent for Council to continue to allow unsuitable development, activities and works to proceed in the catchment whilst knowing of the catchment specific risks identified at the earlier

Flood Study Phase of this project. The non-structural measures address this legacy issue and will aim to prevent further poor land use planning and use in the catchment, exacerbating risks to the community.

With regard to insurance specifically, the inundation identified by the North Brother Local Catchments Flood Study is not riverine flooding in nature and would likely not be classified as “Flood” by insurers. In this regard, we note that NRMA defines “Flood” as follows ([Flood | NRMA Insurance](#)): *Flood is the covering of normally dry land by water that has escaped or been released from the normal confines of a lake, river, creek or other natural watercourse (even if they've been modified) or any reservoir, canal or dam.* Conversely, Rainwater Runoff is defined as ([Flood | NRMA Insurance](#)): *Rainwater run-off is water that flows over the ground or backs up because of a storm.*

In this regard and in response to the above concerns, Council has listened to the community and propose to undertake the following nomenclature changes to the draft FRMSP and future policy/documents that result from its adoption:

- The future policy relating to flows identified by the Plan (and associated LEP amendments) will be called a “Stormwater Management Policy”, with flows referred to as “Stormwater Overland Flows” (as opposed to Flood),
- The Provisional Flood Planning Area (FPA) mapping produced by the Floodplain Risk Management Plan will be changed to Stormwater Overland Flow Planning Area,
- Other mapping referred to by the Policy will also be named as such.

Lastly and in responding to those submissions that queried why their properties were included within the provisional mapping layers produced by the draft FRMSP, the scope of the overland flows modelled are as per the earlier North Brother Local Catchments Flood Study phase which was adopted on 17 July 2019, following widespread community consultation and model calibration at that time. The flooding modelled at the Flood Study Phase included the 1% AEP (or 1 in 100 year) storm event mapping, plus allowances for climate change, of which a storm of that magnitude has not been witnessed in local history.

The inclusion of this item is supported subject to the amendments to nomenclature described below:

- **The future policy relating to flows identified by the Plan (and associated LEP amendments) will be called a “Stormwater Management Policy”, with flows referred to as “Stormwater Overland Flows” (as opposed to Flood),**
- **The Provisional Flood Planning Area (FPA) mapping produced by the Floodplain Risk Management Plan will be changed to Stormwater Overland Flow Planning Area,**
- **Other mapping referred to by the Policy will also be named as such.**

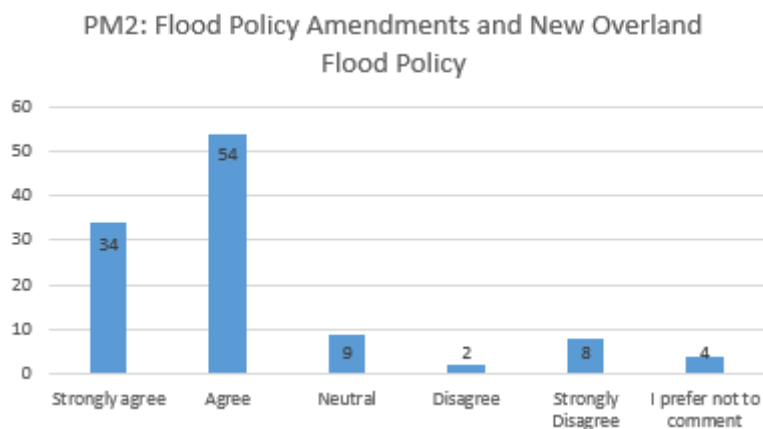
PM2: Flood Policy Amendments and New Overland Flood Policy

- A new Overland Flood Policy is recommended to be developed to provide greater flexibility for Council to administer development controls which are better tailored for areas affected by overland flooding only. The Overland Flood Policy would apply to areas where

an overland flood study has been adopted, and any other areas deemed applicable by Council. The flood mapping prepared in this North Brother Local Catchments Flood Study including Overland Hydraulic Categories mapping and FPL1 – FPL4 mapping, including should be referenced by the Overland Flood Policy as appropriate.

- The Flood Policy should be updated to reference the Overland Flood Policy.
- Both flood policies should state that both the mainstream and overland flooding conditions need to be considered for development and re-development of properties.
- Design flood events are referred to in the Flood Policy in terms of Average Recurrence Interval (ARI) which is not in line with current floodplain management best practice of referring to events by Annual Exceedance Probability (AEP). Update to the Flood Policy should include reference to AEP terminology and/or definitions on conversion in its glossary (i.e. 5% AEP = 20 year ARI, and 1% AEP = 100 year ARI).
- Consider incorporation of the ARR 2019 flood hazard categorisation system into the Flood Policy to reflect the current best practice in defining flood hazard conditions.
- “High flood hazard” could be considered as H3 or higher hazard (ARR 2019 hazard categories). The lower threshold for H3 hazard is similar or slightly lower than the high and transitional hazard categories in the Floodplain Development Manual method.
- **High Priority**

The following chart summarises the community feedback with regard to PM2 (number of submissions in each category). As can be seen, a majority of submissions (79%) either Agree or Strongly Agree with the inclusion of this measure in the Floodplain Risk Management Study and Plan.



The feedback obtained on this measured mirrored measure PM1 above in that a small number of submissions did strongly disagree with this proposal on the grounds that:

- future flood mapping may increase insurance premiums and de-value properties mapped as impacted - perception that the measure shifts the cost of action from Council to the community,
- terminology - flood vs stormwater, and
- residents did not wish to see their property mapped as impacted by flooding

Council response to these issues again mirrors the above referenced in measure PM1.

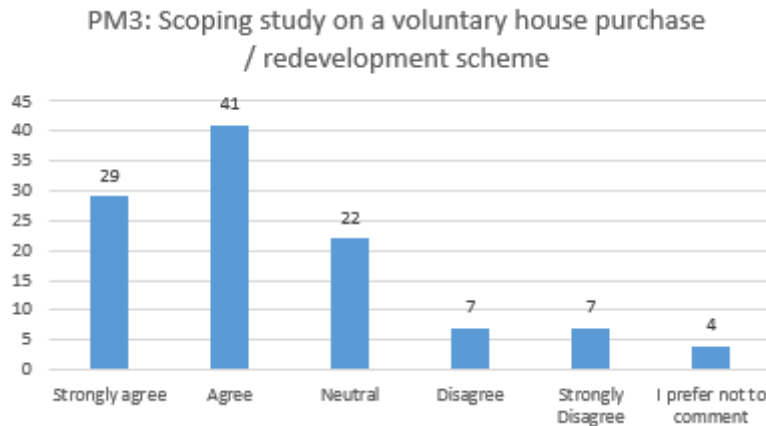
The inclusion of this item is supported subject to the amendments to nomenclature described below:

- **The future policy relating to flows identified by the Plan (and associated LEP amendments) will be called a “Stormwater Management Policy”, with flows referred to as “Stormwater Overland Flows” (as opposed to Flood),**
- **The Provisional Flood Planning Area (FPA) mapping produced by the Floodplain Risk Management Plan will be changed to Stormwater Overland Flow Planning Area,**
- **Other mapping referred to by the Policy will also be named as such.**

PM3: Scoping study on a voluntary house purchase / redevelopment scheme

- Further investigation on feasibility of a voluntary purchase /voluntary redevelopment scheme for very high flood hazard(H5 rating and higher) properties. The scoping study should investigate community interest (affected residents),opportunities and constraints (funding, technical, administrative etc)
- Council to investigate and develop resolution of the identified policy and probity issues related to a voluntary redevelopment scheme.
- Voluntary redevelopment scheme is to recommend engineering and economic assessments be undertaken for flood-durable development designs to determine feasibility.
- Include development controls such as provision of floor levels above PMF level and flood-free emergency access for such developments.
- Being a voluntary scheme, current residents may not be in favour of participating.
- **Low Priority**

The following chart summarises the community feedback with regard to PM3 (number of submissions in each category). As can be seen, a majority of submissions (64%) either Agree or Strongly Agree with the inclusion of this measure in the Floodplain Risk Management Study and Plan. This measure did however have a high ‘Neutral’ response, at 22%, indicating a level of uncertainty regarding the proposal.



In clarifying the extent of this measure, it should be noted that the scoping study does not mandate a commitment to undertake voluntary house purchase. Furthermore, a voluntary scheme such as this is by name and voluntary in nature, meaning that there would be no obligation for landowners to sell, nor could/would Council look at forcing a sale.

If implemented, there is a State Government mandated process around property valuation that ensures fairness, covers all costs to the private landowner, and provides opportunities for that private landowner to seek independent valuations at Council's cost.

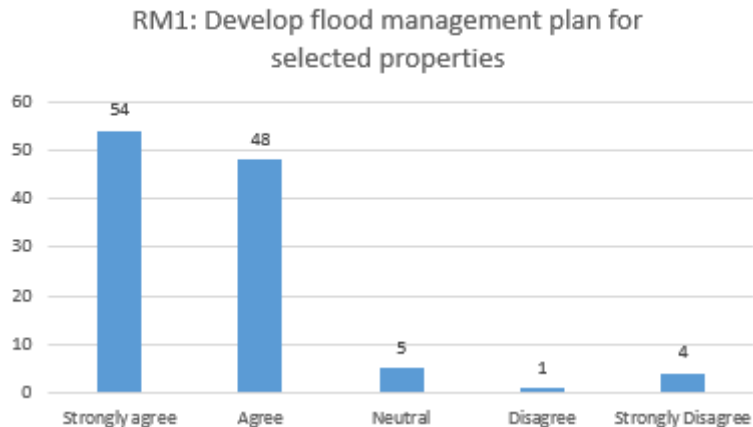
A compulsory acquisition is not eligible for funding under the NSW Floodplain Management Scheme.

The inclusion of this item is supported.

RM1: Develop flood management plan for selected properties

- Council should consider consultation with operators of sensitive properties (schools, pre-schools and retirement villages) affected by high hazard flooding regarding management of flood risk on the site. Development of a flood management plan for the sites should be considered.
- The plans should contain procedures for monitoring weather and warnings and evacuation of occupants to flood-safe spaces within the property if possible.
- Emergency and evacuation procedures shall include a flood risk management procedure.
- **High Priority**

The following chart summarises the community feedback with regard to RM1 (number of submissions in each category). As can be seen, a majority of submissions (91%) either Agree or Strongly Agree with the inclusion of this measure in the Floodplain Risk Management Study and Plan.



This measure was strongly supported, with the only concern raised being again that the plan should be referred to as a Stormwater Management Plan (by one submission). It is considered in this instance that the 'flood' terminology should remain on the following grounds:

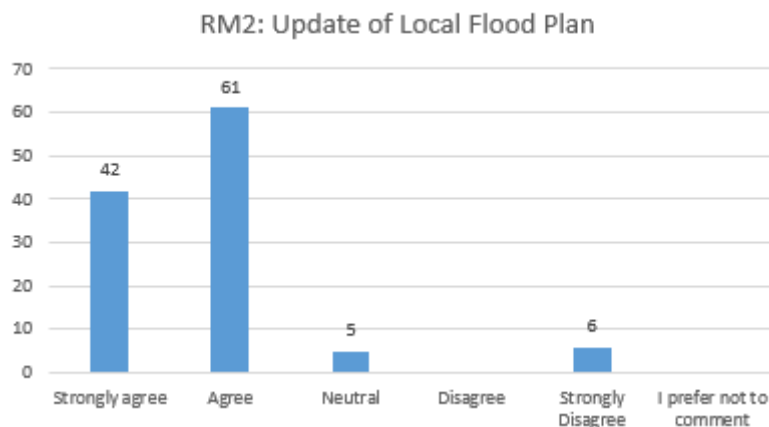
- These plans are intended to be implemented at sensitive and high risk properties only and would be intended to draw the attention of the occupants and users of those facilities to the risks associated with inundation as a result of large volumes of stormwater overland flow.
- Changing terminology may invite complacency in this instance.

The inclusion of this item is supported

RM2: Update of Local Flood Plan

- It is recommended that Port Macquarie Hastings EMPLAN be updated based on the findings of this study, including intelligence on flood behaviour, impacted and sensitive properties, affected roads etc.
- **High Priority**

The following chart summarises the community feedback with regard to RM2 (number of submissions in each category). As can be seen, a majority of submissions (90%) either Agree or Strongly Agree with the inclusion of this measure in the Floodplain Risk Management Study and Plan.



Similarly to RM1, the inclusion of this measure was strongly supported, with the only concern raised being again that the plan should be referred to as a Stormwater Plan (by one submission) to limit impacts on property and insurance values.

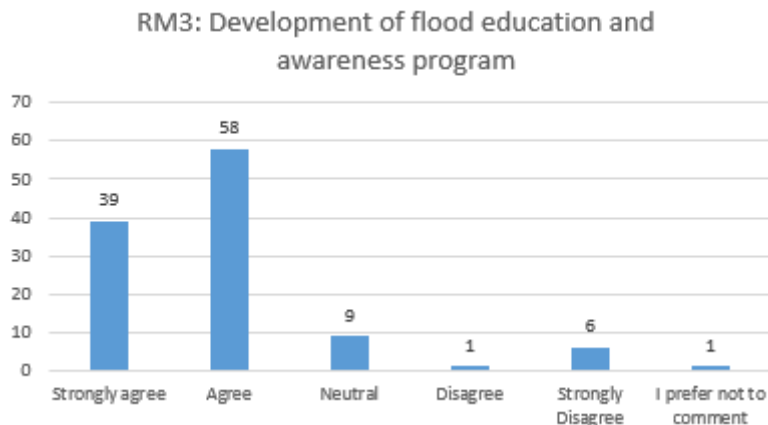
A change in terminology is not considered an appropriate amendment in this regard on the basis that the Local Flood Plan is a plan referred to by both Council and local Emergency Services and is used to define local flood related risks and management options. A separately named plan would need to be a standalone document, potentially adding an extra layer of complexity for emergency services to deal with in the event of an emergency.

The inclusion of this item is supported

RM3: Development of flood education and awareness program

- It is recommended that Council develops a flood education program to promote flood awareness and readiness in the community. Measures may include:
 - Promotion of Flood Safe brochures to help residents understand the flood risk and prepare their property and personal plans for a flooding event.
 - Promotion of flood proofing measures should also be included in flood education and awareness programs
 - Section 10.7 certificates to inform property owners about flood risk to their properties
 - Provide flood mapping on an interactive mapping portal on Council's website for easier viewing
 - Promotion and support for SES information events
- Enhanced messaging on flood risk on Council's floodplain management webpage.
- **Medium Priority**

The following chart summarises the community feedback with regard to RM3 (number of submissions in each category). As can be seen, a majority of submissions (85%) either Agree or Strongly Agree with the inclusion of this measure in the Floodplain Risk Management Study and Plan.



Of those disagreeing with the measure, the following concerns were raised:

- Potential negative impacts on house/land prices,
- Terminology - request to change naming from flood to stormwater
- Perception that the wider risk relates to a stormwater problem and that solutions should be structural in nature, not planning.

As noted above, the draft FRMSP attempts to address the stormwater inundation issues throughout the catchment via a combination of structural and non-structural measures. Given the very high cost of implementing the identified structural measures (>\$17.6M) and the fact that those works only address the currently identified highest options, the timeframe to address all overland inundation issues is likely to extend into the long term. In order to ensure that past poor planning and development decisions do not continue to create new higher risks for our community, non-structural controls, and methods to notify landowners of stormwater related inundation risk must be implemented in the study area.

It is proposed that the future Stormwater Management Policy will define the terminology to be included Section 10.7 certificates to inform property owners about flood risk to their properties. Consistent with recommendations above, those notations relating to flows identified by the FRMSP will refer to Stormwater Overland Flows (not flood). Likewise, mapping developed as part of the Policy and uploaded to the website will refer to Stormwater Overland Flows. This will provide clear differentiation between riverine flood extents and risks and those associated with local catchment stormwater.

The inclusion of this item is supported subject to a change in terminology as specified below:

- **Future Stormwater Management Policy and associated mapping will refer to flows defined in the FRMSP as Stormwater Overland Flows (not flood)**
- **The development of wording and associated mapping for Section 10.7 certificates will again refer to properties being subject to Stormwater Overland Flows**

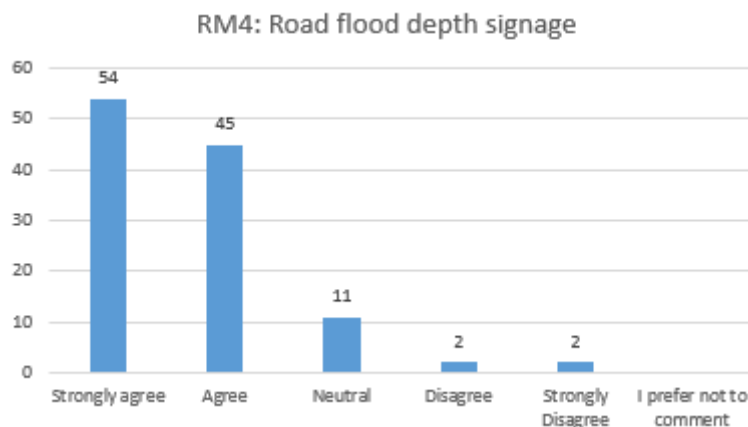
RM4: Road flood depth signage

- Install new flood depth signage at selected locations:

- Ocean Drive 70m east of Sirius Drive
- Ocean Drive 380m east of Fairwinds Avenue
- Ocean Drive 30m east of The Gateway
- Bold Street sag between Laurie Street and Mill Street
- Bold Street sag between Mill Street and Hanley Street.

○ **High Priority**

The following chart summarises the community feedback with regard to RM4 (number of submissions in each category). As can be seen, a majority of submissions (87%) either Agree or Strongly Agree with the inclusion of this measure in the Floodplain Risk Management Study and Plan.



This option is considered to be low cost and high impact/benefit and was widely supported.

The inclusion of this item is supported

Other issues raised via the exhibition process

In addition to the feedback obtained via the internal and external consultation undertaken to date, the following two additional matters have been raised during the exhibition period:

Determination of North Brother Local Catchments Floodplain Risk Management Study and Plan

On the basis that November 2021 represents the final Ordinary Council Meeting of the Current Council prior to Decembers Local Government Elections, residents discussed a desire to have the FRMSP reviewed and assessed by the incoming Council during the community Zoom Meeting on 8 September 2021. Following this meeting, only one submission formally requested a deferral of the report, however the **Council has an option to defer a decision on this report until 2022 if desired.**

Doing so would necessitate a variation to extend the length of the State Government Grant which is funding this project, which currently is scheduled for completion in December 2021.

