



PORT MACQUARIE-HASTINGS  
COUNCIL



# Ordinary Council

## Business Paper

**date of meeting:** Thursday 17 March 2022

**location:** Wauchope Showground Hall  
93A High Street  
Wauchope

**time:** 10:00am

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

**Community Vision**

A sustainable high quality of life for all

**Community Mission**

Building the future together  
People Place Health Education Technology

**Council's Corporate Values**

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

**Community Themes**

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

# Ordinary Council Meeting

Thursday 17 March 2022

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

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

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

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**RECOMMENDATION**

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

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

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

1. That the Minutes of the Ordinary Council Meeting held on 16 February 2022 be confirmed.
2. That the Minutes of the Extraordinary Council Meeting held on 7 March 2022 be confirmed.

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**PRESENT**

**Members:**

Mayor Peta Pinson (Mayor)  
Councillor Adam Roberts (Deputy Mayor)  
Councillor Lauren Edwards  
Councillor Sharon Griffiths (by remote)  
Councillor Lisa Intemann  
Councillor Nik Lipovac  
Councillor Danielle Maltman  
Councillor Rachel Sheppard  
Councillor Josh Slade

**Other Attendees:**

Chief Executive Officer (Dr Clare Allen)  
Acting Director Business and Performance (Ashley Grummitt)  
Director Community, Planning and Environment (Melissa Watkins)  
Director Community Infrastructure (Dan Bylsma)  
Director Community Utilities (Jeffery Sharp)  
Group Manager Governance (Michael Ferguson)  
Governance and Legal Officer (Kirsty Callander)  
Governance Support Officer (Bronwyn Lyon)

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The meeting opened at 5:37pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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

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**02 REMOTE ATTENDANCE AT MEETING**

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*RESOLVED: Maltman/Slade*

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

*CARRIED: 9/0*  
*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,*  
*Sheppard and Slade*  
*AGAINST: Nil*

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### **03 LOCAL GOVERNMENT PRAYER**

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Pastor Greg Campion, President of the Port Macquarie Ministers' Association, delivered the Local Government Prayer.

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### **04 APOLOGIES**

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Nil.

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### **05 CONFIRMATION OF MINUTES**

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*RESOLVED: Intemann/Griffiths*

3. That the Minutes of the Ordinary Council Meeting held on 3 November 2021 be confirmed.

4. That the Minutes of the Extraordinary Council Meeting held on 13 January 2022 be confirmed.

5. That the Minutes of the Extraordinary Council Meeting held on 25 January 2022 be confirmed.

*CARRIED: 9/0*  
*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,*  
*Sheppard and Slade*  
*AGAINST: Nil*

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### **06 DISCLOSURES OF INTEREST**

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Councillor Maltman declared a Non-Pecuniary, Less Than Significant Interest in Item 12.02 - Notice of Motion - Lake Cathie Management, the reason being that Councillor Maltman is a non-financial life member of the community organisation Revive Lake Cathie Inc.

Councillor Maltman declared a Non-Pecuniary, Less Than Significant Interest in Item 12.06 - Draft Lake Cathie Entrance Management Strategy, the reason being that Councillor Maltman is a non-financial life member of the community organisation Revive Lake Cathie Inc.

Councillor Maltman declared a Non-Pecuniary, Less Than Significant Interest in Item 12.11 - T-21-26 Hydrodynamic Modelling Update - Lake Innes/Lake Cathie, the reason being that Councillor Maltman is a non-financial life member of the community organisation Revive Lake Cathie Inc.

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Councillor Sheppard declared a Non-Pecuniary, Less Than Significant Interest in Item 09.17 - Quarterly Budget Review Statement - December 2021, the reason being that Councillor Sheppard has a friend who is the owner of one of the companies listed in the Quarterly Budget Review Statement.

Councillor Sheppard declared a Non-Pecuniary, Less Than Significant Interest in Item 10.03 - T-21-15 Stage 1 Construction of Rainbow Beach Sporting Fields, the reason being that Councillor Sheppard lives in close proximity to the location where the complex is to be built.

Councillor Griffiths declared a Non-Pecuniary, Less Than Significant Interest in Item 09.14 - Request to Attend Australian Governance Summit 2022 - March 2022 - Councillor Sharon Griffiths, the reason being that Councillor Griffiths will be attending the Australian Governance Summit as part of professional development.

Mayor Pinson declared a Pecuniary Interest in Item 09.23 - Sale of Surplus Land - 178 Nancy Bird Walton Drive, Kew, the reason being that Mayor Pinson's husband has an interest in the land being offered for sale by Council.

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#### **07.01 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PANEL**

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*RESOLVED: Pinson/Griffiths*

That Council:

1. Determine that the composition of the Chief Executive Officer's Performance Review Panel for the period ending 1 February 2022 to consist of the Mayor, Deputy Mayor, Councillor Nik Lipovac, nominated by Council, and one (1) Councillor nominated by the Chief Executive Officer.
2. Note that Councillor Sharon Griffiths is the Chief Executive Officer's nominated Councillor on the Chief Executive Officer's Performance Review Panel for the subject period.
3. Delegate to the Chief Executive Officer's Performance Review Panel the entire process of performance management, including discussions about performance, reporting and performance reviews for the period ending 1 February 2022.

*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,  
Sheppard and Slade*  
*CARRIED: 9/0*  
*AGAINST: Nil*



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## **07.02 LAKE CATHIE**

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### **MOTION**

*MOVED: Pinson*

That Council:

1. Note the ongoing and growing community angst at Lake Cathie Lagoon not being mechanically opened by Council for recreation and flooding purposes.
2. Note Item 12.02 Lake Cathie Management, Item 12.06 Lake Cathie Management Strategy and Item 12.11 T-21-26 Hydrodynamic Modelling Update – Lake Innes/Lake Cathie, further to this Mayoral Minute.
3. Request the Chief Executive Officer to make the necessary arrangements for the Mayor and Deputy Mayor to meet with the Minister for Lands and Water, The Hon Kevin Anderson MP and the Minister for Environment and Heritage, The Hon James Griffin MP as soon as practicable, to discuss the merits of permanently opening the entrance to the Lake Cathie estuarine system.
4. Request the Chief Executive Officer to prepare detailed briefing papers on Lake Cathie/Lake Innes for presentation to both Minister Anderson and Minister Griffin for their consideration of a permanent opening to the Lake Cathie estuarine system.
5. Note the submissions made by representatives of the Department of Primary Industries, Crown Lands, National Parks & Wildlife Services, NSW Fisheries, PMHC staff and also Professor Scott Johnson at the briefing provided to Councillors on 3 February 2022 asking Councillors to consider retaining as much water in the lake as possible to:
  - a) Prevent further damage caused to the lake system by Acid Sulphate Soils and or another potential Iron Floc outbreak;
  - b) Prevent fish kills;
  - c) Consider the needs of recreational and commercial fishers.
6. Note the decision of the Chief Executive Officer to undertake a dry scrape of the berm to 1.6m as the immediate course of action for flood mitigation to relieve issues relating to or potentially relating to infrastructure inundation as required in the short term.
7. Note the overwhelming positive benefits for the Lake Cathie/Lake Innes estuarine systems should the Lake Cathie lagoon interface to be permanently opened to the Ocean.
8. Subsequent to the meeting with both Ministers, request the Chief Executive Officer to bring a report to Council on a potential pathway or otherwise in regard to permanently opening the lake entrance to the Lake Cathie estuarine system.
9. Accept the invitation of Port Macquarie State MP Leslie Williams to facilitate meeting of Council and Councillors with any ministers relevant to the long-term best management of Lake Cathie/Lake Innes Estuarine System

## **AMENDMENT**

*MOVED: Sheppard/Intemann*

That Council:

1. Accept the invitation of Port Macquarie State MP Leslie Williams to facilitate meeting of Council and Councillors with any ministers relevant to the long-term best management of Lake Cathie/Lake Innes Estuarine System.
2. Undertake immediate communications activities with our community regarding the current issues regarding the health and management of the Lake Cathie/Lake Innes Estuarine System under the direction of the Chief Executive Officer.

## **THE AMENDMENT WAS PUT AND WAS LOST**

LOST: 4/5

FOR: *Edwards, Intemann, Lipovac and Sheppard*  
AGAINST: *Griffiths, Maltman, Pinson, Roberts and Slade*

## **THE MOTION WAS PUT AND CARRIED**

*RESOLVED: Pinson*

That Council:

1. Note the ongoing and growing community angst at Lake Cathie Lagoon not being mechanically opened by Council for recreation and flooding purposes.
2. Note Item 12.02 Lake Cathie Management, Item 12.06 Lake Cathie Management Strategy and Item 12.11 T-21-26 Hydrodynamic Modelling Update – Lake Innes/Lake Cathie, further to this Mayoral Minute.
3. Request the Chief Executive Officer to make the necessary arrangements for the Mayor and Deputy Mayor to meet with the Minister for Lands and Water, The Hon Kevin Anderson MP and the Minister for Environment and Heritage, The Hon James Griffin MP as soon as practicable, to discuss the merits of permanently opening the entrance to the Lake Cathie estuarine system.
4. Request the Chief Executive Officer to prepare detailed briefing papers on Lake Cathie/Lake Innes for presentation to both Minister Anderson and Minister Griffin for their consideration of a permanent opening to the Lake Cathie estuarine system.
5. Note the submissions made by representatives of the Department of Primary Industries, Crown Lands, National Parks & Wildlife Services, NSW Fisheries, PMHC staff and also Professor Scott Johnson at the briefing provided to Councillors on 3 February 2022 asking Councillors to consider retaining as much water in the lake as possible to:
  - a) Prevent further damage caused to the lake system by Acid Sulphate Soils and or another potential Iron Floc outbreak;
  - b) Prevent fish kills;
  - c) Consider the needs of recreational and commercial fishers.
6. Note the decision of the Chief Executive Officer to undertake a dry scrape of the berm to 1.6m as the immediate course of action for flood mitigation to relieve issues relating to or potentially relating to infrastructure inundation as required in the short term.

- 
7. Note the overwhelming positive benefits for the Lake Cathie/Lake Innes estuarine systems should the Lake Cathie lagoon interface to be permanently opened to the Ocean.
  8. Subsequent to the meeting with both Ministers, request the Chief Executive Officer to bring a report to Council on a potential pathway or otherwise in regard to permanently opening the lake entrance to the Lake Cathie estuarine system.
  9. Accept the invitation of Port Macquarie State MP Leslie Williams to facilitate meeting of Council and Councillors with any ministers relevant to the long-term best management of Lake Cathie/Lake Innes Estuarine System
- CARRIED:** 6/3
- FOR:** Griffiths, Intemann, Maltman, Pinson, Roberts and Slade
- AGAINST:** Edwards, Lipovac and Sheppard
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## **08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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**RESOLVED:** Roberts/Maltman

That Council determine that the attachments to Item Numbers 09.11 and 09.17 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

**CARRIED:** 9/0

**FOR:** Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

**AGAINST:** Nil

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## **SUSPENSION OF STANDING ORDERS**

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**RESOLVED:** Intemann/Roberts

That Standing Orders be suspended to allow Items 09.02, 09.03, 09.04, 09.07, 09.08, 09.09, 09.10, 09.14, 09.15, 09.17, 09.23, 10.01, 10.03, 12.01, 12.02, 12.03, 12.06, 12.07 and 12.11 not in the block be brought forward and considered next.

**CARRIED:** 9/0

**FOR:** Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

**AGAINST:** Nil

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

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*RESOLVED: Sheppard/Lipovac*

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

*CARRIED: 9/0*  
*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,*  
*Sheppard and Slade*  
*AGAINST: Nil*

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## **09.03 STATUS OF COUNCIL POLICIES**

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*RESOLVED: Sheppard/Slade*

That Council note the information provided in the Status of Council Policies report.

*CARRIED: 9/0*  
*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,*  
*Sheppard and Slade*  
*AGAINST: Nil*

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## **09.04 COUNCIL MEETINGS DATES FOR 2022**

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*RESOLVED: Pinson/Roberts*

That Council:

1. Set the Ordinary Council Meeting dates for the remainder of 2022 as the third Thursday of each month (with the exception of an earlier meeting in December due to the proximity of Christmas) being:
  - 17 March (Taking the Council to the Community - Wauchope)
  - 21 April
  - 19 May
  - 16 June
  - 21 July
  - 18 August
  - 15 September
  - 20 October (Taking the Council to the Community - Laurieton)
  - 17 November
  - 8 December
2. Set the Ordinary Council Meetings to commence at 10:00am on the dates as listed in 1 above.
3. Make the necessary amendments to Council's Code of Meeting Practice to reinstate Public Forum Matters on the Agenda and Matters Not on the Agenda, as part of the Ordinary Council Meeting.

- 
4. Remove Clause 4.1B from Council's Code of Meeting Practice that states "the maximum time for public forum will be 60 minutes with an option to extend public forum by 30 minutes following consensus by all Councillors present".

CARRIED: 9/0  
FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,  
Sheppard and Slade  
AGAINST: Nil

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#### **09.07 DISCLOSURE OF INTEREST RETURN**

RESOLVED: Sheppard/Roberts

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

1. Water and Sewer Investigations Engineer.
2. Coast Estuary and Flood Coordinator.
3. Strategic Environmental Projects Coordinator.
4. Shelter Team Leader.

CARRIED: 9/0  
FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,  
Sheppard and Slade  
AGAINST: Nil

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#### **09.08 NOTICE OF MOTION - COUNCIL COMMITTEES, WORKING PARTIES, GROUPS**

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##### **MOTION**

MOVED: Pinson/Roberts

That Council:

1. Discontinue the following Council Committees/Working Parties/Groups with community and Councillor representatives pending a future review of Council's Committee structure:
  - Airport Advisory Group
  - Coast, Estuary and Floodplain Advisory Sub-Committee
  - Community Inclusion Committee
  - Cultural Steering Group
  - Economic Development Steering Group
  - Hastings Bushfire Management Committee
  - Port Macquarie Transport Network Community Consultative Committee
  - Sustainability Advisory Sub-Committee
  - Town Centre Master Plan Sub-Committee.
2. Form the following Council Committees and amend their relevant Charters to reflect the membership changes below pending a future review of Council's Committee structure:

- 
- Audit, Risk and Improvement Committee (Appoint Cr Sharon Griffiths as Councillor representative)
  - Marrungbalbu Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Development Assessment Panel
  - Mayor's Sporting Fund Sub-committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Local Development Committee (Traffic) (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Local Traffic Committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Sister City Working Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence).
3. Continue Council's membership on the Arts Mid North Coast Board, with a Council staff member as Council's representative, appointed by the Chief Executive Officer.
  4. Maintain existing hall and facility management committees at the discretion of the Chief Executive Officer.
  5. Continue to provide support to community Working Groups and Consultative Committees at the discretion of the Chief Executive Officer.
  6. Formally thank all outgoing Committee members for their invaluable contribution to Council's Committees and Working Groups.
  7. Determine to rescind the Councillor Portfolio Protocol.
  8. Not re-establish the Councillor Portfolio system.
  9. Amend the charters for the following Program Level Steering Groups to remove the requirement for a Councillor representative being consistent with the removal of the Councillor Portfolio Protocol as in Points 7 and 8 above:
    - Transport and Stormwater Program Steering Group
    - Water and Sewer Program Steering Group
    - Recreation, Buildings and other Assets Program Steering Group.

## **AMENDMENT**

*MOVED: Lipovac/Sheppard*

That Council:

1. Request the Chief Executive Officer to conduct a Review over the next 3 months (March to May) which includes community consultation, and provide a report to the June 2022 Council Meeting into the desirability and effectiveness of Council Committees/Working Parties/Groups with Community and Councillor Representatives to determine their future viability:
  - Airport Advisory Group
  - Coast, Estuary and Floodplain Advisory Sub-Committee
  - Community Inclusion Committee
  - Cultural Steering Group
  - Economic Development Steering Group
  - Hastings Bushfire Management Committee
  - Port Macquarie Transport Network Community Consultative Committee
  - Sustainability Advisory Sub-Committee
  - Town Centre Master Plan Sub-Committee



2. Note that these Groups and Committees would continue to operate as per usual through until the end of this financial year with the relevant staff member as Chair, and all Councillors invited to attend.
3. Form the following Council Committees and amend their relevant Charters to reflect the membership changes below pending a future review of Council's Committee structure:
  - Audit, Risk and Improvement Committee (Appoint Cr Sharon Griffiths and Cr Rachel Sheppard as Councillor representatives)
  - Marrungbalbu Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Development Assessment Panel
  - Mayor's Sporting Fund Sub-committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Local Development Committee (Traffic) (Chaired by the Mayor, Deputy Mayor in the Mayor's absence).
  - Local Traffic Committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Sister City Working Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence).
4. Continue Council's membership on the Arts Mid North Coast Board, with a Council staff member as Council's representative, appointed by the Chief Executive Officer.
5. Maintain existing hall and facility management committees at the discretion of the Chief Executive Officer.
6. Continue to provide support to further community Working Groups and Consultative Committees at the discretion of the Chief Executive Officer.

**THE AMENDMENT WAS PUT AND WAS LOST**

LOST: 4/5

FOR: Edwards, Intemann, Lipovac and Sheppard  
AGAINST: Griffiths, Maltman, Pinson, Roberts and Slade

**AMENDMENT**

*MOVED: Intemann/Sheppard*

That Council:

1. Request the Chief Executive Officer to conduct a Review over the next 3 months (March to May) which includes community consultation, and provide a report to the June 2022 Council Meeting into the desirability and effectiveness of Council Committees/Working Parties/Groups with Community and Councillor Representatives to determine their future viability:
  - Airport Advisory Group
  - Coast, Estuary and Floodplain Advisory Sub-Committee
  - Community Inclusion Committee
  - Cultural Steering Group
  - Economic Development Steering Group
  - Hastings Bushfire Management Committee

- Port Macquarie Transport Network Community Consultative Committee
  - Sustainability Advisory Sub-Committee
  - Town Centre Master Plan Sub-Committee
2. Note that these Groups and Committees would continue to operate as per usual through until the end of this financial year with the relevant staff member as Chair, and all Councillors invited to attend.
  3. Form the following Council Committees and amend their relevant Charters to reflect the membership changes below pending a future review of Council's Committee structure:
    - Audit, Risk and Improvement Committee (Appoint Cr Sharon Griffiths and Cr Rachel Sheppard as Councillor representatives)
    - Marrungbalbu Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
    - Development Assessment Panel
    - Mayor's Sporting Fund Sub-committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
    - Local Development Committee (Traffic) (Chaired by the Mayor, Deputy Mayor in the Mayor's absence).
    - Local Traffic Committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
    - Sister City Working Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence).
  4. Continue Council's membership on the Arts Mid North Coast Board, with a Council staff member as Council's representative, appointed by the Chief Executive Officer.
  5. Maintain existing hall and facility management committees at the discretion of the Chief Executive Officer.
  6. Continue to provide support to further community Working Groups and Consultative Committees at the discretion of the Chief Executive Officer.
  7. Determine to rescind the Councillor Portfolio Protocol.
  8. Not re-establish the Councillor Portfolio system.
  9. Amend the charters for the following Program Level Steering Groups to remove the requirement for a Councillor representative being consistent with the removal of the Councillor Portfolio Protocol as in Points 7 and 8 above:
    - Transport and Stormwater Program Steering Group
    - Water and Sewer Program Steering Group
    - Recreation, Buildings and other Assets Program Steering Group.

**THE AMENDMENT WAS PUT AND WAS LOST**

*LOST: 4/5*

*FOR: Edwards, Intemann, Lipovac and Sheppard*

*AGAINST: Griffiths, Maltman, Pinson, Roberts and Slade*

**AMENDMENT**

*MOVED: Sheppard/Intemann*

That Council:



1. Request the Chief Executive Officer undertake a review, which includes Community Consultation, into the effectiveness of the following Council Committees/Working Parties/Groups with community and Councillor representatives to determine their future viability:
  - Airport Advisory Group
  - Coast, Estuary and Floodplain Advisory Sub-Committee
  - Community Inclusion Committee
  - Cultural Steering Group
  - Economic Development Steering Group
  - Hastings Bushfire Management Committee
  - Port Macquarie Transport Network Community Consultative Committee
  - Sustainability Advisory Sub-Committee
  - Town Centre Master Plan Sub-Committee
2. Request the Chief Executive Officer to provide a report to the June 2022 Ordinary meeting of Council on the finding of the review.
3. Continue operating the following Groups and Committees as per existing arrangements for one further meeting:
  - Cultural Steering Group
  - Economic Development Steering Group
  - Sustainability Advisory Sub-Committee
  - Town Centre Master Plan Sub-Committee
4. Discontinue operating the following groups, express formal thanks to all outgoing committee members for their service, and invite outgoing committee members to participate in the review identified in point 1:
  - Airport Advisory Group
  - Coast, Estuary and Floodplain Advisory Sub-Committee
  - Community Inclusion Committee
  - Hastings Bushfire Management Committee
  - Port Macquarie Transport Network Community Consultative Committee
5. Form the following Council Committees and amend their relevant Charters to reflect the membership changes below pending a future review of Council's Committee structure:
  - Audit, Risk and Improvement Committee (Appoint Cr Sharon Griffiths and Cr Rachel Sheppard as Councillor representatives)
  - Marrungbalbu Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Development Assessment Panel
  - Mayor's Sporting Fund Sub-committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Local Development Committee (Traffic) (Chaired by the Mayor, Deputy Mayor in the Mayor's absence).
  - Local Traffic Committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Sister City Working Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence).
6. Continue Council's membership on the Arts Mid North Coast Board, with a Council staff member as Council's representative, appointed by the Chief Executive Officer.
7. Maintain existing hall and facility management committees at the discretion of the Chief Executive Officer.

8. Continue to provide support to future community Working Groups and Consultative Committees at the discretion of the Chief Executive Officer.
9. Determine to rescind the Councillor Portfolio Protocol.
10. Not re-establish the Councillor Portfolio system.
11. Amend the charters for the following Program Level Steering Groups to remove the requirement for a Councillor representative being consistent with the removal of the Councillor Portfolio Protocol as in Points 8 and 9 above:
  - Transport and Stormwater Program Steering Group
  - Water and Sewer Program Steering Group
  - Recreation, Buildings and other Assets Program Steering Group.

**THE AMENDMENT WAS PUT AND WAS LOST**

LOST: 4/5

FOR: *Edwards, Intemann, Lipovac and Sheppard*  
AGAINST: *Griffiths, Maltman, Pinson, Roberts and Slade*

**AMENDMENT**

*MOVED: Intemann/Sheppard*

That Council:

1. Discontinue the following Council Committees/Working Parties/Groups with community and Councillor representatives pending a future review of Council's Committee structure:
  - Airport Advisory Group
  - Coast, Estuary and Floodplain Advisory Sub-Committee
  - Community Inclusion Committee
  - Cultural Steering Group
  - Economic Development Steering Group
  - Hastings Bushfire Management Committee
  - Port Macquarie Transport Network Community Consultative Committee
  - Sustainability Advisory Sub-Committee
2. Form the following Council Committees and amend their relevant Charters to reflect the membership changes below pending a future review of Council's Committee structure:
  - Audit, Risk and Improvement Committee (Appoint Cr Sharon Griffiths as Councillor representative)
  - Marrungbalbu Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Development Assessment Panel
  - Mayor's Sporting Fund Sub-committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Local Development Committee (Traffic) (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Local Traffic Committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Sister City Working Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Town Centre Master Plan Sub-Committee
3. Continue Council's membership on the Arts Mid North Coast Board, with a Council staff member as Council's representative, appointed by the Chief Executive Officer.

4. Maintain existing hall and facility management committees at the discretion of the Chief Executive Officer.
5. Continue to provide support to community Working Groups and Consultative Committees at the discretion of the Chief Executive Officer.
6. Formally thank all outgoing Committee members for their invaluable contribution to Council's Committees and Working Groups.
7. Determine to rescind the Councillor Portfolio Protocol.
8. Not re-establish the Councillor Portfolio system.
9. Amend the charters for the following Program Level Steering Groups to remove the requirement for a Councillor representative being consistent with the removal of the Councillor Portfolio Protocol as in Points 7 and 8 above:
  - Transport and Stormwater Program Steering Group
  - Water and Sewer Program Steering Group
  - Recreation, Buildings and other Assets Program Steering Group.

**THE AMENDMENT WAS PUT AND WAS LOST**

LOST: 4/5

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Griffiths, Maltman, Pinson, Roberts and Slade

**THE MOTION WAS PUT AND CARRIED**

RESOLVED: Pinson/Roberts

That Council:

1. Discontinue the following Council Committees/Working Parties/Groups with community and Councillor representatives pending a future review of Council's Committee structure:
  - Airport Advisory Group
  - Coast, Estuary and Floodplain Advisory Sub-Committee
  - Community Inclusion Committee
  - Cultural Steering Group
  - Economic Development Steering Group
  - Hastings Bushfire Management Committee
  - Port Macquarie Transport Network Community Consultative Committee
  - Sustainability Advisory Sub-Committee
  - Town Centre Master Plan Sub-Committee.
2. Form the following Council Committees and amend their relevant Charters to reflect the membership changes below pending a future review of Council's Committee structure:
  - Audit, Risk and Improvement Committee (Appoint Cr Sharon Griffiths as Councillor representative)
  - Marrungbalbu Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Development Assessment Panel
  - Mayor's Sporting Fund Sub-committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Local Development Committee (Traffic) (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Local Traffic Committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)

- Sister City Working Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence).
- 3. Continue Council's membership on the Arts Mid North Coast Board, with a Council staff member as Council's representative, appointed by the Chief Executive Officer.
- 4. Maintain existing hall and facility management committees at the discretion of the Chief Executive Officer.
- 5. Continue to provide support to community Working Groups and Consultative Committees at the discretion of the Chief Executive Officer.
- 6. Formally thank all outgoing Committee members for their invaluable contribution to Council's Committees and Working Groups.
- 7. Determine to rescind the Councillor Portfolio Protocol.
- 8. Not re-establish the Councillor Portfolio system.
- 9. Amend the charters for the following Program Level Steering Groups to remove the requirement for a Councillor representative being consistent with the removal of the Councillor Portfolio Protocol as in Points 7 and 8 above:
  - Transport and Stormwater Program Steering Group
  - Water and Sewer Program Steering Group
  - Recreation, Buildings and other Assets Program Steering Group.

CARRIED: 5/4

FOR: Griffiths, Maltman, Pinson, Roberts and Slade  
AGAINST: Edwards, Intemann, Lipovac and Sheppard

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#### **09.09 NOTICE OF MOTION - RATE FREEZE**

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Councillor Maltman left the meeting, the time being 8:22pm.

Councillor Maltman returned to the meeting, the time being 8:24pm.

#### **MOTION**

*MOVED: Roberts/Pinson*

That Council:

1. Request the Chief Executive Officer prepare as part of the Integrated Planning and Reporting process, a draft Operational Plan for the 2022-2023 financial year that freezes Ordinary and Special Rates at the 2021-2022 level.
2. Request the Chief Executive Officer prepare a draft Long Term Financial Plan to accompany (1) above as part of the Integrated Planning & Reporting process for the 2022-2023 financial year, that freezes Ordinary and Special Rates at the 2021-2022 levels for the period 1 July 2022 to 30 June 2025 inclusive and that the report to Council addresses how the financial impact of the rate freeze might be mitigated.

## **AMENDMENT**

*MOVED: Intemann/Sheppard*

That Council:

1. Note that a freeze on Ordinary and Special Rates for the 2022-2023 financial year would result in a loss of income to Council of approximately \$11 million over ten years.
2. Note that a freeze on Ordinary and Special Rates for the 2022-2023, 2023-2024, and 2024-2025 financial years would result in a loss of income to Council of at least \$33 million over ten years.
3. Note that any period of rate freeze will have a perpetual cumulative negative effect year-on-year on Council's operating budget.
4. Note the advice of the Audit, Risk and Improvement Committee, as reported to the November 2021 Ordinary Council Meeting, that: *"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."*
5. Note that Council's expenses for operation and service provision increase annually due to forces outside Council's control, such as legislated wage rates, and the rapidly escalating cost of materials.
6. Note that Council is currently not meeting the ratios for Infrastructure and Asset Management, and action is being taken to correct that problem with savings and efficiencies, and that a freeze on rates will put Council further behind in these areas.
7. Note that applying a rate freeze is likely to negatively impact on the willingness of other levels of government to approve grant funds to Council.
8. To better inform Councillors of the potential impact of a rate freeze, request the Chief Executive Officer to:
  - a) Prepare as part of the Integrated Planning and Reporting process, a draft Operational Plan for the 2022-2023 financial year that freezes Ordinary and Special Rates at the 2021-2022 level.
  - b) Prepare a draft Long Term Financial Plan to accompany (a) above as part of the Integrated Planning & Reporting process for the 2022-2023 financial year, that freezes Ordinary and Special Rates at the 2021-2022 levels for the period 1 July 2022 to 30 June 2025 inclusive and that the report to Council addresses how the financial impact of the rate freeze might be mitigated.

## **THE AMENDMENT WAS PUT AND WAS LOT**

*LOST: 3/6*

*FOR: Edwards, Intemann and Sheppard*

*AGAINST: Griffiths, Lipovac, Maltman, Pinson, Roberts and Slade*

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**THE MOTION WAS PUT AND CARRIED**

*RESOLVED: Roberts/Pinson*

That Council:

1. Request the Chief Executive Officer prepare as part of the Integrated Planning and Reporting process, a draft Operational Plan for the 2022-2023 financial year that freezes Ordinary and Special Rates at the 2021-2022 level.
2. Request the Chief Executive Officer prepare a draft Long Term Financial Plan to accompany (1) above as part of the Integrated Planning & Reporting process for the 2022-2023 financial year, that freezes Ordinary and Special Rates at the 2021-2022 levels for the period 1 July 2022 to 30 June 2025 inclusive and that the report to Council addresses how the financial impact of the rate freeze might be mitigated.

*CARRIED: 7/2*

*FOR: Griffiths, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*

*AGAINST: Edwards and Intemann*

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**09.10 NOTICE OF MOTION - PORT MACQUARIE-HASTINGS BLUEPRINT**

*RESOLVED: Roberts/Pinson*

That Council:

1. Immediately establish a Project Working Group to develop an Action Plan for the development of a draft Blueprint for Port Macquarie-Hastings for consideration by Council at its April 2022 Ordinary Meeting effective immediately following the February 2022 Ordinary Meeting to include consideration of the key strategic priorities for the Local Government Area, with a focus on but not limited to the following:
  - Roads, traffic management and delivery
  - Affordable housing and housing affordability
  - Land use planning
  - Infrastructure (water, sewer and stormwater) planning and delivery
  - Amenity
  - Vegetation management
  - Sporting facilities
  - Connectivity (physical and digital)
  - Emergency and risk management
  - Industry, tourism and economic development opportunities
2. Appoint the Mayor and Deputy Mayor to Co-Chair the Project Working Group with the administrative support of the Chief Executive Officer and Council Staff as determined by the Chief Executive Officer.
3. Receive and consider the Project Action Plan from the Project Working Group, including estimated costings and timeframes to develop a draft Blueprint for Port Macquarie-Hastings for consideration by Council at its April 2022 Ordinary Meeting.



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CARRIED: 8/1

FOR: Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Edwards

Councillor Roberts tabled his Blueprint speaking notes.

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**09.14 REQUEST TO ATTEND AUSTRALIAN GOVERNANCE SUMMIT 2022 - MARCH 2022 - COUNCILLOR SHARON GRIFFITHS**

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

RESOLVED: Griffiths/Roberts

That Council approve the attendance of Councillor Sharon Griffiths at the Australian Governance Summit 2022 to be held virtually from 2 to 3 March 2022.

CARRIED: 9/0

FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

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**09.15 REQUEST TO ATTEND NSW COASTAL CONFERENCE - MAY 2022 - COUNCILLOR DANIELLE MALTMAN**

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RESOLVED: Pinson/Griffiths

That Council approve the attendance of Mayor Peta Pinson and Councillor Danielle Maltman at the NSW Coastal Conference to be held from 31 May to 2 June 2022.

CARRIED: 9/0

FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

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## **09.17 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2021**

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

*RESOLVED: Griffiths/Lipovac*

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

*CARRIED: 9/0*  
*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,*  
*Sheppard and Slade*  
*AGAINST: Nil*

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## **ADJOURN MEETING**

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*RESOLVED: Sheppard/Pinson*

That the Ordinary Council Meeting adjourn for 5 minutes.

*CARRIED: 9/0*  
*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,*  
*Sheppard and Slade*  
*AGAINST: Nil*

The Ordinary Council Meeting adjourned at 9:38pm.

The Ordinary Council Meeting resumed at 9:50pm.



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## **09.23 SALE OF SURPLUS LAND - 178 NANCY BIRD WALTON DRIVE, KEW**

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Mayor Pinson declared a Pecuniary Interest in this matter, vacated the Chair and left the room and was out of sight during the Council's consideration, the time being 9:51pm.

The Deputy Mayor assumed the Chair.

### **MOTION**

*MOVED: Roberts/Griffiths*

That Council:

1. Note the resolutions of Council made at the Ordinary Council meeting held on 19 May 2021 - Confidential Item 14.01 Sale of Surplus Land - 178 Nancy Bird Walton Drive Kew.
2. Note the subsequent tender process undertaken for the sale of surplus land at 178 Nancy Bird Walton Drive, Kew as outlined in this report.
3. Decline to accept any of the offers received for the sale of surplus land at 178 Nancy Bird Walton Drive, Kew noting that the contract for sale is subject to and conditional upon Council obtaining development consent for the required plan of subdivision and its subsequent registration by the Registrar General.
4. Proceed with the detailed planning investigations necessary to submit a development application for the required plan of subdivision and its subsequent registration by the Registrar General.
5. Subject to obtaining development consent and registration of the plan of subdivision, offer the surplus land at 178 Nancy Bird Walton Drive, Kew for sale by way of open tender utilising a registered real estate agent.
6. Request the Chief Executive Officer to negotiate with potential purchasers to secure an advantageous financial outcome to Council, not less than the amount determined by Council's consultant valuer post development consent and within two months prior to offering the land for sale.
7. Allocate the sale proceeds to Council's Waste Reserve should a successful sale be completed.
8. Note that a further report will be presented to Council detailing the outcomes of the disposal process.
9. Maintain the confidentiality of the documents and considerations in respect of Sale of Surplus Land - 178 Nancy Bird Walton Drive, Kew.

## **AMENDMENT**

*MOVED: Intemann/Sheppard*

That Council:

1. Note the resolutions of Council made at the Ordinary Council meeting held on 19 May 2021 - Confidential Item 14.01 Sale of Surplus Land – 178 Nancy Bird Walton Drive, Kew.
2. Note the subsequent tender process undertaken for the sale of surplus land at 178 Nancy Bird Walton Drive, Kew as outlined in this report.
3. Accept the highest tendered offer received and enter into a contract for sale with the highest bidder subject to and conditional upon Council as the landowner obtaining development consent for the required plan of subdivision and its subsequent registration by the Registrar General within 12 months.
4. Proceed with the detailed planning investigations necessary to submit a development application for the required plan of subdivision and its subsequent registration by the Registrar General.
5. On completion of the sale, allocate the sale proceeds to Council's Waste Reserve for use towards a significant as-yet-unfunded waste management development project.
6. Receive a report to Council upon conclusion of the sale process, and ensure Councillors are updated on any problems arising in the DA/subdivision process.
7. Maintain the confidentiality of the documents and considerations in respect of Sale of Surplus Land - 178 Nancy Bird Walton Drive, Kew.
8. Ensure that any new sales of Council owned land are not made subject to any land development process.

## **THE AMENDMENT WAS PUT AND WAS LOST**

*LOST: 2/6*

*FOR: Edwards and Intemann*

*AGAINST: Griffiths, Lipovac, Maltman, Roberts, Sheppard and Slade*

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**THE MOTION WAS PUT AND CARRIED**

*RESOLVED: Roberts/Griffiths*

That Council:

1. Note the resolutions of Council made at the Ordinary Council meeting held on 19 May 2021 - Confidential Item 14.01 Sale of Surplus Land - 178 Nancy Bird Walton Drive Kew.
2. Note the subsequent tender process undertaken for the sale of surplus land at 178 Nancy Bird Walton Drive, Kew as outlined in this report.
3. Decline to accept any of the offers received for the sale of surplus land at 178 Nancy Bird Walton Drive, Kew noting that the contract for sale is subject to and conditional upon Council obtaining development consent for the required plan of subdivision and its subsequent registration by the Registrar General.
4. Proceed with the detailed planning investigations necessary to submit a development application for the required plan of subdivision and its subsequent registration by the Registrar General.
5. Subject to obtaining development consent and registration of the plan of subdivision, offer the surplus land at 178 Nancy Bird Walton Drive, Kew for sale by way of open tender utilising a registered real estate agent.
6. Request the Chief Executive Officer to negotiate with potential purchasers to secure an advantageous financial outcome to Council, not less than the amount determined by Council's consultant valuer post development consent and within two months prior to offering the land for sale.
7. Allocate the sale proceeds to Council's Waste Reserve should a successful sale be completed.
8. Note that a further report will be presented to Council detailing the outcomes of the disposal process.
9. Maintain the confidentiality of the documents and considerations in respect of Sale of Surplus Land - 178 Nancy Bird Walton Drive, Kew.

*CARRIED: 6/2*

*FOR: Griffiths, Lipovac, Maltman, Roberts, Sheppard and Slade*

*AGAINST: Edwards and Intemann*

Mayor Pinson returned to the meeting and assumed the Chair, the time being 10:05pm.