*Addition of a new Structural Mitigation Measure - Black Swan Terrace
stormwater remedial works*

Internal consultation on the Floodplain Risk Management Study and Plan has resulted in a recommended addition to the plan. In this regard, we are seeking to have a fifth structural mitigation option added to the plan as a means of allowing Council to seek State and Federal Funding under the NSW Floodplain Management Scheme to assist with the completion of an ongoing stormwater mitigation project at Black Swan Terrace, West Haven.

In this regard, Council Transport and Stormwater Planning staff have been working for a number of years on an upgrade design to address the high priority, high risk existing overland flooding issues impacting Black Swan Terrace, West Haven.

This project commenced prior to the commencement of the North Brother Local Catchments Flood Study project and whilst the Flood Study defined and assessed the risks associated with flooding at this priority location, structural mitigation measures at this location were omitted from the options development process, assessment and resultant Floodplain Risk Management Plan on the basis that a project was already underway.

In particular, the Draft FRMSP has assessed the risks associated with stormwater inundation impacting Black Swan Tce and notes the following regarding risk:

- Flow depths on properties up to 0.5m in the 0.2EY event and up to 0.7m in the 1% AEP event. Swift flows of 2m/s. Flood hazard up to H5 rating in the 1% AEP event.

The site is then listed as one of the priority locations for works, however the FRMSP notes:

Council commissioned, separately from this study, a design for an improved trunk drainage pipe inlet arrangement and high-flow diversion to the street. Additional works in the street including raising of the road verge and driveways are proposed. Details of the design were provided following completion of the final Flood Study Report (Jacobs, 2020), hence it has not been incorporated into the design flood modelling and mapping. Since the design development of mitigation works at this location are already well-advanced, further mitigation options are not proposed in this study.

The pre-developed conditions at Black Swan Terrace have been retained in the mitigation case modelling. Post-development hydraulic modelling for this option is being undertaken by others on behalf of Council. Flow conditions in Koonwarra Street, downstream of the works, are not expected to be significantly changed as a result of the proposed works, hence omission of the proposed works from the mitigation case modelling should not affect the assessment of other mitigation options.

Recent amendments to the design based on updated flow information from the flood study being have seen the scope of works required at this location increase substantially, and project timelines for design completion push out to the current financial year. Furthermore total cost of the currently identified mitigation measures is estimated at \$1.1M.

On the grounds that the location is identified as a high risk location within the Flood Study phase, and is Council's top priority for the catchment from an ongoing risk perspective, it is recommended that the Floodplain Risk Management Plan be updated to include Structural improvements at Black Swan Terrace as currently proposed by Council. Listing this ongoing project within the plan would have the added benefit of making grant funding available to complete the identified mitigation works at a significantly lower cost to the community (Grant funding under the NSW Government Floodplain Management Scheme is available on the basis of 1/3 Council Contribution, matched equally by State and Federal contributions - lowering Council's contribution to ~\$370K).

The scope of currently identified works is included in Appendix 5, with a description of works listed below:

- Provision of an approximately 2,500m³ OSD basin upstream of the flood-prone private properties, to capture approaching flows from the contributing catchment and reduce the flowrates discharging via overland flow paths and through the inter-allotment drainage system.
- Provision of both blockwork and gabion retaining walls to achieve the required basin storage capacity.
- Replacement of the existing Ø750 inter-allotment RCP with a new Ø900 RCP between the basin and Waterview Crescent, as well as augmentation of pipeline path to match the modified easement location.
- Replacement of an existing downstream section of Ø300 street drainage pipe with a new Ø450 RCP to provide adequate flow capacity.
- Reconstruction of existing pits as required where pipes are to be replaced.
- **High Priority**
- **\$1,100,000**

The inclusion of a new Structural Mitigation Measure to the North Brother Local Catchments Floodplain Risk Management Study and Plan, being *Black Swan Terrace stormwater remedial works* is supported. Scope of works is generally as listed above.

Options

Council can opt to:

1. Adopt the North Brother Local Catchments Floodplain Risk Management Study and Plan (attachment 1) subject to implementation of the amendments recommended by this report.
2. Request modifications be made to the North Brother Local Catchments Floodplain Risk Management Study and Plan (attachment 1).
3. Not adopt the North Brother Local Catchments Floodplain Risk Management Study and Plan (attachment 1).
4. Defer the matter.

This report recommends option 1.

Planning and Policy Implications

Adoption of the draft North Brother Floodplain Risk management Study and Plan subject to the amendments listed within this report will necessitate the development of the following planning instruments:

- Stormwater Management Policy - NEW.
 - to provide greater flexibility for Council to administer development controls which are better tailored for areas affected by stormwater overland flows. The Policy would apply to areas where an overland flood study has been adopted, and any other areas deemed applicable by Council. The mapping prepared in this North Brother Local Catchments Flood Study should be referenced as appropriate.
- Flood Policy - TO BE AMENDED
 - to reference the Stormwater management Policy and provide clear differentiation between controls applicable to riverine flooding versus stormwater inundation.

Pending adoption, these planning instruments are programmed to be prepared by Council's Transport and Stormwater Planning Team during the 2022/23 financial year.

Financial and Economic Implications

Adoption of the draft North Brother Floodplain Risk management Study and Plan will see Council committing to undertake structural mitigation measures within the catchment valued in excess of \$18.7M (\$17.6M identified within the FRMSP plus \$1.1M for Black Swan Terrace) over a number of years.






Council will need to consider funding opportunities for implementation of the North Brother Local Catchments Floodplain Risk Management Plan through development of future Operational Plans and seek funding via relevant State and Federal government grants.

Grant funding is available to complete works and actions identified within a Floodplain Risk Management Plan under the NSW Governments Floodplain Risk Management Program. Funding via the scheme is provided on the basis of equal funding by Council, the State and Federal Government (1/3 each). Assuming all

actions could be funded under the program, the total cost to Council of implementing the FRMSP would be reduced to \$6.2M.

Each year's grant program typically opens in February.

Attachments

1.  North Brother Local Catchments Floodplain Risk Management Study and Plan
2.  Community Submissions and Council Responses
3.  Copy of presentation to Community Zoom Meeting
4.  Copy of Community Survey
5.  New Structural Mitigation Measure - Black Swan Terrace stormwater remediation

Item: 12.05

Subject: LOCAL STRATEGIC PLANNING STATEMENT

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the progress of actions identified in Council's Local Strategic Planning Statement - Shaping our Future 2040 (LSPS).**
- 2. Note Council's intention to review the LSPS to ensure alignment with Council's new Community Strategic Plan (Imagine 2050) and the revised North Coast Regional Plan following adoption of both Plans.**
- 3. Receive updates on the implementation of actions identified within the LSPS on an annual basis.**

Executive Summary

Shaping Our Future 2040 is Council's Local Strategic Planning Statement which sets out:

- the 20-year vision for land use in the local area;
- the shared community values that are to be maintained and enhanced;
- how development and change will be managed in the future and
- the special values and characteristics which contribute to local identity.

Shaping Our Future 2040 was adopted by Council on September 30, 2021 and subsequently published on the NSW Government's Planning Portal as required by section 3.9 of the Environmental Planning and Assessment Act, 1979.

The purpose of this report is to provide a status update on the progress of the implementation of the actions as identified within the LSPS and recommend steps to be taken to ensure there is alignment of the LSPS with Council's key strategic documents.

Discussion

Shaping Our Future 2040 is the core strategic land-use planning document for the Port Macquarie-Hastings Local Government Area (LGA). It bridges the space between the Community Strategic Plan and the local planning framework, and it outlines the vision for land-use planning in our local area over the next 20 years and sets the direction for our communities' environmental, social and economic land-use needs.

The role of *Shaping Our Future 2040* is to:

- Set the 20-year land-use vision for the Port Macquarie-Hastings region
- Identify the special characteristics that contribute to local identity and make our area special
- Recognise our shared community values and how they will be maintained or enhanced
- Direct how we manage future change
- Identify and give effect to relevant directions located within the North Coast Regional Plan
- Identify gaps of knowledge where further strategic planning work is needed
- Link Council's strategies and plans to the implementation of the NSW Government's Strategic Plans
- Shape planning controls to facilitate future planning directions

Shaping Our Future is used to direct the actions that will be required to achieve a strategic planning vision for our LGA.

Extraordinary Council Meeting 30 September 2020 - Draft Local Strategic Planning Statement

At the time of adoption of Council's LSPS - *Shaping Our Future 2040* in September 2020, Council resolved as follows:

RESOLVED: Intemann/Griffiths

That Council:

1. Note that the Local Strategic Planning Statement (LSPS) for Port Macquarie-Hastings - "Shaping Our Future 2040" together with the Community Strategic Plan - "Towards 2030" set the direction for our community's environmental, social and economic needs into the future.
2. Note that submissions received during the exhibition period commend Council on the preparation of the first Local Strategic Planning Statement for Port Macquarie-Hastings. The majority of submissions are strongly supportive of the strategic intent of the Local Strategic Planning Statement and the content, including the vision, strategic planning principles, themes and planning priorities.
3. Adopt "Shaping Our Future 2040" - Council's Local Strategic Planning Statement as exhibited (with minor amendments) to meet the NSW Government's timeline for completion of regional Local Strategic Planning Statements by 30 September 2020.
4. Note that "Shaping Our Future 2040" will be uploaded to and published on the NSW Planning Portal following adoption and as required by section 3.9 of the Environmental Planning and Assessment Act, 1979 (NSW) noting that amendments may be made after full consideration of all submissions.
5. Request the Acting General Manager provide a workshop to Councillors and then present a further report to the November 2020 Ordinary Council meeting, following full due consideration of submissions received during the exhibition period including any revision to the Local Strategic Planning Statement.
6. Further note that a submission was received by Department of Planning, Industry & Environment - Environmental Protection Agency in addition to the submissions detailed in the body of the report.
7. Write to thank those people who made a submission to the draft Local Strategic Planning Statement.

CARRIED: 7/0

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

AGAINST: Nil

As a result of Council's resolution at the meeting on 30 September 2020, "*Shaping Our Future 2040*" as exhibited was uploaded to the NSW Planning Portal on 30 September 2020. The LSPS came into effect on the day of publication on the Portal - 30 September 2020.

Following the Council meeting on 30 September 2020, staff undertook a detailed review of submissions to determine proposed amendments to the adopted and uploaded *Shaping Our Future 2040* and sought urgent advice from the Northern Regions Office of the Department of Planning to determine the process for amending a Local Strategic Planning Statement once published.

Post publication amendments and State Government Advice

On 4 November 2020, the following advice was received from the Northern Region Office:

"...that the Act does at present require Council to exhibit a draft LSPS before it can adopt another / new version of the LSPS."

The Department is currently exploring options..., but at present we would recommend a new LSPS not be presented to Council in November while we finalise our investigations."

Ordinary Council Meeting 18 November 2020

At the 18 November 2020 Ordinary Council Meeting it was resolved as follows:

RESOLVED: Intemann/Alley

That Council:

1. Note the Shaping Our Future 2040 Local Strategic Planning Statement (LSPS) for Port Macquarie-Hastings has now commenced, and will be used to direct the actions that will be needed to achieve Port Macquarie-Hastings Strategic Planning Vision:
 - a) To assess planning proposals within a strategic framework as part of the strategic merit test (as outlined in NSW Department of Planning Industry & Environment guidelines for preparing planning proposals and local environmental plans);
 - b) To inform planning controls in Council's Local Environment Plan (LEP) and Development Control Plan (DCP);
 - c) To inform our operational and delivery plans to better align growth and change with community needs and expectations;
 - d) To identify and inform projects that will shape our future;
 - e) To identify infrastructure priorities and help us advocate to other levels of government for new infrastructure and services to support growth;
 - f) To shape projects such as place plans, master plans, and structure plans;
 - g) To inform sustainable transport planning, and
 - h) To support funding applications for priorities identified within Shaping Our Future.
2. Endorse the recommendations included in the Submissions Summary and Recommendations Attachment No 1.
3. Defer making any amendments to the published Shaping Our Future LSPS endorsed in Item 2 pending parallel engagement on Think 2050 - A New Community Strategic Plan for Port Macquarie-Hastings and a revised LSPS in April 2021.

CARRIED: 7/0

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

AGAINST: Nil

LSPS Implementation Update

It is now 12 months since the LSPS came into effect. The LSPS details 71 actions across the 19 Planning Priorities. The time period for delivery of these actions are spread across the following time periods:

- Immediate: 0 - 2 years (by 2022)
- Short-term: 2 - 5 years (by 2025)
- Medium-term: 5 - 10 years (by 2030)
- Long-term: More than 10 years (by 2040)

Attachment 1 - Shaping Our Future 2040 Implementation Update - details progress for the preceding 12 months (1 October 2020 - 30 September 2021).against each of the 30 actions identified for immediate (or ongoing) delivery.

Review of the LSPS

As noted above, the intention was to review the LSPS following the adoption of Council's new Community Strategic Plan Imagine 2050 and incorporate the feedback received from the exhibition period of the draft LSPS as endorsed by Council at the 18 November 2020 Ordinary Council Meeting (as detailed earlier).

Delays in preparing the new Community Strategic Plan have occurred due to Co-vid 19 and most recently changes to the Integrated and Reporting Framework which were noted in a report to the 13 October 2021 Ordinary Council Meeting. At that meeting it was resolved that Imagine 2050 be presented to the new Council at the March 2022 Ordinary Council Meeting, seeking its adoption.

Additionally, the New South Wales Department of Planning, Industry & Environment (DPIE) has commenced a review of the North Coast Regional Plan (NCRP), a key informing document to the LSPS. DPIE have advised that they expect the revised NCRP to be endorsed by December 2022.

In an effort to align these two key strategic documents (Council's CSP and the NCRP) with the LSPS, Council staff will:

1. Undertake an administrative review of the LSPS following adoption of the Community Strategic Plan - to include the changes previously endorsed by Council (as a result of the feedback received from the exhibition period of the draft document) and mapping of the Planning Priorities in the LSPS to the updated Community Strategic Plan;
2. Undertake a review of the LSPS following the adoption by the State Government of the updated North Coast Regional Plan anticipating that a draft of the revised LSPS would come to Council in the first half of 2023.

Options

This report is an update of status.

Community Engagement and Internal Consultation

There are no Community Engagement impacts that directly relate to this update report.

Internal consultation has been undertaken with relevant stakeholders on specific projects. Consultation has also continued with DPIE in light of the update of the NCRP.

Planning and Policy Implications


The LSPS identifies a range of actions with indicative timeframes as noted above. Outstanding actions will be considered in the development of the 2022-2025 Delivery Program and the 2022-23 Operational Plan.

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

Financial and Economic Implications

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

Attachments

1.  Attachment 1 - Shaping Our Future Implementation Update to end of September 2021

Item: 12.06

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

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the current status of site specific Planning Proposal requests as described in this report.**
- 2. Receive a further update report in June 2022 regarding the progress of site specific Planning Proposal requests.**

Executive Summary

The purpose of this report is to provide Council with an update on the status of eight (8) site specific Planning Proposal requests and to determine whether to progress all of these requests in the context of the Council's Land Use Planning Program and priorities.

This report also provides an update on the NSW Government's Planning Reform Program as it relates to planning proposals. The Department of Planning, Industry and Environment (DPIE) is working on a range of process improvements aimed at reducing the overall assessment timeframes for planning proposals. It is also considering options for establishing a merit appeal right to the Land and Environment Court for proponent-led re-zonings.

Since the June 2021 Council report, there has been good progress made on a number of site specific Planning Proposals as outlined in this report. This has included the making of the Houston Mitchell Drive LEP amendment on 30 June 2021; the post-exhibition finalisation of the Crestwood Drive Planning Proposal, and the submission of the Ruins Way Planning Proposal to the DPIE for a Gateway determination.

There are however five (5) Planning Proposal requests which have remained at the assessment/ negotiation stage for over 12 months and have not progressed to the next stage in the planning process for various reasons. These are:

1. PP2014 - 10.1: Nos 11 and 33 Mumford Street, Port Macquarie
2. PP2020 - 3.1: Mixed-use health and education precinct - 8 Highfields Circuit, 3-5 Kulai Place and 9-11 Kingfisher Road, Port Macquarie

3. PP2020 - 4.1: Proposed Service Station and Drive-through Takeaway - No 4 Major Innes Road (cnr Oxley Drive), Port Macquarie
4. PP2017- 3.1: Lot 37 and Part Lot 39 DP 1191701, Frogs Road and Benjamin Close, Sancrox
5. PP2017- 11.1: The Chimneys - Lot 1 DP1161722, Homedale Road, Kew

Further details on each of these proposals and a way forward is provided in the report.

One new Planning Proposal has been lodged in the 5-month period. This is for Lot 11 DP 1226839, Seaside Circuit, Lake Cathie and requests rezoning of the land from B4 Mixed Use to R1 General Residential. Further details are provided in the report.

It is recommended that Council note the status of the site-specific Planning Proposal requests to amend the *Port Macquarie-Hastings Local Environmental Plan 2011*. Council will receive individual reports on each of these Planning Proposal requests at key stages of the process, and a further update report will be presented to Council in June 2022.

Background

Council, at its meeting on 9 June 2021, considered a report on the status of eight (8) site specific Planning Proposal requests (Item 12.06) and resolved:

BLOCK RESOLVE: Turner/Griffiths

That Council:

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

Discussion

1. Status of site specific planning proposals - November 2021

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

1. Part Lot 499, DP 1258597 Ruins Way, Port Macquarie
2. Nos. 11 and 33 Mumford Street, Port Macquarie
3. Part Lot 516 DP 1261705, Lot 497 DP 123790 and Lot 319 DP 1214443, Crestwood Drive, Port Macquarie
4. Lot 37 and Part Lot 39 DP 1191701, Frogs Road and Benjamin Close, Sancrox
5. The Chimneys, Lot 1 DP1161722, Homedale Road, Kew
6. Proposed mixed-use Medical and Education Campus: 8 Highfields Circuit, 3-5 Kulai Place and 9-11 Kingfisher Road, Port Macquarie.
7. Proposed Service Station, Lot 1 DP 250402 and Lot 2 DP 234501, 4 Major Innes Road (Cnr Oxley Drive) Port Macquarie
8. Lot 11 DP 1226839, Seaside Circuit, Lake Cathie

Since the June 2021 Council report, the planning proposal for Houston Mitchell Drive Bonny Hills (PP2014 - 14.) has been finalised and was made on 30 June 2021 when it was published on the NSW Legislation website. The Crestwood Planning Proposal

(PP2017 - 4.1) is under finalisation following public exhibition in June, and the Ruins Way Planning Proposal (PP2011-9.3) has been submitted to the Department of Planning, Industry and Environment requesting a Gateway determination.

A new Planning Proposal Application (PP2021 - 4.1) was lodged on 5 August 2021 for Lot 11 DP 1226839, Seaside Circuit, Lake Cathie.

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

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

PP Ref.	Property	Summary of amendment to LEP 2011	Status Category (Dec 2020)	Status Category (June 2021)	Status Category (Nov. 2021)	Fees Paid
Port Macquarie						
PP2011-9.3 Lodged: 2011	Part Lot 499 DP 1258597 Ruins Way, Port Macquarie	Rezone land from RU1 Primary Production to part R1 General Residential and part E2 Environmental Conservation	6 Ad. Info/ studies required. Proponent to submit revised PP Identified in NSW Public Spaces Legacy Program for finalisation on 30 June 2021	6 No change to status	7 Sent to DPIE for GD*	Yes Stage 1: 2011 Fees & Charges Stage 2 fees (post-GD*)
PP2014-10.1 DA2021 - 257 Lodged: 16/02/18	Nos 11 and 33 Mumford Street, Port Macquarie	Rezone land from R1 General Residential and part E2 Environmental Conservation to Business Zone	5 Under assessment/negotiation	5 No change to status	5 No change to status	Yes (Stage 1)
PP2017-4.1 Lodged: 27/11/18	Lot 516 DP 1261705, Lot 497 DP 123790 and Lot 319 DP 1214443,	Rezone land from RU1 Primary Production to RE2 Private Recreation, RE1 Public	9 GD* (9/10/20)	11 Public exhibition 2/06 - 30/06/21	13 Being finalised	Yes (Stage 1 & Stage 2)

PP Ref.	Property	Summary of amendment to LEP 2011	Status Category (Dec 2020)	Status Category (June 2021)	Status Category (Nov. 2021)	Fees Paid
	Crestwood Drive, Port Macquarie	Recreation and SP2 Infrastructure (Stormwater)				
PP2020 - 3.1 Lodged: 25/05/20	• Mixe d-use health and education precinct: 8 Highfields Circuit, 3-5 Kulai Place and 9-11 Kingfisher Road, Port Macquarie	• Rezon e land from part R1 General Residential and part R2 Low Density Residential to B4 Mixed Use and associated changes to building height and FSR	5 (Council report Oct. 2020)	5 No change to status	5 No change to status	Yes (Stage 1)
PP2020 - 4.1 DA2020 - 851.1 - Lodged: 19/10/20	Proposed Service Station and Drive through take away: Lot 1 DP 250402 and Lot 2 DP 234501, No 4 Major Innes Road (cnr Oxley Drive), Port Macquarie	Rezone land from R1 General Residential to B4 Mixed Use and retain current R1 building height and FSR	5	5	5 No change to status	Yes (Stage 1)
Sancroix						
PP2017- 3.1 Lodged: 21/12/18	Lot 37 and Part Lot 39 DP 1191701, Frogs Road and Benjamin Close, Sancroix	Rezone land from RU1 Primary Production to IN1 General Industrial for employment purposes	5 Under assessme nt.	5 No change to status	5 No change to status	Yes (Stage 1)
Kew						
PP2017- 11.1 Lodged: 18/12/18	The Chimneys – Lot 1 DP1161722,	Rezone land from RU1 Primary Production to part R1	5 Pending add. Info from	5 No change to status	5 Pending updated	Yes (Stage 1)

PP Ref.	Property	Summary of amendment to LEP 2011	Status Category (Dec 2020)	Status Category (June 2021)	Status Category (Nov. 2021)	Fees Paid
	Homedale Road, Kew	General Residential, part E2 EnvironmentC onservat ion and part E3 EnvironmentM anagement	Proponen t on revised PP since August 2020		planning proposal and info (March 2021)	
Lake Cathie						
PP2021 - 4.1 Lodged: 5/08/2021	Lot 11 DP 1226839 Seaside Drive, Lake Cathie (Rainbow Beach)	Rezone land from B4 Mixed Use to R1 General Residential	-	-	NEW 5	Yes (Stage 1)

*Gateway determination

Table 2: Key to Status Category

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

2. Overview

Since the June 2021 Council report, there has been progress made on a number of site specific Planning Proposals as outlined in this report. This has included the making of the Houston Mitchell Drive LEP amendment on 30 June 2021; the post-exhibition finalisation of the Crestwood Drive Planning Proposal, and the submission

of the Ruins Way Planning Proposal to the Department of Planning, Industry and Environment (DPIE) for a Gateway determination.

A new Planning Proposal Application (PP2021 - 4.1) was lodged on 5 August 2021 for Lot 11 DP 1226839, Seaside Circuit, Lake Cathie, which requests an amendment to the *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP 2011) to rezone the land from B4 Mixed Use to R1 General Residential.

As shown in Table 1 above, two (2) current Planning Proposals have moved to the next stage in the planning process since this update was last provided to Council in June 2021. This means that the work undertaken by Council staff and proponents on the balance of the planning proposals has not yet led to these matters progressing to the next stage of the process.

Planning proposals remaining under assessment

For each planning proposal request, Council is required to undertake an assessment of the strategic and site-specific merit of the proposal in accordance with the *Environmental Planning & Assessment Act 1979*, the DPIE's *Guideline for the preparation of planning proposals* and Council's *Planning Proposal Policy (2019)*.

Table 3 below identifies the Planning Proposal requests that have remained in *Status Category 5 (Under assessment/ negotiation with the Proponent)* for over 12 months.

Table 3: Site specific planning proposals under assessment for over 12 months

PP ref.	Lodgement Date	Subject Land	Status
PP2014 - 10.1 DA2021 - 257	16 February 2018	Nos 11 and 33 Mumford Street, Port Macquarie	<ul style="list-style-type: none"> Key issues include: loss of E2 land, environmental and biodiversity concerns; resolution of zoning layout. April 2021: DA lodged for Earthworks, Land filling and Vegetation Removal. DA unable to be determined until Council makes decision on PP. WITH PROPONENT - ON HOLD
PP2020 - 3.1	25 May 2020	Mixed-use health and education precinct: 8 Highfields Circuit, 3-5 Kulai Place and 9-11 Kingfisher Road, Port Macquarie	<ul style="list-style-type: none"> Council meeting 21 October 2020 resolved to undertake Council initiated health and education (HEP) precinct strategic planning investigations <u>prior</u> to any referral of the PP for Gateway determination.

PP ref.	Lodgement Date	Subject Land	Status
			<ul style="list-style-type: none"> Council-led HEP investigations are heavily dependent on TfNSW progression of Oxley Highway investigations and upgrades. ON HOLD
PP2020 - 4.1 DA: 2020 - 851.1	19 October 2020	Proposed Service Station and Drive-through takeaway: No 4 Major Innes Road (cnr Oxley Drive), Port Macquarie	<ul style="list-style-type: none"> Council requested additional information in January 2021. Proponent yet to submit despite being provided with a number of reminders. Key issues include: traffic network/ Wrights Rd, road widening, bushfire, ecological and State agency concerns. WITH PROPONENT - ON HOLD
PP2017- 3.1	21 December 2018	Lot 37 and Part Lot 39 DP 1191701, Frogs Road and Benjamin Close, Sancroix	<ul style="list-style-type: none"> Council requested submission of an updated planning proposal and information (January 2021) Proponent yet to submit despite being provided with a number of time extensions. WITH PROPONENT - ON HOLD
PP2017- 11.1	18 December 2018	The Chimneys: Lot 1 DP1161722, Homedale Road, Kew	<ul style="list-style-type: none"> Council originally added site to Strategic Planning Work Program in August 2017. Council requested submission of an updated planning proposal and information (initially August 2020; March 2021) Proponent yet to submit but working with Council staff. Key issues include: sewer, Kew-Kendall STP capacity, ecology/HBTs, and environmental zones.

PP ref.	Lodgement Date	Subject Land	Status
			WITH PROPONENT - ON HOLD

Out of the five (5) planning proposals identified in Table 3, three (3) have been lodged for closer to three years being Frogs Road Sancrox and The Chimneys Kew, and in the case of Mumford Street Port Macquarie, this proposal has been formally lodged for over 3 and a half years. Although these proposals were lodged prior to the commencement of Council's *Planning Proposal Policy 2019*, the policy applies and establishes the process for how they are to be assessed and reported to Council so that this is done more efficiently.

It is important to receive a response from proponents to requests for additional information in a reasonable timeframe, in order that Council staff can undertake the statutory role of assessment and reporting to Council for a decision as to whether or not a planning proposal should be supported. This is also in line with the Department's reforms to reduce the assessment timeframes for planning proposals.

Under section 3.9 d) of the *Planning Proposal Policy 2019*, there exists an option for a planning proposal request to be withdrawn by a proponent if Council staff do not consider a proposal demonstrates strategic merit and the requested amendments to the LEP are not supported. Withdrawal of an application is also preferred in circumstances where the lodgement of a planning proposal is premature and/or inconsistent with the strategic planning framework, and additional studies are going to take a lengthy time to commission and complete.

There can be various reasons for delays in the assessment process, including:

- Continuing negotiations between proponents, their representatives and Council staff.
- Timeframe for proponents to submit additional information to Council staff including supporting specialist studies and investigations are often protracted, require review and internal and/ or external referrals to state agencies.
- There can be a reluctance to provide information to Council staff to enable effective assessment and decision making on a planning proposal leading to lengthy delays.
- The progression of the proposal to the next stage in the process requires the proponent to provide additional information to Council to enable a full assessment of a planning proposal, or to submit a revised proposal to Council. A revised Planning Proposal in most cases will require re-assessment, an altered Gateway determination issued by DPIE and re-exhibition.
- Challenges in demonstrating the strategic and site-specific merit of a proposal in accordance with the Department's *Guidelines for preparing planning proposals*, the *Urban Growth Management Strategy 2017-2036*, the *Local Strategic Planning Statement* and Council's *Planning Proposal Policy*.
- The consideration of public benefits in connection with a Planning Proposal.
- Planning proposals which are lodged prematurely despite advice and are not aligned with Council's strategic planning framework, planning investigations or infrastructure planning.

Therefore, Council staff propose to write to all proponents of the planning proposals listed in Table 3 of this report to request they advise Council of their intentions with respect to their planning proposal, in particular:

- Whether they wish to still proceed, or withdraw the application;
- If they still wish to proceed, provide a timetable to Council staff for submission of the required information and/or studies. This timetable will be reviewed and the proponent advised if it is satisfactory. This will enable staff to undertake a full assessment of the planning proposal;
- If the required information is not received in the time advised by the proponent, a date will be identified for the matter to be reported to Council with the information as submitted, and the proponent will be advised.

Proponents will be requested to advise of their intentions and to provide a definitive timeframe for submission of the required information and/or studies to Council no later than **3 December 2021**.

DPIE Planning Reform Program

As Council may be aware, the Department of Planning, Industry and Environment has been embarking on a significant policy reform program which aims to deliver a better planning system for NSW. It is undertaking work to improve assessment time frames for both development applications and planning proposals, reduce red tape and fast-track of projects delivering public benefits to the community.

Planning Proposal process improvements

One area of focus of the Department's planning reform program is reducing the assessment timeframes for planning proposals. The Department is working on a range of planning proposal process improvements as follows:

- Developing Local Plan Making Guidelines to replace current Planning Proposal and Local Environment Plan Guidelines, to provide clearer guidance to councils and proponents
- Reviewing the Plan Making delegations to streamline the gateway and determination process to ensure appropriate decision making relative to the complexity and sensitivity of the planning proposal
- Working with stakeholders to develop key improvements to the planning proposal process and ensure improved collaboration and additional guidance for determining planning proposals
- Investigating improvements related to mapping and legal process finalisation
- Reviewing and gaining experience associated with improvements to the DA/Planning proposal process
- Improving internal processes to help streamline the process
- Reviewing how to improve the way the department and councils work with agencies and authorities, including how to ensure that there are clearer expectations of all parties

The expected outcomes of these government reforms include faster re-zoning processes with an average of 380 days from lodgement to finalisation; streamlining and eliminating complexity in the process; ensure adequate assessment and quality

outcomes; strategic alignment with policy and increasing transparency of the process and roles of stakeholders.

The Department will continue working with councils and other stakeholders on planning proposal process improvements and case management, to support the reduction of planning proposal assessment timeframes by 33%, to **380 days, by 30 June 2023**.

Land and Environment Court appeal pathway for planning proposals

As a part of the Government's reform package, the Department is considering options for establishing a merit appeal right to the Land and Environment Court (LEC) for proponent-led re-zonings.

The Department has advised:

"Allowing a statutory path to the Court will give an opportunity to review the merits of some rezoning decisions at arms-length from the Government, where needed. It's also consistent with the appeal right for proponents that already exists for development applications."

The new class of appeals in the Land and Environment Court for re-zonings are intended to be used only as a last resort. They are aimed at providing recourse for rezoning applications that, despite being consistent with strategic plans, are being unduly delayed."

Currently no legal right of appeal to the LEC exists in relation to a rezoning, whether they are initiated by a proponent or Council. To help with policy development around this major reform, the Department has been consulting with targeted councils, industry and court user working groups. Public exhibition of this proposal will occur, however at this stage the dates have not been confirmed.

Local Government NSW on behalf of councils continues to express significant concern in relation to the introduction of an LEC appeals process for planning proposals.

Options

Council could opt to continue with all of the Site Specific Planning Proposal requests detailed in this report or decide not to proceed with any of them. Council has a role as a planning authority under the EP&A Act to make a decision on whether or not to support a planning proposal.

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

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

Requests for Site Specific Planning Proposals are considered by Council as part of the Land Use Planning Program and under the adopted *Planning Proposal Policy 2019*. Further reports are expected in 2022/23 to determine priorities.

Community Engagement and Internal Consultation

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

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

Planning and Policy Implications

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

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

Financial and Economic Implications

Council fees consistent with current adopted Fees and Charges (Stage 1 and Stage 2 fees) will apply to each of the Planning Proposal requests to amend LEP 2011.

Attachments

Nil

Item: 12.07

Subject: INTEGRATED STRATEGIC TRANSPORT NETWORK PLAN

Presented by: Community Infrastructure, Dan Bylsma

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information provided in this report.

Executive Summary

It was noted that the short and short to medium term projects identified for inclusion in the Integrated Strategic Transport Network Plan were not currently achievable with the existing structure and/or resource base in the Infrastructure Division.

As part of Council's transformation journey to better align Council and community goals and expectations, an organisational realignment was proposed and endorsed by Council on 13 October 2021.

This realignment will improve Council's focus on key asset priorities through the development of functional business plans for each Division and will include a workforce plan to ensure strategic planning is appropriately supported with capable resources. This review and planning is currently underway for the Community Infrastructure Division in order to progress those projects identified for the Integrated Strategic Transport Network Plan.

Discussion

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

12.08 INTEGRATED STRATEGIC TRANSPORT NETWORK PLAN UPDATE

MOTION

MOVED: Hawkins/Intemann

That Council:

- 1. Note that several of the projects below are already known, committed and fully or partially funded by either / both Council and / or the NSW State Government but are included in this report due to their significance in the overall transport network.*

2. *Note that the increased bias towards prioritizing projects in the short and short to medium terms (0 to 5 and 5 to 10 years respectively) is currently not achievable with the existing structure and / or resources base and, consequently, requests the Chief Executive Officer to report back to Council before 31 December 2021 with recommendations as to how best address this issue.*
3. *In relation to roads infrastructure projects, allocate the highest priority to:*
 - a) *Short Term:*
 - i) *Oxley Hwy / Pacific Hwy intersection upgrades.*
 - ii) *Oxley Hwy Upgrades – Wrights Rd to Lake Rd.*
 - iii) *Houston Mitchell Dr / Pacific Hwy intersection initial safety upgrades.*
 - iv) *Planning only for alternative flood free access to the airport (refer point 4 below).*
 - v) *Duplication of Lake Rd West – Ocean Dr to Chestnut St and beyond to include the Jindalee Rd intersection upgrade.*
 - vi) *Alternative access to the Health and Education precinct, including additional access to and from the Hospital car park via Merrigal Rd and Toorak Crt.*
 - vii) *Ocean Dr Duplication completion Matthew Flinders Dr to Greenmeadows Dr south.*
 - viii) *Boundary St Duplications and Upgrade.*
 - ix) *Duplication of Hastings River Dr – Hughes Pl to Boundary St.*
 - x) *Boundary St / Hastings River Dr intersection upgrade.*
 - xi) *Ocean Dr / Hastings River Dr corridor upgrades - in line with Corridor Strategy recommendations, including upgrades through Lake Cathie and Bonny Hills.*
 - xii) *King Creek Rd / Oxley Hwy intersection upgrade.*
 - b) *Short To Medium Term:*
 - i) *Upgrade and sealing Lorne Rd – Tipperary Rd to Playfords Rd.*
 - ii) *Duplication of John Oxley Dr – Kingfisher Dr to The Ruins Way.*
 - iii) *Upgrade of Lighthouse Rd, including pedestrian & cyclist upgrades.*
 - iv) *Houston Mitchell Dr / Pacific Hwy intersection grade separation upgrade.*
 - c) *Medium Term:*
 - i) *Oxley Hwy upgrades - east facing ramps at Carlie Jane Dr and off ramp at John Oxley Dr*
 - ii) *Upgrade and sealing of Stoney Creek Rd, including upgrades to the Pembroke Rd / Stoney Creek Rd intersection.*
 - iii) *Construction of alternative flood free access to the airport (refer point 4 below).*
 - d) *Long Term:*
 - i) *Oxley Hwy / Sovereign Dr / John Oxley Dr intersection upgrade.*
 - ii) *Upgrades to Beechwood Rd, including raising the Yippin Creek Bridge.*
 - iii) *Improved east-west connections from Ocean Dr to the Oxley Hwy.*
 - iv) *Improved connections in the Thrumster – Fernbank Creek and Sancrox area in line with predicted development.*

- e) Continuous:
 - i) Improvements to public transport services.
 - ii) Improvements to cycling and shared path infrastructure.
 - iii) Improvements to footpath and pedestrian infrastructure.
 - 4. Note the importance of improving flood free access to the airport and that there are interdependencies between a proposed airport access road and several Oxley Highway upgrade project options, therefore prioritise the planning for a proposed airport access road in the short term and prioritise the construction for the medium term.
 - 5. Note that several of the listed priorities are on the State road network and cannot be undertaken by Council.
 - 6. Note that assessment and design will need to be undertaken in advance of construction, sometimes by many years in the case of complex route planning.
 - 7. Request the Chief Executive Officer continue to work closely with Transport for NSW to ensure delivery of priorities on the State road network.
 - 8. Request the Chief Executive Officer provide a report to the March 2022 Council Meeting with the final draft Joint Integrated Transport Network Plan for public consultation.
 - 9. Continue to engage with the State and Federal Governments via local Members of Parliament to keep them informed with respect to transport network priorities and likely funding pressure points and opportunities to co-invest in worthy projects.
- CARRIED: 4/2
FOR: Alley, Hawkins, Intemann and Turner
AGAINST: Griffiths and Pinson

This report is provided in response to item 2 of the above resolution.