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**10.01 NOTICE OF MOTION - WAUCHOPE RIVERSIDE SCULPTURAL TRAIL - ZOETROPE**

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**MOTION**

*MOVED: Griffiths/Roberts*

That Council:

1. Request the Chief Executive Officer to provide a report to the March 2022 Ordinary Meeting of Council regarding the removal of the Zoetrope Sculpture.

- 
2. Note that the existing public art along the Wauchope Riverside Sculptural Trail was the subject of discussion during the recent Rocks Ferry Redevelopment Engagement Process.
  3. Note that a draft Master Plan for Rocks Ferry Reserve addressing the recent flood impacts and the Public Art is being developed and will be the subject of a future briefing of Councillors.

**AMENDMENT**

*RESOLVED: Intemann/Lipovac*

1. Request the Chief Executive Officer to provide a report to the March 2022 Ordinary Meeting of Council regarding the possible relocation of the Zoetrope Sculpture, including intended community consultation.
2. Note that the existing public art along the Wauchope Riverside Sculptural Trail was the subject of discussion during the recent Rocks Ferry Redevelopment Engagement Process.
3. Note that a draft Master Plan for Rocks Ferry Reserve addressing the recent flood impacts and the Public Art is being developed and will be the subject of a future briefing of Councillors.

**THE AMENDMENT WAS PUT AND CARRIED**

*CARRIED: 8/1*  
*FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Griffiths*

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

*CARRIED: 9/0*  
*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*  
*AGAINST: Nil*

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**10.03 T-21-15 STAGE 1 CONSTRUCTION OF RAINBOW BEACH SPORTING FIELDS**

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

*RESOLVED: Slade/Roberts*

That Council note the information provided regarding the successful negotiations and tender award to Glascott Landscape and Civil Pty Ltd for the lump sum of \$6,076,727.26 (excluding GST) for T-21-15 Stage 1 Construction of Rainbow Beach Sporting Fields.

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*CARRIED: 9/0*  
*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,*  
*Sheppard and Slade*  
*AGAINST: Nil*

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## **EXTENSION OF TIME**

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*RESOLVED: Sheppard/Griffiths*

That the Council Meeting be extended beyond 11:00pm.

*CARRIED: 9/0*  
*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,*  
*Sheppard and Slade*  
*AGAINST: Nil*

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## **12.01 NOTICE OF MOTION - CLIMATE CHANGE**

### **MOTION**

*MOVED: Griffiths/Roberts*

That Council:

1. Rescind the 'Climate Change Emergency Declaration' that was made by Port Macquarie-Hastings Council at the March 2021 Ordinary Council Meeting.
2. Request the Chief Executive Officer to revise the adopted Climate Change Response Policy to reflect Item 1 above.

### **AMENDMENT**

*MOVED: Edwards/Lipovac*

That Council:

1. Note the resolution of Council made in March 2021 Ordinary Council meeting, that:

*That Council:*

1. *Acknowledge the contribution of members of the community to the climate change conversation in particular, the Hastings Climate Emergency Alliance (comprising Climate Change Australia – Hastings, Hastings Parents for the Environment, Coastal Warriors Mid North Coast, No Electricity from Forests, Hastings Extinction Rebellion) and the Port Macquarie Sustainability Network.*
  2. *Acknowledge the evidence-based science for climate change and the serious threat that climate change poses to our current and future way of life and the Earth's ecosystems, including impacts on health, safety, economic security and quality of life.*
  3. *Note that the Australian Medical Association declared in September 2019 that climate change is a health emergency and will cause: a)*
-

- higher mortality and morbidity from heat stress. b) injury and mortality from increasingly severe weather events. c) increases in the transmission of vector-borne diseases. d) food insecurity resulting from declines in agricultural outputs. e) a higher incidence of mental ill-health.*
4. *Note Council's resolution of 21 October 2020, which identified formally recognised risks from climate change, and Council's actions to that date.*
  5. *Acknowledge that a successful response to climate change requires immediate and ongoing cross-sectoral action by government, business and the broader community at all levels.*
  6. *Confirm that Council's response to climate change is an essential element of Council's overall approach and commitment to sustainability, including intergenerational equity, community wellbeing and safety.*
  7. *Acknowledge Council's response to climate change and sustainability needs to be locally focussed and holistic, requiring a structured and coordinated approach across all Council functions.*
  8. *Acknowledge that declaring a climate emergency needs to be supported with strong policy and the supporting commitment and actions to implement it with substance if we are to avoid broad and unprecedented consequences.*
  9. *Request the Chief Executive Officer, as a priority: a) Finalise the Sustainability Framework. b) Work with the Sustainability Sub-Committee to develop and urgently finalise a Climate Change Policy, Climate Change Strategy and Action Plan, including baseline measures and targets. c) Include in these plans a comprehensive community communication and information plan for priority commencement and covering, among other aspects, the costs of unchecked climate change, actions residents can take, and the benefits from action to mitigate the causes and effects of climate change.*
  10. *Recognise and declare that we are now in a Global Climate Emergency, and include in the Port Macquarie-Hastings Climate Change Policy, Strategy and Plan actions to make representations at the Local, State, Federal and even Global level, seeking strong leadership in mitigating the impacts of climate change.*
  11. *Request the Chief Executive Officer write to the Member for Cowper, Patrick Conaghan MP, and the Member for Lyne, David Gillespie MP, urging their support to enact the Climate Change (National Framework for and Mitigation) Bill 2020, on behalf of all residents of the Port Macquarie-Hastings Local Government Area.*
  12. *Receive a report on the progress of Items 9(a) and (b) above to the May 2021 Council Meeting.*
- 
2. Request the Chief Executive Officer undertake to publicise the March 2021 Climate Emergency Declaration throughout March 2022, such that community members widely can access it and realise the opportunity to share their thoughts via an invitation for community submissions regarding their support for or against retaining a Climate Emergency Declaration and receive any submissions up until the end of the month of April 2022.



## THE AMENDMENT WAS PUT AND WAS LOST

LOST: 4/5

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Griffiths, Maltman, Pinson, Roberts and Slade

Councillor Maltman left the meeting, the time being 10:58pm.

Councillor Maltman returned to the meeting, the time being 11:00pm.

## AMENDMENT

MOVED: Sheppard/Intemann

That Council:

1. Note the following resolution of Council from the March 2021 Ordinary Council meeting:

### 10.09 CLIMATE EMERGENCY DECLARATION CONSIDERATIONS

RESOLVED: Intemann/Turner

That Council:

2. Acknowledge the contribution of members of the community to the climate change conversation in particular, the Hastings Climate Emergency Alliance (comprising Climate Change Australia – Hastings, Hastings Parents for the Environment, Coastal Warriors Mid North Coast, No Electricity from Forests, Hastings Extinction Rebellion) and the Port Macquarie Sustainability Network.
3. Acknowledge the evidence-based science for climate change and the serious threat that climate change poses to our current and future way of life and the Earth's ecosystems, including impacts on health, safety, economic security and quality of life.
4. Note that the Australian Medical Association declared in September 2019 that climate change is a health emergency and will cause:
  - a) higher mortality and morbidity from heat stress.
  - b) injury and mortality from increasingly severe weather events.
  - c) increases in the transmission of vector-borne diseases.
  - d) food insecurity resulting from declines in agricultural outputs.
  - e) a higher incidence of mental ill-health.
5. Note Council's resolution of 21 October 2020, which identified formally recognised risks from climate change, and Council's actions to that date.
6. Acknowledge that a successful response to climate change requires immediate and ongoing cross-sectoral action by government, business and the broader community at all levels.
7. Confirm that Council's response to climate change is an essential element of Council's overall approach and commitment to sustainability, including inter-generational equity, community wellbeing and safety.
8. Acknowledge Council's response to climate change and sustainability needs to be locally focussed and holistic, requiring a structured and coordinated approach across all Council functions.

9. Acknowledge that declaring a climate emergency needs to be supported with strong policy and the supporting commitment and actions to implement it with substance if we are to avoid broad and unprecedented consequences.
10. Request the Chief Executive Officer, as a priority:
  - a) Finalise the Sustainability Framework.
  - b) Work with the Sustainability Sub-Committee to develop and urgently finalise a Climate Change Policy, Climate Change Strategy and Action Plan, including baseline measures and targets.
  - c) Include in these plans a comprehensive community communication and information plan for priority commencement and covering, among other aspects, the costs of unchecked climate change, actions residents can take, and the benefits from action to mitigate the causes and effects of climate change.
11. Recognise and declare that we are now in a Global Climate Emergency, and include in the Port Macquarie-Hastings Climate Change Policy, Strategy and Plan actions to make representations at the Local, State, Federal and even Global level, seeking strong leadership in mitigating the impacts of climate change.
11. Request the Chief Executive Officer write to the Member for Cowper, Patrick Conaghan MP, and the Member for Lyne, David Gillespie MP, urging their support to enact the Climate Change (National Framework for and Mitigation) Bill 2020, on behalf of all residents of the Port Macquarie-Hastings Local Government Area.
12. Receive a report on the progress of Items 9(a) and (b) above to the May 2021 Council Meeting.

CARRIED: 4/2

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

2. Rescind point 10 of the above March 2021 resolution which states:

“10. Recognise and declare that we are now in a Global Climate Emergency, and include in the Port Macquarie-Hastings Climate Change Policy, Strategy and Plan actions to make representations at the Local, State, Federal and even Global level, seeking strong leadership in mitigating the impacts of climate change. “
3. Request the Chief Executive Officer to revise the adopted Climate Change Response Policy to reflect Item 2 above.
4. Request the Chief Executive Officer provided a report to Council detailing proposed changes to the Climate Change Response Policy.
5. Note that the revised Climate Change Response Policy, if adopted by Council, would be placed on public exhibition for a period of not less than 28 days.
6. Request the Chief Executive Officer prepare a communications plan to inform the community of Council's rescission of the Climate Change Emergency Declaration and the public exhibition of the revised Climate Change Response Policy including but not limited to: advertising, media release, Council's social media channels, notification of State and Federal Members of Parliament, local newspapers, and any other



avenues available to promote local awareness of Council's revised Climate Change Response Policy.

7. Request the Chief Executive Officer report back in April 2022 on the status of actions arising from the resolution noted in point 1.

**THE AMENDMENT WAS PUT AND WAS LOST**

LOST: 3/6

FOR: Intemann, Lipovac and Sheppard

AGAINST: Edwards, Griffiths, Maltman, Pinson, Roberts and Slade

**AMENDMENT**

RESOLVED: Intemann/Sheppard

That Council:

1. Rescind the 'Climate Change Emergency Declaration' that was made by Port Macquarie-Hastings Council at the March 2021 Ordinary Council Meeting.
2. Request the Chief Executive Officer to revise the adopted Climate Change Response Policy to reflect Item 1 above.
3. Request the Chief Executive Officer to provide a further report to Council outlining the proposed amendments to the policy.
4. Note that the revised Climate Change Response Policy with proposed amendments, will be placed on public exhibition for a period of not less than 28 days.
5. Request the Chief Executive Officer to provide a further report to Council outlining submissions received during the exhibition period.

**THE AMENDMENT WAS PUT AND CARRIED**

CARRIED: 9/0

FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

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

CARRIED: 7/2

FOR: Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, and Slade

AGAINST: Edwards, Sheppard

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**12.02 NOTICE OF MOTION - LAKE CATHIE MANAGEMENT**

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

RESOLVED: Maltman/Pinson

That Council:

1. Request the Chief Executive Officer to undertake a review of Appendix B - Site Priorities Assessment of the Port Macquarie Hastings Council Dredging Strategy (2007).

- 
2. Place priority for the dredging of Lake Cathie in the budget for 2022/2023 taking it from a low priority to a high priority.
  3. Request the Chief Executive Officer to request a meeting with relevant staff of Northern Beaches Council to discuss the Narrabeen Lagoon Plan of Management and measures of implementation of a Lake Cathie Lagoon Reserve Trust and any learnings that could be considered by Council for Lake Cathie.
  4. Request the Chief Executive Officer ensure that the following items are addressed as part of the Coastal Management Program Stage 2 studies/work:
    - a) Modification of the current Development Application (DA) consent to open the lagoon to a hazard-based criteria.
    - b) Consideration of future operational budgets, resources to further enhance the lake and its surrounds such as; water quality monitoring to ensure water is safe for recreational usage and marine life consumption whilst also ensuring the lake is visually appealing all year round.
    - c) An assessment of the existing urban runoff into the lake system, its origins and impacts on the estuarine system, marine life, community health and wellbeing.

**CARRIED:** 8/1

**FOR:** Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

**AGAINST:** Edwards

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### **12.03 NOTICE OF MOTION - TOWN CENTRE MASTER PLAN**

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#### **MOTION**

**MOVED:** Roberts/Griffiths

That Council:

1. Request the Chief Executive Officer to commence a general review of the business sub-categories under s523(1)(a) of the Local Government Act 1993 and prepare a report on that review for consideration of the Council.
2. Note that subject to the review (referred to in 1), should Council resolve to re-categorise the land within the business category as a result of such review, whereby all land within the Port Macquarie CBD Business Sub-Category has been re-categorised to Business - Defined Urban Centres, request the Chief Executive Officer draft an Operational Plan for the 2022-2023 financial year as part of the Integrated Planning & Reporting process with the removal of the Town Centre Master Plan business rate.
3. Undertake an independent review of the historical Town Centre Master Plan processes, practices, fees, charges, management structures and outcomes achieved by the Town Centre Master Plan.
4. Provide a report to Council on the findings of the independent review and undertake community consultation on a pathway forward for the future development and maintenance of the Port Macquarie CBD.

## **AMENDMENT**

*MOVED: Intemann/Sheppard*

That Council request the Chief Executive Officer to:

1. Provide a briefing to Councillors on the business sub-categories under s523(1)(a) of the Local Government Act 1993, with the objective of submitting a report on rating options for consideration to the March 2022 Ordinary Council Meeting.
2. Appoint, via an appropriate Expression of Interest process, a suitably qualified independent expert to prepare an objective assessment of the historical Town Centre Master Plan processes, practices, fees, charges, management structures and outcomes.
3. Ensure that as part of the report by the independent expert, the broad community be consulted, and in particular those persons, businesses and property owners directly impacted by CBD rates as well as the local professional property industry advisors with extensive knowledge of the Town Centre Master Plan, the environment in which it has historically operated and the current operating environment.
4. Ensure that the final report include recommendations on a pathway forward for the future development and maintenance of the Port Macquarie CBD, noting the role (if any) of the Town Centre Master Plan and the financial impacts (if any) on ratepayers should there be changes to the business rates.
5. Provide a briefing to Councillors on the findings of the independent review as soon as available.

## **THE AMENDMENT WAS PUT AND WAS LOST**

*LOST: 4/5*

*FOR: Edwards, Intemann, Lipovac and Sheppard*  
*AGAINST: Griffiths, Maltman, Pinson, Roberts and Slade*

## **THE MOTION WAS PUT AND CARRIED**

*RESOLVED: Roberts/Griffiths*

That Council:

1. Request the Chief Executive Officer to commence a general review of the business sub-categories under s523(1)(a) of the Local Government Act 1993 and prepare a report on that review for consideration of the Council.
2. Note that subject to the review (referred to in 1), should Council resolve to re-categorise the land within the business category as a result of such review, whereby all land within the Port Macquarie CBD Business Sub-Category has been re-categorised to Business - Defined Urban Centres, request the Chief Executive Officer draft an Operational Plan for the 2022-2023 financial year as part of the Integrated Planning & Reporting process with the removal of the Town Centre Master Plan business rate.
3. Undertake an independent review of the historical Town Centre Master Plan processes, practices, fees, charges, management structures and outcomes achieved by the Town Centre Master Plan.

- 
4. Provide a report to Council on the findings of the independent review and undertake community consultation on a pathway forward for the future development and maintenance of the Port Macquarie CBD.

*CARRIED: 6/3*

*FOR: Griffiths, Lipovac, Maltman, Pinson, Roberts and Slade*

*AGAINST: Edwards, Intemann and Sheppard*

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## **12.06 DRAFT LAKE CATHIE ENTRANCE MANAGEMENT STRATEGY**

---

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

*RESOLVED: Maltman/Pinson*

That Council:

1. Request the Chief Executive Officer undertake a review of the revised draft Lake Cathie Entrance Management Strategy Flow Chart, with the involvement of Councillors and key stakeholders, before bringing an updated approach back to Council by April 2022.
2. Request the Chief Executive Officer to prepare appropriate information material to clearly explain the issues impacting on Lake Cathie, entrance management and the draft Entrance Management Strategy.
3. Request the Chief Executive Officer expedite the progress of delivery of the Coastal Management Program to inform best management practices of Lake Cathie system.

*CARRIED: 9/0*

*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*

*AGAINST: Nil*

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## **12.07 RAWDON ISLAND BRIDGE UPDATE**

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Councillor Sheppard left the meeting, the time being 11:59pm.

*RESOLVED: Intemann/Roberts*

That Council:

1. Note the information provided in the Rawdon Island Bridge Update report.
2. Request the Chief Executive Officer report in accordance with milestone events associated with progress on Rawdon Island Bridge.
3. Note that the Chief Executive Officer has communicated with the Hon Leslie Williams MP regarding Council's applications for funding to assist this important bridge and access repair/replacement project.

*CARRIED: 8/0*

*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts and Slade*

*AGAINST: Nil*

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**12.11 T-21-26 HYDRODYNAMIC MODELLING UPDATE - LAKE INNES/LAKE CATHIE**

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Councillor Sheppard returned to the meeting, the time being 12:00am.

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

*RESOLVED: Maltman/Roberts*

That Council:

1. Note the Chief Executive Officer, by existing delegation under section 377 of the Local Government Act 1993, accepted the tender from Haskoning Australia Pty Ltd for the Lump Sum of \$365,954.80 (exclusive of GST) for T-21-26 Hydrodynamic Modelling Update - Lake Innes / Lake Cathie.
2. Note the Chief Executive Officer accepted the offer from Haskoning Australia Pty Limited for Provisional Item: "Installation of two Acoustic Doppler Current Profilers (ADCPs) to continuously measure currents for up to 2 months" for the Lump Sum of \$18,500.00 (exclusive of GST).
3. Note the Chief Executive Officer has executed the contract documents.
4. Note that the option for a permanent Lake Opening is one of the management options to be considered in the updated hydrodynamic modelling project.

*CARRIED: 9/0  
FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,  
Sheppard and Slade  
AGAINST: Nil*

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

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*RESOLVED: Maltman/Intemann*

That Items 09.01, 09.05, 09.06, 09.11, 09.12, 09.13, 09.16, 09.18, 09.19, 09.20, 09.21, 09.22, 09.24, 09.25, 09.26, 09.27, 09.28, 10.02, 11.01, 12.04, 12.05, 12.08, 12.09 and 12.10 be considered as a block resolution.

*CARRIED: 9/0  
FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,  
Sheppard and Slade  
AGAINST: Nil*

*RESOLVED: Maltman/Intemann*

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

*CARRIED: 9/0  
FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,  
Sheppard and Slade  
AGAINST: Nil*

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## **09.01 OATH OR AFFIRMATION OF OFFICE**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council note that the Mayor and all Councillors undertook their Oath, or Affirmation, of Office before Council's Chief Executive Officer on Monday 10 January 2022.

Item 09.02 Status of Reports From Council Resolutions, has been addressed previously within the meeting.

Item 09.03 Status of Council Policies, has been addressed previously within the meeting.

Item 09.04 Council Meetings Dates for 2022, has been addressed previously within the meeting.

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## **09.05 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 21 OCTOBER 2021 TO 2 FEBRUARY 2022**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council note the Mayoral Discretionary Fund allocations for the period 21 October 2021 to 2 February 2022 inclusive.

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## **09.06 ELECTORAL FUNDING OBLIGATIONS OF NEWLY ELECTED MAYORS AND COUNCILLORS**

---

*BLOCK RESOLVED: Maltman/Intemann*

That Council note the information as provided in this report.

Item 09.07 Disclosure of Interest Return, has been addressed previously within the meeting.

Item 09.08 Notice of Motion - Council Committees, Working Parties, Groups, has been addressed previously within the meeting.

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Item 09.09 Notice of Motion - Rate Freeze, has been addressed previously within the meeting.

Item 09.10 Notice of Motion - Port Macquarie-Hastings Blueprint, has been addressed previously within the meeting.

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#### **09.11 LEGAL FEES**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council note the information in the Legal Fees report.

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#### **09.12 POLICY REVIEW - MAYORAL DISCRETIONARY FUND POLICY**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council:

1. Place on public exhibition from for a minimum of 28 days, the draft Mayoral Discretionary Fund Policy.
2. Note that a further report will be tabled at the April 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.

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#### **09.13 POLICY REVIEW - PRIVACY MANAGEMENT PLAN**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council adopt the draft Privacy Management Plan as attached to this report.

Item 09.14 Request to Attend Australian Governance Summit 2022 - March 2022 - Councillor Sharon Griffiths, has been addressed previously within the meeting.

Item 09.15 Request to Attend NSW Coastal Conference - May 2022 - Councillor Danielle Maltman, has been addressed previously within the meeting.



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#### **09.16 MONTHLY BUDGET REVIEW - JANUARY 2022**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council:

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

Item 09.17 Quarterly Budget Review Statement - December 2021, has been addressed previously within the meeting.

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#### **09.18 2017-2022 DELIVERY PROGRAM AND 2021-2022 OPERATIONAL PLAN - SIX MONTHLY PROGRESS REPORT AS AT 31 DECEMBER 2021**

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*BLOCK RESOLVED: Maltman/Intemann*

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

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#### **09.19 INVESTMENTS - NOVEMBER 2021**

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*BLOCK RESOLVED: Maltman/Intemann*

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

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#### **09.20 INVESTMENTS - DECEMBER 2021**

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*BLOCK RESOLVED: Maltman/Intemann*

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

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#### **09.21 INVESTMENTS - JANUARY 2022**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council note the Investment Report for the month of January 2022.



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## **09.22 GLASSHOUSE BIENNIAL REPORT AND UPDATE ON GLASSHOUSE PLAN 2020 - 2022 ACTIONS**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council note the information provided in the Glasshouse Biennial Report and Update on Glasshouse Plan 2020 - 2022 Actions report.

Item 09.23 Sale of Surplus Land - 178 Nancy Bird Walton Drive, Kew, has been addressed previously within the meeting.

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## **09.24 GRANT APPLICATIONS BIENNIAL REPORT**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council note the Grant Applications Biennial Report, providing an update on grants that Council has applied for or obtained, for the 2021-2022 financial year to date.

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## **09.25 BUSHFIRE DISASTER RECOVERY FUNDING**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council:

1. Note the Bushfire Disaster Recovery Funding Report which provides an update on the Council and community projects funded by the NSW and Commonwealth Government bushfire recovery funds.
2. Note that, in accordance with established six-monthly reporting, a further update report will be provided at the August 2022 Council meeting.

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

---

*BLOCK RESOLVED: Maltman/Intemann*

That Council:

1. Note the Development Activity and Assessment System Performance report for the second 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.

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## **09.27 POLICY REVIEW - CONTROL OF BURNING**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council:

1. Adopt the revised draft Control of Burning Policy for the purpose of public exhibition.
  2. Publically exhibit the draft Policy for a period of not less than 28 days from 17 February 2022 until 17 March 2022.
  3. Note that a further report will be tabled at the April 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.
- 

## **09.28 POLICY REVIEW - LIQUID TRADE WASTE POLICY**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council:

1. Place the draft Liquid Trade Waste Policy on public exhibition from 21 February 2022 until 21 March 2022 (28 days).
  2. Note that a further report will be presented at a future meeting of Council, detailing the submissions received from the public during the exhibition period.
- 

Item 10.01 Notice of Motion - Wauchope Riverside Sculptural Trail - Zoetrope, has been addressed previously within the meeting.

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## **10.02 BAIN PARK MASTER PLAN, STAGES 1 AND 2 COMMUNITY ENGAGEMENT**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council:

1. Endorse the Stakeholders and Community Engagement Methodology to enable the Bain Park Stage 1 project to progress.
  2. Endorse the decision-making framework for the Bain Park Project.
  3. Note the extent of stakeholder and community engagement undertaken on the Bain Park Master Plan since September 2019.
- 

Item 10.03 T-21-15 Stage 1 Construction of Rainbow Beach Sporting Fields, has been addressed previously within the meeting.

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## **11.01 COVID-19 RECOVERY AND STIMULUS PROJECTS UPDATE**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council:

1. Note the progress of Council's COVID-19 Recovery and Stimulus Projects, as detailed in the report.
2. Note a further update report will be provided at the August 2022 Council Meeting.

Item 12.01 Notice of Motion - Climate Change, has been addressed previously within the meeting.

Item 12.02 Notice of Motion - Lake Cathie Management, has been addressed previously within the meeting.

Item 12.03 Notice of Motion - Town Centre Master Plan, has been addressed previously within the meeting.

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## **12.04 ACQUISITION OF AN EASEMENT TO DRAIN SEWAGE - GREENMEADOWS DRIVE, PORT MACQUARIE**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council:

1. Pay total compensation in the amount of \$95,040 (GST exclusive) to the owners of Lot 4 Deposited Plan 1119462 and Lot 100 Deposited Plan 1186142 being, the Trustees of the Roman Catholic Church, Diocese of Lismore for the acquisition of an easement to drain sewage 5 metres wide depicted (A) in plan of acquisition Deposited Plan 1272810.
2. Pursuant to section 59 of the Land Acquisition (Just Terms Compensation) Act 1991 pay the legal/property conveyancing costs reasonably incurred by the landowner arising from the easement acquisition.

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## **12.05 CLASSIFICATION OF LAND TO BE ACQUIRED BY COUNCIL - GILLMAN WAY, THRUMSTER**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council:

1. Pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lot 1 Deposited Plan 1275372 as 'operational land' by placing on public exhibition for a minimum period of 28 days, the proposed resolution; "It is intended to classify Lot 1 Deposited Plan 1275372, land situated in Gillman Way Thrumster, as operational land.
2. Note that a further report will be tabled at the April 2022 Ordinary Council meeting detailing any submissions received during the exhibition period.

Item 12.06 Draft Lake Cathie Entrance Management Strategy, has been addressed previously within the meeting.

Item 12.07 Rawdon Island Bridge Update, has been addressed previously within the meeting.

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## **12.08 PIPES AND FITTINGS PROCUREMENT EXEMPTION REPORT**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council:

1. Pursuant to section 55(3)(i) of the Local Government Act 1993, resolve not to call tenders as it considers that a satisfactory result would not be achieved by inviting tenders due to the unavailability of competitive tenderers for the reason of Council's specific specification requirements as outlined in this report.
2. Accept the quote provided by Reece Australia Pty Ltd t/a Viadux for \$257,075.14 (incl. GST) for the supply and delivery of necessary pipes and fittings for the water main renewal project at Granite and Savoy Streets intersection.

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## **12.09 T-21-42.03 RAWDON ISLAND BRIDGE - REPAIR CONTRACTOR**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council note the information provided regarding the successful negotiations and contract award to Duratec Australia Pty Ltd for the lump sum of \$7,082,014.69 (excluding GST) for T-21-42.03 Rawdon Island Bridge - Repair Contractor.

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**12.10 T-21-35 PAPPINBARRA JUNCTION BRIDGE - BRIDGE AND CIVIL PACKAGE**

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*BLOCK RESOLVED: Maltman/Intemann*

That Council note the information provided regarding the successful negotiations and tender award to Saunders Civilbuild Pty Ltd for the lump sum of \$2,482,993.15 (excluding GST) for T-21-35 Pappinbarra Junction Bridge - Bridge and Civil Package.

Item 12.11 T-21-26 Hydrodynamic Modelling Update - Lake Innes/Lake Cathie, has been addressed previously within the meeting.

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**CONFIDENTIAL SESSION**

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*RESOLVED: Roberts/Maltman*

1. That pursuant to section 10A subsections 2 and 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 Contract Extension - Processing of Dry Recyclables at the Cairncross Materials Recovery Facility

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.:

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: 9/0*

*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*

*AGAINST: Nil*

*RESOLVED: Roberts/Sheppard*

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

*CARRIED: 9/0*

*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*

*AGAINST: Nil*

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#### **14.01 CONTRACT EXTENSION - PROCESSING OF DRY RECYCLABLES AT THE CAIRNCROSS MATERIALS RECOVERY FACILITY**

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*RESOLVED: Intemann/Maltman*

That Council:

1. Note the intention to align future waste management contracts in 2026 upon the expiry of the Domestic Waste Collection Contract and the Organics Processing Contract.
2. Commence work on the terms of a short term contract to allow alignment of the respective future waste contracts including the Processing of Dry Recycling at the Cairncross Materials Recovery Facility.
3. In accordance with Section 55(3)(i) of the Local Government Act, 1993, due to the extenuating circumstances to allow sufficient time to plan for an interim short term contract to facilitate Council's long term recycling infrastructure and alignment, not to call public tenders for the Processing of Dry Recycling at the Cairncross Materials Recovery Facility at this time.
4. Request the Chief Executive Officer to enter into negotiations to vary contract number S.600.119.05.02 for the Processing of Dry Recycling at the Cairncross Materials Recovery Facility with JR Richards Pty Limited for a further period expiring 26 June 2023 in accordance with the terms and conditions specified in the contract.
5. Delegate to the Chief Executive Officer the authority to negotiate and sign the contract deed of variation with JR Richards Pty Limited expiring 26 June 2023 in accordance with the terms and conditions specified in the contract.
6. Note that a further report will be tabled providing the negotiated rates/fees accepted for the contract variation.
7. Maintain the confidentiality of the documents and consideration in respect of this contract.

*CARRIED: 9/0*

*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*

*AGAINST: Nil*

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

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The meeting closed at 12:07am.

.....  
Peta Pinson  
Mayor

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## **PRESENT**

### **Members:**

Mayor Peta Pinson (Mayor)  
Councillor Adam Roberts (Deputy Mayor)  
Councillor Lauren Edwards  
Councillor Sharon Griffiths  
Councillor Lisa Intemann  
Councillor Nik Lipovac  
Councillor Danielle Maltman  
Councillor Rachel Sheppard  
Councillor Josh Slade

### **Other Attendees:**

Chief Executive Officer (Dr Clare Allen)  
Acting Director Business and Performance (Ashley Grummitt)  
Acting Director Community, Planning and Environment (Duncan Coulton)  
Director Community Infrastructure (Dan Bylsma)  
Director Community Utilities (Jeffery Sharp)  
Group Manager Governance (Michael Ferguson)  
Executive Assistant to Mayor (Linda Kocis)

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The meeting opened at 5:00pm.

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## **01 ACKNOWLEDGEMENT OF COUNTRY**

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

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## **02 REMOTE ATTENDANCE AT MEETING**

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There were no requests to attend by remote means.

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## **03 APOLOGIES**

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Nil.

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## **04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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### **05.01 ILLAROO ROAD, LAKE CATHIE - STORMWATER REDIRECTION PROJECT**

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*RESOLVED: Pinson*

That Council:

1. Defer commencement of works in relation to the Illaroo Road Stormwater Redirection Project until an assessment of the coastal hazard protection options has been identified.
2. Request the Chief Executive Officer to facilitate an urgent briefing with Councillors to consider the coastal hazard protection options for Lake Cathie and Illaroo Road and specifically the Illaroo Road Stormwater Redirection Project.
3. Note that there are varying community views regarding the Illaroo Stormwater Redirection Project in particular, and that urgent community engagement on this project is required.
4. Request the Chief Executive Officer to undertake urgent community engagement on the Illaroo Road Stormwater Redirection Project.

*CARRIED: 9/0*  
*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,*  
*Sheppard and Slade*  
*AGAINST: Nil*

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### **06.01 RESCISSION MOTION - COUNCIL COMMITTEES, WORKING PARTIES AND GROUPS**

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#### **MOTION**

*MOVED: Intemann/Lipovac*

That the undermentioned motion adopted at the Ordinary Council Meeting held on 16 February 2022:

That Council:

1. Discontinue the following Council Committees/Working Parties/Groups with community and Councillor representatives pending a future review of Council's Committee structure:
    - Airport Advisory Group
    - Coast, Estuary and Floodplain Advisory Sub-Committee
    - Community Inclusion Committee
-

- 
- Cultural Steering Group
  - Economic Development Steering Group
  - Hastings Bushfire Management Committee
  - Port Macquarie Transport Network Community Consultative Committee
  - Sustainability Advisory Sub-Committee
  - Town Centre Master Plan Sub-Committee.
2. Form the following Council Committees and amend their relevant Charters to reflect the membership changes below pending a future review of Council's Committee structure:
- Audit, Risk and Improvement Committee (Appoint Cr Sharon Griffiths as Councillor representative)
  - Marrungbalbu Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Development Assessment Panel
  - Mayor's Sporting Fund Sub-committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Local Development Committee (Traffic) (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Local Traffic Committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
  - Sister City Working Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence).
3. Continue Council's membership on the Arts Mid North Coast Board, with a Council staff member as Council's representative, appointed by the Chief Executive Officer.
4. Maintain existing hall and facility management committees at the discretion of the Chief Executive Officer.
5. Continue to provide support to community Working Groups and Consultative Committees at the discretion of the Chief Executive Officer.
6. Formally thank all outgoing Committee members for their invaluable contribution to Council's Committees and Working Groups.
7. Determine to rescind the Councillor Portfolio Protocol.
8. Not re-establish the Councillor Portfolio system.
9. Amend the charters for the following Program Level Steering Groups to remove the requirement for a Councillor representative being consistent with the removal of the Councillor Portfolio Protocol as in Points 7 and 8 above:
- Transport and Stormwater Program Steering Group
  - Water and Sewer Program Steering Group
  - Recreation, Buildings and other Assets Program Steering Group
- BE RESCINDED.

*MOVED: Roberts/Maltman*

It was moved that the motion be put.

*CARRIED: 5/4*  
*FOR: Griffiths, Maltman, Pinson, Roberts and Slade*  
*AGAINST: Edwards, Intemann, Lipovac and Sheppard*

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## THE MOTION WAS PUT AND LOST

LOST: 4/5

FOR: Edwards, Lipovac, Intemann and Sheppard

AGAINST: Griffiths, Maltman, Pinson, Roberts and Slade

## MOTION

MOVED: Roberts/Maltman

That Council:

1. Note the petition provided to and received by the Mayor of Port Macquarie-Hastings Council regarding the TCMP, in part acknowledging the inequity of the TCMP Rating Model, hardship experienced by businesses over recent years due to natural disasters and the Pandemic.
2. Pending the outcome of the TCMP Review, through the Chief Executive Officer, undertake extensive consultation with the greater business community across the Local Government Area regarding a new model of business rating.
3. As part of the consultation as outlined in Item 2, develop in conjunction with the broader business community an economic recovery strategy to assist businesses and employment across the LGA.

## ADJOURNMENT OF MEETING

RESOLVED: Pinson/Roberts

That the Ordinary Council meeting be adjourned for Councillors to view documents.

CARRIED: 9/0

FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

The Meeting adjourned at 5:57pm and resumed at 6.09pm.

## AMENDMENT

MOVED: Sheppard/Lipovac

That Council:

1. Note the petition provided to and received by the Mayor of Port Macquarie-Hastings Council regarding the TCMP, in part expressing concerns about inequity of the TCMP Rating Model, hardship experienced by businesses over recent years due to natural disasters and the Pandemic.
2. Note the submissions to Council from the PMQ Chamber of Commerce, Greater PMQ Tourism Association and the former members of the TCMP Committee representing hundreds of businesses in our community.
3. Pending the outcome of the TCMP Review, through the Chief Executive Officer, undertake extensive consultation with the greater business community, including the above noted organisations in Item 2, across the Local Government Area regarding a new model of business rating.

4. As part of the consultation as outlined in Item 3, develop in conjunction with the broader business community an economic recovery strategy to assist businesses and employment across the LGA.

**THE AMENDMENT WAS PUT AND LOST**

*LOST: 3/6*

*FOR: Edwards, Lipovac and Sheppard*

*AGAINST: Griffiths, Intemann, Maltman, Pinson, Roberts and Slade*

**THE MOTION WAS PUT AND CARRIED**

*RESOLVED: Roberts/Maltman*

That Council:

1. Note the petition provided to and received by the Mayor of Port Macquarie-Hastings Council regarding the TCMP, in part acknowledging the inequity of the TCMP Rating Model, hardship experienced by businesses over recent years due to natural disasters and the Pandemic.
2. Pending the outcome of the TCMP Review, through the Chief Executive Officer, undertake extensive consultation with the greater business community across the Local Government Area regarding a new model of business rating.
3. As part of the consultation as outlined in Item 2, develop in conjunction with the broader business community an economic recovery strategy to assist businesses and employment across the LGA.

*CARRIED: 5/4*

*FOR: Griffiths, Maltman, Pinson, Roberts and Slade*

*AGAINST: Edwards, Intemann, Lipovac and Sheppard*

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**07.01 NOTICE OF MOTION - BAIN PARK MASTERPLAN - STAGES 1 AND 2**

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*RESOLVED: Griffiths/Maltman*

That Council not proceed to commence works for the Bain Park Masterplan Stages 1 or 2 until the following has occurred:

1. An urgent briefing is provided to Councillors on the Bain Park Masterplan to consider amendments to the adopted Masterplan at the earliest possible time, noting this project is time critical against external funding conditions.
2. A further report being provided to Council detailing any proposed amendments to the Masterplan at the earliest possible time, noting this project is time critical against external funding conditions.