Council's draft Community Strategic Plan aligns Council and community goals and expectations. The community vision outlined in the draft Imagine2050 roadmap is "to be the most liveable, sustainable and innovative place in Australia". To deliver this vision, Council has embarked on a transformation journey, with a mission "to provide excellent services and infrastructure for our community".

Council's current strategic planning and operational capability struggles to keep up with the increasing pace of customer expectations and community growth. In response to this, Council identified four key focus areas, from which an organisational realignment was proposed, and adopted at the 13 October 2021 Council meeting.

The realignment provides a framework to support changes that can improve business operations and manage risks to support the delivery of outcomes aligned with community expectations. Through this realignment, Council will achieve an improved focus on key asset priorities. These priorities and actions will be developed over the next couple of months and form part of each Division's functional business plan.

The new Community Infrastructure Division will plan and deliver community infrastructure that meets the current and future needs of a thriving region across the roads, transport, stormwater and recreation assets. The Division will focus on the acceleration of asset condition assessments, growth reviews, renewal and rehabilitation plans and the aligning of proven delivery methodologies.

A review of existing engineering resources is currently underway to ensure strategic planning projects (such as those identified for the Integrated Strategic Transport Network Plan) are suitably supported and able to be delivered in line with community expectations. This review will consider the need for additional transport planning engineers and project managers within the Transport and Stormwater Planning Team, ensuring the up-front planning and investigation work is completed ahead of time to ensure the identified projects are well planned prior to detailed design and subsequent construction. This additional resourcing will also allow adequate preparation of grant funding submissions and detailed business case documentation.

The broader Community Infrastructure Division will also undergo a resourcing review to ensure continued capacity to assist in and support the accelerated outcomes. As an example, the Stakeholder Relations team, established 18 months ago, is now proving invaluable in responding to community requests, allowing the engineering team increased time to focus on strategic planning.

Improved stakeholder management and collaboration with our State and Federal partners will ensure all funding and grant opportunities are exhausted to support projects associated with the Integrated Strategic Transport Network Plan.

Options

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

Community Engagement and Internal Consultation

No public engagement or consultation was specifically undertaken in relation to this report.

Internal consultation has been undertaken with:

- Chief Executive Officer
- Director Infrastructure
- Group Manager Infrastructure Planning

Planning and Policy Implications

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

Financial and Economic Implications

There are no direct financial and economic implications in relation to this report, however any additional resources identified to work across the Transport asset class will be required to be funded through either General Fund or Grant funding opportunities and will be considered as part of preparing the 2022/2023 Operational Plan and Budget.

Attachments

Nil

Item: 12.08

Subject: KEY INTERSECTIONS FOR UPGRADE

Presented by: Community Infrastructure, Dan Bylsma

Alignment with Delivery Program

4.4.3 Develop and implement traffic and road safety programs.

RECOMMENDATION

That Council:

1. Note the prioritisation list and indicative costs of intersection upgrades in this report.
2. Note that key identified intersection upgrades will be incorporated into the Joint Integrated Strategic Transport Network Plan.

Executive Summary

Through Council's ongoing transport planning activities, several intersections have been identified for upgrade. Key intersection upgrades have been prioritised in terms of safety and capacity.

This report outlines the priority ranking of the identified intersections, details the assessment methodology used for the prioritisation and indicative costs of the identified upgrades.

Discussion

In response to a previous report regarding the relative prioritisation of the William and Munster Street Intersection, at the December 2020 Council Meeting it was resolved:

13.01 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - INTERSECTION IMPROVEMENTS - WILLIAM ST/MUNSTER ST, PORT MACQUARIE

RESOLVED: Pinson/Hawkins

That Council:

1. Note the information contained in the William Street/Munster Street intersection Community Engagement Report.
2. Note the safety concerns associated with the above intersection.
3. Request the General Manager write to the Federal Member for Cowper Pat Conaghan and Chair of The Joint Select Committee on Road Safety, seeking his support of urgent funding for road safety improvements to the William and Munster Streets intersection.
4. Request the General Manager to bring back a report to the February 2021 Council meeting on the options for trialling a temporary closure to the William Street median strip through the Munster Street intersection.

5. Undertake an immediate audit of vegetation around the William Street/Munster Street intersection with regard to potential improvement in sight distance and visibility.
6. Continue regular road maintenance and vegetation management works at the intersection.
7. Commence targeted communications to local businesses and tourism operators to assist in the education of visiting motorists who may use this intersection as the shortest route to their destination.
8. Request the General Manager arrange a Councillor Briefing prior to April 2021, outlining the forward works program for Transport, including any intersection upgrade projects, and the indicative budget to support this works program.
9. Request the General Manager report back to the April 2021 Ordinary Council Meeting outlining the key intersections for upgrade, their indicative costs and prioritisation.

CARRIED: 6/0

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

AGAINST: Nil

This report specifically addresses point 9 of the above resolution. The delay in providing this report is due to the March 2021 flood response and recovery.

Several intersections in the Port Macquarie area and along the Ocean Drive corridor have been identified as key intersections across the local road network, see Attachment 1. Through Council's ongoing transport planning activities, concept designs have been developed for a number of these locations to position Council for future funding opportunities, see Attachment 2.

The upgrades identified generally fall into two categories; the first being major projects with an intersection upgrade component, such as the Ocean Drive Duplication and Lake Road Duplication projects. These projects were prioritised as part of the Integrated Strategic Transport Network Plan in a report to the 21 July 2021 Council meeting. The second category includes key intersection upgrades that either standalone or are of a smaller scale than those embedded within a larger project. These categories are difficult to compare given the significant differences in cost, community interest, safety, project scope and planning requirements and broader community benefits.

A consultant was engaged to analyse the key intersections identified in Attachment 3 to form a preliminary assessment of the priorities based on intersection safety and capacity. Detailed analysis and surveys of existing use of these intersections is required to provide a more detailed assessment and prioritisation of works beyond safety and capacity considerations.

Attachment 4 provides the consultants technical note, identifying the process taken, software and source data used, and providing a final upgrade priority score for each intersection identified.

Indicative prioritisation

The following table lists the indicative prioritisation for the identified intersection upgrades based on analysis done to date.

Rank	Project
1	Hastings River Drive / Bellbowrie Street
2	Lake Road / Ocean Drive
3	Hastings River Drive / Boundary Street
4	Gordon Street / Hastings River Drive
5	Buller Street / Hollingworth Street
6	John Oxley Drive / Kingfisher Road
7	Hastings River Drive / Aston Street
8	Lake Road / Barton Road
9	William Street / Munster Street
10	Ocean Drive / Crestwood Drive
11	Lake Road / Central Road
12	Hastings River Drive / Widderson Street
13	Lake Road / Fernhill Road
14	John Oxley Drive / Major Innes Road
15	Lake Road / Jindalee Road
16	Ocean Drive / Pacific Drive
17	Burrawan Street / Lord Street
18	Granite Street / Savoy Street
19	John Oxley Drive / The Ruins Way
20	Ocean Drive / Matthew Flinders Drive
21	Koala Street / Kennedy Drive
22	Jindalee Road / Bolwarra Road
23	Graham Street / Orara Street / Comboyne Street
24	Lake Road / Savoy Street
25	Kew Road / Ocean Drive
26	Bold Street / Ocean Drive
27	Edith Street / Ocean Drive
28	McGilvray Road / Ocean Drive
29	Evans Street / Ocean Drive
30	Koala Street / Granite Street
31	Pacific Drive / Lighthouse Road
32	Pacific Drive / Bangalay Drive
33	Hindman Street / Central Road
34	Gordon Street / Horton Street
35	John Oxley Drive / Coles Entrance
36	Lake Road / Hill Street
37	Ocean Drive / Lighthouse Shopping Plaza

Other factors such as community desire, pedestrian use, and funding availability are yet to be fully considered as part of this prioritisation. Therefore, refinement of these priorities will occur with further analysis, design work and cost estimates.

Indicative Cost Analysis

Indicated cost estimates for the identified intersection upgrades are:

Intersection upgrades as part of major road upgrades:

Ocean Drive Duplication (Matthew Flinders Dr to Green Meadows Dr) - \$95Million

- Ocean Drive / Crestwood Drive
- Ocean Drive / Pacific Drive
- Ocean Drive / Matthew Flinders Drive
- Ocean Drive / Lighthouse Shopping Plaza

Lake Road Duplication - Stage 3 (Ocean Dr to Central Rd) - \$12Million

- Lake Road / Barton Road
- Lake Road / Central Road

Lake Road Upgrade - Stage 2 (Jindalee Rd to Fernhill Rd) - \$10Million

- Lake Road / Fernhill Road
- Lake Road / Jindalee Road

John Oxley Drive Duplication (Kingfisher Rd to The Ruins Way) - \$20Million

- John Oxley Drive / Kingfisher Road
- John Oxley Drive / Major Innes Road
- John Oxley Drive / The Ruins Way
- John Oxley Drive / Coles Entrance
- Major Innes Road / Ellis Parade

Boundary Street Duplication - \$30Million

- Hastings River Drive / Boundary Street

Standalone intersection upgrades:

Project	Indicative Costs
Buller Street / Hollingworth Street	\$3Million
Hastings River Drive / Aston Street	\$3Million
William Street / Munster Street	\$2Million
Burrawan Street / Lord Street	\$1.5Million
Granite Street / Savoy Street	\$350,000
Koala Street / Kennedy Drive	\$1.5Million
Jindalee Road / Bolwarra Road	\$750,000
Graham Street / Orara Street / Comboyne Street	\$2Million
Kew Road / Ocean Drive	\$2.5Million
Bold Street / Ocean Drive	\$2Million
Edith Street / Ocean Drive	\$1.75Million
McGillvray Road / Ocean Drive	\$1.75Million
Evans Street / Ocean Drive	\$1.75Million
Koala Street / Granite Street	\$2Million
Pacific Drive / Lighthouse Road	\$1Million
Pacific Drive / Bangalay Drive	\$2.5Million
Hindman Street / Central Road	\$1.5Million
Gordon Street / Horton Street	\$2Million
Lake Road / Hill Street	\$750,000

The following intersection upgrade projects currently have no design work completed and do not have an indicative cost estimate:

- Hastings River Drive / Bellbowrie Street
- Hastings River Drive / Widderson Street
- Lake Road / Ocean Drive
- Gordon Street / Hastings River Drive
- Lake Road / Savoy Street

Options

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

Community Engagement and Internal Consultation

No public engagement or consultation was specifically undertaken in relation to this report.

Internal consultation has been undertaken with:

- Director Infrastructure
- Group Manager Infrastructure Planning
- Transport and Stormwater Engineering Planning Manager
- Senior Transport Engineer
- Project Manager (Infrastructure Planning)

A Councillor Briefing was held on 5 May 2021 with the Mayor and all Councillors present.





Planning and Policy Implications

The priority projects identified in the 21 July 2021 Council Report, as well as the intersection upgrades identified within this report will need to be delivered along with other significant transport asset renewal projects (including resurfacing and bridge replacement/upgrades) in the coming years. All projects will need to be delivered in line with the adopted organisational strategies, plans and asset management principles supported by resourcing identified in the Long Term Financial Plan.

Financial and Economic Implications

There are no specific financial and economic implications in relation to this report, however significant capital funding is required to deliver the identified intersection upgrades.

Attachments

1.  Attachment 1 - PMHC Traffic Network Intersection Upgrades
2.  Attachment 2 - Concept Designs Key Intersections
3.  Attachment 3 - Key Intersections Identified for Analysis
4.  Attachment 4 - PMHC Intersection Prioritisation
Assessment Technical Note

Item: 12.09

Subject: LE CLOS SANCROX PLANNING PROPOSAL

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council progress to public exhibition of the “Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 (Amendment No 59) - Le Clos Sancrox”, included as Attachment 1 to this report, for a period of not less than 28 days.

Executive Summary

The “Port Macquarie-Hastings LEP 2011 (Amendment No 59) - Le Clos Sancrox” Planning Proposal (the Planning Proposal) seeks to amend Port Macquarie-Hastings LEP 2011 to rezone Lots 1-52 DP 776681, Sancrox (collectively known as Le Clos Sancrox) from RU1 to R1, R3, B2, E2, E3, E4 and RE1 and amend the applicable minimum lot size, floor space ratio and height of buildings provisions that apply.

The intended effect of the Planning Proposal is to facilitate a change in land use from rural to urban and environmental uses, including medium density and general residential, public open space, business, environmental conservation, environmental management and environmental living. This change is intended to facilitate the development of a variety of residential and supporting uses and to conserve areas of high environmental value within the site.

Council has sought to prepare draft infrastructure contributions and finance documentation and report this information to Council prior to any future public exhibition of the Planning Proposal. The intent of this process is to ensure proposed infrastructure and public benefit outcomes in connection with the Planning Proposal are documented and made available to the public.

Council Staff have been working with the proponent to progress the development of the above draft infrastructure contributions and finance documentation. However, whilst this process has been significantly progressed, to date, a final heads of agreement has not been achieved. Whilst Council Staff will continue to work with the proponent to develop this documentation, there would likely be further delay to the public exhibition of the Le Clos Sancrox Planning Proposal as a result of these documents being exhibited concurrently as outlined within Item 6 of Council’s resolution of 17 March 2021, given the draft infrastructure contributions and finance documentation is still being developed. This could compromise the timeframe for completion of the LEP as required by the Gateway Determination given the steps that are required following public exhibition to progress the LEP through to completion.

Given the above, this report recommends that Council progress to public exhibition of the "Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 59) - Le Clos Sancrox", included as Attachment 1 to this report, for a period of not less than 28 days. Council will then be required to exhibit the draft infrastructure contributions and finance documentation at a later stage, early in the 2022 calendar year.

Discussion

The Planning Proposal seeks to amend Port Macquarie-Hastings LEP 2011 to rezone Lots 1-52 DP 776681, Sancrox (collectively known as Le Clos Sancrox) from RU1 to R1, R3, B2, E2, E3, E4 and RE1 and amend the applicable minimum lot size, floor space ratio and height of buildings provisions that apply.

The intended effect of the Planning Proposal is to facilitate a change in land use from rural to urban and environmental uses, including medium density and general residential, public open space, business, environmental conservation, environmental management and environmental living. This change is intended to facilitate the development of a variety of residential and supporting uses and to conserve areas of high environmental value within the site.

In relation to the above, at its Ordinary Meeting of 17 March 2021, it was resolved:

That Council:

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

8. *Receive a further report following the public exhibition of the above documentation, should a Gateway Determination be received, providing information on any submissions received.*
9. *Receive a further report detailing the reasons why a Gateway Determination was not received if such a determination is not received to allow Council to consider alternative options in relation to the draft Fernbank Creek and Sancrox Planning Investigation and Le Clos Sancrox Planning Proposal.*

CARRIED: 5/0

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

Subsequent to Items 3 and 4 of the above resolution, Gateway Determination in relation to the 'Le Clos Sancrox Planning Proposal' was issued by the New South Wales Minister for Planning and Public Spaces on 13 May 2021. This Gateway Determination is attached to this report. In accordance with Clause 5 of this Gateway Determination, this LEP amendment is to be completed by 13 May 2021.

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

In relation to the above, at its Ordinary Meeting of July 2021, it was resolved:

That Council:

1. *Note the additional sheet titled "Alternate Option relating to Lot 1 DP 100991 and Lot 14 DP 1073738" included as a minor administrative amendment in the "Draft Fernbank Creek and Sancrox Villages Structure Plan".*
2. *Progress to public exhibition; the "Draft Fernbank Creek and Sancrox Villages Structure Plan" including the additional sheet identified in 1 above, for a period of not less than 28 days.*
3. *Continue to work with the Le Clos Sancrox Planning Proposal proponent in relation to the preparation of draft infrastructure contributions and finance documentation.*

CARRIED: 5/0

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

Council Staff have been working with the proponent to progress the development of the above draft infrastructure contributions and finance documentation in accordance with Item 3 of the above resolution. However, whilst this process has been significantly progressed, to date, a final heads of agreement has not been achieved. Whilst Council Staff will continue to work with the proponent to develop this documentation, there would likely be further delay to the public exhibition of the Le Clos Sancrox Planning Proposal as a result of these documents being exhibited concurrently as outlined within Item 6 of Council's resolution of 17 March 2021, given the draft infrastructure contributions and finance documentation is still being developed. This could compromise the timeframe for completion of the LEP as

required by the Gateway Determination given the steps that are required following public exhibition to progress the LEP through to completion. It can also be noted that undertaking consultation in relation to the Planning Proposal documentation prior to the public exhibition of the draft infrastructure contributions and finance documentation would allow any servicing and infrastructure matters relevant to the infrastructure contributions and finance documentation identified as a result of this exhibition to be addressed prior to the public exhibition of this draft infrastructure contributions and finance documentation.

Given the above, this report recommends that Council progress to public exhibition of the "Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 59) - Le Clos Sancrox", included as Attachment 1 to this report, for a period of not less than 28 days. Council will then be required to exhibit the draft infrastructure contributions and finance documentation at a later stage, early in the 2022 calendar year.

Options

Council has the option to resolve as recommended or continue to wait for the negotiations with Le Clos Sancrox representatives on the required infrastructure contributions and finance documentation and exhibit the Planning Proposal and infrastructure contributions and finance documentation together. It should be noted that the later options will delay exhibition of the Planning Proposal.