*CARRIED: 5/4*

*FOR: Griffiths, Maltman, Pinson, Roberts and Slade*

*AGAINST: Edwards, Intemann, Lipovac and Sheppard*

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## CONFIDENTIAL SESSION

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*RESOLVED: Roberts/Sheppard*

6. That pursuant to Section 10A Sub-Sections 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.

7. That Council move into Confidential Session to receive and consider the following items:

Item 10.01 Update on Legal Matter

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 10.02 Notice of Motion - Potential Purchase of Land

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 10.03 T-21-44 Management and Operation of Four Council Owned Pools

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.

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

*CARRIED: 9/0*  
*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,*  
*Sheppard and Slade*  
*AGAINST: Nil*

Councillor Intemann left the meeting, the time being 06:59pm.

Councillor Intemann returned to the meeting, the time being 07:01pm.

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## **10.01 UPDATE ON LEGAL MATTER**

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*RESOLVED: Griffiths/Roberts*

That Council:

1. In accordance with Special Condition 3.3. of the Contract for Sale dated 4 June 2021 for Lot 101 DP1244390 and subject to the Purchaser being unable to obtain Development Consent by the Sunset Date (as defined in the Contract for Sale), rescind the Contract for Sale for Lot 101 DP1244390.
2. In respect of 1. above, issue the attached Notice of Rescission by Vendor in relation to the Contract for Sale for Lot 101 DP1244390 to the Purchaser on or before 11 March 2022 (time being of the essence).
3. Elect not to proceed with the sale of Lot 102 DP1244390 and provide notice in writing of Council's decision to all relevant parties.
4. Request the Chief Executive Officer present a report to a future meeting of Council to consider options for the Council-owned operational land Lot 101 and Lot 102 DP1244390, Pacific Drive, Port Macquarie.

*CARRIED: 9/0*  
*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,*  
*Sheppard and Slade*  
*AGAINST: Nil*

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## **10.02 NOTICE OF MOTION - POTENTIAL PURCHASE OF LAND**

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*RESOLVED: Pinson/Roberts*

That Council request the Chief Executive Officer provide a report to the May 2022 Ordinary Meeting of Council providing advice on the potential purchase of the subject land as contained within the body of this report.

*CARRIED: 9/0*  
*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,*  
*Sheppard and Slade*  
*AGAINST: Nil*

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## **10.03 T-21-44 MANAGEMENT AND OPERATION OF FOUR COUNCIL OWNED POOLS**

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*RESOLVED: Roberts/Slade*

That Council:

1. Accept the Tender from Young Men's Christian Association of Sydney trading as YMCA NSW for \$4,275,659 (exclusive of GST) for the operation and management of four Council owned swimming pools, commencing 28

- 
- March 2022, for an initial term of 5 years with the option of an extension period of 2 years to be exercised at the sole discretion of Council.
2. Adopt additional budget to cover the costs of the accepted tender for the next 5 years and four months.
  3. Maintain the confidentiality of the documents and consideration in respect to Request for Tender T-21-44.
  4. Fund the shortfall of \$40,139 between contracts for the 2021/22 financial year.

**CARRIED:** 9/0

**FOR:** Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

**AGAINST:** Nil

**RESOLVED:** Roberts/Shepard

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

**CARRIED:** 9/0

**FOR:** Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

**AGAINST:** Nil

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

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The meeting closed at 7.31pm

.....  
Peta Pinson  
Mayor



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**Item: 06**  
**Subject: DISCLOSURES OF INTEREST**

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

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

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

**Pecuniary Interest**

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

**Non-Pecuniary**

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

**Managing non-pecuniary conflicts of interest**

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

## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

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

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

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

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

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

Last Updated: 3 June 2019

**Important Information**

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

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

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

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

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

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

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

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

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**Item: 07.01**

**Subject: MAYORAL MINUTE - AUSTRALIAN LOCAL GOVERNMENT  
ASSOCIATION'S "DON'T LEAVE LOCAL COMMUNITIES BEHIND"  
CAMPAIGN**

**Mayor, Peta Pinson**

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## **RECOMMENDATION**

**That Council:**

- 1. Note that Port Macquarie-Hastings Council has received \$9,589,061 in Federal grant funding within the last financial year, which has contributed to the delivery of projects such as The Hatch Road Upgrade, Port Macquarie Airport Security Upgrade, The Bicentennial Walkway Project, numerous sporting facility upgrades and kerb and gutter installation.**
- 2. Support the National funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs.**
- 3. Support and participate in the ALGA's advocacy for their endorsed National funding priorities by writing to the local Federal Members of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:**
  - a) express support for ALGA's funding priorities;**
  - b) identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA; and**
  - c) seek funding commitments from the members, candidates and their parties for these identified local projects and programs.**

## **Discussion**

To support the Australian Local Government Association's campaign "Don't Leave Local Communities Behind", with the goal of securing funding and policy commitments that will support every Australian council and community, and ensure all Australians have an equal opportunity to share in the benefits of Australia's post-pandemic recovery.

The "Don't Leave Local Communities Behind" campaign will promote 17 priority tasks in the portfolios of economic recovery, transport and community infrastructure, building resilience, circular economy and intergovernmental relations.

These priorities are based on motions passed by Councils at the ALGA's annual National General Assembly, and have been endorsed by ALGA's Board which is comprised of representatives from all state and territory Local Government Associations.

They have been assessed by independent economists and would add around \$6.46 billion per year to Australia's Gross Domestic Product while creating 43,444 jobs.

## **AGENDA**

**ORDINARY COUNCIL  
17/03/2022**

### **Attachments**

Nil

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**Item: 07.02**

**Subject: MAYORAL MINUTE - RECOGNITION OF THE LATE WILLIAM POOLE**

**Mayor, Peta Pinson**

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**RECOMMENDATION**

**That Council recognise the contribution to the local community of the late William Poole.**

**Discussion**

On 8 March 2022, William “Bill” Poole passed away aged 97 years.

Mr Poole was born in Kendall and was a local fisherman until he retired at 78.

He was the President of the Hastings Shire Council from 1979 to 1980 and the last President of the Shire before amalgamation.

Our condolences are extended to Bill’s children, grandchildren, great-grandchildren, family and friends.

**Attachments**

Nil



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**Item: 08**

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

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

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That Council determine that the attachment to Item Number 14.07 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.**

**Discussion**

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

<b>Item No:</b>	14.07
<b>Subject:</b>	Material Public Benefit - Developer Delivered Sewer Works Kendall
<b>Attachment Description:</b>	Material Public Benefit Costs Calculation
<b>Confidential Reason:</b>	Relates to information that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(di)).

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**Item: 09****Subject: PUBLIC FORUM – MATTERS NOT ON THE AGENDA**

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Residents can speak in the Public Forum - Matters Not On The Agenda of the Ordinary Council Meeting on any Council-related matter not listed on the agenda (except those items listed at clause 4.26 of the Council adopted Code of Meeting Practice).

A maximum of five speakers in the Public Forum - Matters Not On The Agenda is allowed at any one Council Meeting.

Each speaker has five minutes to address the meeting. Council has the opportunity to ask questions after each speaker has finished, but speakers cannot ask questions of Council, Councillors or Council staff.

If you wish to address Council in the Public Forum - Matters Not On The Agenda, you must apply to address that meeting **no later than 12:00noon on the day prior to the meeting** by completing the 'Request to Speak in Public Forum' form. This form is available at Council's offices or online at [Speak in a Public Forum Port Macquarie Hastings Council \(nsw.gov.au\)](https://www.portmacquariehastings.nsw.gov.au)

**Information for Speakers**

- There is no automatic right under legislation for the public to participate in a Meeting of Council or a Committee of Council.
- For a member of the public to be considered to address Council in the Public Forum - Matters Not On The Agenda, they must agree to strictly adhere to all relevant adopted Council Codes, Policies and Procedures at all times.
- Addresses in the Public Forum - Matters Not On The Agenda will commence at 10.00am.
- When your name is called, please proceed to the Council Table and address Council.
- Councillors may ask questions of a speaker following an address.
- Each answer, by the speaker, to a question is limited to two (2) minutes.
- Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- Council will not determine any matter raised in the Public Forum session, however Council may resolve to call for a future report.
- Each speaker will be allocated a maximum of five (5) minutes to address Council. This time is strictly enforced.
- A person may apply to speak on no more than two (2) items of business. Please note that the maximum time a speaker may speak to Council is five (5) minutes in total so both items must be discussed within that five (5) minutes.
- If you have any documentation to support your presentation, provide 2 copies to Council by 12:00noon on the day prior to the day of the meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 12:00noon on the day prior to the day of the meeting.
- The following will **not** be considered in the public forum (in accordance with the Code of Meeting Practice, clause 4.21):
  - a) a submission on a proposed or pending planning proposal, development application, application to modify a development consent, application to review a determination or any related matter,
  - b) a submission by an applicant or objector in respect of development who made an oral submission at an on-site inspection,
  - c) a submission by a person on a matter on which they have made submissions at two (2) previous open forums in the same calendar year, unless otherwise approved in writing by the Chief Executive Officer,
  - d) a submission relating to a current or pending procurement, contract negotiation or dispute resolution involving the Council,
  - e) a submission on any matter which the Chief Executive Officer or their delegate considers is inappropriate to be made at an open forum.
- Council accepts no responsibility for any defamatory statements made by speakers.
- The meeting is recorded and will be made available to the public on Council's website.
- Members of the public may quietly enter and leave the meeting at any time.

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**Item: 10****Subject: PUBLIC FORUM – MATTERS ON THE AGENDA**

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Residents can request to speak in the Public Forum of the Ordinary Council Meeting on any agenda item listed on the agenda as either:

- In support of the recommendation
- In opposition of the recommendation

A maximum of two speakers “in support of the recommendation” and two speakers “in opposition of the recommendation” are allowed on any one agenda item per Council Meeting.

Each speaker has five minutes to address the Council. Council has the opportunity to ask questions after each speaker has finished, but speakers cannot ask questions of Council, Councillors or staff.

If you wish to address Council in the Public Forum - Matters On The Agenda, you must apply to address that meeting **no later than 12:00noon on the day prior to the meeting** by completing the 'Request to Speak On Agenda Item' form. This form is available at Council's offices or online at [Speak in a Public Forum Port Macquarie Hastings Council \(nsw.gov.au\)](https://www.portmacquariehastingscouncil.nsw.gov.au)

#### Information for Speakers

- There is no automatic right under legislation for the public to participate in a Meeting of Council or a Committee of Council.
- For a member of the public to be considered to address Council on an agenda item, they must agree to strictly adhere to all relevant adopted Council Codes, Policies and Procedures at all times.
- Consideration of items for which requests to address Council on an agenda item will follow the Public Forum - Matters Not On The Agenda.
- When your name is called, please proceed to the Council Table and address Council.
- Councillors may ask questions of a speaker following an address.
- Each answer, by the speaker, to a question is limited to two (2) minutes.
- Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- Each speaker will be allocated a maximum of five (5) minutes to address Council. This time is strictly enforced.
- A person may apply to speak on no more than two (2) items of business. Please note that the maximum time a speaker may speak to Council is five (5) minutes in total so both items must be discussed within that five (5) minutes.
- If you have any documentation to support your presentation, provide 2 copies to Council by 12:00noon on the day prior to the day of the meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 12:00noon on the day prior to the day of the meeting.
- The following will **not** be considered in the public forum (in accordance with the Code of Meeting Practice, clause 4.21):
  - a) a submission on a proposed or pending planning proposal, development application, application to modify a development consent, application to review a determination or any related matter,
  - b) a submission by an applicant or objector in respect of development who made an oral submission at an on-site inspection,
  - c) a submission by a person on a matter on which they have made submissions at two (2) previous open forums in the same calendar year, unless otherwise approved in writing by the Chief Executive Officer,
  - d) a submission relating to a current or pending procurement, contract negotiation or dispute resolution involving the Council,
  - e) a submission on any matter which the Chief Executive Officer or their delegate considers is inappropriate to be made at an open forum.
- Council accepts no responsibility for any defamatory statements made by speakers.
- The meeting is recorded and will be made available to the public on Council's website.
- Member of the public may quietly enter and leave the meeting at any time.

# 1 Leadership and Governance

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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

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**Item:** 11.01

**Subject:** STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

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

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### Alignment with Delivery Program

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

### RECOMMENDATION

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

### Discussion

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Joint Integrated Transport Network Plan - final draft for public consultation	21/07/2021 Item 12.08		DCI		Mar-22
Policy Rescissions - post exhibition	13/10/2021 Item 09.05		CEO	Feb-22	Mar-22
Wauchope Riverside Sculptural Trail - Zoetrope	16/02/2022 Item 10.01		DCPE		Mar-22
Climate Change Response Policy - revised	16/02/2022 Item 12.01		DCPE		Mar-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	Apr-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Development s, 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 action 4.1.7.27.	DCU	Nov-21 Mar-22	Apr-22
Port Macquarie Aquatic Facility - post exhibition	21/07/2021 Item 10.03	The project Steering Group at its August 2021 meeting resolved to maintain the project on hold until after the December 2021 elections. A Councillor Briefing will be held in early 2022 to update the new Council on the project and next steps.	DCPE	Oct-21 Mar-22	Apr-22
Community Strategic Plan - post exhibition	21/07/2021 Item 09.07	To be presented to a Councillor briefing	DCPE	Oct-21 Feb-22 Mar-22	Apr-22
Draft Community Strategic Plan	13/10/2021 Item 09.12	To be presented to a Councillor briefing	DCPE	Mar-22	Apr-22
T-21-54 Replacement of Filtration membranes - Camden Haven Waste Water Treatment Plant	13/10/2021 Item 14.06	Work still being undertaken on this tender	DCU	Feb-22 Mar-22	Apr-22
T-21-13 Water & Sewer Client Side	03/11/2021 Item 14.06	Contract awarded and inception meetings currently underway	DCU	Feb-22 Mar-22	Apr-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Engineering Support Services & T-21-14 Water & Sewer Design Services Panel Arrangement - post contract award					
Planning Proposal - 2021 Administrative Review of Port Macquarie-Hastings Local Environmental Plan 2011 - post exhibition	03/11/2021 Item 12.10	Public exhibition anticipated in Jan/Feb 2022. Report to Council in Apr-22 following assessment of submissions received.	DCPE		Apr-22
Rawdon Island Bridge - Milestone Events	16/02/2022 Item 12.07		DCI		Apr-22
Rate Freeze	16/02/2022 09.09		DBP		Apr-22
Mayoral Discretionary Fund Policy - Review - post exhibition	16/02/2022 Item 09.12		CEO		Apr-22
Control of Burning Policy - Review - post exhibition	16/02/2022 Item 09.27		DCPE		Apr-22
COVID-19 Recovery and Stimulus Projects Update	16/02/2022 Item 11.01		DCPE		Aug-22
Classification of land to be acquired by Council - Gillman Way, Thrumster - post exhibition	16/02/2022 Item 12.05		DCPE		Apr-22



Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Town Centre Master Plan - Review of Business Sub-categories	16/02/2022 Item 12.03	To be presented to a Councillor briefing	DBP	Mar-22	Apr-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. Councillor briefing to be held prior to May-22 meeting.	DCPE	Mar-21 May-21 Jul-21 Sep-21 Feb-22	May-22
Bushfire Mitigation - Progress Report	13/10/2021 Item 12.04		DCPE		May-22
Contract Extension - Processing of Dry Recyclables at the Cairncross Materials Recovery Facility - negotiations	16/02/2022 Item 14.01		DCU		May-22
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/18 Item 14.05	Further investigation is required to determine the most efficient approach to the land reclassification.	DCPE	Mar-20 Nov-20 Mar-21 Apr-21 Jun-21 Sep-21 Feb-22	Jun-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

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Bonny Hills Reserves Draft Master Plan - post exhibition	09/12/2020 Item 11.02	Working through with the community and the Community Council Action Team to finalise the Master Plan	DCPE	Apr-21 May-21 Jun-21 Jul-21 Sep-21 Mar-22	Jun-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 Mar-22	Jun-22
Coastal Protection Options - Illaroo Road, Lake Cathie	21/04/2021 Item 13.06	An update on the identification of hazard management options for Illaroo Road will be included in the Coastal Management Program (CMP) report to Council scheduled for April-22. Following community consultation to shortlist management options this report will be provided to the June 2022 Council meeting.	DCPE	Jun-21 Sep-21 Feb-22 Mar-22	Jun-22
Draft Port Macquarie-Hastings Local Housing Strategy 2021-2041 - post exhibition	19/05/2021 Item 12.06	Targeted consultation with the community is required to address matters raised in submissions. Accordingly, this will be the subject of an industry workshop and future Councillor briefing.	DCPE	Oct-21 Mar-22	Jun-22
Ferry Operations - Vehicle Movements & Vehicles Left on Bank Monitoring	19/05/2021 Item 12.03	Councillor Briefing to newly elected Council in early 2022	DCI	Oct-21 Nov-21 Feb-22	Jun-22

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Dunbogan Beach - Upgrades	13/10/2021 Item 10.03		DCPE	Mar-22	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
Graffiti - Update Report	25/01/2022 Item 06.01		DCPE		Jul-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. Subject to strategic property portfolio review to be undertaken in 2022.	DBP	Dec-19 Feb-20 Sep-20 Mar-21 Apr-21 Jun-21 Sep-21 Feb-22	Aug-22
Sale of Surplus Land- 178 Nancy Bird Walton Drive, Kew	16/02/2022 Item 09.23		DBP		Dec-22
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand	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
for those credits.					
Draft 2022-2032 Economic Development Strategy - post exhibition	13/10/2021 Item 11.01		DCPE		TBA - early 2022
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
Lake Cathie - Pathway to Permanently Open	16/02/2022 Item 07.02		DCPE		TBA
Town Centre Master Plan - Finding of Independent Review	16/02/2022 Item 12.03		DBP		TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
Mayoral Discretionary Fund Allocations	CEO	Monthly	Every		
Monthly Financial Update	DBP	Monthly	Every (except July)		
Investments	DBP	Monthly	Every		
Recommendations by the Mayor's Sporting Fund Sub-Committee	DCPE	Monthly	Every		no MSF meeting held
Opening Lake Cathie (13/01/2022 Item 05.01)	DCPE	Monthly	Every		not in March - present in April to align with other report on Lake Cathie
Legal Fees - Update Report (19/09/18 - Item 09.16)	CEO	Quarterly	Feb, May, Aug, Nov		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
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		
Update on Site Specific Planning Proposal Requests	DCPE	Biannual	Jun, Dec		
Economic Development Strategy - Progress (20/11/2013 - Item 10.03)	DCPE	Biannual	May, Nov	Feb-22 Apr-22	new strategy on exhibition
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		
Cultural Plan 2021 - 2025: Implementation and evaluation of actions undertaken	DCPE	Annually	Aug		

Report	Reporting Officer	Reporting Cycle	Month	Altered Report Date	Reason for Altered Date
04/08/2021 - Item 10.01)					
Annual Report of the Activities of the Mayor's Sporting Fund	DCPE	Annually	Sep		
Council Meeting Dates	CEO	Annually	Sep		
Creation of Office - Deputy Mayor	CEO	Annually	Sep		
Audit Committee Annual Report	CEO	Annually	Sep		
Annual Report of Disability Discrimination Act Action Plan	DCPE	Annually	Sep		
Legislative Compliance Register	CEO	Annually	Sep		
Koala Recovery Strategy Annual Report (19/09/18 - Item 12.05)	DCPE	Annually	Sep		
Annual Disclosure of Interest Returns	CEO	Annually	Oct		
Professional Development of Councillors (15/09/2021 - Item 09.07)	CEO	Annually	Oct		
Council's Annual Report	DBP	Annually	Nov		
Performance of Property Investment Portfolio (20/11/19 - Item 10.17)	DBP	Annually	Nov		
Local Strategic Planning Statement (03/11/2021 - Item 12.05)	DCPE	Annually	Nov		
Strategic Planning Statement - Implementation of Actions (03/11/2021 - Item 12.05)	DCPE	Annually	Nov		
Code of Conduct Complaints Annual Report	CEO	Annually	Dec		

**Attachments**

Nil



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**Item:** 11.02

**Subject:** MAYORAL DISCRETIONARY FUND ALLOCATIONS - 3 FEBRUARY  
TO 2 MARCH 2022

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the Mayoral Discretionary Fund allocations for the period 3 February to 2 March 2022 inclusive.**

### **Executive Summary**

To advise of the Mayoral Discretionary Fund allocations for the period 3 February to 2 March 2022.

### **Discussion**

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

2 x Floral Wreaths - Bangka Island and National Servicemen's Day Memorial Services	\$160.00
Donation to Westpac Rescue Helicopter Service - Drovers Run Fundraiser	\$250.00
<b>Total allocation</b>	<b>\$410.00</b>

### **Options**

This report is for noting only.

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

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



**Planning & Policy Implications**

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

**Financial & Economic Implications**

There are no economic implications in relation to this report.

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

**Attachments**

Nil

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**Item: 11.03**

**Subject: POLICY REVIEW - COUNCILLOR AND STAFF INTERACTION  
POLICY**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Place on public exhibition for a minimum of 28 days, the draft Councillor and Staff Interaction Policy.**
- 2. Note that a further report will be tabled at the May 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.**

### **Executive Summary**

Council's current Provision of Information between Councillors and Staff Policy was last adopted by Council at its meeting held on 18 October 2017. This policy also addresses the interaction between Councillors and staff.

The Office of Local Government has released a draft Model Policy for councillor and staff interaction. This policy is not compulsory however encouraged to be adopted by Council following amendments customising the policy to meet the individual requirements of each Council.

### **Discussion**

Council's current Provision of Information between Councillors and Staff Policy was last adopted by Council at its meeting held on 18 October 2017. This policy also addresses the interaction between Councillors and staff. Following the local government elections in December 2021 it is an appropriate time to review this policy.

The draft Councillor and Staff Interaction Policy has been reviewed and complies with the draft Model Policy as released by the Office of Local Government (OLG). It is noted that the OLG Policy is draft and was released for public comment however it is not a mandatory policy and the content of this draft policy is suitable for Council to proceed with.

**Options**

Council has the option to not adopt the draft Councillor and Staff Interaction Policy for exhibition noting the existing policy will remain current.

**Community Engagement and Internal Consultation**Community Engagement

Nil.

Internal Consultation

- Chief Executive Officer
- Group Manager Governance


**Planning and Policy Implications**

This draft Policy is proposed to replace the current Provision of Information between Councillors and Staff Policy.

**Financial and Economic Implications**

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

**Attachments**

1.  Draft Councillor and Staff Interaction Policy

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**Item: 11.04**

**Subject: POLICY REVIEW - CUSTOMER COMPLAINT POLICY**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Place on public exhibition, for a period of not less than 28 days, the draft Customer Complaint Policy.**
- 2. Note that a further report will be tabled at a future meeting of Council, detailing the submissions received from the public during the exhibition period.**

### **Executive Summary**

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

The Customer Complaints Policy has been reviewed to:

- specify how customer complaints and requests are managed
- incorporate the role of the Internal Ombudsman and new online reporting tool for customer requests and complaints
- facilitate clearer accountability by specifying roles and responsibilities, incorporating a flowchart and specifying reporting requirements.

### **Discussion**

A customer complaint is the communication (orally or in writing) of dissatisfaction with a decision, policy, procedure, charge, employee, agent or the quality of the service provided, which may include a delay in taking action, making a decision or providing a service. A customer request is a request for action or provision of a service or product; reports of infrastructure faults or requests for maintenance of infrastructure.

Customer requests are the main reason that customers contact us. Customers lodge their requests for service via our website, Customer services centres, call centre, emails or via elected officials.

Customer complaints and service requests are valuable tools which promote accountability, and inform more effective decisions about services and resource allocations, whilst also identifying improvement opportunities.

Our failure to action requests, or the time taken to action and respond to customers is the lead contributor to customer complaints about our services.

Improving our ability to respond to and manage customer complaints and requests swiftly and efficiently is critical for building trust with our community.

Since the appointment of Dr Clare Allen as CEO in February 2021, our complaints management framework has been strengthened through the:

- appointment of an Internal Ombudsman
- launch of our new corporate website that utilises smart forms to capture & record customer requests and complaints
- commissioning of the internal Employee Speakup program.

These improvements, now incorporated in the revised policy, have strengthened our capability to capture, report, investigate, resolve and review customer complaints and requests.

#### Internal Ombudsman

The Internal Ombudsman is an independent investigator and decision maker of complex complaints- those that relate to a number of services or business units or reflect serious systemic failures.

The Internal Ombudsman also provides independent review and oversight of complaints that are not resolved to the expectation of our customers.

The role of the Internal Ombudsman has been incorporated into the revised Complaints Policy which now contains a workflow.

#### Online reporting

Customer input was sought (via surveys, workshops and online activities) and utilised to drive the content of our new online customer request and complaint forms, and informed how our website, which was launched in December 2021, was developed.

Online customer forms facilitate simple and intuitive online data entry, and contain dynamic content which solicits and captures detailed and relevant information from customers. This enables us to better and more effectively assess, investigate and close out customer requests in a more efficient manner, whilst also improving the customer experience.

Depending on the data that is input, additional information may be provided to customers which enables them to better understand the process and set expectations. This empowers customers to be informed and holds us accountable to meet those expectations

Our forms meet all accessibility, security and privacy standards, and can be easily completed on mobile phones and tablets. They integrate with our customer request management system (CRM) and other back end applications such as our mapping system which achieves efficiencies.

Promoting and encouraging customers to capture information via these forms leads to additional efficiencies by reducing the instances of incomplete or inaccurate information supplied via traditional means of email and telephone calls or third party referrals, which often require further contact with the customer before assessment can be made.

Funnelling all customer requests and complaints via the same process improves our management, and expedites decisions, action and resolution. Better data capture means we can improve our management and reporting of customer complaints and requests. Online forms promote more efficient administration as we reduce double handling of information, manual data entry and the time taken to follow up and retrieve accurate data and information.

#### Employee Speakup Program

Outsourced to an external company, the PMHC Employee Speakup program provides an independent reporting portal for employees to report actual or suspected wrongdoing, as well as any other issue that may be affecting them or their colleagues.

#### **Options**

Council has the option to not adopt the draft revised Customer Complaints Policy for exhibition and may request the revised policy be amended further prior to being placed on exhibition.

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

##### Community Engagement

Customers have provided input, feedback and testing of online forms throughout the development of the new corporate website.

##### Internal Consultation

- Internal Ombudsman
- Group Manager Governance
- Group Manager People & Culture

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

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

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

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



**Attachments**

1.  Draft Customer Complaints Policy
2.  Draft Customer Complaints Handling Flowchart
3.  Current Customer Complaints Policy adopted December 2020



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**Item: 11.05**

**Subject: POLICY REVIEW - CEMETERIES POLICY**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Place on public exhibition, for period of not less than 28 days, the draft Cemeteries Policy.**
- 2. Note that a further report will be tabled at a future meeting of Council, detailing the submissions received from the public during the exhibition period.**

### **Executive Summary**

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

Council's cemeteries policy requires updating. The new draft policy reflects our current responsibilities with managing eleven cemeteries and references our obligations under the Cemeteries and Crematoria Act 2013.

### **Discussion**

Following the sale of the Innes Gardens Crematorium in 2020, responsibility for the management and administration of eleven public cemeteries was transferred to our Customer Service Team.

Of these eleven cemeteries, the following remain open for reservations:

- Wauchope Cemetery
- Laurieton Cemetery
- Comboyne Cemetery
- Kendall Cemetery
- Rollands Plains Cemetery
- Herons Creek Cemetery

The following cemeteries are closed (which means that no new reservations can be made:

- Port Macquarie General Cemetery
- Cross Roads Cemetery

- Ellenborough Cemetery
- Telegraph Point Cemetery
- Beechwood Cemetery
- Herons Creek (monumental area)

In the first year of operation since the sale of Innes Garden, our customer service team arranged 82 burials, 14 ash placements and made 32 reservations, with Wauchope cemetery being the busiest.

The new draft policy removes the operational and procedural detail contained in our current policy. It also reflects the requirements of the Cemeteries and Crematoria Act 2013.

The new legislation introduced a number of reforms for the operations of cemeteries in NSW, primarily as a response to a diminishing supply of burial space in metropolitan areas. It also now provides a consistent regulatory framework across Crown, private and local government owned and operated cemeteries.

In June 2018, Part 4 of the Act commenced alongside the Cemeteries and Crematoria Amendment Regulation 2018. This new regulation presents changes to the requirements for the granting of interment rights.

Interment rights generally provide a right to the designated plot in the cemetery as the burial place of the of the person who holds the right. Two types of interment rights may now be granted by cemetery operators:

- Perpetual interment rights – which remain in force in perpetuity (s 48)
- Renewable interment rights – which remain in force for an initial term of up to 99 years where cremated remains are interred (s 48), and an initial term of 25 years for human remains (s 54)

Our draft policy responds to this discretion and complies with the new legislative requirements by making clear that interment rights are issued in perpetuity, and whilst not renewable, may be transferable. We will review this position with the next review of the policy in 2026. Our focus for the next 3 years is to introduce more rigour into our administration and record keeping, and plan for future growth to meet demand at Wauchope.

The policy now reflects our position on cultural and religious practices and obligations as required by the Act.

### **Options**

Council has the option to:

1. Adopt the draft Community Engagement Policy for exhibition; or

2. Request or make further amendments to the draft Policy, noting that this will delay exhibition; or
3. Not adopt the draft Policy and resolve in some other fashion

**Community Engagement and Internal Consultation**

Input and feedback will be actively sought during the exhibition period.



**Planning and Policy Implications**

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

**Financial and Economic Implications**

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

**Attachments**

1.  Draft Cemeteries Policy
2.  Current Cemeteries Policy

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**Item: 11.06**

**Subject: POLICY REVIEW - FOOTPATHS AND WALKWAYS IN PUBLIC  
ROAD RESERVES**

**Presented by: Community Infrastructure, Dan Bylsma**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Place on public exhibition from 24 March 2022 to 21 April 2022 (28 days), the draft Footpaths and Walkways in Public Roads Policy.**
- 2. Note that a further report will be tabled at the 16 June 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.**

### **Executive Summary**

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

The Footpaths and Walkways in Public Road Reserves Policy has been reviewed for consideration by Council. It was previously known as the Footpaving of Roads Policy.

### **Discussion**

The Footpaths and Walkways in Public Road Reserves Policy has been reviewed with the following amendments:

- To align with our broader strategic plans and relevant reference documents;
- Accommodate changed roles and authority responsibilities;
- A change of the policy name to reflect the broader scope and jurisdiction of coverage of the policy.

### **Options**

Council has the option to not adopt the draft Footpaths and Walkways in Public Road Reserves Policy for exhibition.

**Community Engagement and Internal Consultation**Community Engagement

Nil.

Internal Consultation

- Director Community Infrastructure
- Group Manager Community Infrastructure Planning and Design
- Transport and Stormwater Engineering Planning Manager
- Engineering Development Coordinator



**Planning and Policy Implications**

By adopting this Policy, Council will be updating an external policy and recognising the amendments.

**Financial and Economic Implications**

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

**Attachments**

1.  Footpaving-of-Roads-adopted-2010-10-06
2.  DRAFT - Policy - Footpaths and Walkways in Public Road Reserves

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**Item:** 11.07

**Subject:** POLICY REVIEW - BUSHFIRE RISK MITIGATION ON PUBLIC LAND

**Presented by:** Community, Planning and Environment, Melissa Watkins

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### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. Place on public exhibition for a period of not less than 28 days, the draft Bushfire Risk Mitigation on Public Land Policy.
2. Note that a further report will be tabled at the May 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.

### Executive Summary

The Bushfire Risk Mitigation on Public Land Policy (the Policy) was first adopted in June 2011. Since the adoption of the original Policy, it has not been amended or reviewed.

The Policy was adopted and implemented to provide clear guidelines for assessment and mitigation of bushfire risk on public land whilst preserving the Local Government Area's (LGA) natural amenity and environmental values.

The Bushfire Mitigation on Public Land Policy has been reviewed for consideration by Council and is still considered relevant. There are no material changes to the policy. Since the last review there have been changes to legislation, references and staff titles. These changes are identified in the table below and a draft amended Policy is attached to this report as **Attachment 1**. The policy has also been converted into Council's current policy template format.

### Discussion

The Bushfire Mitigation on Public Land Policy has been reviewed with the following amendments:

Old Reference	New Reference
Responsible Officer Manager Recreation and Buildings	Responsibilities and Authorities Environmental Project Officer - Bushfire Mitigation
Contact Officer Bushfire Management Officer council@pmhc.nsw.gov.au	Section removed as no longer in template



Old Reference	New Reference
Tel: 6581 8111	
Review Manager Recreation and Buildings	Process Owner Group Manager Environment and Regulatory Services
None	Community engagement materials provided by the RFS and the "Ready Now" campaign supplied by Resilience NSW.
Rural Fire Service Hastings District Bushfire Risk Management Plan 2010 or as amended	Mid Coast Bushfire Risk Management Plan (BFRMP) 2019
Rural Fire Service Bushfire Environmental Assessment Code 2006	Rural Fire Service Bushfire Environmental Assessment Code 2021
Planning for Bushfire Protection NSW Rural Fire Service 2006	Planning for Bushfire Protection NSW Rural Fire Service 2019
Native Vegetation Conservation Act	Biodiversity Conservation Act 2016 Local Land Services Act 2013
None	Rural Boundary Clearing Code 10/50 Vegetation Clearing Code Work Health and Safety Act 2011 Standards for Asset Protection Zones Standards for Low Intensity Bush fire Hazard Reduction Burning Fire trail Standards 2016 Bushfire Planning for Existing Development Tool
Draft Development Control Plan 2010	Development Control Plan 2013

### Options

Council has the option to:

1. Not place the draft Bushfire Risk Mitigation on Public Land Policy on public exhibition and seek further amendments, noting that this would delay exhibition of the draft Policy; or
2. Resolve in some other manner.

This report recommends that the draft Policy as included in **Attachment 1** be placed on public exhibition.



**Community Engagement and Internal Consultation**Community Engagement

It is recommended that the policy be placed on public exhibition for 28 days including distribution to relevant stakeholders to seek feedback.

Internal Consultation

No further consultation was considered necessary prior to public exhibition as no significant changes are proposed.



**Planning and Policy Implications**

If ultimately adopted the draft Policy will be an adopted Policy of Council.

**Financial and Economic Implications**

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

**Attachments**

1.  Bushfire Risk Mitigation on Public Land Policy - adopted 22/06/2011
2.  Draft Bushfire Risk Mitigation on Public Land Policy

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**Item: 11.08**

**Subject: POLICY REVIEW - ROAD AND RESERVE NAMING AND RENAMING POLICIES**

**Presented by: Community, Planning and Environment, Melissa Watkins**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Note that staff have undertaken a review of the Naming and Renaming of Reserves Policy and the Naming and Renaming of Roads Policy and there are no changes recommended as a consequence of this review.**
- 2. Adopt the Naming and Renaming of Reserves Policy.**
- 3. Adopt the Naming and Renaming of Roads Policy.**

### **Executive Summary**

Council is required to review all its policies on a regular basis. This has led to a review of the Road Naming and Renaming Policy and the Reserve Naming and Renaming policies. This review found that there were no changes required to the policies and they are now provided to Council for consideration and adoption.

### **Discussion**

In 2017 both policies and associated procedures were thoroughly reviewed and updated to ensure consistency with the statutory requirements and best practice for the naming and renaming of Council owned reserves and roads. Both policies were placed on exhibition and were subsequently adopted unanimously by Council at the meeting held 13 December 2017.

The Naming and Renaming of Reserves policy has again been reviewed and remains consistent with the requirements for the naming and renaming of Council owned reserves, either a public reserve or a drainage reserve and is consistent with the policies and guidelines of the Geographical Names Board of NSW (GNB).

The Naming and Renaming of Roads policy ensures consistency with regard to the naming and renaming of roads for the purposes of service delivery and public safety, particularly regarding the operation of emergency service and response times and remains consistent with the policies and guidelines of the Geographical Names Board of NSW (GNB).

Both policies were revised in 2017 in relation to the permitted sources of reserve and road names. The policies generally exclude commemorative naming proposals, that is names of people either living or deceased, unless in exceptional circumstances where a naming proposal for a deceased person who had contributed significantly to the area has been put forward by formal resolution of Council.

Where reserve and road naming proposals meet the GNB naming criteria, they proceed to public notification and if no objections are received from either the public or the statutory authorities, then the name is taken as being adopted by Council subject to finalisation of the associated administrative and NSW Government Gazettal processes.

Reserve and road naming proposals will only be referred to Council for consideration via an Ordinary Council meeting where an objection(s) to the proposal has been received during the public notification period, noting that the GNB requires such submissions to be formally considered by Council.

Since adoption of the attached policies Council has completed the naming of previously unnamed roads and corrected historical road naming anomalies. No reserve naming has been undertaken.

No amendments are proposed for either Policy.

### **Options**

Council has the option to:

1. Adopt the Policies.
2. To amend the policies and place them on public exhibition.

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

No Engagement has been undertaken on these policies and this has been based on them being the subject of a public exhibition in 2017. Only one submission was received in favour of the policies at that time.



### **Planning and Policy Implications**

The policies both provide an important reference for the public when providing naming proposals.

### **Financial and Economic Implications**

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

### **Attachments**

1.  Naming and Renaming of Reserves Policy
2.  Naming and Renaming of Roads Policy

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Item: 11.09

Subject: POLICY REVIEW - CLIMATE CHANGE RESPONSE POLICY

Presented by: Community, Planning and Environment, Melissa Watkins

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

##### That Council:

1. Adopt the revised draft Climate Change Response Policy for the purpose of public exhibition.
2. Publically exhibit the draft Policy for a period of not less than 28 days.
3. Note that a further report will be tabled at the May 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.