Community Engagement and Internal Consultation

Internal Consultation

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

External Consultation

Community consultation associated with this Planning Proposal would be undertaken in accordance with relevant statutory requirements as part of the planning process, in accordance with the Gateway Determination.

Proactive community consultation undertaken to date by the Principal Applicant has occurred as part of the development of a Social Impact Assessment, included within Appendix D to the Planning Proposal Report. Feedback received as a result of this consultation has been reported to be generally positive, with amenity impacts such as noise from the nearby animal boarding establishment and quarry having been considered in the design of the zoning layout and concept subdivision plan.

Consultation with public authorities/organisations in accordance with Clause 3 of the Gateway Determination is currently being undertaken. These public authorities/organisations include:

- NSW Department of Education
- Transport for NSW
- Mid North Coast Health
- NSW Police
- NSW Ambulance
- NSW Fire and Rescue
- NSW Department of Justice
- Department of Planning, Industry and Environment - Biodiversity and Conservation Division
- Department of Primary Industries - Agriculture
- Essential Energy
- Birpai Local Aboriginal Land Council
- NSW Heritage
- Department of Regional NSW - Mining, Exploration and Geoscience Division

Each public authority/organisation above has been provided with a copy of the Planning Proposal documentation. Submissions received from these public authorities/organisations will be reported to Council for consideration along with submissions received following public exhibition of the Planning Proposal.

Planning and Policy Implications




This Planning Proposal is being progressed in accordance with Council's Planning Proposal Policy and relevant NSW Government legislative requirements.

Financial and Economic Implications

With regard to the preparation of draft infrastructure contributions and finance documentation in relation to the Le Clos Sancrox Planning Proposal, this work is intended to ensure that proposed infrastructure and public benefit outcomes in connection with the proposal are documented and made available for public inspection and feedback. Ideally, and in accordance with Council's Planning Agreements Policy which is currently subject to review, this would occur concurrently with the public exhibition of Planning Proposal documentation. However, given the project constraints outlined under the heading 'Discussion' above, it is recommended that Council Progress to public exhibition of the Planning Proposal.

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

Attachments

1.  Document - Draft Le Clos Planning Proposal - Public Exhibition (Consolidated)
2.  DPIE Letter to Council
3.  Gateway Determination

Item: 12.10

Subject: PLANNING PROPOSAL - 2021 ADMINISTRATIVE REVIEW OF
PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN
2011

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Prepare a draft Planning Proposal pursuant to section 3.33 of the *Environmental Planning and Assessment Act 1979*, for the amendment of the provisions of *Port Macquarie-Hastings Local Environmental Plan 2011*, in relation to the eight issues as generally described in this report.
2. Forward the Planning Proposal 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 Council to be the local plan-making authority.
3. Delegate authority to the Director Community, Planning and Environment to make any minor mapping updates to the Planning Proposal prior to seeking a Gateway Determination, and/or as a result of the issue of Gateway Determination.
4. Receive a report following the public exhibition period on any submissions received.

Executive Summary

Council continually monitors the operation of *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP 2011) to identify necessary refinements and adjustments to the LEP 2011 written plan and maps. This report considers a number of proposed administrative amendments to the LEP 2011.

The issues are:

1. Map tidy-ups for the Lot Size Map and Koala Habitat Map at Map Series 013G - Insert labels for the Macquarie, Sea Acres and Lake Innes Nature Reserves to align with standard mapping practice.
2. IN2 Light Industrial zone table update - Amendment to the zone table to remove 'places of public worship' from Prohibited as it is currently showing as both a Permitted with Consent and Prohibited use in the zone table.
3. Lot 1 DP 1261690, Highway Service Centre - Amend the Additional Permitted Use Maps and LEP Schedule 1 for "Item 12" - Use of certain land at 1179

- Oxley Highway, Sancrox* to update the legal description of the land on which the proposed highway service centre will be situated.
4. Lot 5 DP21713, 46 Cooperabung Drive, Telegraph Point - Transport for NSW request to rezone site from SP2 Infrastructure zone to RU1 Primary Production zone.
 5. IN1 General Industrial zone table update - Amendment to zone table to add 'funeral homes' to the Permitted with Consent and make 'crematoriums' permissible in the zone.
 6. Lot 66 DP 754406, Lots 7008, 7009, 7011 DP 1026600, 19 Bril Bril-Belangray Road, Rolland's Plains - Rezone the Rollands Plains Showground from RU1 Primary Production zone to RE1 Public Recreation zone; apply an 8.5m maximum building height; and remove the Lot Size map from the subject lands.
 7. Lot 3, 21 and 65 DP 286585 Provence Close, Sancrox - Amendment to the E2 Environmental Conservation zone and corresponding amendment to the Lot Size map.
 8. Lot 2 DP 1250767, Sovereign Drive, Thrumster - Rezone 549sqm of R1 General Residential zone to B1 Neighbourhood Centre zone to remove split zoning on the land and corresponding amendment to the Lot Size map.

This report contains more detail on each of the proposed administrative amendments and recommends that Council prepare a Planning Proposal for forwarding to the Department of Planning, Industry and Environment requesting a Gateway Determination.

Discussion

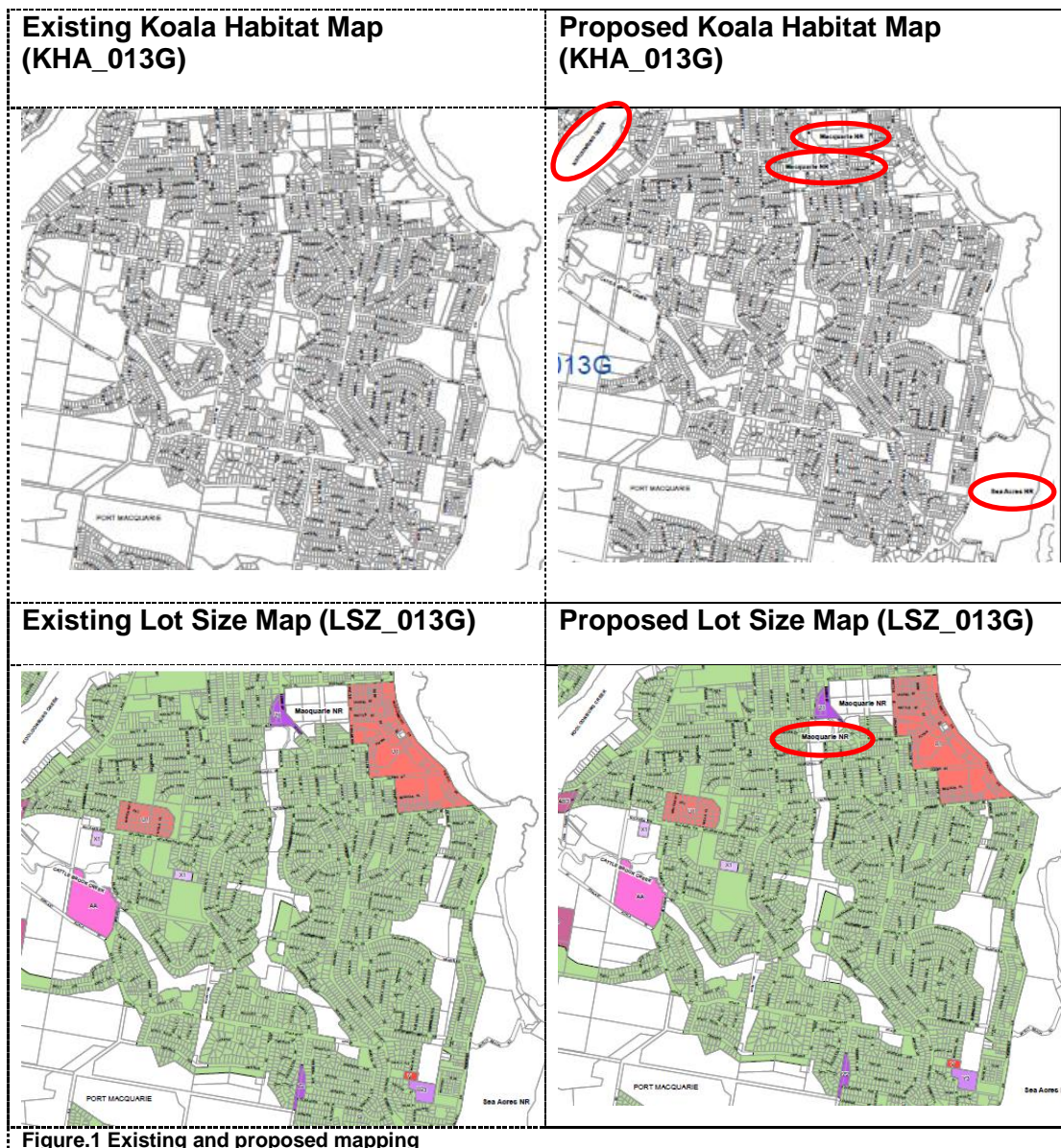
Details of the proposed amendments to LEP 2011 are provided below. They comprise of updates to LEP maps and the LEP written instrument.

1. Map tidy-ups for the Lot Size Map and Koala Habitat Map at Map Series 013G

In 2017, the NSW Department of Planning and Environment (now known as Department of Planning, Industry and Environment DPI&E) published *Standard Technical Requirements for Spatial Datasets and Maps* to guide Councils on the preparation and presentation of the maps contained within the planning instruments. *'These standard technical requirements have been determined by the Secretary of the Department of Planning and Environment under Section 158E(3) of the Environmental Planning and Assessment Act 1979'* (DP&E 2017:5) and it is the responsibility of the Council to implement them.

It has been identified that the subject nature reserves have not been labelled on the Lot Size and Koala Habitat maps in map series 013G. The abovementioned technical requirements state that the cadastral layer for LEP maps should show, amongst other things, national parks and nature reserves (labelled). This is the intention of this administrative update.

Proposal: Insert labels at the Koala Habitat and Lot Size maps for the Macquarie, Sea Acres and Lake Innes Nature Reserves to align with standard mapping practice, as described above and demonstrated in **Figure 1** below.



2. IN2 Light Industrial Zone table update

Places of public worship are currently listed as both permissible and prohibited in the IN2 Light Industrial zone table in LEP 2011. As determined by the *Standard Instrument - Principal Local Environmental Plan*, 'places of public worship' are mandated as Permissible with Consent in the IN2 Light Industrial zone; the error occurred due to a past amendment to the Standard Instrument LEP.

Proposal: Amend the zone table to remove 'places of public worship' from prohibited in the zone table, as described above and demonstrated below.

3 Permitted with consent

Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Medical centres; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pubs; Roads; Rural supplies; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or

hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Freight transport facilities; Function centres; Hazardous storage establishments; Health services facilities; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Marinas; Mooring pens; Offensive storage establishments; Passenger transport facilities; ~~Places of public worship~~; Pond-based aquaculture Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Rural industries; Schools; Sewerage systems; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Water storage facilities; Wharf or boating facilities

3. Highway Service Centre, Sancrox - Amendment to LEP map and Schedule 1

In 2019, an LEP amendment was gazetted to allow development for the purpose of a highway service centre on No 1179 Oxley Highway, Sancrox (Lot 11 DP 1029846), located on the south-western corner of the Pacific and Oxley Highways. The amendment incorporated ancillary hotel or motel accommodation to permit overnight accommodation for heavy vehicle drivers.

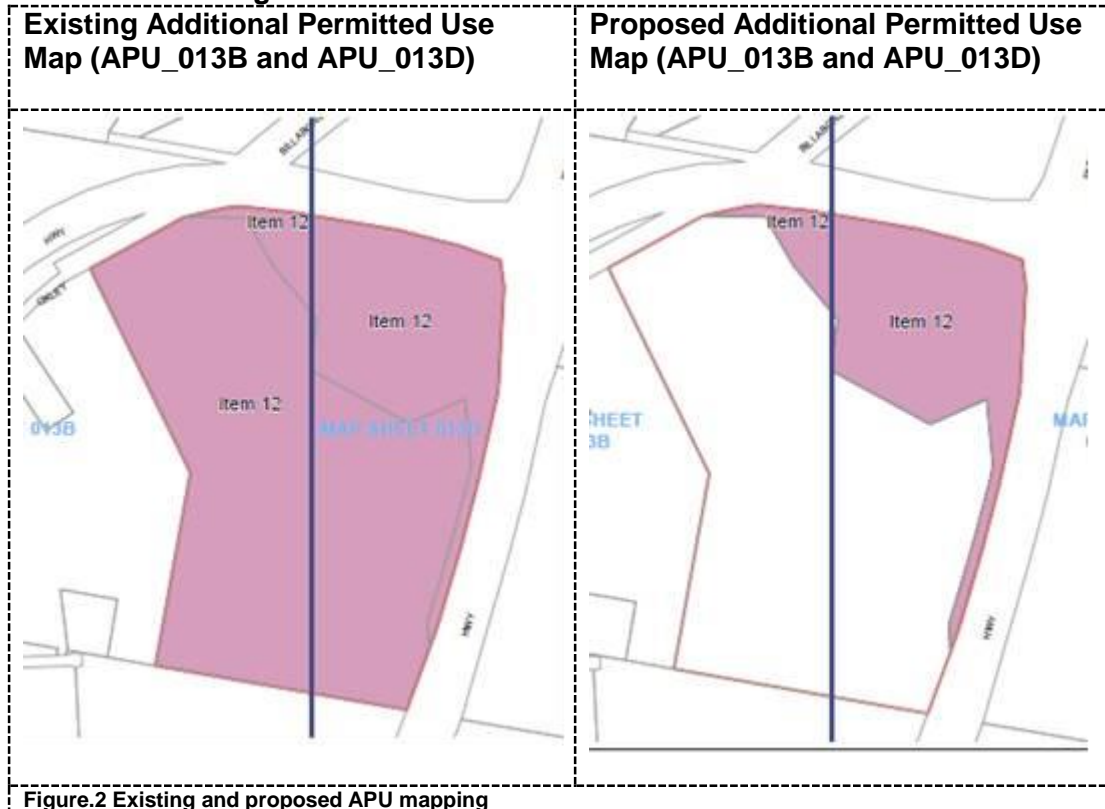
The amendment allowed for the lot to be subdivided into two lots, with one lot to contain the highway service centre site and the other lot containing the existing dwelling house, facilitated through incorporating this property at Schedule 1 of the LEP, identification on the Additional Permitted Use (APU) mapping and enforcement of a planning agreement.

This land has now been subdivided to exclude the house site. The new legal description for the site of the proposed highway service centre is Lot 1, DP 1261690. Subsequently, Schedule 1 of the LEP needs to be updated to accurately reflect the legal description of the lot, and the APU map removed from the lot containing the existing dwelling house. **Table 1** below provides details on the proposed LEP 2011 Schedule 1 updates.

Table 1 - Current and Proposed Wording for LEP 2011 - Schedule 1

Schedule 1	Current wording	Proposed wording
Title	12 - Use of certain land at 1179 Oxley Highway, Sancrox	12 - Use of certain land at Lot 1, DP 1261690 Oxley Highway, Sancrox
Clause(1)	This clause applies to land at 1179 Oxley Highway, Sancrox, being Lot 11, DP 1029846, shown as "Item 12" on the Additional Permitted Uses Map.	This clause applies to Lot 1, DP 1261690, Oxley Highway, Sancrox shown as "Item 12" on the Additional Permitted Uses Map.

Proposal: Amendment to Schedule 1 “Item 12 - Use of certain land at 1179 Oxley Highway, Sancrox” to update the legal description for the proposed highway service centre site, as described above; and to remove the APU map from the existing dwelling, and only apply it to the site of the proposed highway service centre as demonstrated in **Figure 2** below.



4. Cooperabung Drive, Telegraph Point - Rezone to Primary Production

The landowner, Transport for New South Wales (TfNSW), has requested that Council review the zoning and associated development standards of Lot 5 DP 21713, Cooperabung Drive, Telegraph Point.

The land identified in **Table 2** is currently zoned SP2 Infrastructure (Classified Road). TfNSW has advised that this parcel consists of residue land, located outside of its dedicated road boundary and is not required for future road purposes. Therefore, the current SP2 zoning is not accurate.

TfNSW has requested a review of the SP2 zone with a view to zone the land to be consistent with the surrounding land, which is RU1 Primary Production.

Table 2 - Lot 5 DP 21713 Current and Proposed LEP Provisions

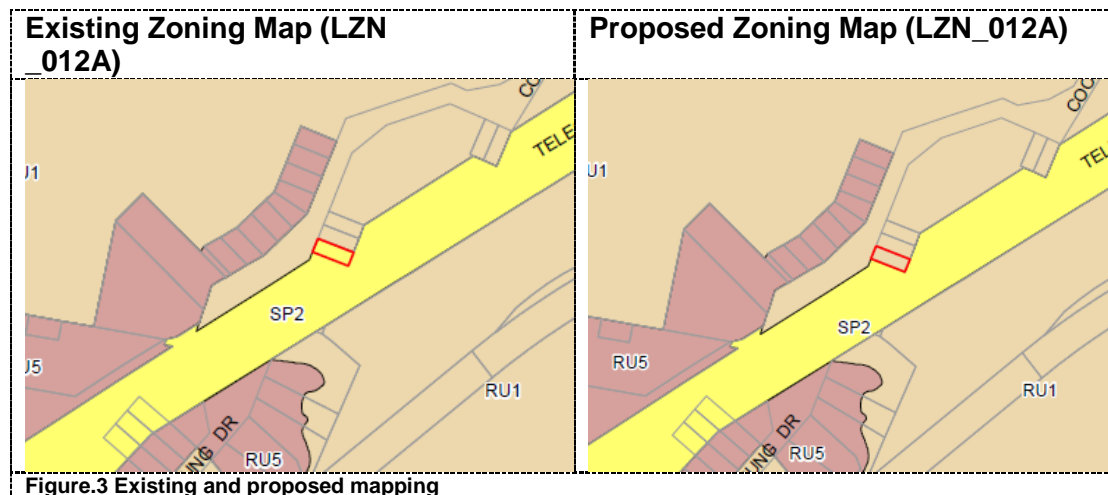
Zoning	Current LEP 2011	Proposed LEP 2011
	SP2 Infrastructure	RU1 Primary Production
Floor Space Ratio	Nil	Nil

Height of Building	Nil	Nil
Lot Size	40ha	No change (40ha)

The LEP Practice Note, *Zoning for Infrastructure in LEPs*, outlines six principles that should be followed for zoning infrastructure.