#### Executive Summary

Council at its meeting held on 16 February 2022 resolved:

##### *"That Council:*

1. *Rescind the 'Climate Change Emergency Declaration' that was made by Port Macquarie-Hastings Council at the March 2021 Ordinary Council Meeting.*
2. *Request the Chief Executive Officer to revise the adopted Climate Change Response Policy to reflect Item 1 above.*
3. *Request the Chief Executive Officer to provide a further report to Council outlining the proposed amendments to the policy.*
4. *Note that the revised Climate Change Response Policy with proposed amendment, will be place on public exhibition for a period of not less than 28 days.*
5. *Request the Chief Executive Officer to provide a further report to Council outlining the submissions received during the exhibition period."*

CARRIED: 7/2

FOR: Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, and Slade

AGAINST: Edwards, Sheppard

The Climate Change Response Policy (**Attachment 1**) has been revised to remove reference to the rescinded Climate Change Emergency Declaration. There are no other material changes to the policy, however there have been changes to references and staff titles. These are identified in the table below and a draft amended Policy is attached to this report as **Attachment 2**.

**Discussion**

The Climate Change Response Policy has been reviewed with the following amendments:

Current Policy	Proposed Policy amendment
Has recognised and declared that we are now in a state of global climate emergency.	Reference has been removed as rescinded
Acknowledges that declaring a climate emergency needs to be supported with strong policy and the supporting commitment and actions to implement it with substance.	Reference has been removed as rescinded
Group Manager, Strategy	Executive Manager, Strategy
This Policy aligns with the Community's Vision for Port Macquarie-Hastings as defined in the Towards 2030 Community Strategic Plan - "A sustainable high-quality of life for all"	This Policy aligns with the Community's Vision for Port Macquarie-Hastings as defined in the Towards 2030 Community Strategic Plan - "A sustainable high-quality of life for all" and subsequent draft Imagine 2050 Community Strategic Plan - "The most liveable, sustainable and innovative place in Australia"
In 2016, the NSW Government endorsed the Paris Agreement and took action consistent with the level of effort to achieve Australia's commitment to the Paris Agreement through implementation of the <b>NSW Climate Change Policy Framework</b> . The current aspirational objectives of NSW are to achieve net-zero emissions by 2050. The NSW Stage 1 Plan sets out a staged approach of a 35% reduction in emissions compared to 2005 levels by 2030.	In 2016, the NSW Government endorsed the Paris Agreement and took action consistent with the level of effort to achieve Australia's commitment to the Paris Agreement through implementation of the <b>NSW Climate Change Policy Framework</b> . The current aspirational objectives of NSW are to achieve net-zero emissions by 2050 and cut greenhouse gas emissions by 50% on 2005 levels by 2030.
This is a new policy.	This is an existing policy updated for currency and to remove references to the rescinded Climate Change Emergency Declaration as per February 2022 Council Resolution 12.01 Notice of Motion - Climate Change



**Options**

Council has the option to:

1. Adopt the draft Climate Change Response Policy for exhibition; or
2. Seek further amendments to the draft Policy, noting this will delay the exhibition period; or
3. Resolve in some other fashion.

**Community Engagement and Internal Consultation**Community Engagement

It is recommended that the policy be placed on public exhibition for 28 days including distribution to relevant stakeholders.

Internal Consultation

No further consultation was considered necessary prior to public exhibition as no material changes are proposed.



**Planning and Policy Implications**

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

**Financial and Economic Implications**

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

**Attachments**

1.  Climate Change Response Policy adopted 13/10/2021
2.  DRAFT Climate Change Response Policy

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**Item: 11.10**

**Subject: POLICY REVIEW - COMMUNITY ENGAGEMENT POLICY**

**Presented by: Community, Planning and Environment, Melissa Watkins**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Place on public exhibition, for a period of not less than 28 days, the draft Community Engagement Policy.**
- 2. Note that a further report will be tabled at the June 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.**

### **Executive Summary**

The Community Engagement Strategy was first adopted in 2014 and last reviewed in 2016. Since that time, community engagement within Port Macquarie Hastings Council and the local government sector has evolved and is now recognised as an essential component of good governance and making robust, sustainable decisions. Community Engagement also forms part of the Integrated Planning and Reporting Guidelines for Local Government in NSW under the Local Government Act 1993 and the Local Government (General) Regulation 2021.

The Community Engagement Policy demonstrates Council's commitment to delivering effective and meaningful engagement to enhance the decision-making process that shapes our place and informs the direction and vision of Council.

Community engagement does not replace the decision-making powers of elected Councillors, Chief Executive Officer or Council staff, it aims to support well-informed, sustainable decisions that take into consideration community aspirations, feedback and their lived experience.

### **Discussion**

The Community Engagement Policy has been reviewed and the following amendments are now recommended:

- The intent of the Community Engagement Policy remains the same as the 2016 adopted Policy, in that Council recognises the right of the community members to be informed and have input into decisions which affect their lives, community



and place. The Policy also recognises that community engagement is essential to robust, informed, sustainable decision making.

- The Policy now outlines the scope of engagement across Council operations including major projects, policy and strategy development, service planning, area improvement planning, site specific projects, activities on Council owned or managed land and private development proposals.
- The Policy outlines some key considerations of engagement including timing and length of engagement, and how it may be shared in Council reports and websites.

A Community Engagement Strategy is also under development which will provide our community with a clear understanding of the different ways they can expect us to engage, listen and acknowledge their input, prior to making important decisions that affect the community or the services and spaces they use. It will detail our principles and approach to delivering effective and robust community engagement on Council-led projects.

Council continues to engage using the International Association for Public Participation's Spectrum of Inform, Consult, Involve, Collaborate and Empower.

### **Options**

Council has the options to;

1. Adopt the draft Community Engagement Policy for exhibition; or
2. Request or make further amendments to the draft Policy, noting that this will delay exhibition; or
3. Not adopt the draft Policy and resolve in some other fashion.

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

#### Community Engagement

The draft Policy will be placed on public exhibition to receive feedback.

#### Internal Consultation

- Director Community, Planning and Environment
- Group Manager Community.

### **Planning and Policy Implications**

If ultimately adopted the draft Policy will become an adopted Policy of Council.

### **Financial and Economic Implications**

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

### **Attachments**

1.  draft Community Engagement Policy

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**Item:** 11.11

**Subject:** POLICY REVIEW - PROVIDING FUNDING AND SUPPORT TO THE  
COMMUNITY POLICY

**Presented by:** Community, Planning and Environment, Melissa Watkins

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Place on public exhibition, for a period of not less than 28 days, the draft Providing Funding and Support to the Community Policy.**
- 2. Note that a further report will be tabled at the May 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.**

### **Executive Summary**

The Providing Funding and Support to the Community Policy adopted on 17 July 2013 has been reviewed for consideration by Council.

Council provides a range of funding and support programs to individuals and community groups. These programs our community grants program, as well as supporting activities, services and projects that benefit the community, builds capacity and contribute to delivery of the Community Strategic Plan priorities.

### **Discussion**

Council assists eligible organisations and individuals with funding and support in recognition of their vital contribution to community development and well-being. Council aims to build strong partnerships with the community while ensuring value for money and consistency in administration.

This policy applies to all funding and support including grants, donations, discounts, waivers, subsidies, in-kind support, discretionary and mandatory payments made by Council.

In review of the Providing Funding and Support to the Community Policy the following minor amendments were made:

- Refining of the existing information to be more succinct and relevant
- Updating organisational information and responsibilities

**Options**

Council has the options to:

1. Adopt the draft Providing Funding and Support to the Community Policy for exhibition; or
2. Request or make further amendments to the draft Policy, noting this may delay public exhibition; or
3. Not adopt the draft Policy.

**Community Engagement and Internal Consultation**Community Engagement

This report seeks to place the draft Policy on public exhibition for feedback.

Internal Consultation

- Grants Officer



**Planning and Policy Implications**

If ultimately adopted, this will provide a reviewed, updated and adopted Policy of Council for providing funding and support to the community.

**Financial and Economic Implications**

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

**Attachments**

1.  Draft Providing Funding and Support to the Community Policy
2.  Policy - Providing Funding and Support for the Community

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**Item:** 11.12

**Subject:** POLICY REVIEW - SOCIAL IMPACT ASSESSMENT POLICY

**Presented by:** Community, Planning and Environment, Melissa Watkins

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Place on public exhibition, for a period of not less than 28 days, the draft Social Impact Assessment Policy.**
- 2. Note that a further report will be tabled at the May 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.**

### **Executive Summary**

The Social Impact Assessment Policy adopted on 6 June 2010 has been reviewed for consideration by Council.

A Social Impact Assessment (SIA) aims to identify potential impacts of development and ways in which to offset any adverse impacts through processes and procedures designed to manage change.

### **Discussion**

The purpose of a SIA is to predict the social impact of development or land use change, be it positive or negative. The SIA process also encourages applicants to explore how any negative outcome of development can be mitigated, minimised or completely resolved, which in turn will better inform decision making within Council and better social outcomes for the community.

From the review of the Social Impact Assessment Policy, the following minor amendments are recommended to be made:

- Formatting to form a more logical flow
- Refined the information to shorten the policy
- Information in relation to procedure removed from policy
- Added when an SIA should be undertaken
- Update organisational information

The adopted Policy is included here as **Attachment 1** while the revised draft Policy is included here as **Attachment 2**.

**Options**

Council has the options to:

1. Adopt the draft Social Impact Assessment Policy for exhibition; or
2. Request or make further amendments to the draft Policy, noting that this may delay exhibition; or
3. Not adopt the recommendation and resolve in some other fashion.

**Community Engagement and Internal Consultation**Community Engagement

This report recommends that the draft Policy be placed on public exhibition for feedback.

Internal Consultation

- Group Manager Community
- Development Planning Coordinator



**Planning and Policy Implications**

If ultimately adopted this Policy will become an adopted Policy of Council. There are no other planning and policy implications in relation to this report.

**Financial and Economic Implications**

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

**Attachments**

1.  Draft Social Impact Assessment Policy
2.  Policy - Social Impact Assessment



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**Item:** 11.13

**Subject:** POLICY REVIEW - CONTAMINATED LAND

**Presented by:** Community, Planning and Environment, Melissa Watkins

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Publicly exhibit the draft Contaminated Land Policy for a period of not less than 28 days.**
- 2. Note that a further report will be tabled at the May 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.**

### **Executive Summary**

The original Contaminated Land Policy was first adopted in March 1999, with several revisions before a major change in 2017 where the policy was reformed to align with the model contaminated land policy developed for Mid North Coast Regional Organisation of Councils (MIDROC). The current adopted policy (2017) is attached as **Attachment 1**.

Land contamination stemming from the improper use and storage of hazardous substances can leave a broad range of complex and lasting impacts on the land. Contamination and its effects can often remain unnoticed within the environment for long periods of time and can have serious implications on a site's ability to sustain healthy ecosystems and communities. In dealing with this issue it is important that Council as a planning authority and land manager considers contamination and its potential impacts on the ways that land can be used in the future.

This Policy provides a framework on how council will manage land contamination within the Local Government Area. The Policy defines the principles that Port Macquarie-Hastings Council is committed to upholding when performing its functions. This Policy observes a cautionary approach, and promotes processes that ensure land contamination is identified and dealt with at the earliest possible opportunity whilst carrying out council's planning, regulatory, and land management activities.

The Contaminated Land Policy has been reviewed and is still considered relevant. There are no material changes to the policy regarding requirements, however since the last review there have been changes to legislation, references, staff titles, and the transition period for the EPAs Certified Contaminated Land Practitioner period has passed. These are identified in the table below and a draft amended policy is

attached to this report as **Attachment 2**. Minor formatting and grammatical improvements have also been made.

### Discussion

The Contaminated Land Policy has been reviewed with the following amendments are proposed:

Current Policy	Proposed Policy amendment
Environmental Planning & Assessment Act 1979: s.149, s.149(2), s.149(5), Part 7A and s145B	Environmental Planning & Assessment Act 1979: (in order) s.10.7, s.10.7(2), s.10.7(5) and Schedule 6 (Schedule 6 is used for both s.145B and Part 7A references)
SEPP 55 Remediation of land References clauses 16-18	SEPP 55 Remediation of land expanded references to clauses 14-18
Prior to 1 April 2018 the attributes that should qualify a person as a 'suitably qualified and experienced practitioner' are: <ul style="list-style-type: none"> <li>• At least five years of experience in contaminated land services that are relevant to those being offered</li> <li>• Relevant Bachelor Degree or similar tertiary qualifications</li> <li>• Regular professional development training in the contaminated land field</li> <li>• Record of strong ethical and professional conduct</li> </ul>	Removed from Policy as no longer applicable. As of 1 April 2018 the transition period ended and only reports from persons accredited under the EPA's contaminated land practitioner's accreditation scheme are accepted
Group Manager (Regulatory Services)	Group Manager Environment & Regulatory Services
Regulatory Services Development and Environment Division	Environment & Regulatory Services Community, Planning & Environment Division

### Options

Council has the options to:

1. Adopt the draft Contaminated Land Policy for exhibition; or
2. Request or make further amendments to the Policy, noting this may delay exhibition; or
3. Not adopt the recommendation and resolve in some other fashion.



**Community Engagement and Internal Consultation**Community Engagement

It is recommended that the policy be placed on public exhibition for not less than 28 days.

Internal Consultation

No further consultation was considered necessary prior to public exhibition as no changes are proposed.


**Planning and Policy Implications**

If ultimately adopted this Policy will be an adopted Policy of Council. There are no other planning and policy implications in relation to this report.

**Financial and Economic Implications**

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

**Attachments**

1.  Contaminated Land Policy - adopted 17/05/2017
2.  Draft Contaminated Land Policy

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**Item:** 11.14

**Subject:** POLICY RESCISSION - GIFTS AND BENEFITS POLICY - POST  
PUBLIC EXHIBITION

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council:**

- 1. Rescind the Gifts and Benefits Policy.**
- 2. Thank those who made a submission and advise of Council's resolution in the matter while also responding to their comments.**

### **Executive Summary**

At the October 2021 Ordinary Council Meeting, Council resolved to place the Gifts and Benefits Policy on public exhibition for the purpose of rescinding this policy.

The policy was subsequently placed on public exhibition from 2 February 2022 until 2 March 2022. During the exhibition period, two online submissions were received in opposition of the proposed rescindment of this policy.

### **Discussion**

At the October 2021 Ordinary Council Meeting, Council resolved to place the Gifts and Benefits Policy on public exhibition for the purpose of rescinding this policy.

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

### Public Exhibition

The public exhibition period is now complete with the outcomes of the exhibition process discussed below.

There was a total of 2 on-line submissions received by through Council's on-line Have Your Say engagement page. Each comment is provided below with an appropriate response.

#### **Comment 1**

*"On the council web site the GIFTS AND BENEFITS POLICY is only shown as a Draft policy, why is that. Yes, you only need one register. But it must be accessible to*

*the public. I search for the Gifts and Benefits register but could not find it, I re-read the policy and found it is under the Gift and Benefit Declaration, but this then takes you to the NSW Electoral Commission website. This looks bad, if you not want to hide something then the best place to have the register as part of its web site, in the Our Council dropdown section. Also council needs to update the policy to include " all gifts(etc) are registered within one month of receiving the gifts(etc) not 12 months."*

A search of Council's website did not find a Gifts and Benefits policy indicating to be in draft form. The other statement of being diverted to the Electoral Commission website also could not be found or replicated. Regarding the comments on the gifts and benefits register, Council is required to maintain a gifts and benefits register for Councillors and staff as part of the Office of Local Government Model Code of Conduct however it is not a requirement to make this publicly available. It is noted that several Councils do make this register available on their website however it does not appear to be widespread. Regardless of whether Council chooses to make this register publicly available, this could be added to Council's Code of Conduct rather than maintaining a separate gifts and benefits policy. It is noted that Council is required to review and readopt its Code of Conduct within 12 months of the last local government election in December 2021 so an opportunity will be available to amend the code of conduct in the coming months if Council so chooses.

#### Comment 2

*"I see no reason for this Gifts and Benefits Policy Rescission. a code of conduct does not have the same bindings as a Council Operational Policy. Why not rescission the the lesser council code of conduct Gifts and Benefits Policy and leave the council operational policy in place,  
Please provide me with a copy of the legislation or regulation you will be using in its place if rescission is passed."*

The information in this comment is not correct. The Office of Local Government issues a Model Code of Conduct that Council is legislatively required to adopt as its Code of Conduct noting that the provisions of the model code cannot be weakened however council can add supplementary items that strengthen the code. This is a legislated requirement under section 440 of the Local Government Act 1993 and prescribed under section 180 of the Local Government (General) Regulation 2021. The policy is a Council document and does not have the legal requirement of the code of conduct.

It is recommended to rescind the Gifts and Benefits Policy.

#### Options

Council has the option to rescind or not to rescind the Gifts and Benefits Policy identified within this report.

#### Community Engagement & Internal Consultation

The policy that is the subject of this report were available for public comment from 2 February 2022 to 2 March 2022. During this period, two comments were received on Council's on-line Have your Say engagement webpage. Details are provided above.

**Planning & Policy Implications**

This report recommends the rescindment of the Gifts and Benefits Policy.

**Financial & Economic Implications**

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

**Attachments**

1.  Gifts and Benefits Policy

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**Item: 11.15**

**Subject: POLICY RESCISSION - STAFF AND CONSULTANT ACCESS TO  
PRIVATE PROPERTY POLICY - POST PUBLIC EXHIBITION**

**Presented by: Community, Planning and Environment, Melissa Watkins**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council:**

- 1. Rescind the Staff and Consultant Access to Private Property Policy.**
- 2. Thank those who made a submission and advise of Council's resolution in the matter while also responding to their comments.**

### **Executive Summary**

At the October 2021 Ordinary Council Meeting, Council resolved to place the Staff and Consultant Access to Private Property Policy on public exhibition for the purpose of rescinding this policy.

The policy was subsequently placed on public exhibition from 2 February 2022 until 2 March 2022. During the exhibition period, one online submission was received in opposition of the proposed rescindment of this policy.

### **Discussion**

At the October 2021 Ordinary Council Meeting, Council resolved to place the Staff and Consultant Access to Private Property Policy on public exhibition for the purpose of rescinding this policy.

The Staff and Consultant Access to Private Property Policy was first adopted in 1996 and is recommended to be rescinded. Access to private property is governed by the delegations of officers and the powers imposed under a range of legislation including the Local Government Act and Environmental Planning and Assessment Act.

It is not appropriate for consultants to access land without the consent of the land owner or in the presence of a delegated officer of Council.

### **Public Exhibition**

The public exhibition period is now complete with the outcomes of the exhibition process discussed below.

There was 1 on-line submission received through Council's on-line Have Your Say engagement page.

This submission stated:

*"I see no reason for this Staff and Consultant Access to Private Property Policy Rescission. Please provide me with a copy of the legislation or regulation you will be using in its place if rescission is passed."*

This comment does not provide any supporting reasoning for this request for the policy not to be rescinded. Appropriate information will be provided to the submitter with the outcome of Council's resolution.

Accordingly, it is recommended to rescind the subject Policy.

### **Options**

Council has the option to rescind or not to rescind the Staff and Consultant Access to Private Property Policy identified within this report.

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

The policy that is the subject of this report was available for public comment from 2 February 2022 to 2 March 2022. During this period, one on-line submission was received. Details are provided above.

### **Planning and Policy Implications**

This report recommends the rescindment of the Staff and Consultant Access to Private Property Policy.

### **Financial and Economic Implications**

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

### **Attachments**

1.  Staff and Consultant Access to Private Property Policy



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**Item:** 11.16

**Subject:** POLICY REVIEW - ASSET MANAGEMENT POLICY

**Presented by:** Community Utilities, Jeffery Sharp

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Place on public exhibition, for a period of not less than 28 days, the draft Asset Management Policy**
- 2. Note that a further report will be tabled at a future meeting of Council, detailing the submissions received from the public during the exhibition period.**

### **Executive Summary**

The Asset Management Policy was last reviewed by Council in 2017.

The Asset Management Policy has been reviewed with minor amendments suggested and an updated draft is attached for consideration and to be placed on public exhibition for 28 days.

### **Discussion**

The Asset Management Policy has been reviewed with only minor amendments proposed at this time.

Council has under its control over \$2.6B worth of Community assets, with the majority of value being in the roads, bridges, stormwater, footpaths, water and sewer classes.

Ongoing management of the Community's assets is a fundamental of any Council's activities, and in response to this need, a new internal Asset Management Working Party has been established to ensure a consistent approach across all asset classes is maintained with a renewed focus on asset management planning.

### **Options**

Council has the option to resolve as recommended or request further information on the Draft Asset Management Policy prior to public exhibition.



**Community Engagement and Internal Consultation**

Internal consultation has been undertaken with the following staff:

- Director Community Utilities
- Director Community, Planning & Environment
- Director Community Infrastructure
- Group Manager Utilities Planning & Design
- Group Manager Community

**Planning and Policy Implications**

There are no planning and policy implications in relation to this report. The current Asset Management Policy will remain in force until such time as an updated policy is adopted.

If ultimately adopted, this Policy will be an adopted Policy of Council.

**Financial and Economic Implications**

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

**Attachments**

1.  Draft Asset Management Policy

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**Item:** 11.17

**Subject:** MONTHLY BUDGET REVIEW - FEBRUARY 2022

**Presented by:** Business and Performance, Rebecca Olsen

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### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council:**

1. **Adopt the adjustments in the "February 2022 Adjustments" section of the Monthly Budget Review – February 2022 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 February 2022.

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 forecast a budget shortfall position of \$348,620 as at the end of February 2022. Details as outlined in the table below.

#### Monthly Budget Review Summary

<b>Original Budget as at 1 July 2021</b>	<b>Balanced</b>	<b>\$0</b>
<i>Plus adjustments:</i>		
July Review	Balanced	\$0
August Review	Shortfall	(\$427,403)
September Review	Surplus	\$5,841
October Review	Surplus	\$18,636
January Review	Surplus	\$65,560
February Review	Shortfall	(\$11,254)
<b>Forecast Budget Position for 30 June 2022</b>	<b>Shortfall</b>	<b>(\$348,620)</b>

*\* No reports in November and December due to no Council meetings*

**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.

**February 2022 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 "February 2022 Budget Review".

An additional cost has been identified for the tender of Council's insurance brokerage (\$27k). This is partly offset by overhead income this expense will generate (\$16k).

Grants and contributions totalling \$387k were recognised during the month. These include grants for Sensitive Receptors (\$138k), Dilution Study of Kooloonbung Creek (\$70k), Rocks Ferry Reserve Boat Ramp & Pontoon (\$181k), Operation of the March 2021 Flood Recovery Centre (\$28k), and a reduction to Kew Main Street grant funding (\$50k).

Budget Variance Requests were approved by Executive for the Bypass of Port Dam to Transit Hill Reservoir (\$851k), Thrumster Wastewater Treatment (\$50k), Sewer Rehabilitation (\$500k), a Hydrographic Survey of Broadwater & Settlement Shores Canals (\$50k), the Digital Technology Roadmap (\$1,310k) and Sewer Relining Works (\$550k).

Other adjustments are accounting entries only, or movements between projects, 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
<b>Operating Activities Movements</b>						
<b>Income from continuing operations</b>						
Rates and Annual Charges	108,390		0	108,390		108,390
User Charges and Fees	39,588		30	39,618		39,618
Interest Received	5,455		0	5,455		5,455
Grants and Contributions	60,845	2,785	14,614	78,244	387	78,631
Other Operating Receipts	5,458		324	5,782	16	5,798
<b>Expenses from continuing operations</b>						
Employee Costs	(55,268)		(863)	(56,131)		(56,131)
Materials and Contracts	(45,201)	(2,104)	(503)	(47,808)	(211)	(48,019)
Depreciation	(50,236)		0	(50,236)		(50,236)
Interest Paid	(2,158)		0	(2,158)		(2,158)
Other Operating Payments	(15,352)		767	(14,585)	(27)	(14,612)
Loss on Disposal of Assets	(3,000)		0	(3,000)		(3,000)
<b>Operating result from continuing operations</b>	<b>48,521</b>	<b>681</b>	<b>14,369</b>	<b>63,571</b>	<b>165</b>	<b>63,736</b>
<b>Restricted Asset Movements</b>						
Transfer from Restricted Assets	38,796	6,146	2,534	47,476	3,311	50,787
Transfer to Restricted Assets	(55,466)		(519)	(55,985)		(55,985)
<b>Net Revenues (Used in)/Provided by in Restricted Assets</b>	<b>(16,670)</b>	<b>6,146</b>	<b>2,015</b>	<b>(8,509)</b>	<b>3,311</b>	<b>(5,198)</b>
<b>Property, Plant and Equipment Movements</b>						
Purchase of Assets	(67,573)	(6,827)	(16,721)	(91,121)	(3,487)	(94,608)
Developer Provided Assets	(6,500)		0	(6,500)		(6,500)
<b>Net Revenues (Used in)/Provided by Property, Plant and Equipment Activity</b>	<b>(74,073)</b>	<b>(6,827)</b>	<b>(16,721)</b>	<b>(97,621)</b>	<b>(3,487)</b>	<b>(101,108)</b>
<b>Financing Activities Movements</b>						
Proceeds from Borrowings and Advances	0			0		0
Repayments of Borrowings and Advances	(11,014)			(11,014)		(11,014)
<b>Net Revenues (Used in)/Provided by Financing Activity</b>	<b>(11,014)</b>	<b>0</b>	<b>0</b>	<b>(11,014)</b>	<b>0</b>	<b>(11,014)</b>
<b>Net Result (Incl Depreciation)</b>	<b>(53,236)</b>	<b>0</b>	<b>(337)</b>	<b>(53,573)</b>	<b>(11)</b>	<b>(53,584)</b>
Add Back: Non Cash Items	53,236		0	53,236		53,236
<b>Budget Surplus/(Shortfall)</b>	<b>0</b>	<b>0</b>	<b>(337)</b>	<b>(337)</b>	<b>(11)</b>	<b>(348)</b>

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

**Options**

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

**Community Engagement and Internal Consultation**

Not applicable.

**Planning and Policy Implications**

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


**Financial and Economic Implications**

Attachment 1 to this report contains information of each individual budget adjustment by Division and Section. The budget movements within this report result in the budget position shortfall of \$348,620.

**Statement by Responsible Accounting Officer**

*“The adopted original budget result for 2021-2022 was a balanced budget. As at 28 February 2022 this position is changed to a budget shortfall of \$348,620 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.  February 2022 Budget Review



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**Item:** 11.18

**Subject:** INVESTMENTS - FEBRUARY 2022

**Presented by:** Business and Performance, Rebecca Olsen

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### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council note the Investment Report for the month of February 2022.**

#### Executive Summary

- Total funds invested as at 28 February 2022 was \$373,662,357.
- Interest for the month of February was \$393,081
- The year-to-date investment income of \$3,537,123 represents 69% of the total annual investment income budget of \$5,132,800.
- Council's total investment portfolio performance for the financial year to date was 1.54% above the benchmark (1.57% against 0.03%), benchmark being the Bank Bill reference rate as at 28 February 2022.

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 1.67% p.a., outperforming bank bills by 1.64% 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 Board has indicated that they are still "*prepared to be patient*" as they await more information on wages growth and the outlook and trajectory for inflation until they can conclude inflation is sustainably at target. The RBA's central scenario is consistent with discussing an interest rate increase later this year, with Governor Lowe indicating, "*but it is certainly plausible, if the economy tracks in line with our central forecast, that an interest rate increase will be on the agenda sometime later this year*". He also stated however that "*it's still quite plausible that the first increase...is a year or longer away*".
- Given the above, the biggest risk to Council's portfolio continues to be decreasing interest income while interest rates remain low, as opposed to loss of capital.
- Council's exposure to institutions that fund fossil fuels is 63% of the total portfolio.

- PMHC remains amongst the best performing Councils in the state of NSW where deposits are concerned, earning on average, \$2.8m in additional interest income compared to its peers.

**Discussion**

Council has engaged Imperium Markets to provide both an investment management platform and investment advisory service. This decision was based on the need to provide more rigour and transparency around investment choices and to provide a sound framework to support the need for increased financial sustainability into the future.

The attached investment report and portfolio (Attachment 2) provides detailed information on the performance of Council's investment portfolio.

Overview

Councils are often large and diverse organisations which have many regulatory and compliance requirements including how to raise revenue, and how that can be spent. For context, Port Macquarie-Hastings Council is a large regional Council with an annual expenditure of approximately \$200 million. Whilst every Council has some similarities, they often have characteristics that may set them apart. Port Macquarie-Hastings Council is a large regional Council with high development activity and is also a water authority. These points are relevant in the context of Council reserves / investments. Following is a summary outline of the main areas that have seen an increase in reserves being collected.

*Development Activity*

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

*Water and Sewer*

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

Current Investments

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



and certifies that all funds that Council has invested as at 28 February 2022, comply with this Act. All investments have been made in accordance with the Act and Regulations, and Council's Investment Policy.

As at 28 February 2022, the investments held by Council totalled \$373,662,357 and were attributed to the following funds:

General Fund*	163,574,434
Waste Fund	21,287,545
Water Fund	127,452,493
Sewer Fund	59,714,981
Broadwater	1,576,855
Sanctuary Springs	56,049
	<b>373,662,357</b>

*\*Includes funds collected from development that must be expended in relation to adopted contribution plans. Also includes funds collected for works on the Port Macquarie Town Centre Master Plan totalling \$2.2m.*

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.

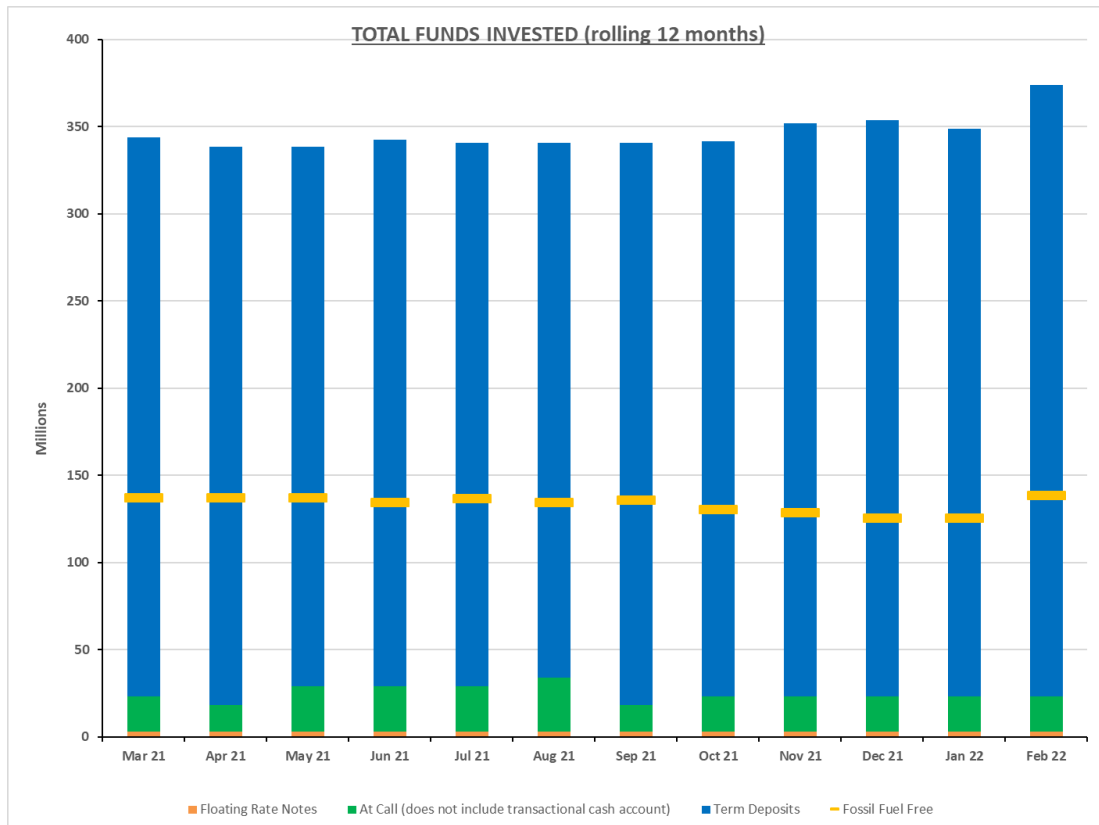
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$373,662,357), and total investments held as per Imperium's attached monthly report (\$373,692,351). 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 28/02/22 (\$)	Amount invested at 28/02/22 (%)
Yes	91,020,000	72%	235,162,357	63%
No	35,000,000	28%	138,500,000	37%
	<b>126,020,000</b>		<b>373,662,357</b>	

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



The value of Council's investments as at 28 February was \$25m higher than January due to maturity of a term deposit on 31<sup>st</sup> January that was invested February and receipt of \$19.12m in grants from Transport NSW that was invested during February.

### 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 1.54% above the benchmark (1.57% against 0.03%) and year to-date income is 69% 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 - February 2022
2.  Port Macquarie-Hastings Council Portfolio Valuation - February 2022

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**Item:** 11.19

**Subject:** DRAFT INFRASTRUCTURE STRATEGY

**Presented by:** Community, Planning and Environment, Melissa Watkins

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**Alignment with Delivery Program**

4.5.2 Plan for infrastructure that supports population growth.

**RECOMMENDATION**

**That Council:**

1. **Note the progress of the development of the draft Infrastructure Strategy as outlined at the Councillor Briefing in February 2022.**
2. **Note the importance of ensuring that the draft Infrastructure Strategy aligns with the future Port Macquarie - Hastings Blueprint should it be adopted.**
3. **Request the Chief Executive Officer arrange a Councillor Workshop to review the draft Infrastructure Strategy prior to it being finalised for further consideration by Council for public exhibition.**

**Executive Summary**

The purpose of this report is to confirm that the first draft of the Infrastructure Strategy has been completed by staff and to seek further input from Council in finalising the draft strategy so that it can be placed on public exhibition.

The preparation of the Draft Infrastructure Strategy responds to Action 19.1 of Council's Local Strategic Planning Statement (LSPS) - *Shaping Our Future 2040* which was adopted by Council in September 2020. The development of an Infrastructure Strategy commenced in October 2021.

NSW Local Government elections were held in December 2021 and with the commencement of the new Council it is critical to ensure that Council is setting the strategic direction and that a new strategy such as this is consistent with the Council's objectives in accordance with the Guiding principles of the Local Government Act.

In addition to the commencement of the new Council in January Council resolved at its Ordinary meeting in February 2022 to establish a working group to develop an Action Plan for the development of a draft Port Macquarie - Hasting Blueprint as follows:

*"That Council:*

1. *Immediately establish a Project Working Group to develop an Action Plan for the development of a draft Blueprint for Port Macquarie-Hastings for consideration by Council at its April 2022 Ordinary Meeting effective*

*immediately following the February 2022 Ordinary Meeting to include consideration of the key strategic priorities for the Local Government Area, with a focus on but not limited to the following:*

- Roads, traffic management and delivery
  - Affordable housing and housing affordability
  - Land use planning
  - Infrastructure (water, sewer and stormwater) planning and delivery
  - Amenity
  - Vegetation management
  - Sporting facilities
  - Connectivity (physical and digital)
  - Emergency and risk management
  - Industry, tourism and economic development opportunities
2. *Appoint the Mayor and Deputy Mayor to Co-Chair the Project Working Group with the administrative support of the Chief Executive Officer and Council Staff as determined by the Chief Executive Officer.*
  3. *Receive and consider the Project Action Plan from the Project Working Group, including estimated costings and timeframes to develop a draft Blueprint for Port Macquarie-Hastings for consideration by Council at its April 2022 Ordinary Meeting."*

It is important ensure that the concepts in the draft Infrastructure Strategy are supportive and in alignment with the strategic direction of the future Blueprint, accordingly the draft Infrastructure Strategy cannot be finalised without input from new the Council and understanding of a draft Blueprint.

The draft Infrastructure Strategy is proposed as an important Lead Strategy in Council's Strategic Planning Framework and provides direction for the provision of Council's core infrastructure including:

- Three Waters - water, wastewater and stormwater
- Waste
- Transport and Movement
- Social
- Green Infrastructure.

The Infrastructure Strategy will take an LGA-wide view and aim to:

- Identify significant issues and challenges for infrastructure assets over the next 20 years and provide principles and priorities to guide investment and resourcing to address these issues and challenges.
- Demonstrate how Council plans to manage its infrastructure assets prudently and sustainably through future periods of growth and other pressures, which can be supported by Council's Resourcing Strategy including our Long-Term Financial Plan

The strategic intent of the draft Infrastructure Strategy and the ambition of the Port Macquarie - Hastings Blueprint appear well aligned. Many of the challenges, and the response to these challenges, will remain constant. However, the over-arching intent of the Port Macquarie - Hastings Blueprint, and the evolution of that document, will



most likely inform the draft Infrastructure Strategy in its priorities, execution and informing of related and cascaded strategies and plans.

Given the timing of the development of the first draft of the Infrastructure Strategy it is recommended that the infrastructure strategy be workshopped with Council and aligned with the proposed future Blueprint.

### Discussion

Council faces a number of challenges in providing infrastructure for our community into the future including:

- population growth and demographic change - a growing and ageing population will require more housing and supporting infrastructure and services;
- natural hazards and resilience - the increasing frequency of natural hazards (bushfires, flooding, coastal erosion) will place further demands on our infrastructure requiring it to be more resilient;
- technological change - an increasing array of technologies are opening up new ways of planning and maintaining our infrastructure, some of which may be quite disruptive and require us to be adaptive;
- financial sustainability - there is a growing fiscal gap between the revenue that Council receives and the demand for expenditure on an increasing array of services and supporting infrastructure

It is therefore important that all areas of Council's investment in infrastructure are guided by a set of common principles and supported by co-ordinated plans which consider all forms of our infrastructure, if we are to provide best value, from a Quadruple Bottom Line assessment, for our community.