Taking direction from the fifth principle, 'where surplus public land is currently zoned 'special use', the land should be rezoned as a compatible land use, (e.g. to a prescribed zone)', changing the zone on Lot 5 DP 21713 would be the recommended approach. The land is vacant and no changes are proposed to the minimum Lot Size applying to the land which is 40ha.

Proposal: Rezone Lot 5 DP 21713 from SP2 Infrastructure to RU1 Primary Production, as described above and demonstrated in **Figure 3** below.



5. IN1 General Industrial Zone table update

An inconsistency with the permissibility of mortuaries, funeral homes and crematoriums has become apparent in the Port Macquarie-Hastings LEP.

While, by definition, these uses are all slightly different, they function in a similar manner. For consistency, it is logical to include them as either permissible or prohibited.

A review of surrounding LEPs (Kempsey, Great Lakes and Coffs Harbour) confirms that mortuaries are permitted with consent in all of the LEPs, whereas there is some inconsistency in the permissibility of funeral homes and crematoriums amongst the LEPs. Coffs Harbour identifies all three uses as being permissible in the IN1 General Industrial zone and this approach avoids any inconsistency, subsequently this is the proposal; refer to **Table 3** below for details.

Table 3 - Comparison Table with Current and Proposed LEP Provisions

IN1 zone	Port Macquarie LEP (Current)	Coffs Harbour LEP	Port Macquarie LEP (Proposed)
Permitted with consent	Mortuaries (Any other development not specified in item 2 or 4)	Funeral homes Crematoria (Any other development not specified in item 2 or 4) Mortuaries (Any other development not specified in item 2 or 4)	Funeral homes Crematoria (Any other development not specified in item 2 or 4)
Prohibited	Commercial premises (funeral homes) Crematoria		

Proposal: Amend the zone table to delete crematoria from our prohibited table and insert funeral homes into the permissible table, as described above and demonstrated below.

3 Permitted with consent

Depots; Freight transport facilities; **funeral homes**; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Medical centres; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pubs; Roads; Rural supplies; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; **Crematoria**; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Function centres; Hazardous storage establishments; Health services facilities; Heavy industries; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Offensive storage establishments; Passenger transport facilities; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Schools; Tourist and visitor accommodation; Water recreation structures; Water storage facilities; Wharf or boating facilities.

6. 19 Bril Bril-Belangray Road, Rollands Plains - rezoning Rollands Plains Showground

The Rollands Plains Showground is currently zoned RU1 Primary Production. The objectives of the RU1 Primary Production zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining uses.*

The current uses of the land do not fulfil the objectives of the zone. Furthermore, the minimum lot size for land in the RU1 Primary Production zone is 40ha. The combined total of the abovementioned properties is less than 20ha, meaning they do not meet the lot size requirements of the zone.

The Wauchope, Kendall and Comboyne showgrounds are all zoned RE2 Private Recreation as they are not classified as being either community or operational.

Rollands Plains Showground differs in that it is owned by the Crown and is administered by the *Crown Lands Management Act (2016)*. It comprises part Reserve 35451, gazetted 6 December 1902, for the purpose of Public Recreation. The Reserve is managed by Rollands Plains Recreation Reserve Land Manager. Subsequently, a RE1 Public Recreation zone is more appropriate. This zone is consistent with the public reserve purpose of the land. While the showground operates on this site, the property is left unlocked and includes a maintained walking track for public purposes. The DPI&E - Crown Lands has confirmed their support for this rezoning.

Amending the zone of Lot 66 DP 754406, Lot 7008, 7009 and 7011 DP 1026600 to RE1 Public Recreation would better reflect the existing uses of the land. The RE1 Public Recreation zone has the following objectives:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

As identified above, the showground is more closely aligned with the RE1 Public Recreation objectives. Further, there are additional permitted uses associated with a RE1 Public Recreation zoning, such as camping grounds, which may allow for an added income generation opportunity on the land.

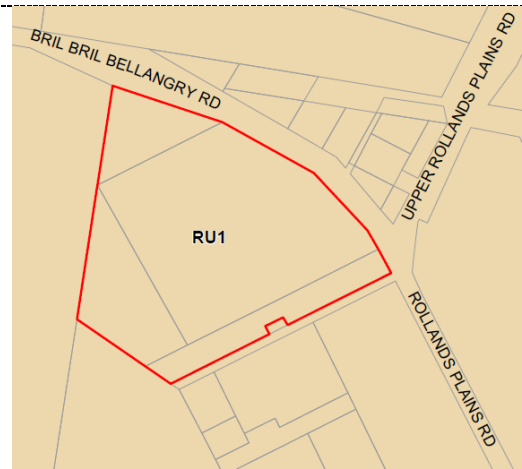
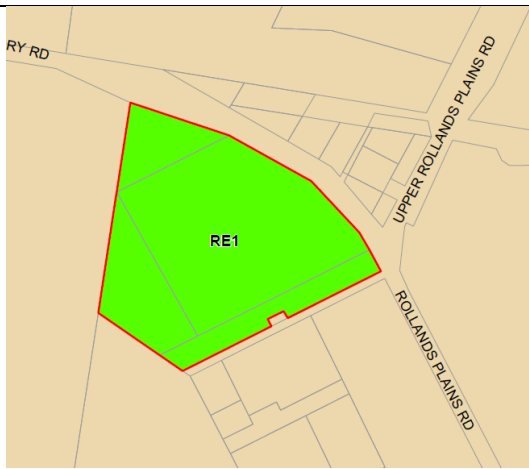
Currently there is no Height of Building map applying to the subject site, however the Kendall and Comboyne showgrounds have applied an 8.5m height limit to the land. Given that the Rollands Plains showground is located within a village, it is considered reasonable to apply the 8.5m maximum building height, which would be consistent with the controls applied at two of the other three showgrounds in this local government area. These villages are smaller than Wauchope and more similar in size to the village of Rollands Plains. Conversely, none of the other showgrounds have a minimum lot size, so it is proposed that the 40ha minimum lot size be removed from the subject site.

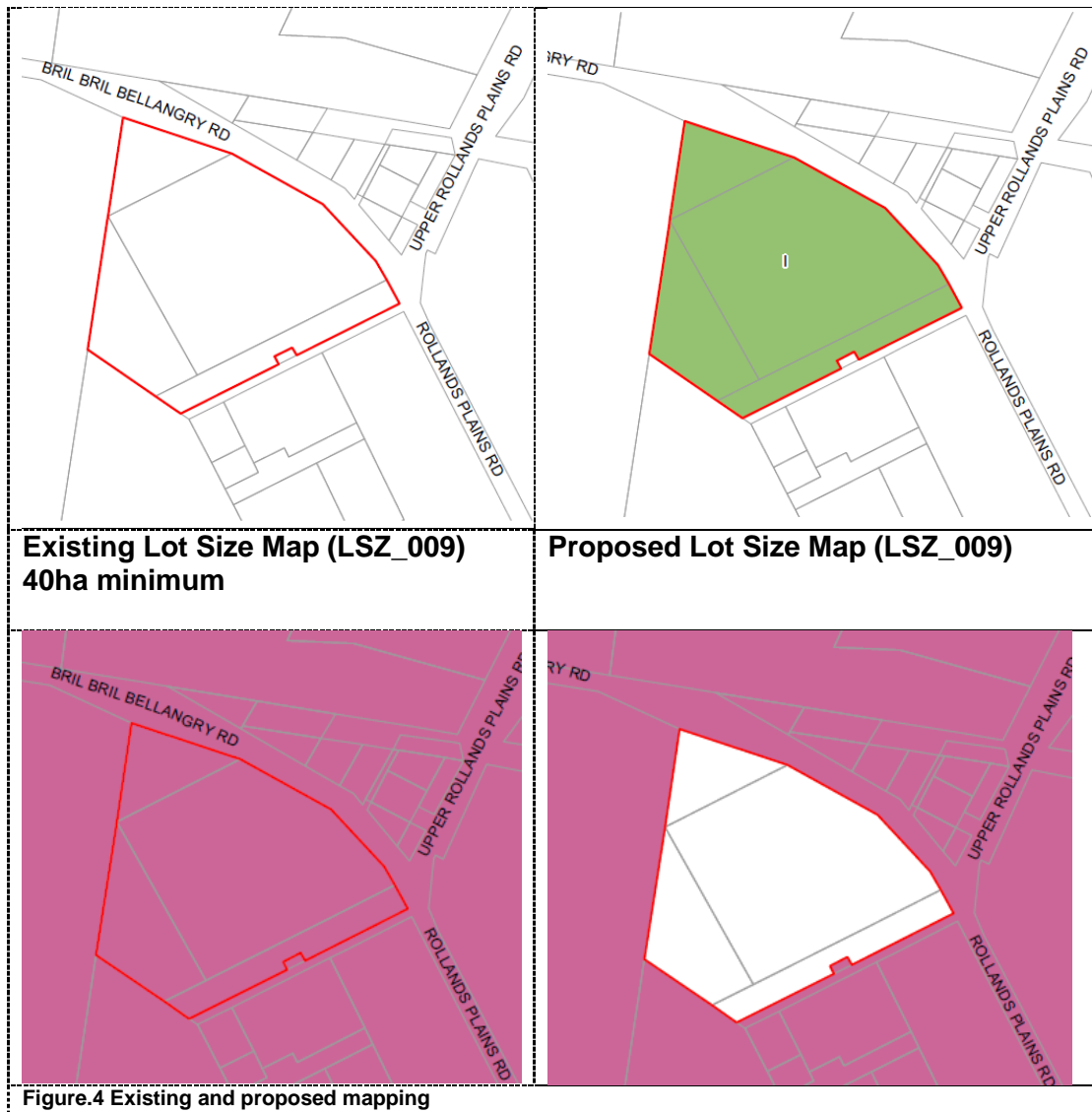
Refer to **Table 4** below for a comparison of LEP zoning provisions between the showgrounds.

Table 4 - Comparison Table with Current and Proposed LEP Provisions

	Wauchope Showground	Kendall Showground	Comboyne Showground and Tennis Courts	Rollands Plains Showground and Tennis Courts (Current)	Rollands Plains Showground (Proposed)
Zoning	RE2 Private Recreation	RE2 Private Recreation	RE2 Private Recreation	RU1 Primary Production	RE1 Public Recreation
Floor Space Ratio	Nil	Nil	Nil	Nil	Nil
Height of Building	14.5m maximum	8.5m maximum	8.5m maximum	Nil	8.5m maximum
Lot Size	Nil	Nil	Nil	40ha minimum	Nil

Proposal: Amend the Land Zoning map on Lot 66 DP 754406, Lots 7008, 7009 and 7011 DP 1026600; apply a Height of Building Map and remove the Lot Size map from the subject lands, as described above and demonstrated in **Figure 4** below.

Existing Land Zone Map (LZN_009)	Proposed Land Zone Map (LZN_009)
	
Existing Height of Building Map (HOB_009)	Proposed Height of Building Map (HOB_009) I = 8.5m



7. Provence Close, Sancrox - Amendment to the E2 Environmental Conservation zone

Council has received a request from Hopkins Consultants to review the E2 Environmental Conservation Zone at Provence Close in the Le Clos Verdun Estate, Sancrox, suggesting that the environmental sensitivity of the environmental zone in this location is over-stated.

Aerial imagery shows that there is a significant area on the western edge of the E2 Environmental Conservation zone that appears to be open grassland (refer to **Figure 5**), which is creating difficulties now that the first stages of this subdivision have been released and new land-owners are being faced with the problem an E2 zone boundary presents for new home-building.



Open grassland located within the E2 Environmental Conservation zone.

Figure.5 Subject site and zoning

This land was rezoned in 2007 and was supported by a number of studies, including an Ecological Study prepared by B Salter in February 2004, which includes Addendums, published in May 2004 and January 2008. These studies helped to inform the environmental sensitivities across the Estate. The subject E2 Environmental Conservation zone is classified as consisting a strip of large Blackbutt Trees along Provence Close. It is not identified as Core Koala Habitat. The 2008 Addendum report recommended that *'building sites, access driveways, bushfire buffers can and should be located to avoid the need for tree removal'* (B Salter, 2008:10).

In 2008 a Fauna and Flora Study was prepared by Keystone Ecological to assist with the preparation of the Vegetation Management Plan (VMP) for the Le Clos Verdun Estate. This study confirms the presence of four hollow bearing trees within this parcel, which are numbered and identified as (14) *Eucalyptus pilularis* Blackbutt, (15) *Eucalyptus microcorys* Tallowwood, (16) *Eucalyptus pilularis* Blackbutt, (17) *Eucalyotys pilularis* Blackbutt (refer to **Figure 6**). This study recommended that *'driveways and other structures on the central ridge are to avoid conflict with the tree protection zones of the hollow-bearing trees'* (E Ashby, 2008:49).



Figure.6 Subject site and location of hollow bearing trees

The approved VMP provides for the effective management of the fauna and flora in this estate. The VMP talks specifically to the Management Unit relating to the E2 Environmental Conservation zoned parcel in question, stating that it *'consists of established trees only and is isolated from any corridors linking it to any other Management Units. It has no understory or 'weed' growth, does not require any works in the form of revegetation or fencing and is subject to the following:*

1. *Collection of firewood will be prohibited through the Neighbourhood Management Statement.*
2. *It is to be monitored within the inspections and reporting to Council in accordance with this plan.*
3. *Driveways are to be located, or adapted, to minimise interference with existing tree protection zones.*
4. *No APZ around this Management Unit as this is not required in accordance with the Bushfire Risk Assessment by Mid-coast Environmental Services (page 22 of this VMP document).*
5. *No hollow-bearing trees are to be removed.*
6. *The Applicant will undertake sediment & erosion control during construction of driveways in this Management Unit.*

7. *Ecological burns in this Management Unit are not required or desirable.*
8. *Understorey maintenance and clearing may be undertaken at the discretion of the land owner' (G.H. Milne Home, 2016:21).*

In February 2021 Council staff visited the site and they agreed that part of the E2 Environmental Conservation zone boundary inaccurately extends over cleared grassland and that there may be a case for rationalising the western edge of the zone. This is particularly so given that the community does not contain any ground-level or middle-storey habitat elements, or any other floristic assemblage other than the remnant trees. The physical canopy extent, and thus drip-line of these trees thereby represents the extent of land with any floristic or habitat value in this location.

In the view of Council staff, a more accurate representation of the E2 Environmental Conservation zone would be for it to extend the zone a minimum of 2m beyond the tree dripline as a starting point (refer to the current and proposed maps at **Figure 7** below).

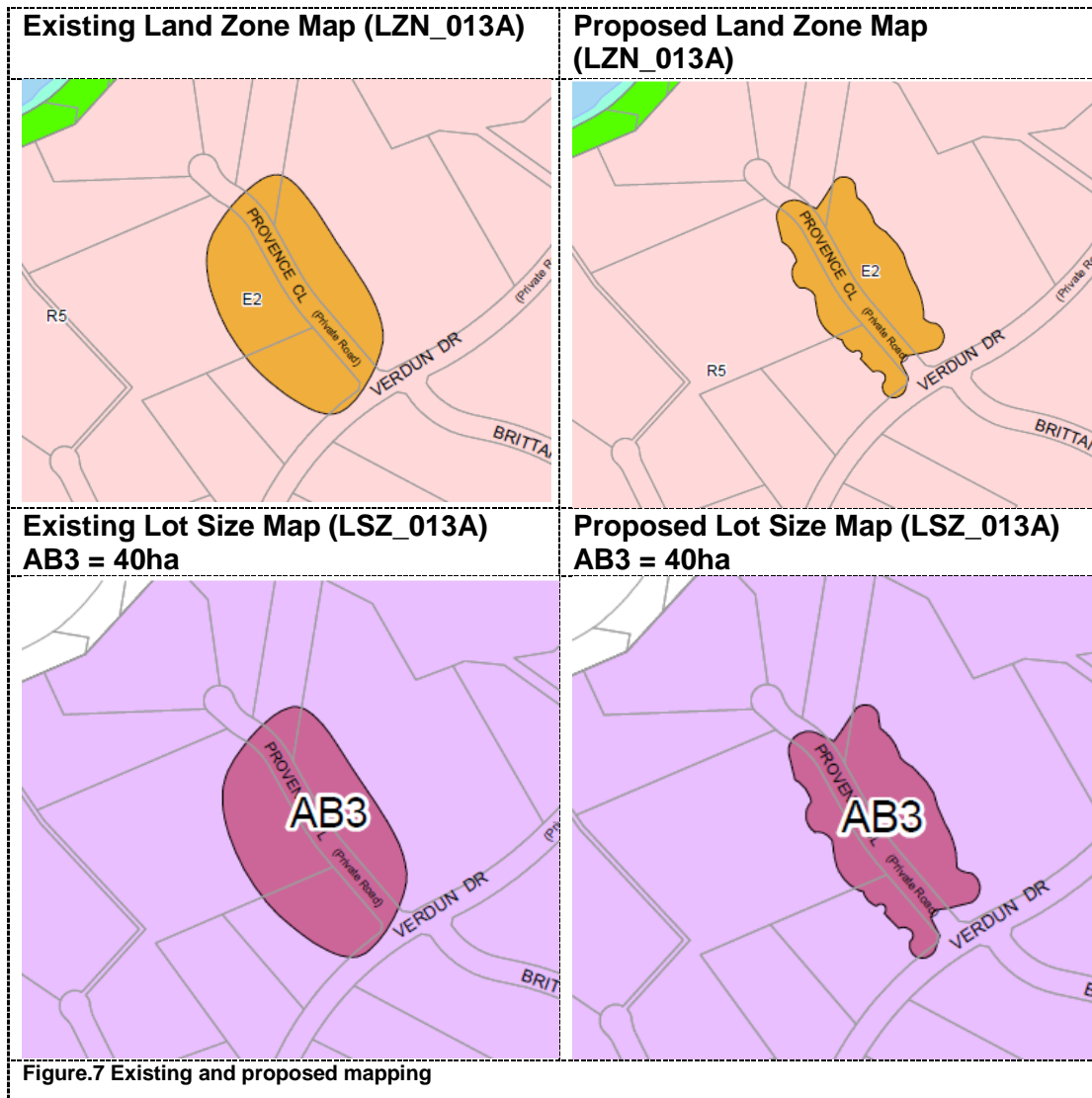
To ensure that the recommendations of the 2008 Salter Addendum Report and 2008 Ashby Report are not dismissed and the trees continue to receive appropriate ongoing protection, Tree Protection Zones (TPZ), in accordance with AS4970 and Council's Development Control Plan relating to TPZ's for Hollow Bearing Trees, also needs to be applied, as do the associated tree hazard zones. Application of the above will form the basis for the revised boundary of the E2 Environmental Conservation.