This will be Port Macquarie-Hastings Council's first ever Infrastructure Strategy. This first iteration outlines the principles and priorities that Council will follow in the implementation of its infrastructure investment and identifies key areas of focus that will shape future strategic and operational planning work for Council's future delivery of infrastructure.

The draft Infrastructure Strategy provides the following vision for our Infrastructure:

*"We have sustainable infrastructure which is smart, resilient and aligned with the community's needs"*

Sustainable infrastructure is achieved when we balance social, economic and environmental needs efficiently.

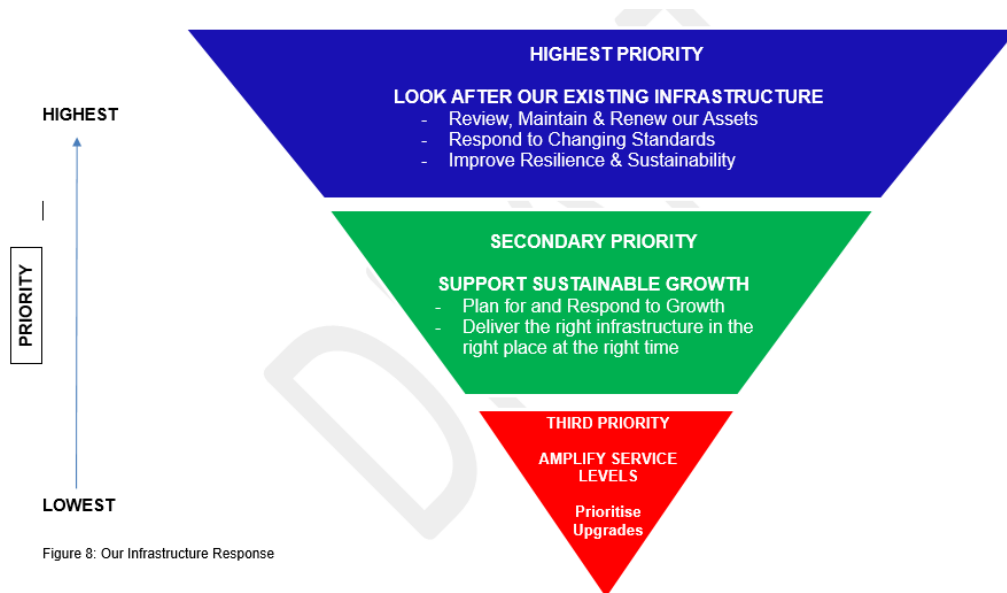
The draft Strategy then identifies the following four objectives. Our infrastructure:

1. Maximises wellbeing and liveability for our communities
2. Supports a strong, resilient and diversified economy
3. Protects and enhances our natural environment
4. Delivers value for our community



These objectives align with Council's draft Community Strategic Plan - *Imagine 2050* our Local Strategic Planning Statement - *Shaping our Future 2040* and the NSW Government's North Coast Regional Plan.

The draft Strategy outlines our response to the vision and objectives described above - which is summarised in the diagram below extracted from the draft Strategy:



The draft Strategy then describes two key areas of focus which underpin these priorities. If addressed holistically, these key focus areas will improve management, planning and delivery of infrastructure in Port Macquarie-Hastings across all infrastructure sectors while supporting sustainable outcomes for our community.

- Focus Area 1 - Asset Management: getting the most from what we have
- Focus Area 2 - Planning and Innovation: building readiness for the future

It is important to note that this Strategy is not an audit. It is not intended to identify every infrastructure need or capacity constraint in the LGA. Nor is it intended to provide a list of the projects that Council should undertake. Details of specific infrastructure projects will be detailed in supporting strategies and action plans.

To ensure that leadership is exercised and the strategic and operational planning identified in this Strategy is converted into effort, an Action Plan will be developed following the adoption of this Infrastructure Strategy which will outline the activities needed to be undertaken by Council to fulfil the objectives of this Strategy. The Action Plan will be regularly updated to ensure its relevance and currency.

To inform this Action Plan, the draft Infrastructure Strategy will include an accompanying document "Making it Happen" which provides an initial response to the Strategy. This document outlines recommendations regarding areas Council should address as an immediate response to set the foundations for the successful provision of our infrastructure and the achievement of the strategic objectives that will be outlined in Council's draft Infrastructure Strategy 2022 - 2042.

The Action Plan and “Making it Happen” Document will be important elements to ensure alignment with the Port Macquarie Hastings Blueprint, to ensure the operational elements prioritised contribute to the strategic direction of the elected body.

**Options**

Council has the option to:

1. Resolve to adopt the recommendation; or
2. Resolve not to adopt the recommendation and resolve in some other fashion.

**Community Engagement and Internal Consultation**

Development of the draft Infrastructure Strategy has been informed by previous engagement with the community on the development of Council’s Community Strategic Plan and Local Strategic Planning Statement, literature reviews, various State Infrastructure Strategies and strategic work undertaken, Infrastructure Australia and existing global frameworks.

Council’s Executive Team have had a number of briefings throughout the drafting process.

**Planning and Policy Implications**

This draft Infrastructure Strategy is a lead strategy in Council’s Strategic Planning Framework and as such will play a key role in informing and guiding supporting strategies and actions plans within this Framework which related to the delivery of our infrastructure.

**Financial and Economic Implications**

There are no direct financial and economic implications in relation to this report, however successful implementation of this strategy and the strategic objectives will require that resources, both human and financial, will need to be directed to the key focus areas outlined in this Strategy.

**Attachments**

Nil

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**Item: 11.20**

**Subject: NOTICE OF MOTION - TENDERING LOCAL PREFERENCE POLICY**

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

**RECOMMENDATION**

**That Council:**

- 1. Note the current Tendering Local Preference Policy.**
- 2. Request the Chief Executive Officer to provide a briefing to Councillors on Procurement activities that:**
  - a) Are currently in place to support local business; and**
  - b) Provide opportunities to:**
    - i) Assist local business further in securing a greater proportion of Councils' spend through both tendering and purchasing that is under the tendering threshold**
    - ii) Generate Council's awareness of suppliers in our LGA and their offerings.**

**Comments by Councillor (if provided)**

At a time when Local Businesses need our support following 2 years of hardship, now more than ever before, is the time to get behind them. Even if the cost of using Local Businesses is slightly more expensive, the benefits far outweigh the cost. Its often been said that every dollar spent at a locally owned business, approximately 70 cents stays local.

**Attachments**

Nil

# 2 Your Community Life

## What we are trying to achieve

A healthy, inclusive and vibrant community.

## What the result will be

We will have:

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

## How we will get there

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

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**Item: 12.01**

**Subject: NOTICE OF MOTION - PRIORITISATION OF SPORTING  
INFRASTRUCTURE PROJECTS**

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

**RECOMMENDATION**

**That Council:**

- 1. Request the Chief Executive Officer to facilitate an urgent Councillor Workshop to reconsider priorities for delivery of four significant sporting infrastructure projects that are currently in the planning stages for the community, being:
  - a) Hastings Regional Sporting Complex.**
  - b) Rainbow Beach Sports Fields.**
  - c) Thrumster Sporting Fields.**
  - d) Port Macquarie Aquatic Facility.****
- 2. Receive a further report to the April 2022 Ordinary Council Meeting following the Councillor Workshop to confirm priorities and funding for priority sporting infrastructure projects.**

**Comments by Mayor (if provided)**

Nil.

**Attachments**

Nil

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**Item: 12.02****Subject: GRAFFITI VANDALISM MANAGEMENT****Presented by: Community, Planning and Environment, Melissa Watkins**

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**Alignment with Delivery Program**

2.1.1 Support community safety initiatives.

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

- 1. Place the draft Graffiti Vandalism Management Policy and Graffiti and Vandalism Reward Scheme Policy on exhibition for a period of not less than 28 days.**
- 2. Note that a further report will be tabled at the May 2022 Ordinary Council Meeting detailing the submissions received from the public during the exhibition period.**

**Executive Summary**

Graffiti vandalism has a direct and immediate impact on the community by reducing the social amenity of public spaces, creating visual pollution and leading to increased fear for personal security. It also causes serious damage to property and imposes significant removal costs for Council, businesses and private citizens.

**Discussion**

Council has done many things over the years to try and mitigate the effects of graffiti vandalism in our community, including the introduction of the Graffiti Blasters Volunteer Program.

With graffiti vandalism becoming an increasingly prevalent social problem over the past 18 months, a review of Council's approach to graffiti management including responsibilities has been conducted and resulted in the development of the draft Graffiti Vandalism Management Policy.

Following the Mayor's Notice of Motion - Graffiti at the Extra Ordinary Council meeting 25 January 2022, a draft Graffiti and Vandalism Reward Scheme Policy was developed which offers a reward of up to the value of \$5,000 for information leading to persons being identified as being responsible for defacing and/or damaging Council property within the Local Government Area.



At the meeting it was resolved:

*That Council:*

1. *Note the Minutes of the 15 September 2021 Ordinary Council Meeting, Item 10.02 Notice of Motion – Increase In Graffiti In The Local Area.*
2. *Note the cost to community in terms of clean up and reputation due to increasing levels of graffiti and vandalism.*
3. *Note updated information on Port Macquarie-Hastings Council website for community to report graffiti.*
4. *Request the Chief Executive Officer make available funds through the existing asset maintenance budgets to fund monetary rewards to reduce the impact of graffiti and vandalism of Council property.*
5. *Request the Chief Executive Officer develop in consultation with community stakeholders a (Draft) Graffiti in Public Places Policy (utilising powers under the Graffiti Control Act 2008 (NSW) ) which aims to assist in the prevention, rectification and/or timely removal of graffiti on Council assets, including the offer of a reward of up to the value of \$5,000 for information leading to persons being identified as being responsible for defacing and/or damaging Council property within the Local Government Area.*
6. *Advertise an expression of interest for volunteers to join 'Graffiti Blasters' to assist Council with removing graffiti within an appropriate timeframe.*
7. *Request the Chief Executive Officer schedule an urgent meeting with Superintendent District Commander, Mr Shane Cribb, Mayor Peta Pinson, Deputy Mayor Adam Roberts, Councillors and Director of Community, Planning and Environment to discuss increasing vigilance relating to acts of graffiti and vandalism.*
8. *Request the Chief Executive Officer to apply for grant funding to install CCTV cameras strategically in Town Square and Town Green.*
9. *Request the Chief Executive Officer to bring back a report to July 2022 Ordinary Council Meeting to report on the progress of the above actions.*
10. *Write to relevant stakeholders (including NBN Co Limited, Essential Energy, Transport for NSW, Telstra Corporation and other entities as identified by the Chief Executive Officer) requesting that they take more proactive measures to identify and remove graffiti from their infrastructure and to invite them to work collaboratively with Council and the NSW Police Force on graffiti prevention and removal initiatives.*
11. *Write to Port Macquarie-Hastings State and Federal Members, advising of the action taken by Council to improve public safety and amenity.*

### **Options**

Council may choose to seek further information or resolve to not place the draft policies on exhibition.

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

#### Community Engagement

It is recommended that the policy be placed on public exhibition for 28 days including distribution to relevant stakeholders.

Council has instigated a Graffiti Roundtable group to support decision making and support for graffiti removal including:

- Police
- Hastings Secondary College
- Essential Energy
- Telstra
- Australia Post
- Port Macquarie Chamber of Commerce
- Councillor
- Council staff

**Internal Consultation**

- Executive Team
- Senior Leadership Team
- Manager Governance
- Asset Owners

**Planning and Policy Implications**

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

**Financial and Economic Implications**

As per the Mayor's Notice of Motion - Graffiti at the Extra Ordinary Council meeting 25 January 2022 the CEO is to make available funds through the existing asset maintenance budgets to fund monetary rewards to reduce the impact of graffiti and vandalism of Council property.

**Attachments**

1.  Draft Graffiti Vandalism Management Policy
2.  Draft Graffiti and Vandalism Reward Scheme Policy

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**Item: 12.03**

**Subject: WAUCHOPE RIVERSIDE BICENTENARY SCULPTURAL TRAIL - ZOETROPE**

**Presented by: Community, Planning and Environment, Melissa Watkins**

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### **Alignment with Delivery Program**

2.5.1 Support cultural activities within the community.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the information provided regarding the Zoetrope sculpture**
- 2. Note potential site options, should Council resolve to relocate the sculpture**
- 3. Note the action and resources which would be required to further assess alternate sites and/or relocate the sculpture, including cost, approvals and community and other stakeholder engagement**
- 4. Not proceed with relocation of the Zoetrope sculpture.**

#### **Executive Summary**

At the 16 February 2022 Ordinary Council meeting it was resolved that the Chief Executive Officer report to Council on the possible relocation of the Zoetrope Sculpture, which is an artwork forming part of the Wauchope Bicentenary Riverside Sculpture Trail on the bank of the Hastings River, Wauchope.

This report outlines information relevant to the potential relocation of the Zoetrope including possible site options to be further investigated, community and stakeholder engagement and other matters requiring consideration. With a broad range of interested parties (community, artist, funding body) and various site and environmental approvals required, relocation is possible, but a somewhat complex task.

#### **Discussion**

At the Ordinary Council meeting held on 16 February 2022 it was resolved:

#### **RESOLVED: Intemann/Lipovac**

- 1. Request the Chief Executive Officer to provide a report to the March 2022 Ordinary Meeting of Council regarding the possible relocation of the Zoetrope Sculpture, including intended community consultation.*
- 2. Note that the existing public art along the Wauchope Bicentenary Riverside Sculptural Trail was the subject of discussion during the recent Rocks Ferry Redevelopment Engagement Process.*

3. *Note that a draft Master Plan for Rocks Ferry Reserve addressing the recent flood impacts and the Public Art is being developed and will be the subject of a future briefing of Councillors.*

The Zoetrope sculpture is part of the Wauchope Bicentenary Riverside Sculptural Trail, Yapang Bila Yapun.yapun is the Birpai name, by the Hastings River and winding its way along Rocks Ferry Reserve. The project was funded under a \$196,140 grant from the NSW Government's Stronger Country Communities Fund. The project focus was to represent (through creative interpretation across six sites), the history of Wauchope with a particular focus of life on the river and encompassing Aboriginal and colonial history.

#### The current site

The current Zoetrope sculpture site selection considered a range of factors including land zoning, road reserve and traffic safety approvals (including a Section 138 approval), review of environmental factors assessment, community consultation and placement of other artworks in the vicinity. The artwork was commissioned and designed for the site. It represents a reconciliation project, telling a collection of local Birpai elders' stories, each illuminated by the trajectory of the sun in that location. There are 10 stories depicted on the panels of the sculpture. These stories capture the ancient spiritual connection the local First Nations People have with the land and animals; their survival for over 60,000 years, personal stories from generations who experienced and witnessed the multitude of changes white settlement brought with it, and their longing for reconciliation and the shared hope for the future.

#### Potential alternate sites

Initial research has identified three potential alternate sites for the sculpture. Each would require further investigation and consultation.

In considering alternate site options, it is deemed important to try and maintain the integrity of the Riverside Sculpture Trail, and consider how the sculpture design needs to integrate with the changing sun and connection between the river and the land. There are limited options to do this.

Currently identified site options are as follows:

1. A site **within Rocks Ferry Reserve**, west of the playground and above the 1:20 year flood level. In addition to relevant approvals and general site preparation for this sculpture, the site would require additional works including levelling, retaining works and pathway access. It is anticipated that this site would not be in the sight line of nearby residents, however, the piece could be impacted in moderate to major flooding.
2. An alternate site **within the current project footprint** along the roadway, noting this option requires further detailed review to find a site that fulfilled the necessary criteria (as completed for the current site) and may not be acceptable to nearby residents.
3. Consider integrating the sculpture into the **Bain Park** upgrade. Whilst this option is not ideal in terms of maintaining the integrity of the sculpture trail, Bain

Park represents a prime community location in which to showcase the stories presented by the Zoetrope. Further engagement could be undertaken as part of Stage 1 of the Masterplan.

4. It is also possible that further community/stakeholder engagement on a potential alternate site for Zoetrope could result in another community identified/nominated site.

#### Considerations for relocation

Other matters which need to be considered in respect of the potential relocation of the Zoetrope include:

1. The 2021 Flood Damage Assessment Report for the Rocks Ferry area highlights the severe impact of the flood on the area, including the current sculpture site. If removal of the sculpture is proposed, a risk assessment must be conducted including assessment by a qualified soil competent geo technician. This will determine if the site is safe for equipment to access the site and remove the sculpture.
2. Artist engagement: The Zoetrope was designed and developed specifically for the current site by local artist, Stephen Gale. The artist has made representations to Councillors advocating against the relocation of the sculpture previously. Council must comply with procedures set out in section 195AT of the Copyright Act 1968 (Cth) in terms of Artist notification, should it be proposed that the sculpture is relocated or removed.
3. Further community engagement (refer engagement section below).
4. Engagement with the local Aboriginal community, including elders, who have been closely involved with the development of the sculpture (refer below).
5. Engagement with and approval by the NSW Government as the project funding body, will be required. The funded project proposal focused on a walkable sculptural trail along the river precinct. Any relocation away from this precinct could be perceived as a change in project scope, and would likely weaken the original intent (ie connection of all pieces on the riverside trail). The funding body will need to be engaged on any proposed change including any local issues or cultural sensitivities.
6. Review potential site locations to determine their suitability in terms of land zoning, SEPP approval pathway, road reserve and traffic safety approvals (including a Section 138 if required) and a Review of Environmental Factors assessment report (REF), accessibility and Crime Prevention Through Environmental Design (CPTED) Principles.
7. Resources required for relocation - staff cost, approvals, removal and re-siting costs totalling an estimated \$9,000-\$16,500 and including:
  - \$300 - risk assessment
  - \$200 - removal and re-installation of signage
  - \$1,000 - clear and prepare new site for installation
  - \$3,000 - construction of concrete pad
  - \$1,500 - removal, crane, transport and reinstallation of sculpture
  - \$3,000 - new pathway to sculpture site



- \$7,500 - retaining/terracing work (would be required for a sloping site in Rocks Ferry Reserve).

#### Local Aboriginal Engagement

Since the initial representation to Council by an adjacent property owner last year to remove the sculpture, Members of the Bunyah Local Aboriginal Land Council have advocated that the current location of the Zoetrope is the most appropriate site for the piece, noting the changing direction of the sun to illustrate the stories and the connection between the river and land which is important to the local Aboriginal people. They note the importance of the sculpture as a way to educate our community on our local history, and that the artist worked with the eldest of the Elders in the community to create the artwork. Representations from the Bunyah Local Aboriginal Land Council has also stated that the history and significance of the piece to the Birpai people residing in Wauchope is immeasurable and removal of the sculpture would be disrespectful and cause a great deal of angst in the community. Members of the Bunyah Aboriginal Land Council have also noted the sculpture contributes to local truth telling, which has been a focus of conversations in Council's Marrungbalbu Group and an important part of the integration of Aboriginal history as part of Council's Bicentenary Program.

#### **Options**

Council could choose to:

1. Adopt the recommendation and leave the Zoetrope Sculpture where it is; or
2. Engage broadly with community, Aboriginal community and stakeholders to determine if there is another appropriate site for the Zoetrope; or
3. Resolve in some other manner.

This report recommends option 1.

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

##### Internal engagement

Internal engagement has taken place with the following stakeholders:

- Group Manager Economic & Cultural Development
- Group Manager Community
- Cultural Development Officer
- Senior Landscape Architect
- Community Engagement Manager
- Community Inclusion Team Leader
- Destination and Cultural Development Manager
- Transport & Stormwater Engineer Planning Manager
- Parks & Open Spaces Coordinator
- Grants Officer



**Community Engagement**

The impact of this project has been determined as moderate due to its site specific nature and individual/groups involved. Should a decision be made to move the Zoetrope, some individuals and groups in the community will require more knowledge, input and/or involvement, and as such community participation will form part of the project. It will also require some careful engagement with key groups.

A Community Engagement Plan would reflect the need to obtain public feedback on the alternatives to help inform the decision making process. The Plan would listen to and acknowledge the community concerns, experiences and feedback, keep the community informed throughout the process and provide feedback on how public input influenced the decision.

Engagement would involve a range of methods potentially including, but not limited to, meetings (potentially on site), fact sheet, posters, website page, social media post and survey. This would ensure that community are made more aware of the project and we can seek input from a broad range of community members as well as key stakeholders.

**Planning and Policy Implications**

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

**Financial and Economic Implications**

The Wauchope Riverside Bicentenary Sculpture Trail was funded by the NSW State Government Stronger Country Communities Fund. The project timing and delivery was impacted by the COVID 19 outbreak, and severely impacted by the March 2021 flood event. There is \$10,542 funds remaining for finalisation of an audio guide and launch event. The grant has not been fully acquitted, any alterations to the project will need to be discussed with and approved by the funding body.

Should Council resolve to relocate the sculpture, funding will need to be identified within Council budgets to cover these costs (estimated at \$9,000 to \$16,500 depending on the chosen site).

**Attachments**

Nil

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**Item: 12.04**

**Subject: NOTICE OF MOTION - WAUCHOPE SHOWGROUND - WAIVER OF FEES**

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

**RECOMMENDATION**

**That Council:**

- 1. Note the community value of the Port Macquarie-Hastings Showgrounds in Wauchope, Kendall and Comboyne which have been utilised more recently in emergency situations of bushfire and floods.**
- 2. Note the economic activity of the abovementioned Showgrounds outside of these times, that positively contributes to the local economy and the viability of the region.**
- 3. Note the request from Wauchope Show Society for an increase in primitive camping sites and correspondence dated 11 December 2019.**
- 4. Waive any developer contributions applicable under the Environmental Planning and Assessment Act 1979 and the Water Management Act 2000 for the establishment of five additional primitive campsites at the Wauchope Showground to bring the total number of primitive campsites to 21 for the purpose of waiving developer contributions.**
- 5. Note that the Wauchope Showground Society is responsible for obtaining the necessary approvals for the five additional primitive campsites for the contributions waiver to take effect.**

**Comments by Mayor (if provided)**

Nil.

**Attachments**

Nil

# 3 Your Business and Industry

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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

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**Item:** 13.01

**Subject:** ROAD CLOSURE AND SALE OF LAND - PART FORMER  
RIVERSIDE DRIVE, RIVERSIDE

**Presented by:** Community, Planning and Environment, Melissa Watkins

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### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. Pursuant to Section 38D of the *Roads Act 1993* publish a Notice in the *NSW Government Gazette* to close that part of the former alignment of Riverside Drive situated within Lot 6 Deposited Plan 215928 (11 Riverside Drive).
2. Vest the land in the closed road in Council as operational land.
3. Sell the land in the closed road to the owner of Lot 6 Deposited Plan 215928 at a value to be determined by Council's Consulting Valuer upon publication of the Notice in the *NSW Government Gazette*.
4. Reaffirm that all costs associated with the road closure and sale are the sole responsibility of the owner of Lot 6 Deposited Plan 215928.

### Executive Summary

The purpose of this report is to consider the closure and sale of part of the former alignment of Riverside Drive situated within 11 Riverside Drive, Riverside.

### Discussion

Riverside Drive was first created as a public road in September 1962 on registration of a plan of land subdivision being Deposited Plan 215928. The road bisected numerous properties and was realigned in June 1982 by a Notice of road opening published in the NSW Government Gazette.

Notwithstanding the 1982 realignment which is the current alignment of the constructed Riverside Drive, the land in the 1962 alignment continued as public road. In effect, there were two alignments of Riverside Drive.

Since 1982, the owners of the blocks bisected by the original 1962 alignment have sought to close the road and include it within their land holding. The owner of 11 Riverside Drive (Lot 6 Deposited Plan 215928) is now seeking to close the road as it currently bisects Lot 6. The location of the road sought for closure is shown in **Attachment 1**.

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

- (a) The road is not reasonably required as a road for public use (whether for present or future needs), and
- (b) The road is not required to provide continuity for an existing road network, and
- (c) If the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.

It is considered that the proposed road closure meets the above conditions.

### **Options**

There are the options to:

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

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

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

- Owners of land adjoining the road, and
- Statutory Authorities, and
- The public. This is achieved by notification on Council's website.

At the conclusion of the notification period, no objections to the proposed closure were received.

### **Planning and Policy Implications**

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

### **Financial and Economic Implications**


If Council resolves to publish a notice of Road Closure, the land within the closed road is able to be sold to the owner of Lot 6 Deposited Plan 215928. The value of land in the closed road is determined by Council's Consulting Valuer once the Notice of Road Closure has been published. Due to the often considerable time lag in preparation of a road closure survey plan and its registration at NSW Land Registry Services, assessment of market value is left until the publication of the Notice of Road Closure to ensure that Council receives the current market value of the land.

The costs incurred in the preparation and registration of the survey, and costs associated with the sale are met in full by the road closure applicant. The net proceeds from the sale of the land in the closed road are to be spent either on road

maintenance or the acquisition of land for road purposes as stipulated by Section 43 of the *Roads Act 1993*.

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

**Attachments**

1.  Attachment 1 Location of Road Sought for Closure



# 4 Your Natural and Built Environment

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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



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**Item: 14.01**

**Subject: DRAFT JOINT INTEGRATED TRANSPORT NETWORK PLAN**

**Presented by: Community Infrastructure, Dan Bylsma**

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council:**

- 1. Note the information provided in this report.**
- 2. Request a report to the 19 May 2022 Council meeting presenting the Draft Joint Integrated Transport Network Plan for public exhibition.**

### **Executive Summary**

The draft Joint Integrated Transport Network Plan sets out the short, medium and long term transport priorities across the Local Government Area to ensure all aspects of transport planning and funding priorities are aligned across all levels of Government.

The draft Plan is being developed in line with several key planning projects and in conjunction with Transport for NSW as the State road authority.

### **Discussion**

Port Macquarie is identified as a Regional City in the NSW Governments North Coast Regional Plan and is one of the fastest growing regional centres in NSW. The local road network has limited capacity to continue to facilitate and respond to a fast rate of growth. Critical elements of the network are already experiencing reduced levels of service, as identified in a range of previous studies and traffic assessments.

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

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*12.08 INTEGRATED STRATEGIC TRANSPORT NETWORK PLAN UPDATE*

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*THE MOTION WAS PUT AND CARRIED*

*RESOLVED: 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 Highway 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 Highway / 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

Development of a Joint State and Local Government Integrated Transport Network Plan is critical to ensuring all aspects of transport planning and ultimately, the required funding priorities are aligned.

In January 2022, the newly elected Council resolved to discontinue any investigations, planning and funding for new roads and vehicular links within the determined Orbital Road Corridor, and remove any reference to this in all infrastructure related planning documentation. In addition, work is currently underway to develop a draft Port Macquarie-Hastings Blueprint, which will include roads and traffic management.

In light of this, finalisation of the draft Integrated Strategic Transport Network Plan has been delayed to ensure alignment with the newly elected Council's reform agenda, future planning and strategic vision.

It is proposed at this time that the draft Plan be presented to the 19 May 2022 Council meeting to allow for a Councillor workshop and broader feedback opportunities prior to the draft Plan being exhibited for public comment.

### Options

Council may choose to agree with the recommendations as proposed, or in some other manner.



**Community Engagement and Internal Consultation**

Internal consultation has been undertaken with the following staff:

- Chief Executive Officer
- Mayor
- Deputy Mayor
- Director Community Infrastructure
- Group Manager Infrastructure Planning and Design
- Transport and Stormwater Engineering Planning Manager

**Planning and Policy Implications**

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

**Financial and Economic Implications**

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

**Attachments**

Nil

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**Item:** 14.02

**Subject:** NEW EMPLOYMENT LANDS ZONES - TRANSLATION TO PORT  
MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011

**Presented by:** Community, Planning and Environment, Melissa Watkins

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

1. **Note the proposed employment zones translation of the Port Macquarie-Hastings Local Environmental Plan 2011 Business (B) and Industrial (IN) land use zones to the Standard Instrument (Local Environmental Plans) Order 2006 Employment (E) zones as detailed in this report.**
2. **Note that the NSW Department of Planning and Environment will lead the public exhibition of proposed amendments to Council's LEP employment zones in April 2022 and this will be done by a self-repealing State Environmental Planning Policy Explanation of Intended Effect.**
3. **Receive a further report following public exhibition to endorse the final employment zones translation (as approved by the Department) for the Port Macquarie-Hastings Local Environmental Plan 2011.**
4. **Provide a copy of this report to the NSW Department of Planning and Environment.**

### **Executive Summary**

The purpose of this report is to provide an overview on the State Government's new employment lands (business and industrial) framework, and advise Council how the current land use zones and provisions in the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP 2011) will translate to the new employment zones.

The NSW planning system has been a key lever for the NSW Government in responding to and recovering from the COVID-19 pandemic, and the State Government has introduced a suite of planning reforms with the aim of delivering a better planning system for the state.

Port Macquarie-Hastings Council has been the beneficiary of these reforms with commenced LEP provisions for flood prone land, and a grant of \$3 million in open space funding under the *Public Spaces Legacy Program*.

On 1 December 2021, the NSW Government introduced new employment zones through an amendment to the *Standard Instrument (Local Environmental Plans) Order (2006)* (SI LEP Order). The new employment zones, when implemented to



Council's LEP, will translate the existing Business (B) and Industrial (IN) zones to the new Employment (E) zones.

The number of Business and Industrial zones in the Standard Instrument will be reduced and replaced with five (5) new employment zones and three (3) supporting zones under the Standard Instrument LEP Order. The government has developed the new employment zones framework to maximise productivity while minimising land use conflicts, address current barriers within the planning system that limit the ability of businesses to establish, expand or adapt and to support councils in the delivery of the strategic planning vision in their Local Strategic Planning Statements.

The new Employment zones names are:

- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- E4 General Industrial
- E5 Heavy Industrial

Supporting zones:

- MU1 Mixed Use
- W4 Working Waterfront
- SP4 Enterprise

The NSW Department of Planning and Environment (DPE) exhibited proposed changes to the employment zones framework in mid-2021 and are now finalising the new framework into individual local environmental plans across NSW.

Council staff have been working with the Department to review the proposed zone translation detail for the LEP 2011 business and industrial zones (land use tables, local provisions and maps). Preliminary zone translations were returned to the DPE in late January 2022, as requested by the Department.

The Department will be leading the public exhibition of proposed amendments to individual LEPs and Council will not be required to prepare a planning proposal for these amendments. This will be done by a self-repealing state environmental planning policy (SEPP) Explanation of Intended Effect (EIE) which will contain details of the LEP amendments.

The Department is proposing a centralised the public exhibition of all council LEP amendments in April for a period of six weeks. The community will be able to make a submission to the public exhibition through the NSW Planning Portal.

This report recommends that Council note the proposed employment zones translation detail for the Port Macquarie-Hastings Local Environmental Plan 2011 Business (B) and Industrial (IN) land use zones, for public exhibition by the DPE.

**Discussion**1. Standard Instrument Principal Local Environmental Plan (2006)

The Department of Planning and Environment (the DPE) is reforming the employment focused zones under the *Standard Instrument Principal Local Environmental Plan (2006)* (SI LEP). The SI LEP currently includes a total of 12 employment zones, comprising eight business (B) zones and four industrial (IN) zones.

These reforms were announced as part of the NSW Budget in November 2020, and build on ongoing work by the Department, reviews by both the Australian and NSW productivity commissions and broader planning reforms to support economic growth and productivity.

In particular, the NSW Productivity Commission recommended to rationalise the number of employment zones in the NSW planning system and to increase flexibility within the new zones to expand the land uses that are permitted.

2. What is an employment zone?

An employment zone is a zone in which the primary objective is to promote employment-generating activities.

Other zones including the rural, special purpose and residential zones, whilst they may permit employment generating activities, these are secondary to their primary objectives. The Department's review has focussed on the current Business (B) and Industrial (IN) zones, as well as a review of the application of the RU5 Village zone in regional areas, as the RU5 often operates as an employment zone. No changes are proposed to the RU5 zone.

3. State Government's new employment zones

On 1 December 2021, the NSW Government introduced new employment zones to the *Standard Instrument (Local Environmental Plans) Order (2006)* (SI LEP Order). The *Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021* introduces a total of eight (8) new land use zones, comprising five (5) new employment zones and three (3) supporting zones. A copy of the amending order is at **Attachment 1**.

The new employment zones and supporting zones are listed in Table 1 below:

Employment Zone	Supporting Zone
E1 Local Centre	MU1 Mixed Use
E2 Commercial Centre	W4 Working Waterfront
E3 Productivity Support	
E4 General Industrial	
E5 Heavy Industrial	

Table 1: State Government's new employment zones

The amending order prescribes the objectives of each zone and specifies the land uses which are 'Permitted with consent'. These are mandatory and Council is not able to change these, however it can supplement the zone objectives (where justification is provided) and identify other land uses which are 'Permitted with consent' and 'Prohibited'.

The order also makes a range of amendments to the SI LEP including the renaming of 'Environmental Protection Zones' to 'Conservation Zones'; consequential changes to LEP provisions due to the new employment and conservation zones; new and amended land use terms, and provides that the current Business (B) and Industrial (IN) zones will be repealed from the SI LEP Order on 1 December 2022.

#### 4. PMH LEP 2011 current business and industrial zones

Port Macquarie-Hastings LEP 2011 commenced on 23 February 2011 and contains a total of 10 employment zones, comprising six (6) business (B) zones and four (4) industrial (IN) zones.

The current business and industrial zones and locations are listed in Table 2 below:

Port Macquarie-Hastings Local Environmental Plan 2011	
Land Use Zone	Location/ site
<b>BUSINESS ZONES</b>	
B1 Neighbourhood Centre*	Clifton Drive shops Flynn's Beach shops High St, Wauchope (Timbertown) Kendall Lake Cathie North North Haven Partridge Creek (undeveloped) Rainbow Beach (undeveloped) Sovereign Drive, Thrumster (partly undeveloped) Waniora shops Watonga shops West Lindfield (undeveloped)
B2 Local Centre	Bonny Hills Gordon Street commercial Lake Cathie Lake Innes Lakewood Shopping Centre Lighthouse Plaza Rainbow Beach (undeveloped) Sovereign Hills Town Centre (part) Wauchope Town Centre Laurieton Town Centre
B3 Commercial Core	Port Macquarie CBD Settlement City
B4 Mixed Use	Beechwood Rd, Wauchope

Port Macquarie-Hastings Local Environmental Plan 2011	
	Kew Town Centre Laurieton (part) Lord Street Munster St shops Rainbow Beach east (undeveloped) Sovereign Hills Town Centre
B5 Business Development	Lake Road Hastings River Drive John Oxley Drive (Bunnings site) Sovereign Hills Town Centre (part)
B7 Business Park	Port Macquarie Airport Business Park
<b>INDUSTRIAL ZONES</b>	
IN1 General Industrial	Fernbank Creek Road Kendall (Steinmetz Lane) Lake Road Partridge Creek, Thrumster (undeveloped) Sancrox industrial Wauchope
IN2 Light Industrial	Fernbank Creek Road Holland Drive/ Lindfield Park Road (undeveloped) Houston Mitchell Drive (undeveloped) Kew (undeveloped) Laurieton (Bayside Circuit) Sancrox industrial Thrumster industrial (undeveloped) Wauchope
IN3 Heavy Industrial	Herons Creek
IN4 Working Waterfront	Birdon Marine Laurieton

Table 2: Current business and industrial zone locations in PMH LEP 2011

5. Proposed translation of LEP 2011 business and industrial zones to the new employment zones

To progress the translation to the new employment zones, in mid November 2021 DPE provided a preliminary translation of Council's LEP Business (B) and Industrial (IN) zones including land use tables. Council staff have reviewed DPE's translation and the preliminary translation detail was returned to the DPE in late January 2022, as requested by the Department.

The DPE will prepare the LEP amendments on behalf of Council to give effect to the new employment zones and will coordinate the public exhibition. At the time of

finalising this report, Council had not been provided with the draft LEP amendments to review.

The following sections of the report outline the detail of the proposed translation including the conversion of the LEP to the new employment zones, land use tables, proposed amendments to local planning provisions and site specific matters.

#### Land Use Zones

Table 3 below shows how Council's LEP 2011 business and industrial zones will be translated to the new employment zones, and the strategic intent of the new zones.

Port Macquarie-Hastings Local Environmental 2011		
Current LEP employment zone	Proposed LEP employment zone	Strategic intent of new zone
<b>BUSINESS ZONES</b>		
<b>B1 Neighbourhood Centre</b>	E1 Local Centre	<ul style="list-style-type: none"> <li>To provide centres of all size and scales that offer:</li> <li>a diversity of retail, business, office, community, accommodation and entertainment uses to the community</li> <li>a focus for active vibrant communities to come together</li> <li>employment opportunities in accessible locations</li> <li>where available, a focus for public transport</li> </ul>
<b>B2 Local Centre</b>		
<b>B3 Commercial Core</b>	E2 Commercial Centre	<ul style="list-style-type: none"> <li>To provide commercially focused centres that offer:</li> <li>a diversity of retail, business and office uses, with entertainment, community and other suitable land uses for the wider community</li> <li>a focus for active vibrant communities to come together</li> <li>where available, public transport nodes</li> <li>employment opportunities in accessible locations</li> </ul>
<b>B4 Mixed Use</b>	MU1 Mixed Use	<ul style="list-style-type: none"> <li>To support a mix of compatible land uses including residential,</li> </ul>



Port Macquarie-Hastings Local Environmental 2011		
		<p>commercial and light industrial</p> <ul style="list-style-type: none"> <li>• To transition between uses (e.g. a centre and another land use such as residential)</li> <li>• To apply to mixed use centres, along corridors, or surrounding centres where genuine mixed uses are sought</li> <li>• Can continue to be applied to existing B4 areas that are primarily residential</li> <li>•</li> </ul>
<b>B5 Business Development</b>	E3 Productivity Support	<ul style="list-style-type: none"> <li>• To provide land and floor space for:</li> <li>• a range of urban or rural services that cater to and support the local population and businesses</li> <li>• businesses not suited to a centre location</li> <li>• industries and activities that are lower on the land value hierarchy than retail and commercial office uses</li> <li>•</li> </ul>
<b>B7 Business Park</b>	SP4 Enterprise	To support unique areas that require tailored land use planning
<b>INDUSTRIAL ZONES</b>		
<b>IN1 General Industrial</b>	E4 General Industrial	To provide suitable land and floor space for a range of industrial activities
<b>IN2 Light Industrial</b>		
<b>IN3 Heavy Industrial</b>	E5 Heavy Industrial	<ul style="list-style-type: none"> <li>• To provide suitable areas for industries that need to be separated from other land uses</li> <li>• To minimise the impact of heavy industry on other land uses</li> <li>• To protect land suited to heavy industries.</li> <li>•</li> </ul>
<b>IN4 Working Waterfront</b>	W4 Working Waterfront	To provide suitable protections for working



**Port Macquarie-Hastings Local Environmental 2011**

		waterfront areas that are adjacent to waterways
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Table 3: Proposed translation of LEP 2011 business and industrial zones to new employment zones

Some key changes to the employment zones under the state planning reforms are:

- There is an increase in the land uses which are being mandated as 'Permitted with consent' in each employment zone under the SI LEP Order. Council can add to the permitted land uses however cannot remove the state uses.
- There will no longer be a B1 Neighbourhood Centre zone and all neighbourhood centres will be zoned to E1 Local Centre and inherit the land uses of the higher order zone in Council's business hierarchy
- There will no longer be a IN2 Light Industrial zone and all light industrial areas will be zoned to E4 General Industrial and inherit the land uses of the higher order zone.
- The B5 Business Development zone, which provides locations for bulky goods retailing in our LGA will translate to a E3 Productivity Support zone. The E3 zone will allow a range of urban services including office premises (which the B5 zone prohibits) and Council is seeking a provision to be included in the LEP to limit the amount of office space allowed in this zone to protect the primacy of the Port Macquarie CBD.

Council's *Urban Growth Management Strategy 2017-2036* (UGMS) identifies the Port Macquarie CBD at the top of the business centres hierarchy, in recognition of its role as the primary business and service centre in the Port Macquarie-Hastings.

- The B7 Business Park zone which applies to the Port Macquarie Airport Business Park lands is proposed to translated to a SP4 Enterprise zone. There is no equivalent B7 Business Park zone available in the new employment zones and the Department has advised that the SP4 Enterprise zone is suitable for the site. The SP4 zone will replicate the existing B7 zone in terms of zone objectives, permissible and prohibited land uses.

#### Land Use Tables

**Attachment 2** to this report provides a draft comparison of the existing PMH LEP 2011 Business (B) and Industrial (IN) zone Land Use Tables and the proposed Employment (E) zone Land Use Tables.

The table shows how the Objectives of each zone, Permitted without consent, Permitted with consent and Prohibited land uses are proposed to change under the employment lands reforms. This comparison has been prepared by Council staff and is based upon the preliminary translation of the employment zones land use tables prepared by DPE.

The DPE will be preparing the legal amendments to LEP 2011 on behalf of Council to give effect to the new employment zones and this will provide confirmation of the land use tables (zone objectives, permissible land uses and prohibited land uses) for each zone. At the time of finalising this report, Council had not been provided with

the draft LEP amendments for review, however it is anticipated this will occur prior to public exhibition occurring.

Key changes to permissible land uses (including new State mandated uses and land uses added by Council) in the new employment zones are highlighted in Table 4 - please refer to **Attachment 2** for further details.

Port Macquarie-Hastings Local Environmental 2011			
Current LEP employment zone	Proposed LEP employment zone	New permissible land uses (Mandated)	New land uses added by Council
<b>BUSINESS ZONES</b>			
<b>B1 Neighbourhood Centre</b>	E1 Local Centre	Entertainment facilities	Tourist and visitor accommodation (currently prohibited)
		Function Centres	
		Local distribution premises	Artisan food and drink industry
		Specialised retail premises	
<b>B2 Local Centre</b>		Local distribution premises	
<b>B3 Commercial Core</b>	E2 Commercial Centre	Local distribution premises	Early education and care facilities
		Vehicle repair stations	
		Veterinary hospitals	
		Mortuaries	
<b>B4 Mixed Use</b>	MU1 Mixed Use	Car parks	
		Light industries	
		Vehicle repair stations	
<b>B5 Business Development</b>	E3 Productivity Support	Animal boarding or training establishments	Crematoria
		Boat building and repair facilities	
		Business premises	

Port Macquarie-Hastings Local Environmental 2011			
		Hotel or motel accommodation  Industrial training facilities  Office premises  Research stations  Rural supplies  Vehicle body repair workshops  Vehicle repair stations	
<b>B7 Business Park</b>	SP4 Enterprise	Building identification signs  Business identification signs	NIL - land uses transferred from existing B7 zone.
<b>INDUSTRIAL ZONES</b>			
<b>IN1 General Industrial</b>	E4 General Industrial	NIL	Crematoria (currently prohibited)  Funeral homes
<b>IN2 Light Industrial</b>		Freight transport facilities	Crematoria (currently prohibited)  Funeral homes
<b>IN3 Heavy Industrial</b>	E5 Heavy Industrial	Industrial training facilities	Crematoria (currently prohibited)  Timber yards
<b>IN4 Working Waterfront</b>	W4 Working Waterfront	Nil - land uses transferred from existing IN4 zone	

Table 4: Key changes to permissible land uses in the new employment zones

#### LEP 2011 Local Provisions

In addition to the proposed changes to the Business (B) and Industrial (IN) zones, LEP 2011 contains a number of employment zone related Local Provisions that require amendment or updating as a consequence of the employment zones reforms.

These clauses are:

7.11 Development in Zone B1 Neighbourhood Centre

- (1) The objective of this clause is to ensure that proposed large commercial premises are located within the Greater Port Macquarie Central Business District and other local centres in the region, other than in Zone B1 Neighbourhood Centre.*
- (2) Development consent must not be granted to development for the purposes of commercial premises on land in Zone B1 Neighbourhood Centre if the development would result in a building or premises having a gross floor area of more than 2,000 square metres.*

7.12 Development in Zone B4 Mixed Use

- (1) The objectives of this clause are to ensure that—*
  - (a) large retail premises are located in the Greater Port Macquarie Central Business District, or other identified specialty centres, other than in Zone B4 Mixed Use, and*
  - (b) retail premises in that zone remain at a compatible scale consistent with the zone objectives.*
- (2) Development consent must not be granted to development for the purposes of specialised retail premises, hardware and building supplies or shops on land in Zone B4 Mixed Use if the development would result in a building or premises that has a gross floor area of more than 250 square metres.*

7.16 Development in Zone IN4 Working Waterfront

- (1) The objective of this clause is to ensure that industrial activities proposed to be located in Zone IN4 Working Waterfront require direct waterfront access or are associated with other industrial activities that require direct waterfront access.*
- (2) Development consent must not be granted for the purpose of industry on land in Zone IN4 Working Waterfront unless the consent authority is satisfied that the relevant industrial activity requires direct waterfront access or is associated with another industrial activity that requires direct waterfront access*

The DPE has recommended to Council that these existing clauses be retained in the LEP and this is supported.

In relation to the clause *7.11 Development in Zone B1 Neighbourhood Centre*, it is proposed that this clause be amended to apply to certain E1 Local Centres (current B1 Neighbourhood Centres) to ensure large commercial premises are appropriately located in the Port Macquarie CBD or larger scale E1 Centres consistent with Council's adopted business centres hierarchy.

There is strategic planning merit in floor space restrictions on commercial premises in the smaller neighbourhood centres to protect the character and amenity of these areas, which are often situated in low density residential areas.



New clause to limit office and business space in E3 Productivity Support zone

As discussed earlier in this report, land which is zoned B5 Business Development will translate to the E3 Productivity Support zone under the employment zones reforms. The Department has advised that the strategic intent of this zone is to provide land and floor space for:

- a range of urban or rural services that cater to and support the local population and businesses
- businesses not suited to a centre location
- industries and activities that are lower on the land value hierarchy than retail and commercial office uses

The B5 zone applies to extensive tracts of land along Hastings River Drive and Lake Road frontage in Port Macquarie, and also along John Oxley Drive (Bunnings site) and at Thrumster (vacant) adjoining the Sovereign Place Town Centre. These areas are identified as locations for 'bulky goods retail' in Council's adopted business centres hierarchy and office and business premises are prohibited under the LEP.

The E3 zone mandates a number of land uses as permitted with consent which are currently prohibited in the B5 zone including: Animal boarding or training establishments; Boat building and repair facilities; **Business premises**; Hotel or motel accommodation; Industrial training facilities; **Office premises**; Research stations; Rural supplies; Vehicle body repair workshops and Vehicle repair stations. As these uses are mandated under the SI LEP Order, Council is not able to remove them from the land use table.

Council staff have expressed their concern to DPE about the permissibility of **office premises and business premises** in this zone and the impact this could have on the Port Macquarie CBD. The commercial zoning of the town centre recognises its role as the primary business and service centre for the Port Macquarie-Hastings.

The Department has agreed to Council's request to have a new local provision in the LEP to limit the amount of office and business floor space in the E3 Productivity Support zone so as to protect the primacy of the Port Macquarie CBD and business centres hierarchy.

The Department will work further with Council to draft the intent of the above LEP clauses, which will be included as part of the public exhibition of the state environmental planning policy (SEPP) Explanation of Intended Effect.

Other matters

There are a number of other matters which have arisen as a result of the employment lands translation planning process including:

a. LEP Schedule 1 - Additional permitted use

It is proposed that Schedule 1 - Additional Permitted Use of the LEP be amended to delete Item 6 below, and the additional uses of *agricultural produce industry, artisan food and drink premises* and *cellar door premises* be inserted as permissible with consent in SP3 Tourist zone.

6 Use of certain land at 764 Fernbank Creek Road, Fernbank Creek

- (1) *This clause applies to land at 764 Fernbank Creek Road, Fernbank Creek, being that part of Lot 10, DP 1185123 that is in Zone SP3 Tourist, shown as "Item 6" on the Additional Permitted Uses Map.*
- (2) *Development for the purposes of agricultural produce industry, cellar door premises and light industry (being a brewery) is permitted with development consent.*

Insertion of these land uses in the SP3 Tourist zone is supported at a local level in Council's strategic directions and in the North Coast Destination Management Plan, as follows:

PMH 2017-2021 Economic Development Strategy (current):

Strategic Objective 5: Providing the Foundations: Ensure appropriately zoned land and precinct planning to encourage business investment and the development of new industries.

PMH 2020-2024 Destination Management Plan:

2.10 Ensure tourism is considered as an important part of Council strategic land use, community and infrastructure planning to attract quality tourism and hospitality investment and provide exceptional experiences for visitors and the community across towns, villages and hinterland.

2018-2021 North Coast Destination Management Plan:

Third of the seven priority Experience Platforms for visitor attraction is Food and Local Produce:

Opportunities for visitors to purchase and taste local produce in our restaurants, markets, cafes and farms.

**b. Future strategic planning work for business centres**

The review of Council's business and industrial areas which has been undertaken as part of the translation work has identified that future strategic planning is needed by Council in relation to a number of existing centres including:

1. Shelly Beach shops – the land is currently zoned R1 General Residential and the shops are identified as a Local Centre in Council's business centres hierarchy.
2. Flynns Beach centre – part of the centre is currently zoned R3 Medium Density (containing a bottle shop/ newsagency and medical centre) and it would be desirable to consolidate a commercial zoning for the centre.
3. Kew centre – this centre is currently zoned B4 Mixed Use. It is an active centre which functions more as a local centre service role with mix of uses and is identified in Council's business centres hierarchy as a Local Centre.

The Department has advised that additional strategic planning work would need to be undertaken for these centres as a planning proposal, separate to the employment lands translation process.

**Options**

1. Take no action - *Port Macquarie-Hastings LEP 2011* would likely be updated in accordance with the Standard LEP Order by the DPE, and there would be no



opportunity for Council to request amendments. The current Business (B) and Industrial (IN) zones will be repealed from the SI LEP Order on 1 December 2022.

2. Resolve to adopt the translation of Council's LEP 2011 Business (B) and Industrial (IN) zones to the new employment lands zone framework as advised in this report and advise DPE accordingly.
3. Resolve to adopt the translation of Council's LEP 2011 Business (B) and Industrial (IN) zones to the new employment zones with changes and advise DPE accordingly.

Option 2 is recommended.

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

Internal consultation has been undertaken with Council's development services, economic development and property staff in reviewing the employment zones translations.

As mentioned earlier in this report, the DPE will be leading the public exhibition process for the employment zones translations on behalf of NSW councils in accordance with their Community Participation Plan prepared under the *Environmental Planning and Assessment Act 1979*. The public exhibition is anticipated to commence in April 2022 for six (6) weeks. The community will be able to make a submission to the proposed changes via the NSW Planning Portal.

Following public exhibition, the Department will review any submissions received with assistance from Council, and Council will receive a further report to endorse the final employment zones translation.

### **Planning and Policy Implications**

As the Department will be leading the public exhibition of proposed amendments to individual LEPs, Council will not be required to prepare a planning proposal to introduce the new employment zones and local provisions into LEP 2011. This will be done by a self-repealing state environmental planning policy (SEPP) Explanation of Intended Effect (EIE) which will contain details of the amendments to Council's LEP.



It is expected the new employment zones will commence in November 2022. The amendment to the SI LEP Order repeals the current Business (B) and Industrial (IN) zones will on 1 December 2022 and they will no longer be available to use.

Consequential amendments to Council's Development Control Plan (DCP) 2013 will be required to refer to the new employment (E) zones. Council's property and mapping systems, website, as well as planning certificates will require updating when the new employment zones take effect.

### **Financial and Economic Implications**

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

**Attachments**

1.  Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021
2.  Draft - Comparison of existing PMH LEP 2011 Business and Industrial Zones to new State Employment Zones - March 2022

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Item: 14.03

Subject: AMENDMENT TO PORT MACQUARIE-HASTINGS LOCAL  
ENVIRONMENTAL PLAN 2011 - STATE GOVERNMENT PLANNING  
AMENDMENTS FOR AGRITOURISM

Presented by: Community, Planning and Environment, Melissa Watkins

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

That Council:

1. Adopt the Draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 for inclusion in the Port-Macquarie-Hastings Local Environmental Plan 2011, when made.
2. Notify the NSW Department of Planning and Environment of its decision to opt-in to the 'Draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021', including:
  - a) Permitting agritourism with development consent in the following land use zones of the Port Macquarie-Hastings Local Environmental Plan 2011:
    - i) RU1 Primary Production
    - ii) RU2 Rural Landscape
    - iii) RU5 Village
    - iv) SP3 Tourist
  - b) Maintaining the current permissibility of farm stay accommodation without variation in the Port Macquarie-Hastings Local Environmental Plan 2011.
  - c) Clause 5.23 - Farm stay accommodation, when made, to include the following controls:
    - i) A maximum 200m<sup>2</sup> gross floor area for a building used for farm stay accommodation for the purpose of Clause 5.23(2)(b);
    - ii) A maximum number of 20 guests for the purpose of Clause 5.23(2)(a)(ii);
    - iii) A maximum of 6 moveable dwellings for the purpose of Clause 5.23(2)(d).
  - d) Clause 5.24 - Farm gate premises, when made, to include the following controls:
    - i) A maximum of gross floor area of 200m<sup>2</sup> for farm gate premises for the purpose of clause 5.24(2)(a);
    - ii) A maximum of 50 persons for the purpose of clause 5.24(2)(b).
3. Note implementation of the Draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 by the NSW

**Department of Planning and Environment will be through an amending State Environmental Planning Policy later in 2022.**

**Executive Summary**

This report provides an update on the NSW Department of Planning and Environment's (DPE) changes to the NSW planning system to promote agritourism and support regional NSW in the wake of natural disasters and the COVID-19 pandemic. The changes are relevant across the state and as such, DPE will amend the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP) to implement the changes.

The changes will be implemented through an amendment to the Standard Instrument Order 2006 (*Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 - the SI Agritourism Order*) under the *Environmental Planning and Assessment Act 1979* (EP&A Act), which will amend every Standard Local Environmental Plan in NSW.

The Standard Instrument (SI) Agritourism Order includes optional clauses for farm stay accommodation and farm gate premises, with associated development standards, and new or revised land use definitions. A copy of the Draft SI Agritourism Order 2021 is included in **Attachment 1**. Council is required to nominate whether it wishes to adopt these proposed clauses into its LEP or not.

The proposed changes to the LEP are summarised as follows:

1. Increasing the minimum area for '*roadside stalls*' to 9m<sup>2</sup>, with the maximum area remaining at 20m<sup>2</sup>.
2. Increasing biosecurity controls / buffers to pig farms and poultry farms by mandating minimum distances.
3. Include new land use terms for '*agritourism*', '*farm gate premises*', and '*farm experience premises*' within the LEP dictionary. The new land use of '*Agritourism*' will be a type of Agriculture in the dictionary and includes '*farm gate premises*' and '*farm experience premises*'.
4. Changes to the existing definition of '*farm stay accommodation*' will permit temporary accommodation in buildings and moveable dwellings.
5. 'Farm stay accommodation' is currently a permitted land use in the RU1 Primary Production, RU2 Rural Landscape and SP3 Tourist zones. The objectives of the new clause 5.23 Farm Stay Accommodation, is to permit diversification of uses on agricultural land without impacting the primary production, environmental, scenic qualities of that land and adjoining land uses. If clause 5.23 is not adopted, farm stay accommodation will continue to be permissible with consent with limited scope.
6. 'Farm gate premises' is a new land use term and Council can nominate the zones for preferred permissibility. The objectives of the new clause 5.24 Farm Gate Premises are to permit small scale tourism and related commercial uses on land used for primary production, without impacting on the primary production, environmental, scenic qualities of that land and adjoining land uses.

Farm gate activities will initially be permissible in the zones wherever 'agriculture' is currently permissible.

7. The land use term '*cellar door premises*' will no longer be a type of '*retail premises*' and will be included within the definition of '*farm gate premises*'.

If Council decides not to support the proposed recommendations of this Planning Proposal, the standard provisions within the SI Agritourism Order will be implemented through a State Environmental Planning Policy (SEPP).

It is considered that the implementation of the new provisions as amended, will provide primary producers with additional income sources to enable them to be more resilient following natural disasters and the economic impacts of the COVID-19 pandemic. The new provisions will also provide opportunities for sustainable tourism as outlined in regional plans.

This report recommends that Council formally nominate to adopt the new clauses, 5.23 *Farm stay accommodation* and 5.24 *Farm gate premises*, subject to amendments, including specific land use zones and numerical controls.

If adopted, Council's response will be forwarded to the DPE to inform the drafting of amendments to the LEP through an amending SEPP later in 2022.

### Background

As part of COVID-19 recovery measures announced by the NSW State Government in March 2021, DPE proposed changes to the planning system in recognition of the many challenges faced by NSW farmers and farming communities.

In December 2021, DPE invited NSW Councils to nominate to adopt optional clauses and identify zones to permit new land uses in the LEPs for *agritourism*, *farm gate premises* and *farm experience premises*, including changes to the definition of *farm stay accommodation* and *farm gate premises*. This invitation to nominate is programmed ahead of the proposed introduction of an LEP Order in 2022 without the need for individual Councils to undertake the normal plan making processes.

The proposed introduction of '*agritourism*' into the NSW planning system is in respond to the number of natural disasters encountered in NSW. The changes will enable '*agritourism*' and small-scale agricultural development to be approved as well as simplifying planning approvals for development or activities that have no or low environmental impact. The proposed changes will provide an opportunity to increase economic viability for farms and farmers while recognising the primary productive potential of rural lands.

The draft LEP Order, when made, will amend the Standard Instrument Local Environmental Plan (SI LEP), which is the LEP on which all NSW local council LEPs are based.

### The LEP Order

Key components of the draft LEP Order include:



- Introduction of new land use terms for 'agritourism', 'farm gate premises' and 'farm experience premises'
- Changes to the definition of 'farm stay accommodation'
- Two optional clauses to be adopted:
  - Clause 5.23 - 'farm stay accommodation', and
  - Clause 5.24 'farm gate premises'
- 'Cellar door premises' will no longer be a type of 'retail premises' and will be included within the definition of 'farm gate premises'.

The matters addressed in the LEP Order and their intended effect on the LEP are as follows:

1. Minimum Area for 'roadside stalls' within Clause 5.4 Controls relating to miscellaneous permissible uses

The draft Order proposes to increase the minimum area development standard in Clause 5.4((8) for roadside stalls from 8m<sup>2</sup> - 9m<sup>2</sup> (mandated). There is no impact for LEP 2011 as the current minimum area control has previously been set by Council at 20m<sup>2</sup>.

Roadside stalls (as a type of 'retail premises') will continue to be permitted in zones RU1 Primary Production, RU2 Rural Landscape, B2 Local Centre, B3 Commercial Core, and MU1 Mixed Use.

No recommendation is required for this item.

2. Poultry Farm and Pig Farms - Clause 5.18(4)(b)(v) Intensive livestock agriculture

This subclause sets biosecurity development standards and buffers to sensitive uses adjacent to intensive livestock agriculture. The draft Order mandates the following increased minimum buffer distances to the LEP:

- 5,000m - poultry farms;
- 1,000m - pig farms and within 3,000m of another pig farm.

No recommendation is required for this item.

3. New Land Use Terms for Agritourism, Farm Gate Premises and Farm Experience Premises

The new 'agritourism' land use is included within the group term 'agriculture' and will be permissible in the land use zoned where 'agriculture' is permissible.

***Agritourism means the following -***

- (a) farm gate premises,
- (b) farm experience premises.

***Note— Agritourism is a type of agriculture.***

The new land use is specifically defined as an 'experience' or 'product' related initiative that connects visitors to a farm with agricultural products, people or places for enjoyment, education, or to participate in activities and events. This includes



tourism activities such as farm experiences, cellar doors and farm stay accommodation. These additional income opportunities are intended to assist to make farms more resilient to the economic impacts of natural disasters and other unexpected events.

The following new definitions are introduced in the draft SI Order:

**Farm experience premises** means a building or place—

- a) on a farm that is—
  - i. a primary production business, or
  - ii. on land categorised as farmland under the Local Government Act 1993, section 515, and
- b) that is ancillary to the farm, and
- c) that is used to provide visitors to the farm with small scale and low impact tourist or recreational services on a commercial basis including the following—
  - i. horse riding,
  - ii. farm tours,
  - iii. functions or conferences,
  - iv. farm field days.

**Farm gate premises** —

- a) means a building or place—
  - i. on a farm that is—
    - A. a primary production business, or
    - B. on land categorised as farmland under the Local Government Act 1993, section 515, and
  - ii. that is ancillary to the farm, and
  - iii. that is used to provide visitors to the farm with agricultural products predominantly from the farm or other farms in the region or with services or activities related to the products, including the following—
    - A. processing, packaging and sale of the products, but not the processing of animals,
    - B. a restaurant or cafe,
    - C. a facility for holding tastings or workshops, or providing information or education, related to the products, and
- b) includes **cellar door premises**.

The new land use terms are mandated and will be inserted in the LEP.

DPE proposes the preparation of a DCP to assist Council with parameters for ‘farm experience premises’.

No recommendation is required for this item.

#### 4. Changes to the Definition of Farm Stay Accommodation

Farm stay accommodation is a type of tourist and visitor accommodation.

Farm stay accommodation is currently defined in the LEP as ‘a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production’.

The definition of farm stay accommodation is proposed to be amended as follows:

***farm stay accommodation*** means a building or place -

- (a) on a farm -
  - i. that is a primary production business, or
  - ii. on land categorised as farmland under the Local Government Act 1995, section 515, and
- (b) used to provide temporary accommodation to paying guests of the farm including in buildings or moveable dwellings.

The amended definition will now include moveable dwellings as defined in the Standard Instrument Principal Local Environmental Plan (SI LEP) to facilitate small-scale camping on farms.

Farm stay accommodation will continue to be permissible where tourist and visitor accommodation is permitted, being zones RU1 Primary Production, RU2 Rural Landscape, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, and SP3 Tourist.

This report recommends:

- No change to the current permissibility of farm stay accommodation, within zones RU1 Primary Production, RU2 Rural Landscape, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, and SP3 Tourist.
- No action in relation to the new definition for farm stay accommodation as a mandated land use within the LEP.

#### 5. Optional Standard Instrument LEP Clause - 5.23 Farm stay accommodation

If adopted by Council, Clause 5.23 Farm stay accommodation will be an additional clause under Part 5 Miscellaneous provisions of the LEP. This clause will apply to development applications for farm stay accommodation.

Draft Clause 5.23 reads as follows:

#### **5.23 Farm stay accommodation [Optional]**

- (1) *The objectives of this clause are—*
  - (a) *to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and*
  - (b) *to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.*
  - (c) *[set out other objectives of the clause] - Councils may nominate additional objectives. **None.***
- (2) *Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—*
  - (a) *the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of—*
    - i. *3 times the number of bedrooms permitted under clause 5.4(5), or **(NOTE: Port Macquarie-Hastings LEP 2011***

- clause 5.4(5) currently provides for up to 4 bedrooms for farm stay accommodation, which will result in 12 guests), or*
- ii. 20 guests,
  - (b) the gross floor area of a building used to accommodate guests will not be more than [insert number no less than 60 - *Recommend 200*] square metres, and
  - (c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than [insert number no more than 20 - *Recommend 20 to ensure farm stay development is small scale, with minimal impact on farm farming operations*] at any 1 time, and
  - (d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than [insert number no more than 6 - *Recommend 6*], and
  - (e) all buildings or moveable dwellings used to accommodate guests will be—
    - i. on the same lot as an existing lawful dwelling house, or
    - ii. on a lot—
      - (A) for which a minimum size is shown for a dwelling house on the Lot Size Map, and
      - (B) the size of which is not less than the minimum size shown.
  - (3) Subclause (2)(b) does not apply if the development is the change of use of an existing dwelling to farm stay accommodation.
  - (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
    - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—
      - i. residential accommodation,
      - ii. primary production operations,
      - iii. other land uses, and
    - (b) whether the development will have significant adverse impact on the following on or near the land—
      - i. the visual amenity, heritage or scenic values,
      - ii. native or significant flora or fauna,
      - iii. water quality,
      - iv. traffic,
      - v. the safety of persons, and
    - (c) whether the development is on bush fire prone land or flood prone land, and
    - (d) the suitability of the land for the proposed development, and
    - (e) the compatibility of the development with nearby land uses.

It is recommended that Council adopt the recommendations in red above, which will introduce numerical standards that best fit Council's local strategic plans.

6. Optional Standard Instrument LEP Clause - 5.24 Farm gate premises.

If adopted by Council, Clause 5.24 - Farm gate premises will be an additional clause under Part 5 Miscellaneous provisions of the LEP. The clause will apply to development applications for farm gate premises including cellar door premises.

Draft Clause 5.24 reads as follows:

**5.24 Farm gate premises [optional]**

- (1) *The objectives of this clause are—*
  - (a) *to allow for small scale tourism and related commercial uses on land used for primary production without adversely impacting the principal use of the land for primary production, and*
  - (b) *to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.*
  - (c) *[set out other objectives of the clause]*
- (2) *Development consent must not be granted to development for the purposes of farm gate premises on a landholding unless the consent authority is satisfied that—*
  - (a) *the gross floor area of a building used for farm gate premises will not be more than [insert number no more than 200-  
Recommend 200] square metres, and*
  - (b) *the maximum number of persons that will be permitted on the landholding at any 1 time for the purposes of the farm gate premises will not be more [insert number not more than 50-  
Recommend 50] persons.*
- (3) *Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—*
  - (a) *whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—*
    - i. *residential accommodation,*
    - ii. *primary production operations,*
    - iii. *other land uses, and*
  - (b) *whether the development will have significant adverse impact on the following on or near the land—*
    - i. *the visual amenity, heritage or scenic values,*
    - ii. *native or significant flora or fauna,*
    - iii. *water quality,*
    - iv. *traffic,*
    - v. *the safety of persons, and*
  - (c) *whether the development is on bush fire prone land or flood prone land, and*
  - (d) *the suitability of the land for the proposed development, and*
  - (e) *the compatibility of the development with nearby land uses.*

It is recommended that Council adopt the changes indicated in red above, which will introduce numerical standards that best fit Council's local strategic plans.

7. Cellar door premises



Under the draft LEP Order '*cellar door premises*' will no longer be a type of '*retail premises*' and instead will be included under the definition of '*farm gate premises*'.

9. **Cellar door premises** will continue to be permissible within the relevant land use zones. The draft LEP Order will also permit '*cellar door premises*' in the land use zone where 'agriculture' is permissible.

### Options

Council's options are:

1. Do nothing. The LEP will be amended to introduce the mandatory changes without any specific local controls. This will reduce the diversification of farms and primary producer's incomes as well as their resilience to natural disasters.
2. Adopt the new clauses, Clause 5.23 - Farm stay accommodation and Clause 5.24 Farm gate premises and associated additional provisions under Part 5 Miscellaneous provisions of the LEP and advise the DPE of the decision. This will enable farms and primary producers to diversify their income to become more resilient to natural hazards, while maintaining primary production on their land as the principal use. 'Agritourism' will also enable Port Macquarie-Hastings to showcase regional specialties, unique environments and natural landscapes, while increasing the range of tourism products on offer.

Option 2 is recommended.

### Community Engagement and Internal Consultation

This report proposes that Council, following a decision, will work with DPE to determine the amendments to the LEP for 'agritourism'.

Internal consultation has been undertaken with Council's development assessment staff.

### Planning and Policy Implications

The simplified planning process for small farm business activities and low-impact agricultural development proposed is in keeping with Council's adopted vision for planning for a strong and resilient future rural economy, which is diverse, resilient and inclusive which is a key priority of Shaping our Future 2040 A Local Strategic Planning Statement for Port Macquarie-Hastings.

This report recommends that Council formally adopt the SI (Agritourism) Order 2021 provisions and notify DPE that it supports inclusion of clauses 5.23, 5.24, 5.4(5) and 5.4(8) of the LEP as amended.

When introduced the planning amendments will support farm businesses in the LGA to be more resilient in the context of future economic change and climate risk, and ensure that the LEP maintains currency and alignment with the NSW vision for sustainable tourism opportunities as outlined in regional plans.

A copy of Council's formal resolution, Agenda report and Minute will be forwarded to the DPE by 31 March 2022, if adopted as recommended.

**Financial and Economic Implications**

There are no direct financial and economic implications on Council's budget in relation to this report.

**Attachments**

1.  Draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021



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Item: 14.04

Subject: PP2014 - 10.1 - PLANNING PROPOSAL ASSESSMENT REPORT -  
11 AND 33 MUMFORD STREET, PORT MACQUARIE

Presented by: Community, Planning and Environment, Melissa Watkins

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

##### That Council:

1. Note concurrent planning reforms to introduce a new approach to rezoning applications in NSW.
2. Note extended negotiations between Council staff and the Proponent and landowners to achieve a supportable development outcome on Lot 2 DP601094 and Lot 4 DP825704, 11 and 33 Mumford Street Port Macquarie since 2017.
3. Prepare a Planning Proposal pursuant to section 3.33 of the *Environmental Planning and Assessment Act 1979* for a map only amendment to the Port Macquarie-Hastings Local Environmental Plan 2011 for part Lot 2 DP0601094 and part Lot 4 DP0825704, 11 and 33 Mumford Street, Port Macquarie which rezones the subject land from part R1 General Residential and part C2 Environmental Conservation to part B5 Business Development and part C2 Environmental Conservation and apply the following associated development standards to the land:
  - a) Minimum Lot Size of 1000m<sup>2</sup> for the B5 Business Development zone, and
  - b) Maximum Height of Buildings of 11.5m for the B5 Business Development zone.
4. Advise the proponent that a political disclosure in the format required under legislation, is required to be submitted prior to preparation and forwarding of a Planning Proposal to the NSW Government Gateway, if progressed.
5. Upon receipt of the political disclosure, forward the Planning Proposal to the NSW Department of Planning, Infrastructure and Environment for a Gateway Determination in accordance with 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.
6. Delegate authority to the Director Community, Planning and Environment to make any required minor or administrative amendments to the Planning Proposal as a result of the issue of the Gateway Determination, prior to public exhibition, should the Planning Proposal proceed through to public exhibition.

**7. Receive a further report following the public exhibition period on any submissions received.****Executive Summary**

The purpose of this report is for Council to consider a request to prepare a Planning Proposal (PP) to enable rezoning of Lot 2 DP601094 and Lot 4 DP825704, 11 and 33 Mumford Street, Port Macquarie (subject site) from part R1 General Residential and part C2 Environmental Conservation to part B5 Business Development and part C2 Environmental Conservation under the Port Macquarie-Hastings LEP 2011 (LEP).

This rezoning will enable the continuation of existing and envisaged land uses which are not permissible uses within the current R1 General Residential and C2 Environmental Conservation zones.

The application was prepared by Love Project Management and Alan Taylor (now the principal applicant), on behalf of landowners Hastings Association for Christian Education and Gantons Pty Ltd (Miedecke Auto Group).

At its Ordinary Meeting of 3 November 2021, Council noted the update to the subject PP:

- that actions had been undertaken by Council staff in relation to the PP request around key issues,
- that the PP request had remained in the same Status Category due to review of proponent information and ongoing negotiations with the proponents,
- that a development application for earthworks, land filling and vegetation removal was lodged in April 2021, and unable to be progressed on land zoned C2 Environmental Conservation,
- that there are challenges in demonstrating the strategic and site-specific merit of the proponent's proposal in accordance with the DPIE Guidelines for preparing planning proposals, the timing of information from the proponent, and continuing negotiations between proponents, their representatives and Council staff.

The Planning Proposal has strategic merit for the following reasons:

- The subject site is located in proximity to an existing B5 Business Development zone;
- The C2 Environmental Conservation zone is to be reconfigured to reflect site conditions while allowing for reasonable redevelopment for B5 Business Development land uses.

This report recommends that Council prepare and forward a Planning Proposal (PP) to the Department of Planning Industry and Environment (DPIE) Gateway to rezone Lot 2 DP601094 and Lot 4 DP825704 from part R1 General Residential and part C2 Environmental Conservation to part B5 Business Development and part C2 Environmental Conservation.

**Background**Subject Site

The subject site is commonly known as 11 and 33 Mumford Street, Port Macquarie and legally described as Lot 2 DP601094 and Lot 4 DP805704.

The site subject to this application is located on the southern side of Mumford Street. The site has a frontage of approximately 390m to Mumford Street. The subject site has an overall site area of approximately 6.2ha.

The site subject to this application is currently developed and contains a former place of public worship and ancillary meeting hall and parking on Lot 2 and an educational establishment (K-12) on Lot 4. The buildings are located on filled building platforms. Part of the subject site contains wetland and scrub vegetation. A deep man made drainage channel is located adjacent to the southern and western boundaries of the subject land which provides stormwater drainage control.

Lot 2 DP601094 is owned by Gantons Pty Ltd (Miedecke Auto Group) and is currently zoned part R1 General Residential and part C2 Environmental Conservation. The former place of public worship and ancillary meeting hall has been converted into a vehicle repair station without consent.

Lot 4 DP805704 is owned by Hastings Association for Christian Education (HACE) and is currently zoned part R1 General Residential and part C2 Environmental Conservation.

The subject site is currently zoned part R1 General Residential and part C2 Environmental Conservation under the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011.

The subject site adjoins a tennis centre, a place of public worship, residential development on large allotments and a wetland. Opposite the site on the northern side, are a manufactured home estate, Caltex Service Station, vehicle sales premises and vehicle repair station. Preserved Koala habitat is located to the south and west of the subject site.

SEPP (Coastal Management) 2018 identifies the subject land as containing coastal wetlands, located within the proximity area to coastal wetlands and coastal environment and use areas.

The subject land is located within the floodplain of the Hastings River and subject to inundation by a probable maximum flood and a 1% annual exceedance Probability flood event.

Figure 1 below indicates the existing development and extent of the R1 General Residential (pink) and C2 Environmental Conservation zoned land on the subject land.