Of note, **Figure 7** currently does not incorporate the TPZ and tree hazard zones as Council staff are waiting on final, survey accurate, mapping from the consultants to confirm these areas. However, there is likely to be minimal change as a result of the application of the above, with an increase to the proposed E2 Environmental Conservation zone more likely.

As a result of any updates to the E2 Environmental Conservation zone, the corresponding Lot Size map will need to be amended, being 8000sqm for the R5 Large Lot Residential zoned land and 40ha for the E2 Environmental Conservation zoned land.

The properties in this estate are under the management of Riverpark Sancrox Trust, with whom Hopkins work closely and have confirmed that owner(s) of Lots 3, 21 and 65 DP 286585 are in support of this E2 Environmental Conservation zone review and any resultant mapping updates.

Proposal: Amend the Land Zoning map at Lot 3, 21 and 65 DP 286585 to rezone the abovementioned E2 Environmental Conservation zoned land to R5 Large Lot Residential and update the Lot Size map to correspond with the zones, as described above and demonstrated in **Figure 7** below.



9. Certain land at Sovereign Drive, Thrumster - Rezone from R1 General Residential to B1 Neighbourhood Centre Zone

The approved subdivision for the South Oxley Neighbourhood Centre commercial zone and neighbouring residential lots (DA 2017.664) on Litchfield Parkway, Thrumster has been formally modified by Council (see **Figure 8** showing the approved stamped plan). The adjacent Lot 1 to the north has received consent for a Child Care Centre (DA 2018.471) which occupies the entirety of Lot 1.

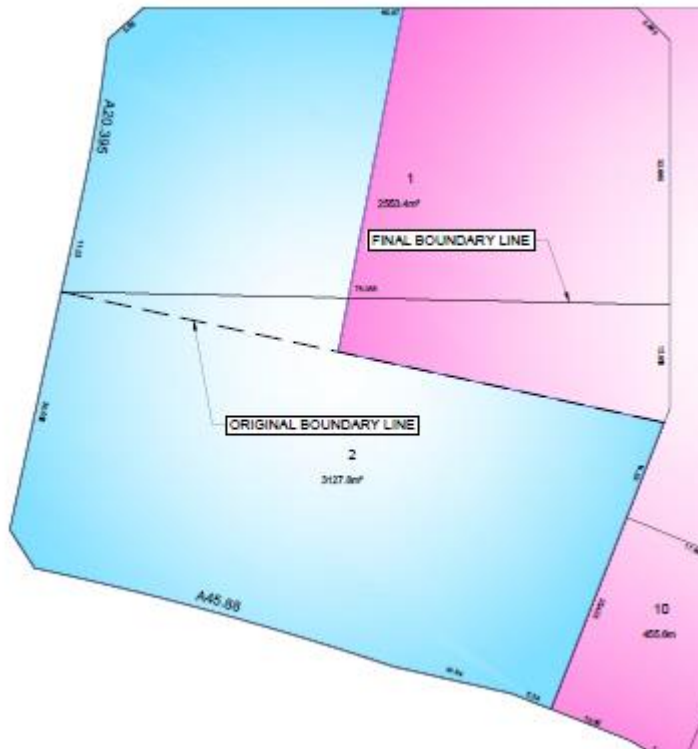
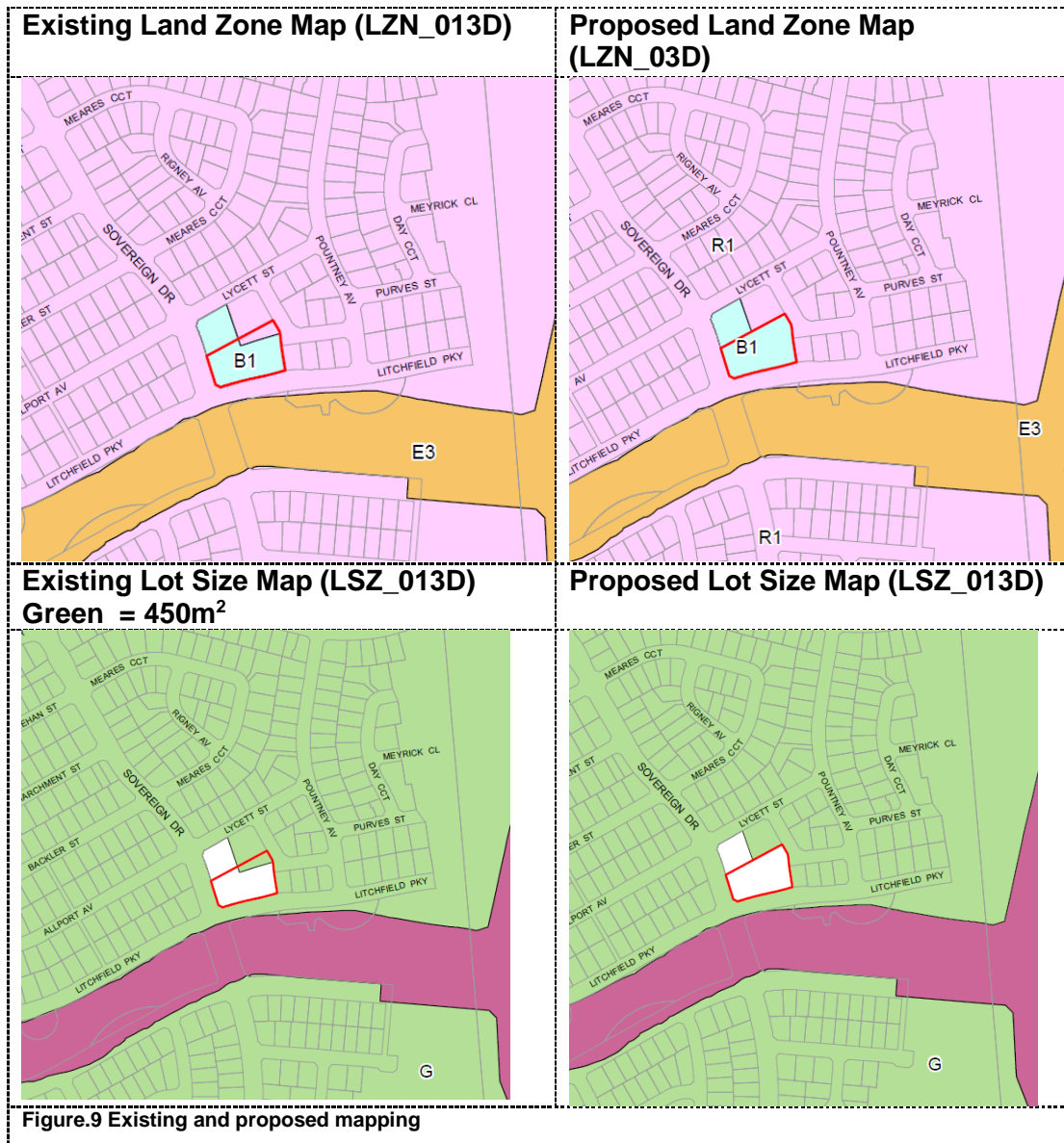


Figure.8 Modified plan (stamped)

As a result of the modification to consent of DA2017.664, Lot 2 DP1250767 has become dual zoned as B1 Neighbourhood Centre and R1 General Residential (refer to **Figure 8**).

Currently 431m² of Lot 2 is zoned R1 General Residential, however it is considered that a residential use of that land (which is below the minimum lot size of 450m²) annexed between the future “commercial” use of Lot 2, and the adjoining approved Child Care Centre, would not be a desirable urban planning outcome.

Proposal: Amend the Land Zoning map at Lot 2 DP 1250767 to rezone that part of the site zoned R1 General Residential to B1 Neighbourhood Centre Zone and remove the Lot Size map, consistent with the zoning on the rest of the property, as described above and demonstrated in **Figure 9** below.



Options

This report addresses a number of proposed, administrative changes to Port Macquarie-Hastings LEP 2011, as discussed above. Council could opt to:

1. Do nothing (the issues raised would remain unresolved).
2. Omit or modify the Planning Proposal for any of the issues raised.
3. Resolve to prepare a Planning Proposal to amend LEP 2011 for issues one to eight, as described in this report.

It is recommended that Council proceed with Option 3.

Community Engagement and Internal Consultation

There has been internal discussions with relevant Council staff in the preparation of this report.

Council staff have received written confirmation that the DPI&E – Crown Lands supports the consideration of the Rollands Plains Showground site for the proposed re-zoning from RU1 Primary Production to RE1 Public Recreation.

Hopkins Consultants have confirmed that the owner(s) of Lots 3, 21 and 65 DP 286585 are aware of and in support of the proposed rezoning to rationalise the western edge of the E2 Environmental Conservation zone, as described, in the Le Clos Verdun Estate.

The DPI&E's Gateway Determination will specify any further targeted consultation requirements.

Community consultation for Planning Proposals will be undertaken in accordance with Council's *Community Participation Plan 2019* and include notification on Council's website and notification to affected and adjoining for the duration of the exhibition. The exhibition material will also be available at all of Council's Customer Service Centres.

Planning and Policy Implications

The proposed amendments will:

- Ensure continuous improvement of the LEP 2011.
- Facilitate future development through the refinement of the LEP 2011 provisions.

Financial and Economic Implications

The preparation of the Planning Proposal will be completed as part of Council's Land Use Planning program.

There are no expected economic impacts or financial impacts for Council in the proposed LEP 2011 amendments.

It is anticipated that there will be cost savings to the community in the future due to the removal of potential complications to development.

Attachments

Nil

Item: 12.11

Subject: LAKE CATHIE DREDGING

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Note the media release dated 19 October 2021 from The Hon. Leslie Williams, Member for Port Macquarie requesting Council to considering dredging the Lake Cathie lagoon.**
2. **Acknowledge that Council is taking all of the mandated legislative steps to secure a modification to the Lake Cathie Dredging Development Approval in order to permit dredging of the Lake Cathie Lagoon to ensure the safety of our community in managing coastal hazards.**
3. **Request the Chief Executive Officer to write to the Minister for Water, Property and Housing The Hon. Melinda Pavey regarding the issue of extensive wait times for Crown license applications and request additional resources are provided.**
4. **Request the Chief Executive Officer write to the Minister for Water, Property and Housing The Hon. Melinda Pavey regarding the approvals process for the Coast and Estuary Grants program requesting streamlining of grant announcements.**
5. **Request the Chief Executive Officer to write to The Hon. Leslie Williams, Member for Port Macquarie to advise that Council is taking all of the mandated legislative steps to secure a modification to the Lake Cathie Dredging Development Approval in order to permit dredging of the Lake Cathie Lagoon to ensure the safety of our community in managing coastal hazards.**

Executive Summary

Council manages the ongoing dredging of Lake Cathie lagoon, governed by an existing Development Approval, Statement of Environmental Effects and Council's Dredging Strategy. The existing Development Approval allows for dredging for recreational purposes every 5-10 years and requires a NSW Crown license to initiate a dredging event.

Council has recognised the limitation in the existing approval and commissioned a study to develop an additional trigger based on mitigating the coastal hazard vulnerability of Lighthouse Beach in front of Illaroo Road.

An application to modify the existing Development Approval to include this trigger is under assessment. When approved a Crown licence permit, if also approved by NSW Crown Lands, would allow more frequent dredging of the Lake when appropriate conditions are met and for works to be initiated when the erosion risks are high. An application for a Crown license to undertake dredging has been submitted to NSW Crown Lands.

The Member for Port Macquarie, The Hon. Leslie Williams issued a media release on 19 October 2021 (**Attachment 3**) calling on Council to consider dredging Lake Cathie under the terms of the extended Coastal Zone Management Plan which is now valid until December 2023.

This report outlines the dredging activity, the approvals held and the process undertaken to amend the approval for the purposes of coastal hazard management. It also includes a chronology of actions undertaken since the Member for Port Macquarie wrote to Council in November 2020 requesting consideration for dredging of Lake Cathie.

It also highlights some of the key barriers faced by Council in the timely delivery and implementation of projects requiring Crown licenses and Coastal Management Program grant funding.

Discussion

1. Context

Council has for a number of years dredged the Lake Cathie lagoon for recreational amenity purposes. The original parameters for dredging were determined by the adopted PMHC Dredging Strategy (2007), with Cathie identified as having a dredging frequency of 5-10 years. When the dredging began the spoil from the activity was deposited north of the Lake entrance on Lighthouse Beach.

In 2013, Council reassessed the use of the spoil and determined that depositing the dredged sand on the portion of the beach immediately in front of Illaroo Road, Lake Cathie allowed for beach nourishment to reduce dune erosion. Development consent (DA) was granted in 2013 that allowed this change to occur.

The 2013 development consent, which still applies, allows for approximately 30,000m² or up to 20,000m³ of sand to be taken from east of the Ocean Drive bridge, to be used for beach nourishment of around 350m of Lighthouse Beach south of the lake entrance.

In 2020 the discussion of the Illaroo Road revetment wall and coastal hazard management along this particular stretch of coastline was a priority. This discussion triggered Council to re-evaluate management along Illaroo Road. One mitigation measure that has been identified and that can be achieved in the immediate future was to establish a hazard trigger based on sand loss and erosion.

In May 2021 Council, in recognition of the limitations of the existing development consent, engaged an external consultant to review the Statement of Environmental Effects (SEE) that supported the original development application with a view to amending the existing development consent. As part of this review the coastal specialists proposed a methodology for assessing the beach volume and the degree

of protection against erosion events it provided the dune system in front of Illaroo Road.

The hazard trigger developed from this review is proposed as follows:

If the zone of reduced foundation capacity (ZRFC) encroaches onto the road assuming a storm bite of 75 m³/m, and there is 20,000 m³ of sand available within the approved dredge footprint, then the lake is dredged to nourish the beach.

Simply put, once there is insufficient sand present in front of the dune to protect the dune, road and dwellings from potential erosion events, Council is able to dredge the lake for nourishment in line with the requirements of the approved SEE and amended DA, once approved.

Council has also installed CoastSnap beach monitoring stations to harness community interest and citizen science in coastal processes. The two station at Lake Cathie will be used to monitor the beach volume for the trigger developed by Cardno.

This approach is intended to supplement the ongoing Coastal Management Program process and provide residents with assurance that short term hazard management is being undertaken while the long term management plan is developed. The ongoing nourishment from dredging will also be supported by the Illaroo Road Stormwater project, as beach-side stormwater outfalls will no longer contribute to erosion of the dune and nourished sand.

The DA modification is currently under assessment by Council and a determination is expected in approximately 3 weeks.

The change in the DA allows for a more proactive, risk management based approach in addition to the existing dredging trigger for maintaining recreation amenity which can occur every 5 to 10 years. The most recent dredge was undertaken in 2018 at a cost of \$350,000. Under the existing DA and SEE terms, no further dredging is permitted until 2023 for recreational purposes however the hazard trigger may be met before that time and Council would legally be able to intervene to mitigate flood impacts only.

Following approval of the amended DA and its submission to NSW Crown Lands, Crown Lands will be in a position to determine the Crown Licence Application that has been submitted to them.

2. Request from Port Macquarie State MP Leslie Williams

On Tuesday 19 October 2021 The Hon. Leslie Williams, Member for Port Macquarie issued a press release calling on Council to consider dredging works at Lake Cathie (**Attachment 3**).

The Member for Port Macquarie highlighted the Coastal Management Amendment Bill 2021 which enabled Coastal Zone Management Plans (CZMP) to be remain valid until 31 December 2023, and the 1:1 funding available for actions identified in the Lake Cathie CZMP including dredging and beach nourishment.

The Member for Port Macquarie called on Council to consider dredging for the purpose of reducing coastal hazards along the beach in front of Illaroo Road, and

referenced her previous request for Council to consider this in November 2020 (**Attachment 1**). Council's previous response to the Member for Port Macquarie is provided attached as **Attachment 2**.

3. Council's Timeline

The following chronology exemplifies what Council has been working on since the original request from the Local Member on 3 November 2020.

- On 3 November 2020 - The Member for Port Macquarie wrote to Council (**Attachment 1**) requesting that Council undertake dredging of the as per the existing development consent
- On 23 November 2020 - Council replied to the Member for Port Macquarie (**Attachment 2**) outlining that the discussion would be taken to the December 2020 Ordinary Council meeting for discussion.
- 9 December 2020 - Ordinary Council meeting, Council resolved as follows:
 1. *Note the sand loss on the fore-dunes adjacent to Illaroo Road, Lake Cathie over the past months.*
 2. *Acknowledge that beach nourishment would benefit the fore-dunes via dredging the Lagoon of Lake Cathie.*
 3. *Note the significant current environmental conditions of Lake Cathie.*
 4. *Note the cost involved in any potential future dredging of the Lagoon.*
 5. *Request the General Manager seek formal written expert advice through the Department of Planning, Industry and Environment (DPIE), Biodiversity and Conservation Department as to any further adverse environmental implications should the Lagoon be dredged, and any received information be provided to Councillors.*
 6. *Request the General Manager write to The Hon. Leslie Williams, Member for Port Macquarie, advising of Council's actions in relation to dredging.*
 6. *Request assistance of full funding through The Hon. Leslie Williams, Member for Port Macquarie, for future dredging should expert advice suggest it to be possible and not detrimental to Lake Cathie.*
- December 2020 - Council wrote to the Department of Planning, Industry and Environment (DPIE) and the Biodiversity Conservation Department (BCD) and requested their professional advice regarding what possible environmental impacts would have to be addressed if PMHC undertook additional dredging of the lagoon outside of the parameters set by the DA on the 5 to 10-year cycle.
- 24 February 2021 - Comments were received from DPIE and BCD on environmental impact requirements
- March 2021 - Decision to modify the existing DA to address coastal hazard management.
- May 2021 - Cardno (consultants) engaged to amend SEE and DA for a modification application to include a coastal hazard trigger.
- 30 June 2021 - Final SEE received

- 15 July 2021 - Crown License Application submitted
- 16 July 2021 - DA Modification submitted
- September 2021 - CoastSnap Stations installed
- 14 October 2021 - DA comments received from BCD and DPI Fisheries
- 22 October 2021 - Public Exhibition of DA closes
- November 2021 - Anticipated determination of the modified DA
- November - December 2021 - Estimated issue of Crown License

It can be seen from this timeline that Council has been working to address the issues raised by the Member for Port Macquarie and the Council resolution in a way that improves the response provided to the community to enable Council to make decisions based on scientific analysis and ongoing monitoring. All necessary and appropriate legislated approvals and processes have been followed to bring us to this point.