Figure 1: The 'Site' and surrounding context

Planning Proposal

Below is a summary of the PP since its lodgement:

Date	Summary
2014	Council was approached in relation to a potential rezoning and sale of No. 11 Mumford Street. Council agreed to include the proposal in its strategic planning program. The proposal remained in draft form and was unable to progress due to gaps in information, concerns with environmental impacts and non-payment of fees.
August 2017	Council resolved that the proposal will be discontinued if the necessary information was not submitted by 16 February 2018.
February 2018	Components of information lodged. Critical information including a zoning plan, environmental assessments, koala plan of management (draft) and payment of Stage 1 rezoning fees were not included.
19 September 2018	Council resolved as part of the bi-annual PP update report, to grant the proponent an additional three months to submit the required information and if not received assessment of the PP would discontinue.
Late December 2018	Stage 1 fees paid. Information package heavily reliant on the presumption that much of the detail for determining the suitability of the site for the intended land use could be deferred until assessment of any future development application once the land is rezoned. Review of information package established the need for preparation of an updated bushfire assessment in accordance with the draft Planning for Bushfire Protection 2018 and

	consequent ecological constraints assessment and koala plan of management.
Late November 2019	A letter was sent to the proponent outlining the findings of the staff review and included an option to withdraw with a partial refund of fees, or proceed to prepare a report for Council consideration at an upcoming Ordinary Meeting. The proponent and landowners declined to withdraw, citing strong belief in the merits of their proposal.
April 2020	Proponent advised to consider significantly amending their proposal to reflect the principle that the vegetation on the site does have an environmental value and that it is currently protected in an environmental zone. Removal of the vegetation will therefore represent a 'back zoning' from an environmental perspective which is not supported and is unlikely to be supported by the NSW Biodiversity Conservation Division (BCD).
2020 and 2021	Following further negotiations during 2020 and into 2021, the proponent and Council staff discussed options, including a possible B5 Business Development zone as a more appropriate alternative to the R1 General Residential zone and with greater preservation of environmental conservation zoning than intended by the proponent.

Development Application

Development Application DA2021/257 was lodged in April 2021 Lot 2 DP601094 and Lot 4 DP825704, 11 and 33 Mumford Street for vegetation removed, drainage and earthworks to facilitate a car park for the existing education facility and expansion of the vehicle sales and repair business. This application reflects the conceptual drawings submitted with the Planning Proposal. This development application is to run concurrently with the Planning Proposal.

**DISCUSSION**

This Planning Proposal request seeks to amend the LEP to:

- reduce the extent of C2 Environmental Conservation zone across the subject site and rezone the portion of the subject site zoned R1 General Residential that contains the existing building and filled site platforms to B5 Business Development and amend the Land Zoning (LZN) Map;
- introduce a minimum lot size of 1000m<sup>2</sup> for the portion of the subject site to be zoned B5 Business Development and amend the Lot Size (LSZ) Map;
- remove the floor space ratio (FSR) of 0.65:1, associated with the portion of the subject land zoned R1 General Residential, to be consistent with the adjoining B5 Business Development land to the north and amend the FSR Map;
- introduce a maximum height of building (HOB) of 11.5m for the portion of the subject site to be zoned B5 Business Development and amend the HOB map; and
- introduce its application to Lot 2 DP601094 and Lot 4 DP825704, 11 and 33 Mumford Street, Port Macquarie



Figure 2 indicates the proposed supportable zoning layout shown in yellow over the proponents initial proposed concept (dark outline). The enhanced C2 Environmental Conservation zone recognises the existing buildings, flood platforms and adjustments to the useable proposed B5 Business Development area.

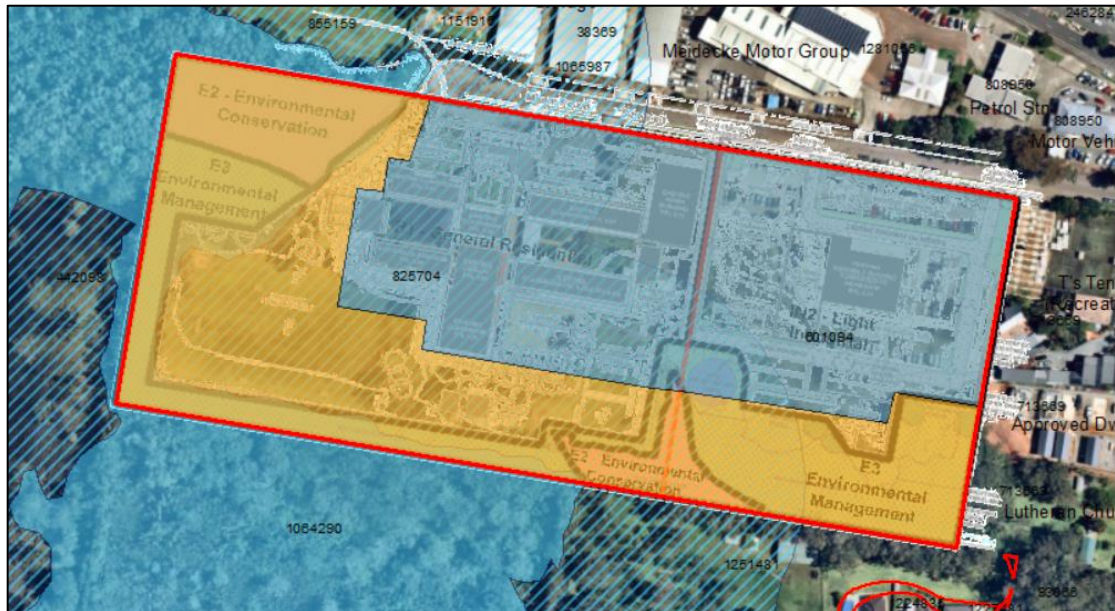


Figure 2: Proposed zone concept

An assessment of the proposal has been undertaken to inform this determination. As the proposal has strategic merit it is recommended that a Planning Proposal be prepared and forwarded to the DPE for a Gateway Determination.

### State Agency Consultation

#### Biodiversity Conservation Division (BCD)

Consideration by BCD of the DPE is relevant for changes to existing conservation zones on the subject land under the *Biodiversity and Conservation Act 2016* (BC Act).

BCD advised as part of government agency comments as part of the development application, the following recommendations:

1. *Proponents of a Planning Proposal should seek biodiversity certification of the development under the BC Act, as part of the Planning Proposal.*
2. *If biodiversity certification is not sought, then the Planning Proposal must:*
  - a. *Include site investigations of the planning area undertaken by a suitably qualified ecological consultant for the presence of high environmental value (HEV) land as per the criteria for HEV land set criteria for the North Coast Regional Plan and suggest verification methods; and*



- b. *Maximise avoiding land use intensification in confirmed areas of HEV land and protect HEV land with a suitable zone (either E2 Environmental Conservation or E3 Environmental management) and other planning controls, such as minimum lot sizes that prevent future subdivision, as part of the Planning Proposal, and*
- c. *Justify why land use intensification in some areas of confirmed HEV land cannot be avoided and design these areas to minimise the impacts of future development on HEV land, and*
- d. *Determine biodiversity credits required to offset future development impacts by applying Stage 1 of the Biodiversity Assessment Method (BAM) to areas of confirmed HEV land proposed for land use intensification, including areas subject to indirect impacts, and enter into the Biodiversity Offsets Scheme (BOS) under the BC Act and the biodiversity credits required by the BOS are greater than those required by the planning agreement.*

The proposed rezoning boundaries were amended, as indicated in Figure 2, to minimise the environmental impacts.

In relation to the latter, Port Macquarie-Hastings Council staff do not support entering into Voluntary Planning Agreement arrangements for securing biodiversity offsets as a mechanism for prevailing over the avoidance principal.

#### List of Submitted Documents

The following documentation has been submitted in relation to the Planning Proposal:

- Planning Proposal Amendment Report, Love Project Management Pty Ltd, February 2018;
- Aboriginal Cultural Heritage Assessment, Birpai Aboriginal Land Council, February 2018;
- Desktop Acid Sulphate Soils Assessment, David Pensini, 14 December 2017;
- Building Mass Diagram, AB3D Building Design, 13 February 2018;
- Bushfire Planning Report, David Pensini, 14 December 2017 and amended June 2019;
- Flood Impact and Risk Assessment, Advisian, 9 February 2018;
- Desktop Noise Impact Report, David Pensini, 14 December 2017;
- Site Plan, AB3D, 12 February 2018 and amended 28 June 2019;
- Drainage Plan, Alan Taylor & Associates, 6 February 2018;
- Stormwater Management Plan & Report, Alan Taylor & Associates, 19 January 2018;
- Traffic impact Assessment, Alan Taylor & Associates, received February 2018;
- Ecological Constraints Assessment, JBEnviro, December 2018;
- Koala Plan of Management, JBEnviro, March 2019;
- Preliminary BAMC Assessment for Rezoning, JBEnviro, 12 August 2020.

The reports may need to be updated as part of the Gateway process.

## Internal Consultation

Internal consultations were undertaken in relation to the following matters:

- Flooding
- Noise
- Acid sulphate soils
- Contamination
- Traffic
- Ecology
- Water and sewer servicing
- Stormwater

## Planning and Policy Implications

### Legislative Requirements

Relevant legislative requirements are:

1. Environmental Planning and Assessment Act 1979

*Part 1.3 Objects of the Act. The relevant objectives of the Act are:*

- (b) *'to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment';*
- (c) *'to promote the orderly and economic use and development of land'.*

*Part 3: Planning Instruments. This part sets out the legal requirements for preparing and making of environmental planning instruments, including amending local environmental plans (LEPs).*

2. State Environmental Planning Policies

Of relevance to the Planning Proposal are:

- SEPP (Biodiversity and Conservation) 2021

*Chapter 3 - Koala Habitat Protection*

*The aim of this is SEPP aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline -*

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

Clause 3.9 of this part of the Policy applies to the subject land as it is identified as core habitat and has an area greater than 1ha and does not have an approved Koala Plan of Management.

The Planning Proposal is supported by a draft Koala Plan of Management, dated April 2019.

The subject land contains potential Koala habitat and the proponent's site plan was amended to include additional environmentally sensitive area. However, additional information may be required as part of the Gateway Determination to address the HEV of which the potential Koala habitat is located. Due to the lapse of time and amended legislation.

- [SEPP \(Resilience and Hazards\) 2021](#)

#### *Chapter 2 - Coastal Management*

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

The subject land is affected by coastal wetlands, proximity to coastal wetlands and coastal environment and use areas.

Clause 2.10 – Development on certain land within coastal wetlands and littoral rainforests area. The subject site is located within a mapped coastal wetland area.

Clause 2.11 – Development on land in proximity to coastal wetlands or littoral *rainforest*. The site is located within the mapped proximity area to mapped coastal wetlands'.

Clause 2.13 - Development on land within the coastal environment area. The subject site is located within the mapped coastal environment area.

Clause 2.14 - Development on land within the coastal use area. The subject site is located within the coastal use areas.

An assessment of the impact in regard to the provisions of this policy will apply at the time of future development applications for the land.

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

#### *Chapter 4 - Remediation*

Clause 4.7 - Contamination and remediation to be considered in determining development application.

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

A Preliminary Phase 1 Geotechnical and Contamination Assessment may be required to be undertaken as part of any future development application.

- SEPP (Transport and Infrastructure) 2017

#### *Chapter 3 - Educational Establishments and Child Care Facilities*

Part 4 of this Chapter provides the development provisions for schools.

The proposed B5 Business Development zone, is a prescribed zone that will enable the continuation of and any future expansion of the existing educational establishment.

Any future development application will need to take into consideration the provisions of this Part.

#### 3. Policy Directions for Plan Making - Ministerial Directions under Section 9.1 of the EP&A Act

All Council's must follow certain directions when preparing Planning Proposals for new and amending LEP's. The relevant applicable Directions are as follows:

##### – 1.1 Business and Industrial Zones

Proceeding with a Planning Proposal on the basis of the proponent request to change part of the site from R1 General Residential to B5 Business Development is consistent with this direction.

##### – 2.2 Coastal Management

A planning proposal must give effect to the direction; the *Coastal Management Act 2016*; and SEPP (Resilience and Hazards) 2021.

A planning proposal must not rezone land which would enable increased development or more intensive land use on land within a coastal wetlands and littoral rainforests area (in this case, coastal wetlands, proximity area to coastal wetlands, coastal environment and use areas) identified by the SEPP (Resilience and Hazards) 2021.

A planning proposal may be inconsistent with the direction only if the relevant Authority can satisfy the State government that the provisions of the planning proposal are:



- justified by a strategy or a study which gives consideration to the direction;
- consistent with the relevant regional plan;
- of minor significance.

Notwithstanding the above, proceeding with a planning proposal for commercial uses as recommended in the report, is broadly consistent with the North Coast Regional Plan 2036 and Council's adopted LSPS and UGMS.

Approval for any inconsistency with the Direction will be necessary if the proposal proceeds.

– 2.6 Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. This Direction applies when a relevant planning authority prepares a planning proposal that will result in development on land, in this instance, educational purposes:

- (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for the proposed purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
- (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

The land in question is not known to be contaminated, however the subject site adjoins an identified contaminated site. In addition, the subject site has been filled.

– 4.3 Flooding

The subject site has been identified as being located within the floodplain of the Hastings River and subject to inundation by a probable maximum flood and 1% annual exceedance probability flood event.

Any future development on the subject site will need to be comply with Council's planning controls and build to the required flood planning level and associated freeboard.

– 4.4 Planning for Bushfire Protection

According to the Rural Fire Service bushfire prone land maps, the subject site accommodates vegetation category 1 and vegetation buffer.

Consequently, in the preparation of the Planning Proposal, Council must consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination, as the existing educational establishment is classified as special fire protection purpose.

– 5.10 Implementation of Regional Plans

The Planning Proposal is consistent with the relevant actions of the North Coast Regional Plan 2036.

The subject land has been identified in the North Coast Regional Plan 2036 as being partially located within the coastal strip, with wetland and other areas comprising high environmental values, including core Koala habitat, bushfire prone areas and areas inundated by flooding.

The Planning Proposal requests the alterations of the C2 Environment Conservation boundary to protect the natural environment by retaining the wetland vegetation community and accounting for such hazards as flooding and bushfire.

The B5 Business Development zone will provide for an expansion of the existing B5 Business Development zone to the north of the subject site and provide for additional commercial development and employment. Only the defined building and flood platforms are suitable for urban development at present. Additional fill will be necessary to ensure the suitability of additional areas for B5 Business Development.

The Planning Proposal is consistent with the abovementioned Ministerial Directions.

4. Towards 2030 Community Strategic Plan (CPS)

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

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

Proceeding with a rezoning to reconfigure existing C2 Environmental Conservation zoning with the corresponding built conditions on the site, and apply an alternative zone to the balance of the site (zone R1 General Residential to B5 Business Development) is consistent with the objectives of the Community Strategic Plan.

5. Shaping our Future 2040 Local Strategic Planning Statement (LSPS)



The LSPS sets out a 20-year vision for Port Macquarie-Hastings, and its role is to:

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

A brief summary assessment of the proposed supportable zone layout as shown in Figure 2 against the following Strategic Planning Principles of the LSPS is as follows:

No.	Planning Principle	Comment
1.	Result in sustainable outcomes for our community now and into the future; considering Environmental, Social, and Economic factors and risks;	The Planning Proposal considers the environmental constraints on the subject land and the economic benefit of changing the R1 General Residential zone to B5 Business Development. However, changes may be required upon receipt of government agency comments during the public consultation period.
2.	Work in an adaptive management framework that allows the review and amendment of Council's planning policies to ensure that our unique scenic landscape qualities, ecological and biodiversity values are recognised;	The proposal would rectify planning layers in this location in line with existing site conditions and without compromising environmental outcomes.
3.	Positively contribute to our built environment;	The proposed zone configuration is based on known environmental constraints. The proposed B5 Business Development zone is considered to be a better alternative to the R1 General residential zone having regard for surrounding land uses and activities.
4.	Enhance equity, social inclusion and community participation;	The community will be able to participate in the public consultation period. No adverse social and equity issues are identified at this stage.
5.	Be robust, future-focused and evidence based;	The B5 Business Development zone will provide additional commercial land to provide additional employment and commercial enterprise to add to the

No.	Planning Principle	Comment
		local economy.
6.	Facilitate transparent collaboration processes and involve stakeholders and the community early.	The community will be notified of the Planning Proposal during the public consultation period and will have an opportunity to lodge a submission to be considered by Council.

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

The UGMS aims to promote housing in the right locations; ensure efficient use of infrastructure; avoid environmental impacts; and enhance the character and natural qualities of the location; and in the public interest.

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

The proposed alteration to the existing C2 Environmental Conservation zone aims to conserve high environmental value where possible and enhance the character and natural qualities on the subject land.

The proposed change in zoning from R1 General Residential to B5 Business Development will enable the expansion of a commercial zone to facilitate economic growth within an existing area.

7. Port Macquarie-Hastings Local Environmental Plan 2011

Should the land be rezoned part B5 Business Development and part C2 Environmental Conservation under the LEP, the mapping layer changes as follows:

Map Layer	Existing Controls	Proposal
Land Zone	R1 General Residential and C2 Environmental Conservation	B5 Business Development and C2 Environmental Conservation
Minimum Lot Size	450m <sup>2</sup> and 40ha	1,000m <sup>2</sup> and 40ha
Height of Building	8.5m for R1 General Residential	11.5m for B5 Business Development
Floor Space Ratio	0.65:1 for R1 General Residential	No floor space ratio

Planning Reforms

The NSW Government has introduced a suite of reforms to deliver a better planning system for NSW. As part of this suite of reforms, a discussion paper has been released proposing to simplify the rezoning applications to cut timeframes. DPE anticipates that these new changes will come into effect in 2022.

**Community Engagement and Internal Consultation**

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly.

**Options**

Council's options are:

1. Do nothing and refuse the request for a Planning Proposal. The subject land would remain zoned part R1 General Residential and part C2 Environmental Conservation.
2. Resolve to prepare a Planning Proposal to rezone Lot 2 DP601094 and Lot 4 DP825704, 11 and 33 Mumford Street, Port Macquarie from part R1 General Residential and part C2 Environmental Conservation to part B5 Business Development and part C2 Environmental Conservation under the Port Macquarie-Hastings LEP 2011 (LEP), based on the concept zone layout indicated in Figure 1.

In relation to Option 1 and not proceeding with the Planning Proposal, this option would involve discontinuing the preparation of the Planning Proposal.

Option 2 is recommended for the reasons outlined in this assessment report. This would allow for development outcomes which are in keeping with the environmental sensitivity of the location and the regulatory framework, for optimal development and environmental outcomes.

Should Council decide not to prepare a planning proposal, pursuant to the *Environmental Planning and Assessment Regulation 2000*, the proponent is to be notified of Council's decisions and has 42 days from notification to request a review of the Council's decision. The review process is administered by DPE.

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

This report recommends support of Option 2.

**Financial and Economic Implications**

A Stage 1 rezoning fee of \$15,290 was paid on 26 October 2018 consistent with Council's Fees and Charges at the time.

The fee is significantly less than the current rezoning fee, and resources expended in further review and re-assessment of the amended application, staff-proponent negotiations, and reporting requirements since 2014 has expended the fee paid by the landowner.

In the event that Council does not support Option 2, and / or requests further revisions of the Planning Proposal (requiring reassessment), full payment of fees by the Proponent is considered appropriate on the basis of resources expended, a

positive uplift in the value of the land if rezoned, and in view of the expense of progressing any subsequent application through a rezoning process. The EP&A Reg contains provisions whereby Council may enter into an agreement for the payment of costs and expenses incurred in undertaking studies and other matters required to progress a planning proposal. This would include for example, addressing the conditions of a Gateway determination requiring further work to be undertaken before a PP can proceed to the next stage.

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

The up-front cost of extension of services to the land including a suitable extension of all roads and utilities to serve future development will be at the expense of the developer.

Costs associated with establishment and management of any C2 Environmental Conservation zoned land will be at the expense of the developer/landowner.

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

### **Conclusion**

The request to rezone the subject land is considered to have strategic merit. It is recommended that a Planning Proposal be prepared and forwarded to DPIE for a Gateway Determination.

### **Disclosure**

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

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

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

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

**Attachments**

1.  Draft Planning Proposal Assessment



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**Item: 14.05**

**Subject: KOALA RECOVERY STRATEGY REVIEW**

**Presented by: Community, Planning and Environment, Melissa Watkins**

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### **Alignment with Delivery Program**

4.8.3 Promote biodiversity programs.

### **RECOMMENDATION**

**That Council;**

- 1. Note the Koala Recovery Strategy Review outcomes.**
- 2. Endorse the development of an updated Koala Recovery Action Plan to be presented to the June Ordinary Meeting of Council.**

### **Executive Summary**

The [Port Macquarie Hastings Koala Recovery Strategy](#) (Strategy) was developed and adopted by Council on 19 September 2018. An annual update on the progress of actions within the Strategy was presented at the Ordinary Council Meeting on 13 October 2021 where Council resolved to:

*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*

This report outlines the actions taken thus far, reviews those that were unable to be completed and provides recommendations for those outstanding.

### **Discussion**

At the Ordinary Council meeting on 19 September 2018, two essential documents were tabled for consideration regarding koalas and their habitat alongside various supporting LEP and DCP proposed amendments. [Council resolved](#) as follows:

*12.04 Coastal Koala Plan of Management and Associated LEP and DCP Changes*

*RESOLVED: Levido/Griffiths*



*That Council defer further consideration of the Coastal Koala Plan of Management and associated LEP and DCP changes pending advice on the hierarchy of legislation which has a direct impact on the draft Coastal Koala Plan of Management.*

CARRIED: 7/0

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

AGAINST: Nil

#### 12.05 Koala Strategy

RESOLVED: Alley/Turner

*That Council:*

1. *As a result of the consideration of public submissions, adopt the amended draft Koala Recovery Strategy as included in Attachment 1 and detailed in this report;*
2. *Give consideration to funding the programs and actions included in the Koala Recovery Strategy as part of development of the 2019-2020 Operational Plan and forward budgets and Delivery Program;*
3. *Give consideration to delivering items from the Koala Recovery Strategy through a partnership model to increase financial and human resource capacity; and*
4. *Receive further reports on the success or otherwise of the funded programs of the Koala Recovery Strategy on an annual basis to ensure an adaptive management approach is maintained and outcomes are achieved.*

CARRIED: 8/0

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

AGAINST: Nil

On 12 August 2020, a further report was presented at the [Ordinary Council meeting](#) regarding the hierarchy of legislation and new State Environmental Planning Policy (SEPP) Koala Habitat Protection 2019. At that meeting [Council resolved](#) not to proceed with finalisation of the draft CKPoM and to commence a review of the adopted Koala Recovery Strategy as below:

RESOLVED: Intemann/Alley

*That Council:*

1. *Note the information provided in the report regarding the hierarchy of legislation which has a direct impact on the draft Coastal Koala Plan of Management.*
2. *Note the information provided in the report regarding the new State Environmental Planning Policy (Koala Habitat Protection) 2019 and its implications for Council's draft Coastal Koala Plan of Management.*
3. *Note the information provided in the "Management of Koala Populations in Options Paper" (Attachment 1).*
4. *Not proceed to finalisation of the draft Coastal Koala Plan of Management in its current form.*
5. *Request the General Manager to commence a review of the adopted Koala Recovery Strategy.*
6. *Request the General Manager to write to the NSW Member for Port Macquarie, the Hon Leslie Williams, requesting that she write to the NSW Minister for Energy and Environment, the Hon. Matthew Kean MP in support of the findings of the recent Parliamentary Inquiry (30 June 2020) into Koala populations and habitat in New South Wales and in particular the key finding (Finding No. 2) which stated: "That, given the scale of loss to koala populations across New South Wales as a result of the 2019-2020 bushfires and without urgent government intervention to protect habitat and address all other threats, the Koala will become extinct in New South Wales before 2050".*

CARRIED: 7/0  
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner  
AGAINST: Nil

This report presents the results of Koala Recovery Strategy review. A full list of the Strategy Actions and Outcomes is available in **Attachment 1**.

#### 1. Results of the review

The success of Council's adopted Koala Recovery Strategy (2018) was primarily to be based on;

1. the adoption and ratification of the Coastal Koala Plan of Management (CKPoM), and
2. the design of a comprehensive monitoring program aimed at delivering;
  - Stable Koala Population by 2023, with a trend of increasing population by 2029
  - Stable or increasing Area of Occupation and Extent of Occupation by 2029
  - 50% reduction in road strike and dog attack admissions to the Port Macquarie Koala Hospital by 2023
  - Implementation of the Hastings Macleay Koala Fire Plan.

Furthermore, a Koala population assessment was to occur, designed to measure;

- Prevalence of factors affecting mortality (relative admissions for koala disease, road strike, dog attack, fate of release animals and number of euthanised koalas). This will be undertaken on an annual basis and results compared against previous years.
- Area of occupation and extent of occupation. This will be undertaken every four years using the results of The Great Koala Count, other citizen science initiatives and additional Council SAT survey work.
- Assessment of abundance trends in sub-populations, undertaken using Rapid SAT methodology and consideration of activity levels (Phillips and Wallis, 2016). A stratified sample of the different sub-populations will be undertaken every 2 years.

The Koala population assessment and monitoring program was never undertaken as the CKPoM was not adopted. However, the Strategy contained an additional 26 actions (Attachment 1) with deliverables, including some with allocated budgets. The majority (62%) of these actions were largely unachievable as they were either;

- a) based on the successful adoption and ratification of the CKPoM (7 actions),
- b) beyond the scope of Council's resources (3 actions) or
- c) fell outside of Council's remit (6 actions).

Of the remaining 10 actions:

- two were partially achieved despite their links to the non-adopted CKPoM,
- one was scaled down to encompass a broader scope of education (Table 1).

- three have been incorporated into the Koala Road Strike Mitigation Project which commenced in January 2022,
- two have been included in proposed plans for the 2022-2023 Operational Plan,
- one action is currently awaiting sign off from the Executive Committee (Part 5 offset procedure), and
- the last, a research action, was never finalised.

In summary, 12% of the actions in the Strategy have currently been achieved and 35% of the actions will be achieved by 2023.

Table 1: Strategy Actions delivered to date

Action	Delivered
<b>1. Request an update of the NSW Biodiversity Values Map pursuant to Biodiversity Conservation Act 2016 to include core koala habitat as per approved Coastal Koala Plan of Management.</b>	Biodiversity Values Map updated for the inclusion of identified core koala habitat in DPIE approved Comprehensive KPOM's within the LGA (Nov 2020).
<b>2. Provide annual community education /awareness information at the start of each year's breeding season and upon registration of new dogs in areas of koala habitat.</b>	Changed to a school education program delivered twice annually by Council's ecologist on koala awareness.
<b>3. Risk of road strike on future development regulated by provisions and road design measures detailed in Council's Coastal Koala Plan of Management.</b>	Wherever possible such provisions are applied where already existing KPOM's prevail.

## 2. Background

When the Strategy was written, approximately 1200 koalas were known to occur to the east of the Pacific Highway between the Hastings and Camden Haven Rivers (KRS, 2018). This figure included a significant source population of >500 individuals located on public and freehold lands surrounding Lake Innes. It was also considered likely that our LGA contained at least four genetically distinct koala populations and that the coastal population was in decline.

Council has twice attempted to have an adopted a Koala Plan of Management across the coastal area of the LGA. Once in 2003 where it was disputed and again in 2017 and 2018, notwithstanding three iterations. Both times, the mapping of core koala habitat created friction with land owners and consultants who challenged the methodology utilised, despite it being supported on both occasions by the NSW Department of Planning.

Within the same timeframe, NSW State legislation associated with rural lands and biodiversity protection changed significantly alongside the long awaited reform of State Environmental Planning Policy (SEPP) 44. Across a two year span these changes introduced;

1. The Biodiversity Offsets Scheme (BOS),

2. Allowable activities under the *Local Land Services Act 2013* (LLS Act) facilitating the clearing of native vegetation under 'self-accessible' codes and
3. State Environmental Planning Policy (SEPP) Koala Habitat Protection 2019.

In essence, the above Land Management reforms created new complexity and uncertainty for both regulators and proponents regarding koalas and their habitat in the face of development. This uncertainty resulted in a [Legislative Council](#) inquiry being called in July 2021 to assess the integrity of the BOS.

#### Impacts of legislation changes

Since December 2019 there have been three changes to SEPP Koala Habitat Protection (Table 2) where currently two different Koala SEPP's (2020 and 2021) are in force and apply dependent on land use zone. In some instances, where two zones are contained on one parcel, both Koala SEPP's apply to that land. This means that on rural zoned land, a KPoM may be developed under Koala SEPP 2020, while on residential zoned land Koala SEPP 2021 applies. This creates confusion as amongst other things, the Koala Use Trees are different under each SEPP, essentially doubling the assessments and time required. Further, it adds complexity where offsets are obligatory under both the PMHC DCP (2013) and the BOS.

**Table 2: SEPP Koala Habitat Protection timeline**

Date	Legislation	In force	Comment
<b>20 December 2019</b>	<i>SEPP Koala Habitat Protection 2019</i>	1 March 2020	Council had until 28 February 2020 to have an adopted Koala Plan of Management to DPIE for ratification prior to the commencement of SEPP Koala Habitat Protection 2019.
<b>October 2020</b>	<i>SEPP Koala Habitat Protection 2019 Amendment &amp; finalised Guidelines</i>		Repealed the Koala Development Application Map, changed the definition of 'core koala habitat', changed the naming of Koala Feed Trees to Koala Use Trees, increased the exhibition period for KPoM's from 28 days to 90 days as well as numerous changes to the guidelines making assessment of koala habitat less robust.
<b>14 October 2020</b>	LLS Amendment (Miscellaneous) Bill 2020	Introduced	Blocked at second reading on 19 November 2020
<b>30 November 2020</b>	<i>SEPP Koala Habitat Protection 2020</i>	30 November 2020	Repealed SEPP Koala Habitat Protection 2019.
<b>8 March 2021</b>	<i>SEPP Koala Habitat Protection 2021</i>	17 March 2021	SEPP Koala Habitat Protection 2020 will continue to apply in rural zones except in metro Sydney, Blue Mountains and the Central Coast. Private Native Forestry



Date	Legislation	In force	Comment
			(PNF) and Local Land Services (LLS) codes will be revised and once finalised SEPP Koala Habitat Protection 2020 will be repealed and Koala SEPP 2021 will apply to all land, dual consents for PNF under LEP's will be removed.

The current operation of two different Koala SEPP's are a direct result of the presentation and block of the LLS Amendment (Miscellaneous) Bill 2020 (the Bill). Also subject to an inquiry by the Legislative Council, the Bill attempted to introduce changes to Private Native Forestry (PNF) that would have increased the ability to clear native vegetation (including koala habitat) without regulation, while doubling the timeframe in which to do it. At the current time of writing (3 March 2022), the new PNF and LLS codes tied to Koala SEPP 2020 being repealed are yet to be released.

#### Private Native Forestry

In 2016, a total of 3413ha of identified core koala habitat (KRS, 2018) in the PMHC LGA had been approved for Private Native Forestry (PNF). At the present time, 36,110ha of rural land (26% of the remaining LGA outside of National Parks and State Forest) have PNF entitlement and are regulated by Local Land Services, falling outside of Council's control. Of those PNF entitlements, 58% (20,991 hectares) are mapped and identified as potential koala habitat.

Couple this with the impacts of the Black Summer Bushfire's in NSW, which saw 5.3million ha of eucalypt forests and woodlands burn including known Areas of Regional Koala Significance (ARKS), koalas and their habitat have become increasingly pressured and their on-going protection, tenuous. In a recent report by Biolink (2020) it states that NSW Koala populations have been reduced by up to 70% due to the impacts of fire. Due to these pressures, koala were listed federally as Endangered under the Environment Protection & Biodiversity Conservation Act 1999 in QLD, NSW and the ACT on 12 February 2022 following recommendation by the Threatened Species Scientific Committee.

#### Current status of Koala Plans of Management

There are currently 18 active Koala Plans of Management approved by the Department of Planning under SEPP 44 operating in PMHC LGA. Of these, Council is responsible for nine. In addition, there are nine Department of Planning approved KPOM's surrounding Lake Innes that require a range of corrective actions such as:

- A total 1118 Koala food trees to be planted,
- Specified fencing requirements,
- Restrictions / absence of dogs,
- Koala friendly pool furniture,
- Koala signage and
- Specific street lighting.

Council controlled KPoM's are now being brought into compliance through the allocation of budgets, and will be delivered through Council's Operational Plan and included as part of the Koala Recovery Action Plan.

### 3. Recommendations

Given the on-going uncertainty regarding the protection of koalas and their habitat and the lack of a PMHC CKPoM, the development of a Koala Recovery Action Plan is recommended. Such a plan should include at a minimum the following actions;

1. Bring into compliance as a matter of urgency all of Council controlled KPoM's including a current koala population assessment for each,
2. Map identified core koala habitat within all approved KPoM's and ensure they are identified within NSW State mapping and PMHC LEP,
3. Investigate, identify and map (as per best practice methodology) the current koala habitat corridors across the LGA and
4. Once mapped, provide protection of the identified habitat corridors through an LEP update.

### **Planning and Policy Implications**

The proposed updated Koala Recovery Action Plan once adopted would replace actions currently listed in the Koala Recovery Strategy

### **Financial and Economic Implications**

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

### **Attachments**

1.  Koala Recovery Strategy Review - Actions & Outcomes



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**Item: 14.06**

**Subject: DRAFT PORT MACQUARIE - HASTINGS REGIONAL INTEGRATED  
TRANSPORT STRATEGY**

**Presented by: Community, Planning and Environment, Melissa Watkins**

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

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

#### **RECOMMENDATION**

**That Council:**

- 1. Note the progress of the development of the draft Port Macquarie - Hastings Regional Integrated Transport Strategy as outlined at the Councillor Briefing in February 2022.**
- 2. Note the importance of ensuring that the draft Port Macquarie - Hastings Regional Integrated Transport Strategy aligns with the future Port Macquarie - Hastings Blueprint should it be adopted.**
- 3. Request the Chief Executive Officer arrange a Councillor Workshop to review the draft Port Macquarie - Hastings Regional Integrated Transport Strategy prior to it being finalised for further consideration by Council for public exhibition.**

#### **Executive Summary**

The purpose of this report is to confirm that the first draft of the Port Macquarie - Hastings Regional Integrated Transport Strategy has been completed by staff and to seek further input from Council in finalising the draft strategy so that it can be placed on public exhibition.

Development of the Port Macquarie Hastings Regional Integrated Transport Strategy (RITS) is included within Action 26 of Council's Urban Growth Management Strategy (UGMS) and Action 11.2 of Council's Local Strategic Planning Statement (LSPS). It is also included as an action in the 2021/2022 Operational Plan (Item 4.4.1.02).

NSW Local Government elections were held in December 2021 and with the commencement of the new Council it is critical to ensure that Council is setting the strategic direction and that a new strategy such as this is consistent with the Council's objectives in accordance with the Guiding principles of the Local Government Act.

In addition to the commencement of the new Council in January Council resolved at its Ordinary meeting in February 2022 to establish a working group to develop an Action Plan for the development of a draft Port Macquarie - Hastings Blueprint as follows:

*“That Council:*

- 1. Immediately establish a Project Working Group to develop an Action Plan for the development of a draft Blueprint for Port Macquarie-Hastings for consideration by Council at its April 2022 Ordinary Meeting effective immediately following the February 2022 Ordinary Meeting to include consideration of the key strategic priorities for the Local Government Area, with a focus on but not limited to the following:*
  - Roads, traffic management and delivery*
  - Affordable housing and housing affordability*
  - Land use planning*
  - Infrastructure (water, sewer and stormwater) planning and delivery*
  - Amenity*
  - Vegetation management*
  - Sporting facilities*
  - Connectivity (physical and digital)*
  - Emergency and risk management*
  - Industry, tourism and economic development opportunities*
- 2. Appoint the Mayor and Deputy Mayor to Co-Chair the Project Working Group with the administrative support of the Chief Executive Officer and Council Staff as determined by the Chief Executive Officer.*
- 3. Receive and consider the Project Action Plan from the Project Working Group, including estimated costings and timeframes to develop a draft Blueprint for Port Macquarie-Hastings for consideration by Council at its April 2022 Ordinary Meeting.”*

It is important ensure that the concepts in the draft Strategy are supportive of and in alignment with the strategic direction of the future Blueprint, accordingly the draft Strategy cannot be finalised without input from new the Council and understanding of a draft Blueprint.

The RITS was proposed to be the regions core transportation strategy and incorporates a vision where *‘we have a sustainable transport network which is smart, resilient and aligned with the community’s needs’*. It identifies key strategic transport decisions and actions to guide Council in ensuring transport networks are integrated, innovative, safe and economical, while reducing reliability on cars and improving access. The RITS outlines the policy direction for transport in the region through identifying challenges and opportunities and providing a vision to address regional transport needs based on the following themes:

- Innovation and Governance
- Environment
- Equity
- Reduced Traffic
- Economy
- Asset Resilience

In summary, the RITS aims to provide a framework for our transport network which ensures:

- Connected communities,

- The most liveable places,
- Improved productivity,
- All options are safe and accessible,
- Our lifestyle and environment is protected,
- Socio-economic disadvantage is addressed,
- We are adaptable to demographic change,
- We are resilient to climate change,
- Technological evolution is embraced,
- Health benefits are leveraged,
- Education is prioritised; and
- Funding and collaboration opportunities are maximised.

The Draft RITS has been informed through engagement activities Council has undertaken with the community over the past several years, including submissions on key Council projects, policies and plans, community surveys, community think tanks, community planning and master planning sessions.

The strategic intent of the draft Regional Integrated Transport Strategy and the ambition of the Port Macquarie Hastings Blueprint appear well aligned. Many of the challenges, and the response to these challenges, will remain constant. However, the over-arching intent of the Port Macquarie Hastings Blueprint, and the evolution of that document, may inform the draft Regional Integrated Transport Strategy in its priorities, execution and informing of related and cascaded strategies and plans.

The Draft RITS proposes to:

- Guide transport planning and investment that will shape our LGA,
- Inform our operational and delivery plans to better align with community needs and expectations,
- Identify infrastructure priorities, and help us advocate to other levels of government for new infrastructure and services to support a liveable, sustainable, and innovative community,
- Inform planning controls in Council's Local Environment Plan (LEP) and Development Control Plan (DCP),
- Inform projects such as place plans, master plans and structure plans; and
- Support funding applications for priorities identified within the RITS.