4. Practical Considerations

Based on Council's current project works schedule the current lead time for a dredge of the lagoon including procurement requirements is approximately 6-8 months. This is based on the approximate cost of the dredging activity being in excess of \$350,000 and the costs of the last activity in 2018 and annual inflation. This timeline also presumes that the conditions required for a dredge to be initiated from a coastal hazard mandate are satisfied.

Based on the presumed timeline this would result in the dredge period being approximately June/July 2022. This timeline would assist with minimising the impact of the dredge activity on the recreational amenity during the peak tourist periods. A dredge operation would occupy a large portion of foreshore and beach for 6-8 weeks and have a short-term impact on water quality. If this were to be done in peak tourist season there would be considerable negative impact, despite the intention of the project.

5. Crown License Applications

An issue that has extended the timeframes of this project and others within Council is the advised estimated 6-month time between applying for and being issued with a Crown License. As the timeline included above shows, Council applied for a long term license covering the dredging of Lake Cathie on 15 July 2021, and applied for the DA modification on 16 July 2021. Following the expected issue of the amended DA at the beginning of November, it is not expected that a Crown license will be issued for the works until 6-8 weeks later, or maybe longer depending on the workloads and resourcing of NSW Crown Lands.

6. Interaction with the Coastal Management Program

Council is in the planning phase of the Coastal Management Program (CMP), with studies underway and planned under Stage 2 of the CMP process. Consideration for long term management objectives of the ICOLL and estuarine system will be addressed through this process. As such the dredging program will only be altered to address immediate safety concerns but does not have any intention of changing management practices aligned with recreational management as this change is substantial and requires agreement from all stakeholders and land managers involved in the CMP process. To better understand the desires of the community in regards to management of the ICOLL system and the consequences of those decisions Council has commissioned a Hydrodynamic study of the Lake Cathie/Lake Innes system. Council has recently received a \$300,000 grant from the NSW Government through the Coast and Estuary Grants stream to assist in funding this project.

In addition to the Hydrodynamic Model Council also currently has a number of grants under assessment, awaiting announcements. Some of these projects relate expressly to issues at Lake Cathie that are impacted by the proposed dredging project and would help provide critical understanding of community values and environmental impacts.

The grants assessment and awarding process is a challenge for the timely implementation of projects identified in the CMP Scoping Study, which was approved by DPIE in May 2021.

The grants rules require announcement of the grant success by the Minister for Local Government prior to any work proceeding, public tenders are issued or contracts are signed for work under the program. This can result in very long lead times for projects that relate to sensitive community issues such as the Illaroo Road Coastal Hazard Protection Options Analysis and Co-Design, where rapid consultation with the community and reporting to Council is needed.

If Council was able to commence procurement works following DPIE approval of the grant but prior to the Ministerial announcement these projects would be able to be delivered sooner for the community.

Community Engagement and Internal Consultation

There has been no community engagement in the preparation of this report.

Council has also consulted with DPIE and Crown Lands to seek advice.

Internal consultation has occurred with the following areas of Council:

- Infrastructure Planning
- Development Assessment
- Governance
- Natural Resource Management

Planning and Policy Implications




There are no planning or policy implications arising from this report.

Financial and Economic Implications

Procurement rules require projects with a contract value over \$350,000 to undergo a public tender process. Based on the cost of previous dredging it is expected the total cost would exceed this.

Coast and Estuary Grant funding at 1:1 is available under the conditions of the recently extended Lake Cathie Coastal Zone Management Plan (CZMP).

Attachments

1.  November 2020 - Letter from Leslie Williams MP
2.  November 2020 - PMHC response to Leslie Williams MP
3.  October 2021 - Leslie Williams MP Media Release

Item: 12.12

Subject: LAND ACQUISITION - GILLMAN WAY, THRUMSTER

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region.

RECOMMENDATION

That Council:

1. Pay compensation in the amount of \$41,678 (GST Exclusive) to the owners of Lot 1 Deposited Plan 1273983, PM Land Pty Ltd, for the acquisition of that part of Lot 1 Deposited Plan 1273983 more particularly described as Lot 1 in plan of acquisition Deposited Plan 1275372.
2. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, pay the landowner's property conveyancing expenses.

Executive Summary

This report recommends the payment of compensation for the acquisition of land required as part of the recycled water network for Thrumster.

Discussion

The provision of services to land developments at Thrumster includes the availability of recycled water plumbed to each allotment for use in the flushing of toilets and watering of gardens. Currently, properties at Thrumster are temporarily being serviced with potable water only. The construction of the recycled water network is nearing completion with a planned commissioning in early 2022.

The recycled water will be stored in a yet to be constructed reservoir on land to be acquired by Council situated off Gillman Way at Thrumster. The general location of the land to be acquired is shown by the blue dashed line in **Attachment 1 - Location of Land Acquisition**.

Following the completion of the design, a final area of land to be acquired has been surveyed and is depicted as Lot 1 in plan of acquisition Deposited Plan 1275372, which comprises an area of 5,557m² as shown bounded by the red line in **Attachment 2 - Extent of Land Acquisition**.

In addition to the land acquisition, there are a number of easements to be acquired to support the operation of, and access to, the reservoir. These easements include, for example, water supply, right of access and underground power lines.

Options

Nil

Community Engagement and Internal Consultation

There has been ongoing consultation with the landowner and internal consultation between the Infrastructure Services Division and the Development & Environment Division.

Planning and Policy Implications

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

Financial and Economic Implications


The acquisition of the land entitles the landowner, PM Land Pty Ltd, to the payment of compensation. Pursuant to the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*, Council's Consulting Valuer has assessed fair compensation for the land acquisition in the amount of \$41,678 (GST Exclusive). In accordance with the assessment, an offer of compensation has been made to the landowner who has provided their written acceptance of same.

Whilst compensation would normally be payable for the easements that are required, the landowner has offered not to accept monetary compensation on the basis that Council pay the conveyancing costs of creating the easements. Both the land acquisition and the easement acquisition can be handled in a single Acquisition Agreement to be prepared by Council's solicitor at Council's expense.

The construction of the Thrumster Recycled Water Network forms part of Council's 2020-2021 Operational Plan. There is funding currently available to meet the land and easement acquisition and associated property conveyancing costs.

Payment of the agreed compensation is therefore recommended to Council.

Attachments

1.  Attachment 1 - Location of Land Acquisition
2.  Attachment 2 - Extent of Land Acquisition

Item: 12.13

Subject: LAURIETON TOWN CENTRE MASTER PLAN

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council

- 1. Note the engagement done to date to develop the Laurieton Town Centre Master Plan**
- 2. Place the draft Laurieton Town Centre Master Plan on an extended public exhibition period from 15 November 2021 to 28 January 2022**

Executive Summary

The Laurieton/ Camden Haven community identified the development of their CBD as a key priority for their community, and have been seeking to develop a Laurieton Town Centre Master Plan (LTCMP) for a number of years. It is a key action within the endorsed Camden Haven Community Plan and the Camden Haven Chamber of commerce has been working towards the development of a plan over the past few years.

In April 2020 Council recognized the LTCMP as a key project to receive funding from Council's COVID relief reserve and \$100,000 was provided to develop a master plan for the town centre.

In December 2020 Council undertook an Enquiry by Design with the Camden Haven community to identify the scope of the project and provide a vision. The community also established a community steering group to drive the project. Following a procurement process, Hatch Roberts Day were the successful consultants and commenced the development of the Plan in early March 2021. Engagement continued with the community steering group and key stakeholders to develop the draft Masterplan which was presented to staff and community in late August. A minor review was undertaken based on the feedback received and the Plan is now ready for broader community engagement.

Discussion

The vibrancy of the Laurieton Town Centre has faced many challenges over the past several years including online buying, drought, bushfires, and more recently, the March 2021 flood and impacts of COVID-19. In partnership with the Camden Haven Chamber of Commerce (Laurieton Town Centre Master Plan Steering Group) and the broader community, an Enquiry by Design process was undertaken to inform the

development of a Master Plan to create an active, vibrant and bustling community heart will be the centre of the Camden Haven.

Port Macquarie-Hastings Council determined to develop the Laurieton Town Centre Master Plan (LTCMP) based on feedback from the community, including the Camden Haven Community Plan and a Council-led Enquiry by Design. The LTCMP, has been identified as a key project (funded from Council's COVID relief reserve), and broadly comprises the Laurieton Town Centre bordered by Castle Street, Mill Street and from the Camden Haven River to Lord Street as well as the area immediately surrounding this precinct.

Council has an opportunity to influence the planning and development outcomes in this key strategic area of the Camden Haven and help deliver the outcomes the community desires. The objective of the LTCMP is to create a vibrant and town centre of Laurieton that fosters an active community, commercial and tourism hub. This will be achieved by attracting business, tourism, employment and entertainment activities, and the broader community which will support an active, vibrant and bustling town centre, creating a sustainable future for the community.

The strategic intent for the LTCMP is to achieve the following outcomes for the community:

1. To create attractive, vibrant, connected and usable spaces for locals and visitors.
2. To ensure connectivity with safe and efficient links between key locations within and external to the precinct.
3. To ensure opportunities linked to future development of the precinct are identified.
4. To promote the efficient and cost effective delivery of key infrastructure and provide funding mechanisms for this infrastructure.
5. To integrate the local environment as part of the character of the precinct.
6. To connect to the Camden Haven River and North Brother mountain. as key features bordering the town centre.
7. To provide opportunities to attract and grow a diverse range of businesses and support local employment.
8. To provide a precinct that is planned within the context of other precincts in the region to provide diversity, connectivity and synergies.
9. To give Laurieton its own unique character.
10. Fostering ongoing wellbeing, connectedness and happiness for the community and future generations.

Specifically, the Precinct needs to be:

- Vibrant
- Connected
- A destination
- Innovative
- A driver of growth.

The purpose of this draft Master Plan is to realise the findings of the Enquiry by Design undertaken in 2020 (**Attachment 1**). The master planning process has been led by the findings, and aims to provide Port Macquarie- Hastings Council and the

community with the design principles, opportunities and tools, to encourage development of the Town Centre in line with the Enquiry by Design and best practice. The plan determines design objectives and principles and introduces some big ideas establish Laurieton as a revitalised, vibrant centre that caters for the surrounding population.

The plan reviews traffic movement and creates more pedestrian friendly zones on Bold Street and Seymour Street. It seeks to create vibrant spaces for the community to enjoy and linger along the foreshore and Laurie Street. It also introduces the ideas of roof top bars and higher density living. The use of landscape elements will bring together the design and the character of the space whilst recognising the history of the place, both Birpai and European. The main focus of the plan is to connect the mountain to the river.

In light of the March 2021 floods this project has become more important to the community to assist in rebuilding and to support the recovery of that community.

The next step in the process is to share the Laurieton Town Centre Master Plan with the broader community with an extended public exhibition period from 15 November 2021 to 28 January 2022.

The Draft Master Plan (**Attachment 2**) is a comprehensive response to the community expectation and outcomes from the Enquiry by Design.

Options

Council could adopt the recommendation or seek additional information. The later may result in a delay in the exhibition of the plan.

Community Engagement and Internal Consultation

The Enquiry by Design (EbD) was undertaken to collaborate with the community on December 8, 9, and 10 2020 and with businesses on Thursday 28 January 2021 at the Laurieton United Services Club. The intent of the Enquiry by Design was to understand local issues, opportunities, constraints and future trends to explore ideas, designs and options. The fundamental purpose of the EbD workshops and consultation with CBD businesses was to inform the preparation of a Concept Master Plan for the Laurieton Town Centre.

External stakeholders:

- Camden Haven Chamber of Commerce
- General Community
- CBD Landowners
- CBD Businesses
- Transport for NSW
- Department of Premier and Cabinet
- Local Schools
- National Park
- Crown Lands

The engagement report from the Enquiry by design is attached (**Attachment 1**).

Following the engagement of the consultant Hatch Roberts Day, staff undertook another round of engagement with the Community Steering Group, Historical associations and Bunyah Land Council.

This Master Plan is a co-design approach to revitalising the Laurieton Town Centre.

A community engagement activities plan has been drafted to ensure broad understand of the plan as outlined below;

ACTION PLAN					
Action	Purpose/Goal	Stakeholder	Collateral/Method	Owner	Date
Public Exhibition					
Have Your Say	To gather feedback on the masterplan from stakeholders and the community.	All	Survey	Engagement	15 Nov 21
Community Meeting/ information session	To present the draft masterplan to the Camden Haven community and provide the opportunity to ask questions, share ideas, and provide feedback.	Community, residents, businesses	Face – to – face	Engagement	From 1 Dec
Meeting with Chamber of Commerce	To present the draft masterplan to the Camden Haven Chamber of Commerce and provide the opportunity to ask questions, share ideas, and provide feedback.	Camden Haven Chamber of Commerce	Face – to – face	Engagement	From 1 Dec
Pop – up session/s	To create awareness of the draft masterplan with the broader Camden Haven community and provide an opportunity for them to share feedback, ask questions and get more information.	Community, residents, businesses	Pop-up stall – Location TBC.	Engagement	January 2022
Marketing collateral	To provide information on the project and direct access to our Have Your Say webpage and the ways in	All	Corflute signage, customer service/library drop-in survey	Engagement	15 Nov 21

	which they can be involved.		boxes, HYS newsletter, posters.		
Communications	To inform the broader community of the public exhibition and encourage them to attend the engagement activities and provide feedback.	All	Social media, media release, mayor's message TBC in Comm's plan	Comms	15 Nov 21

Planning and Policy Implications

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

Financial and Economic Implications

LTCMP as a key project to receive funding from Council's COVID relief reserve and \$100,000 was provided to develop a Master Plan for the town centre.

Attachments

1.  LTCMP Enquiry by Design Engagement Report
2.  Draft Laurieton Town Centre Master Plan

Item: 12.14

Subject: DA2020 - 958.01 ALTERATIONS AND ADDITIONS TO ECO TOURIST FACILITY, INCLUDING CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARD UNDER CLAUSE 7.14, LOT 100 & 101 DP 754444, 743 OCEAN DRIVE, GRANTS BEACH

Report Author: Development Assessment Planner, Steven Ford

Applicant: P S Mansfield C/- King & Campbell
Owner: P S Mansfield
Estimated Cost: \$710,000
Parcel no: 18680

Alignment with Delivery Program

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

RECOMMENDATION

That DA2020 - 958 for Alterations and Additions to EcoTourist Facility, including Clause 4.6 exception to Development Standard under Clause 7.14 (exceeding the total gross floor area for an Eco-tourist Facility) at Lot 100 & 101, DP 754444, No. 743 Ocean Drive, Grants Beach, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for Alterations and Additions to Eco Tourist Facility, including Clause 4.6 exception to Development Standard under Clause 7.14 at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, no submissions were received.

The proposal was considered by Council's Development Assessment Panel (DAP) on 7 October 2021 a copy of the assessment report is included here as **Attachment**

1. The DAP subsequently resolved as follows:

"That it be recommended to Council that DA2020 - 958 for Alterations and Additions to EcoTourist Facility, including Clause 4.6 exception to Development Standard under Clause 7.14 (exceeding the total gross floor area for an Eco-Tourist Facility) at Lot 100 & 101, DP 754444, No. 743 Ocean Drive, Grants Beach, be determined by granting consent subject to the recommended conditions and as amended below:

- Amend condition C(2) to read: 'Prior to the commencement of any works on public land, a pre-construction meeting shall be organised by the applicant. This meeting is to be attended by the applicant or consultants, principal contractor and Council's development engineer or his representative.'
- Amend condition E(10) to read: 'Lodgement of a security deposit with Council upon practical completion of the works on public land.'
- Amend condition G(1) to read: 'On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of 22 spaces for the short tourist and visitor accommodation component of the Eco-tourist Facility and up to 100 car parking spaces in the overflow car park is to be provided onsite for the ancillary Recreation Hall.'
- Amend condition G(7) to read: 'The recreation hall is approved and is to be used as ancillary to the existing eco-tourism facility.'
- Additional condition in Section G to read: 'The recreation hall is not to be separately leased or sub-let by the eco-tourism facility operator.'"

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

This report recommends that the development application be approved subject to the amended conditions (to address the DAP resolution above) included in **Attachment 2**.

Options

Council has the following options in determining the development application:

1. Grant consent to the application subject to the recommended conditions.
2. Grant consent to the application subject to amended conditions.
3. Refuse consent to the application.

If consent is refused, Council is required to provide reasons for refusal in accordance with the Environmental Planning and Assessment Act 1979.

Community Engagement and Internal Consultation

The application has been notified in accordance with the Port Macquarie-Hastings Council Community Participation Plan 2019. Following exhibition of the application, no submissions were received.

The assessment report and recommended conditions of consent have been prepared with internal consultation.



Planning and Policy Implications

The assessment report presented to DAP is included here in **Attachment 1** and it includes consideration of relevant planning legislation applicable to the proposed development.

Financial and Economic Implications

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

Attachments

1.  DA2020 - 958.1 DAP Report 07102021
2.  DA2020 - 958.1 Recommended Conditions of Consent as amended by the DAP Resolution

Subject: CONFIDENTIAL SESSION

RECOMMENDATION

1. That Council move into Confidential Session to receive and consider the following items:

Item 14.01 Infinity Total Protection

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 T-21-24 Technology Infrastructure Management Agreement

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-21-38 Supply and Delivery of One (1) Landfill Compactor

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-21-41 Supply and Delivery of Three (3) 10m3 Garbage Compactor Bodies

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-21-36 Bicentennial Walkway Stage 1 - Major Civil Package

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-21-13 Water & Sewer Client Side Engineering Support Services & T-21-14 Water & Sewer Design Services Panel Arrangement

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 14.07 T-21-34 Professional Services Contract for Ocean Drive Duplication Contract Manager

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 14.08 T-21-43 Fixing Country Bridges - Detailed Design of Multi Span 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 14.09 T-21-10-21 Purchase of additional timber for Bril Bril Bridge

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.**