Given the above, the Draft RITS proposes to have a wide range of planning and policy implications in order to facilitate the establishment of a sustainable transport network which is smart, resilient and aligned with the community's needs.

The future direction of transport planning in the Port Macquarie Hastings Local Government Area will have a significant financial impact upon both Council and the wider community. This impact will result from allocation of Council resources towards transportation projects and initiatives, as well as community productivity and economic growth associated with the regions transport network.

Given the timing of the development of the first draft of this Strategy and the identification of the future Blueprint it is recommended that the infrastructure strategy be workshopped with Council and aligned with the proposed future Blueprint.

**Discussion**

Development of the RITS is included within Action 26 of Council's UGMS and Action 11.2 of Council's LSPS.

The RITS is the regions core transportation strategy and incorporates a vision where *'we have a sustainable transport network which is smart, resilient and aligned with the community's needs'*. It identifies key strategic transport decisions and actions to guide Council in ensuring transport networks are integrated, innovative, safe and economical, while reducing reliability on cars and improving access. The RITS outlines the policy direction for transport in the region through identifying challenges and opportunities and providing a vision to address regional transport needs based on the following themes:

- Innovation and Governance
- Environment
- Equity
- Reduced Traffic
- Economy
- Asset Resilience

The RITS takes a holistic view of the entire transport network not just roads. The RITS will also ensure alignment of transport objectives with Council's future Infrastructure Strategy, Community Wellbeing Strategy and Sustainability Strategy. The alignment to the future Port Macquarie Hastings Blueprint is the subject of the realignment proposed in this report. In doing so, the RITS allows Council to determine its long term vision and objectives for the management of the transport network.

As part of the development of the draft RITS, we have identified actions to target and prioritise in line with Council's strategic objectives for the following:

- Active transport (walking & cycling),
- Public transport,
- Heavy and light vehicle movement and parking,
- Mobility and access within land use precincts and town centres,
- Planning for future technologies and digitalisation (including enabling connection and access to goods and services without physically moving); and
- Ensuring integrated land use and transport planning, including establishing alignment with relevant local, regional and state plans and strategies.

The draft RITS outlines a framework to facilitate coordination with State Government, industry and community stakeholders to ensure there is a 'one network' approach to transport planning, delivery and management. The draft RITS also considers transport planning throughout the LGA and the relationship between these networks and wider regional, state, national and global networks.

In summary, the draft RITS aims to provide a framework for our transport network which ensures:

- Alignment with strategic direction



- Connected communities,
- The most liveable places,
- Improved productivity,
- All options are safe and accessible,
- Our lifestyle and environment is protected,
- Socio-economic disadvantage is addressed,
- We are adaptable to demographic change,
- We are resilient to climate change,
- Technological evolution is embraced,
- Health benefits are leveraged,
- Education is prioritised; and
- Funding and collaboration opportunities are maximised.

**Options**

Alternative options to the progression of the draft RITS are provided below:

1. Adopt the recommendation
2. Resolve not to adopt the recommendation and resolve in some other fashion.

This report recommends Option 1.

**Community Engagement and Internal Consultation**

The draft RITS has been informed through engagement activities Council has undertaken with the community over the past several years, including submissions on key Council projects, policies and plans, community surveys, community think tanks, community planning and master planning sessions.

Internal consultation undertaken during the development of the draft RITS has incorporated working groups and correspondence between Council's Strategy, Community Infrastructure Planning and Design and Airport teams.



**Planning and Policy Implications**

The development of a RITS is included as Action 26 of Council's UGMS and Action 11.2 of Council's LSPS. It is also included in the 2021/2022 Operational Plan as an action.

The Draft RITS proposes to:

- Guide transport planning and investment that will shape our LGA,
- Inform our operational and delivery plans to better align with community needs and expectations,
- Identify infrastructure priorities, and help us advocate to other levels of government for new infrastructure and services to support a liveable, sustainable, and innovative community,
- Inform planning controls in Council's Local Environment Plan (LEP) and Development Control Plan (DCP),
- Inform projects such as place plans, master plans and structure plans; and
- Support funding applications for priorities identified within the RITS.

Given the above, the Draft RITS proposes to have a wide range of planning and policy implications in order to facilitate the establishment of a sustainable transport network which is smart, resilient and aligned with the community's needs.

**Financial and Economic Implications**

The future direction of transport planning in the Port Macquarie - Hastings Local Government Area will have a significant financial impact upon both Council and the wider community. This impact will result from allocation of Council resources towards transportation projects and initiatives, as well as community productivity and economic growth associated with the regions transport network.

Productivity and associated economic principles included within the Draft RITS are based on information made available through the Australian and NSW Government's (including through the Australian Governments *'Trends - Transport and Australia's Development to 2040 and Beyond'* and the NSW Government's *'Future Transport Strategy 2056'*), and take into account various other government and industry strategies, plans and guidelines.

**Attachments**

Nil

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**Item:** 14.07

**Subject:** MATERIAL PUBLIC BENEFIT - DEVELOPER DELIVERED SEWER WORKS KENDALL

**Presented by:** Community Utilities, Jeffery Sharp

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

4.1.3 Plan, investigate, design and construct sewerage assets ensuring health, safety, environmental protection and the future growth of the region.

#### **RECOMMENDATION**

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

- 1. Note the sewer works proposed to be undertaken by Allam MHE Developments # 2 Pty Ltd under development Consent DA 2017/736 includes works above what is required to solely service the development therefore are of material public benefit, being the replacement and upgrade of Kew/Kendall Sewerage Pump Station #1 and associated works.**
- 2. Pursuant to section 55(3)(i) of the Local Government Act 1993, resolve not to call tenders for the construction of the upgrade of Kew/Kendall Sewerage Pump Station #1 and associated works as it considers that a satisfactory result would not be achieved by inviting tenders due to extenuating circumstances for the reason of the works being associated with and linked to a development consent as outlined in this report.**
- 3. Note that the Chief Executive Officer, under existing delegations to the General Manager, may enter into a developer works deed following successful negotiations with Allam MHE Developments # 2 Pty Ltd, and present a further report to a future meeting of Council on completion of the works for Council's information.**
- 4. Request the CEO to add a new action to the 2021-2022 Operational Plan - Kew Kendall SPS#1 Upgrade and Works, with a budget allocation for the current year of \$400,000, to be funded from the Sewer Reserve.**

#### **Executive Summary**

DA 2017/736 for a multi-staged manufactured home estate and subdivision at 79 Batar Creek Road, Kendall was approved by Council's Development Assessment Panel on 28 November 2018.

The development consent approval contained a requirement to develop a sewer servicing strategy for the site, which included the construction of a sewer pump station to connect to the existing sewerage scheme towards Kew. Council's Water and Sewer Planning Team worked with the Developer's planning consultant in order to produce a feasible sewer reticulation strategy.

The Developer had proposed to construct a new sewer pump station within their site and an associated rising main to be handed over to Council upon commissioning. During the planning work, Council staff identified that the existing Kew/Kendall Sewer Pump Station #1 (KKSPS#1), which is in close proximity of the development, had a receiving catchment larger than its original design, presenting the risk of overflow causing an environmental pollution incident. Water and Sewer Planning Staff subsequently worked with the Developer and their planning consultant to modify their sewer serving strategy to include connecting to and upgrading KKSPS#1 to cater for the existing catchment flows and the proposed development as well as up-sizing the proposed rising main to cater for the ultimate flows from the upgraded pump station.

The additional works are above what the developer would be required to deliver to service their development and therefore are of material public benefit.

The significant benefits of the works are:

- Renewing and upgrading a currently undersized sewer pump station and associated rising main.
- Not duplicating sewer infrastructure and therefore reducing whole of life operation and maintenance costs.

Council staff have reviewed the submitted cost summaries by the developer and assessed the listed costs are in line with what would be incurred by Council undertaking the works. The current negotiated costs for the material public benefit component is \$1,252,080.49 with an additional \$52,860 of design and management costs and a provisional sum of \$15,000 for potential electrical relocation works, being a total estimated cost to Council of \$1,319,940.49. There is the potential for variations to this cost with unforeseen issues with a cost sharing mechanism to be outlined in the works deed. All costs will be validated with actual invoices shown to Council.

It is recommended that Council approve the additional works as material public benefit and enter into a works deed with the developer for the completion of the upgrade to KKSPS#1 and associated works, with the Chief Executive Officer, under existing delegations executing the final deed once agreed.

As the works are linked to the development and the developer's delivery timeframes, it is most practical for the developer to complete all the works together under their existing approvals. Therefore, because of this and noting the estimated cost to Council, it is recommended that Council not call public tenders for these works.

### Discussion

DA 2017/736 for a multi-staged manufactured home estate and subdivision at 79 Batar Creek Road Kendall was reviewed and subsequently approved by Council's Development Assessment Panel on 28 November 2018.

The approval consent contained the following conditions, among others, relating to sewer:

*(27) The Council sewerage system adjacent to the proposed development does not have sufficient sewerage capacity to cater for this development. A Sewerage Reticulation Strategy shall be submitted to the Water and Sewer Section for approval*

*prior to release of the Construction Certificate. The internal village sewerage lines are to be private owned and maintained.*

*(28) A sewerage pumping station shall be constructed to Council's requirements and discharge into manhole KK04P008MH with an odour control device installed at no cost to Council. If flushing of the proposed sewer pump station is required to facilitate a sufficiently sized turnover of sewage then this is to also occur at no cost to Council.*

Council's Water and Sewer Planning Team worked with the Developer's planning consultant in order to produce a feasible sewer reticulation strategy.

The Developer had proposed to construct a new sewer pump station within their site and an associated 1.5km rising main to only service their development, which would be handed over to Council upon commissioning. During the planning work, Council staff identified that several sewer pump stations within the Kew/Kendall scheme were under sized, including the existing Kew/Kendall Sewer Pump Station #1 (KKSPS#1), which is located 270m east of the development. The existing catchment for KKSPS#1 was assessed as approximately 415 Equivalent Tenements (ETs), including the existing approved residential development known as Poet's Ridge, and the design capacity of KKSPS#1 as 259 ETs, therefore being approximately 38% undersized, which presents a high risk of overflow causing an environmental incident. Water and Sewer Planning Staff subsequently worked with the Developer and their planning consultant to modify their sewer serving strategy to include connecting to and upgrading KKSPS#1 to cater for the existing catchment flows and the proposed development as well as up-sizing the proposed rising main to cater for the ultimate flows from the upgraded pump station.

Having the upgrade of KKSPS#1 and the rising main as part of the development works present a significant public benefit with renewing and upgrading an identified under-capacity pump station and also removes duplicating sewer infrastructure (having another pump station in addition to KKSPS#1), which reduces the whole of life operation and maintenance costs for the community.

The methodology used to calculate the apportionment of costs between the development and Council for the material public benefit component has been to subtract the tendered amount for the original works to service the development (what the developer would have paid for works to only service their development) from the tendered amount for the revised scope of works (what the developer will now pay to service the development as well as upgrade Council's infrastructure). The difference is the costs to the developer to complete the material public benefit component of the works. It is assessed this is the most practical way to apportion costs due to the complex nature of the upgrade works on the existing sewer infrastructure. The developer has and will also incur additional survey, design and management costs to facilitate the broader scope of works.

Council staff have reviewed the submitted cost summaries by the developer comparing against costs for similar works undertaken by Council and general experience of Council Engineers. The initial costs submitted by the developer for the original scope of works was assessed as being not feasible for the scope of works, ie too low and not practical thus increasing the amount Council would have to pay for the material public benefit component. The initial costs for the additional design and management apportioned to the material public benefit was also assessed as being incorrect as the majority of costs would be incurred by the developer regardless of



undertaking any material public benefit works or not. Following several negotiation discussions with the developer the final submitted costs are assessed as being reasonable and in line with what Council would expect to incur if undertaking the works. The negotiation resulted in the developer producing another tendered amount from a different contractor that was assessed as being more feasible given the scope of works and they also reduced the claimed additional design and management costs, again assessed to be in line with what would be expected to be attributed to only the increase in scope to cover the material public benefit component.

**Options**

Council has the following options:

- Resolve in line with the recommendation
- Resolve not to enter into a works deed with the developer and to call public tenders for contractors managed by Council to deliver the works - not recommended. This option would impact on the developer's timeframes and delivery of Council's works program.

As KKSPS#1 has been identified as being overcapacity, the works are required in the near future. It is assessed that having the works completed by the developer as part of their approved development is the most practical and cost effective way to deliver the required works.

**Community Engagement and Internal Consultation**

No community engagement has been undertaken in relation to this report.

Internal consultation was undertaken with the following Council staff in development of this report:

- Director Community Utilities
- Group Manager Utilities Planning and Design
- Water and Sewer Engineering Planning Manager
- Group Manager Development Assessment
- Development Planning Coordinator
- Development Contributions Planner

External consultation has occurred with:

- Allam MHE Developments # 2 Pty Ltd - Developer
- Land Dynamics Pty Ltd - Developer's planning consultant

**Planning and Policy Implications**

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

**Financial and Economic Implications**

The current negotiated and agreed costs for the material public benefit component is \$1,252,080.49 with an additional \$52,860 of design and management costs and a provisional sum of \$15,000 for potential electrical relocation works, being a total estimated cost to Council of \$1,319,940.49 (excl. GST), as shown in the below table.



There is the potential for variations to this cost with unforeseen issues. A cost sharing mechanism will be outlined in the works deed. The cost sharing is proposed to be based on the percentage split between the original cost of works and the material public benefit component of the revised works costs, being 51% Council and 49% developer.

All costs will be validated with actual invoices shown to Council.

As there are insufficient sewer developer contributions payable for this development, it is not practical to use contribution off-sets as a payment mechanism for these works. Therefore, it is proposed to use direct payment from Council to the developer for the material public benefit agreed costs facilitated via a works deed. Council has used several works deeds in the past to facilitate works identified as material public benefit and has a standard legally drafted deed template. A situation specific deed, using the template, will be drafted by a legal consultant.

The Material Public Benefit Costs Calculation has been included in a confidential attachment to this report, titled "Material Public Benefit Costs Calculation (Confidential)" relates to information that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(di)).

There are sufficient funds in the Sewer Reserves to cover these works. There are no other economic implications in relation to this report.

Working with the Developers planning consultant, it is understood that up to 30% (\$396k) of Council's contribution is likely to be expended in this current financial year. Accordingly, it has been recommended to include \$400,000 in the 2021-2022 Operational Plan to cover this proposed contribution.

Should Council resolve as recommended, the outstanding contribution will be included as a budget allocation in the Draft 2022-2023 Operational Plan to complete the works.

**Attachments**

1. Confidential - Material Public Benefit Costs Calculation (Confidential)

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**Item: 14.08**

**Subject: FLOOD WASTE DISPOSAL COSTS WAIVER**

**Presented by: Community Utilities, Jeffery Sharp**

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**Alignment with Delivery Program**

4.1.7 Develop and implement effective waste management strategies.

**RECOMMENDATION**

**That Council:**

- 1. Cease to waive Council tipping fees (not including State Government levies unless waived by the State Government) for Local Government area residents and businesses' flood damaged waste, including building materials, furniture, fittings and personal items at Council's waste transfer stations on 31 March 2022.**
- 2. Cease to waive Council fees (not including State Government levies unless waived by the State Government) for bulk kerbside collection of flood damaged waste for Local Government area residents on 31 March 2022.**
- 3. Make application to the NSW Environment Protection Authority (EPA) for an extension of the existing Waste Levy Exemption EX000878 until 30 June 2022.**
- 4. Subject to an extension of the Waste Levy Exemption being approved by the NSW EPA, waive Council tipping fees (not including State Government levies unless waived by the State Government) for Local Government area residents and businesses' flood damaged waste, including building materials, furniture, fittings and personal items at Council's waste transfer stations until 30 June 2022.**
- 5. Waive Council fees (not including State Government levies unless waived by the State Government) for bulk kerbside collection of flood damaged waste for Local Government area residents until 30 June 2022.**
- 6. Note that the waivers granted under recommendations four and five will be subject to an application to Council for determination of eligibility with suitable acceptance criteria to be established.**

**Executive Summary**

The March 2021 floods have resulted in approximately 36,000 tonnes of flood waste from 19 March 2021 to 2 March 2022 in the Port Macquarie-Hastings Local Government Area (LGA). Approximately 16,000 tonnes were disposed of at the temporary transfer station set up in the initial recovery phase while the remainder (approximately 20,000 tonnes) has been accepted at Council's waste transfer stations.

The quantity of flood waste being received at Council's waste transfer stations has declined significantly since the initial months following the March 2021 floods. Since 1 January 2022, there has been on average six flood waste transactions per day received at all Council waste facilities combined. This compares to averages of 103 per day between March and May 2021 and 13 per day between June and August 2021. Ongoing bookings for bulky kerbside flood waste has been minimal with only 22 being recorded between September 2021 and February 2022 which is a significant decline of the monthly maximum in April 2021 of 288.

The NSW EPA approved an exemption for the requirement to pay waste levy for waste generated as a result of the March 2021 storms and floods declared in the Australian Government Registration Number 960 Natural Disaster Declaration. This exemption expires 31 March 2022.

Council's existing waiver on flood waste disposal costs at waste facilities expires 31 March 2022 in line with the expiry of the Waste Levy Exemption EX000878 expiry date.

Two enquiries from flood-affected community members have recently been received, alerting us that the timeframe for the demolition of their homes will not fit in with the current waiver expiry date.

While quantities of flood waste received at Council's waste facilities has significantly declined since the initial event and has remained consistently low, it is unknown how many flood-affected properties have outstanding works that require waste disposal at Council's waste facilities.

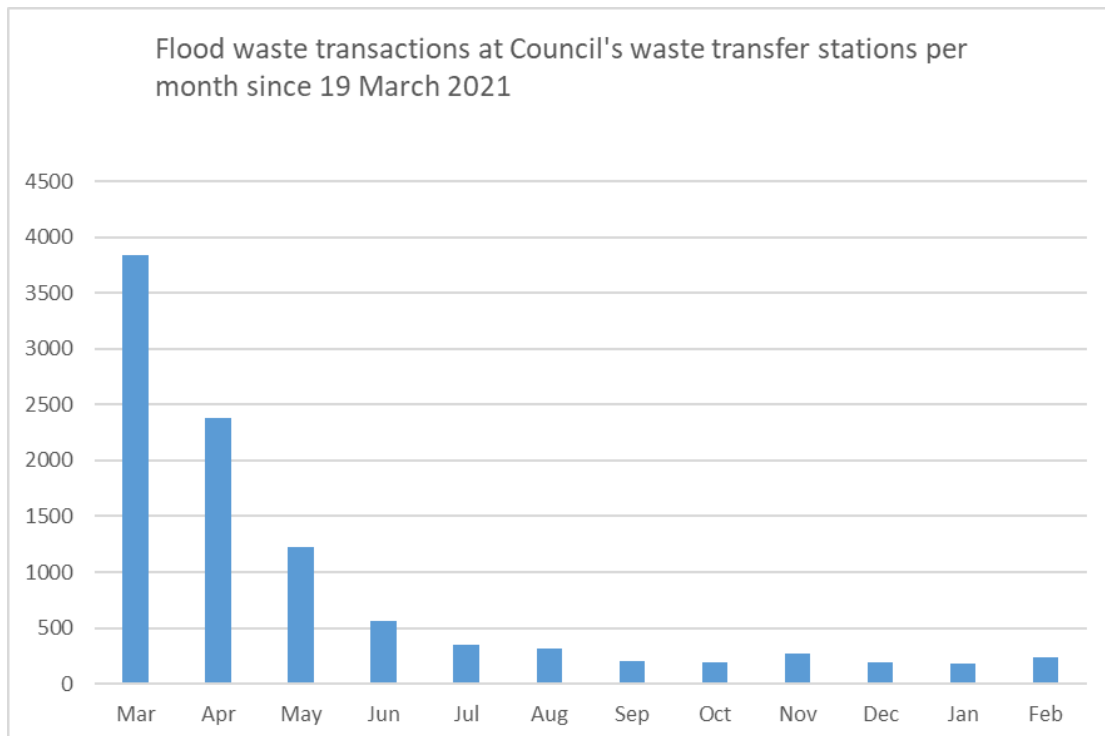
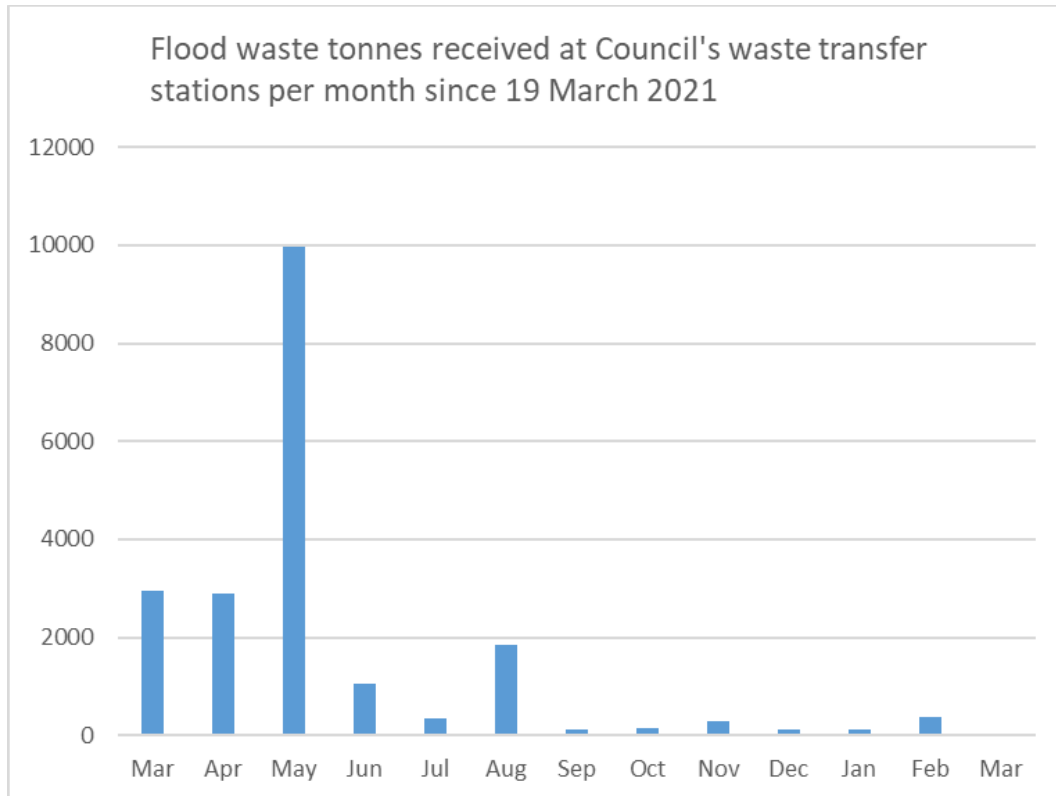
### **Discussion**

In March 2021, the Port Macquarie-Hastings LGA and surrounding regions were subject to unprecedented flood and storm activity, with large scale damage and a significant number of people forced to evacuate. The Port Macquarie-Hastings Council LGA suffered the greatest amount of damage from the floods and storm activity when compared to surrounding areas.

The March 2021 floods have resulted in approximately 36,000 tonnes of flood waste from 19 March 2021 to 2 March 2022 in the Port Macquarie-Hastings LGA. Approximately 16,000 tonnes were disposed of at the temporary transfer station set up in the initial recovery phase while the remainder (approximately 20,000 tonnes) has been accepted at Council's waste transfer stations.

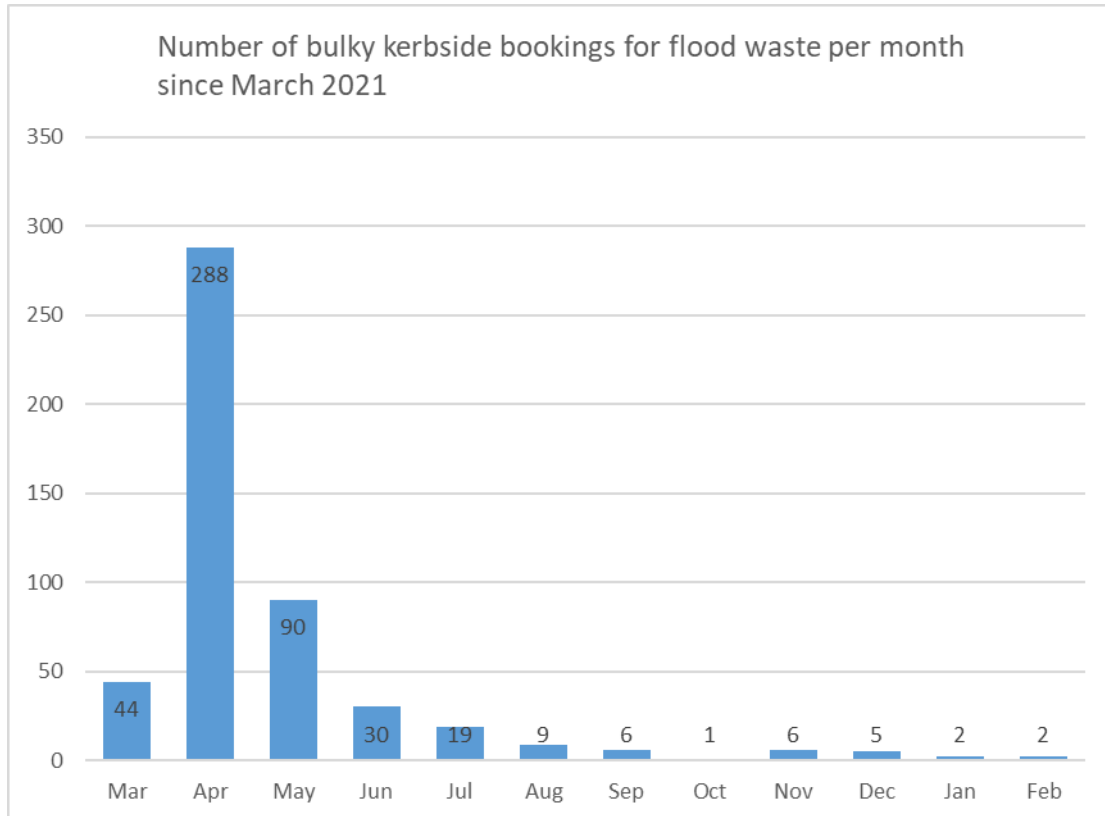
The quantity of flood waste being received at Council's waste transfer stations has declined significantly since the initial months following the March 2021 flood. During the months of March, April and May 2021, Council's waste facilities received 2,946, 2,882 and 9,972 tonnes of flood waste respectively. This compares to an average of 187 tonnes per month (1,125 tonnes combined total) being received between September 2021 and February 2022.

The number of flood waste transactions has also significantly declined. During the months of March, April and May 2021, Council's waste facilities received 3,840, 2,386 and 1,223 flood waste transactions respectively. This compares to an average of 211 transactions per month (1,264 transactions combined total) being received between September 2021 and February 2022.



Very little bulky kerbside collections bookings for flood waste are being received any more with 22 in total being recorded between September 2021 and February 2022.

This booking process is now being fully managed in-house and clean ups are being undertaken by available contractors when required.



Public Works Advisory and the State Emergency Service were involved in an initial impact assessment for flood-affected properties in the weeks following the March 2021 event. This assessment provided an extensive amount of data and as such only parts deemed relevant for the purposes of this Council report have been included below. The results of this assessment identified 1006 buildings that were either damaged or severely impacted (50-75% damage). It is unknown how many flood-affected buildings are still waiting for recovery works to be done and it's difficult to determine if more flood waste is expected after 31 March 2022.

In the Ordinary Council Meeting dated 16 June 2021, Council resolved to:

4. Continue to waive Council tipping fees (not including State Government levies unless waived by the State Government) for local government area residents and businesses' flood damaged waste, including building materials, furniture, fittings, personal items at Council's waste transfer stations until 31 December 2021.
5. Continue to waive Council fees (not including State Government levies unless waived by the State Government) for bulk kerbside collection of flood damaged waste for local government area residents until 31 December 2021.
6. Make urgent application to the NSW Environment Protection Authority (EPA) for an extension to the waste levy exemption for flood damaged waste arising from the March 2021 Flood and Storm Emergency to 31 December 2021.



Council resolved other flood-relief measures however these are not considered pertinent to this Council report.

The NSW EPA has approved an extension of the Waste Levy Exemption EX000878 until 31 March 2022. If more flood waste is anticipated after March 2022, Council may be able to apply for an extension to this exemption.

In December 2021, a decision was made by the Executive Group to extend Council's waiver on tipping fees until 31 March 2021 in line with the EPA Waste Levy Exemption expiry date and to allow flood-affected residents more time to dispose of flood waste at no cost.

Two enquiries have been received in February 2022 which are properties that are going to be voluntarily demolished due to the flood damaged caused. The timeframe on these demolitions will likely surpass 31 March 2022 and therefore the existing waiver on tipping fees would not apply.

If a property is found to be insured for the disposal of flood waste, Council has applied normal disposal costs minus the Waste Levy component. If a waiver to tipping costs is granted, it is recommended that this principal remain.

By 31 March 2022, Council will have provided flood recovery assistance by way of waiving tipping fees and Council fees for bulky kerbside collections for over 12 months. Given the consistent low quantities of flood waste and low numbers of flood waste transactions being received at Council's waste facilities over the last six months, it is recommended that the waivers for tipping fees for flood waste for the general public cease as at 31 March 2022.

To ensure that any remaining flood-affected properties that still require flood waste disposal after 31 March 2022 are not overlooked, it is recommended that an on-line application process be established whereby residents would need contact Council before disposal to apply for a tipping fee waiver. Council would need to establish eligibility criteria to determine the application of the waiver to each individual case. This process would be subject to the NSW EPA granting an extension to the Waste Levy Exemption. It is proposed to apply for an extension of this until 30 June 2022 and any waiver should align with the date of this exemption.

### **Options**

1. Adopt the recommendation as presented.
2. Cease all flood waste waivers at 31 March 2022 as is currently planned and not implement an on-application process and thereby implementing full disposal costs after that date.
3. Extend the existing waiver period based on current conditions, thereby allowing residents to dispose of flood waste free of charge without making an application beforehand.
4. Extend the existing tipping fee waiver period despite the NSW EPA not granting an extension to the Waste Levy Exemption.

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

Internal consultation was undertaken with the following staff:

- Director Community Utilities
- Acting Waste Manager
- Waste Administration Officer

**Planning and Policy Implications**

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

**Financial and Economic Implications**

Tipping fees waived from September 2021 to February 2022 total \$163,324 with an average of \$23,332 per month. Using the monthly average, if a tipping fee waiver is extended for three months until 30 June 2022, additional tipping fees waived may total almost \$70,000. For comparative purposes, Council has waived almost \$3M in tipping fees since the March 2021 event.

Council is still collating data and supporting documents to make an application to the NSW State Government for the reimbursement of waived tipping fees and other waste-related flood recovery costs. It is proposed to make this application at the cessation of the tipping fee waiver to allow for all records to be effectively and accurately compiled.

**Attachments**

Nil

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Item: 14.09

Subject: NOTICE OF MOTION - ROAD NETWORK

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

#### RECOMMENDATION

That Council:

1. Note the priority need to proactively plan for, resource and deliver roads of strategic importance across the Local Government Area.
2. Investigate options for a North-South Road and Footpath link between the Innes Peninsula Link Road and Hastings River Drive, that does not significantly impact existing dwellings or businesses.
3. Investigate and fast-track planning for road priority options to assist with traffic management, flood mitigation, existing road upgrades and new route options, covering but not limited to Wrights Road, Highfields Ct, Koala Street, College Rise, Thrumster St, Fernbank Creek Rd, Lake Road, Boundary Street and the Education precinct surrounding CSU and St Columba Anglican College.
4. Through the Mayor and or Chief Executive Officer where appropriate, proactively collaborate in partnership with the State and Federal Government through the Elected Members and Ministers where appropriate, on the planning and delivery support for solutions to alleviate or reduce traffic congestion, flood mitigation, delivery of better economic outcomes and to work towards fast-tracking road options for priority delivery, in conjunction with and to support already planned works where possible.
5. Continue to proactively seek funding support for Lorne Road upgrade from the State and Federal Government.
6. Give consideration through the 2022-2023 Operational Plan preparation to allocate \$5,000,000 towards progressing the upgrade project to seal the unsealed section of Lorne Road.
7. Continue to work in partnership with the NSW State Government in advocating for fast-tracked responses and practical delivery of the Wrights Road to Lake Road upgrade, Houston Mitchell Drive overpass and King Creek Road intersection upgrade.
8. Consider as part of the 2022-2023 Operational Plan a significant increase in funding for road maintenance, resealing, rural road grading/resheeting and stabilisation and upgrades, including emergency funding to support timely response to maintaining roads following storm events.
9. Note that Council considers road network planning, corridor preservation, associated footpath and cycle ways funding and roads delivery a highest-level priority for budget allocations in this term of Council.

**Comments by Councillor (if provided)**

This motion seeks to fast-track planning and delivery of roads of strategic importance across the Port Macquarie Hastings LGA to better deal with traffic congestion, flood impacts, emergency response and risk mitigation as well as improve economic outcomes.

In January 2022, this Council removed the 'Orbital Road' from Council's works program for the fact that the historically identified corridor would severely impact homes and businesses, was unfunded and also was not supported by other levels of government (and rightly so).

Many ratepayers and residents along with visitors to our area continue to experience lengthy delays and traffic congestion during peak times, particularly around the Innes Lake and Lake Road areas.

Noting the imminent upgrade of Ocean Drive between Matthew Flinders Dr and the Greenmeadows area, the need is now upon us to deal with the upgrade of Lake Road to compliment these works.

It is very clear that with the increasing number of new dwellings being built in the Thrumster and Innes Peninsula area, that alternate and additional road routes be created to help residents to cross to the Hastings River Drive entry to Port Macquarie in a more efficient way.

It is noted that the NSW State Government is currently undertaking planning and or works to Wrights Road to Lake Road (link road upgrades), Houston Mitchell Drive and King Creek Road. Council is supportive of seeing these projects progress as a matter of urgency.

During the recent floods and bushfires, a number of issues arose around critical roads being closed to traffic. Our Regional Airport currently has no flood free access, which in a number of ways inhibits our emergency response at a time when we can least afford to be hamstrung, which is aside from the fact that a closed airport restricts travel and negatively impacts our local economy. There are flood and bushfire risk mitigation measures needing to be addressed with respect to road upgrades and these must be a priority consideration.

Given the expansion to our Base Hospital and associated health precinct in and around Wrights Rd and Highfields Circuit areas and with the limited in-and-out access currently available, there is a critical need to address these localised traffic issues, as well as better maintaining the road surfaces in this high traffic area.

Consideration must be given right now on how we as a council will alleviate the increasing traffic congestion around the CSU, St Columba Anglican School, Major Innes Dr and Ruins Way precincts due to the rapid expansion of this area.

With the continued issues surrounding Comboyne Road and the need to address this particular road in a more strategic way, the Lorne Road sealing project is currently progressing but needs a Council contribution to support the works already underway.

The Lorne Road project has recently received a \$5M contribution from the Commonwealth Government through Dr David Gillespie MP, for which I'm sure we

are all very much appreciative. It is noted though, that this project is estimated to cost in excess of \$35M and that much more work is needed to be done to secure additional funding for this critical trade route. Not least to assist with the issues surrounding Comboyne Road, which does also need to be the subject of much more funding for upgrades.

It must also be noted that there are many more critical road upgrades and maintenance projects to be completed across the broad LGA and it would be the intention of this Council to allocate more of council's resources to delivering better roads and maintenance outcomes for our whole LGA including rural roads, both sealed and unsealed to better service our community.

Quite clearly, it is an expensive exercise in preserving corridors, designing, building and maintaining roads across a vast area and it is not possible for Council to fully fund every aspect of these project elements.

It is critical that Council, through the Mayor and or the CEO, supported by Councillors in and out of the Chamber, work in partnership with the State and Federal Government representatives and agencies to help deliver quality outcomes in achieving an efficient, effective and well maintained road network well into the future.

**Attachments**

Nil



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**Item: 14.10**

**Subject: NOTICE OF MOTION - PORT MACQUARIE-HASTINGS TREE  
MANAGEMENT POLICIES AND PROCEDURES**

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

**RECOMMENDATION**

**That Council:**

- 1. Note the existing Council Tree Management Policies and Procedures and the significant backlog of tree maintenance issues across the Local Government Area.**
- 2. Note the storm activity which has occurred over recent years which has added to the workload pressures on Council in attending to the backlog of tree concerns raised by residents and businesses.**
- 3. Note the NSW State Government's 10/50 Legislation in regards to Bushfire risk mitigation, which is currently already available for land owners to utilise in specific circumstances via the Rural Fire Service NSW website, [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)**
- 4. Request the Chief Executive Officer to provide a report to the May 2022 Ordinary Council Meeting on the adjustments required to update Council's Tree Management Policies and Procedures to enable residents to undertake tree maintenance or removal on private property without Council approval.**
- 5. Include in the report to the May 2022 Ordinary Council Meeting any procedural and or policy adjustments, funding requirements and or resources required to substantially fast-track clearing of the backlog of tree maintenance and removal works across the Local Government Area.**

**Comments by Councillor (if provided)**

Nil.

**Attachments**

Nil

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**Subject: CONFIDENTIAL SESSION**

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**RECOMMENDATION**

- 1. That Council move into Confidential Session to receive and consider the following items:**

**Item 16.01 T-21-03 Design & Constuct of Six Sewer Pump Stations**

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

- 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.**