

Ordinary Council

Business Paper

date of meeting: Thursday 19 May 2022

location: Council Chambers
Port Macquarie-Hastings Council
17 Burrawan Street
Port Macquarie

time: 10:00am

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 19 May 2022

Items of Business

Item	Subject	Page
01	Acknowledgement of Country	<u>1</u>
02	Remote Attendance at Meeting.....	<u>1</u>
03	Local Government Prayer	<u>1</u>
04	Apologies.....	<u>1</u>
05	Confirmation of Minutes	<u>1</u>
06	Disclosures of Interest.....	<u>46</u>
07	Mayoral Minute	
08	Confidential Correspondence to Ordinary Council Meeting.....	<u>50</u>
09	Public Forum - Matters Not On The Agenda.....	<u>51</u>
10	Public Forum - Matters On The Agenda	<u>52</u>
11	Leadership and Governance	<u>53</u>
11.01	Status of Reports From Council Resolutions.....	<u>54</u>
11.02	Mayoral Discretionary Fund Allocations - 7 April to 4 May 2022	<u>63</u>
11.03	2022-2023 Councillor and Mayoral Fees.....	<u>65</u>
11.04	Australian Governance Summit 2022 - Councillor Report.....	<u>70</u>
11.05	Policy Review - Councillor and Staff Interaction Policy - Following Exhibition	<u>73</u>
11.06	Policy Review - PROVIDING FUNDING AND SUPPORT TO THE COMMUNITY POLICY	<u>75</u>
11.07	Policy Review - SOCIAL IMPACT ASSESSMENT POLICY	<u>77</u>
11.08	Policy Review - Graffiti Vandalism Management Policy & Graffiti and Vandalism Reward Scheme Policy	<u>79</u>
11.09	Policy Review - Contaminated Land.....	<u>81</u>
11.10	Policy Review - Road Reserve Management	<u>84</u>
11.11	Policy Review - Asset Management Policy - Post Public Exhibition	<u>86</u>
11.12	Legal Fees	<u>88</u>
11.13	Monthly Budget Review - April 2022.....	<u>90</u>
11.14	Quarterly Budget Review Statement - March 2022	<u>94</u>
11.15	2021-2022 Operational Plan - Quarterly Progress Report as at 31 March 2022	<u>102</u>
11.16	Investments - April 2022	<u>105</u>
11.17	Payment of Water Fund and Sewer Fund Dividend for the Year 2020-2021	<u>110</u>

11.18	Contracts Awarded under Delegation by the Chief Executive Officer	<u>114</u>
11.19	T-18-18 Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators	<u>116</u>
11.20	Development Activity And Assessment System Performance	<u>122</u>
11.21	Community Engagement Policy.....	<u>127</u>
12	Your Community Life	<u>129</u>
12.01	Port Macquarie-Hastings Tree Management Policies And Procedures.....	<u>130</u>
13	Your Business and Industry	<u>134</u>
13.01	Port Macquarie Airport - Pilot Training and Aircraft Noise - Draft Fly Neighbourly Agreement	<u>135</u>
14	Your Natural and Built Environment	<u>146</u>
14.01	Petition - Safety Concerns with Footpath on the Western End of Garden Crescent, Port Macquarie	<u>147</u>
14.02	DA2021 - 999.1 Dwelling and Swimming Pool Including a Clause 4.6 Objection to Clause 4.3 (Height of Building) of the Port Macquarie Hastings Local Environmental Plan 2011, Lot 3 DP 238250, No 5 Orr Street Port Macquarie	<u>149</u>
14.03	Developments, Public Place & Events Waste Minimisation and Management Policy - outcomes of engagement	<u>151</u>
14.04	Draft MR538 and MR600 Corridor Strategy	<u>156</u>
14.05	Rawdon Island Bridge Update	<u>159</u>
14.06	Lake Cathie Natural Resource Management Monthly Update	<u>164</u>
15	Items To Be Dealt With By Exception	
16	Confidential Matters	
	Motion to move into Confidential Session	<u>173</u>
16.01	Potential Purchase of Land	
16.02	Contract Matter	

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

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

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

RECOMMENDATION

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

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

Caroline Dennis from the Lifeway Church of Port Macquarie will be invited to deliver the Local Government Prayer.

Item: 04**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

1. That the Minutes of the Ordinary Council Meeting held on 21 April 2022 be confirmed.
2. That the Minutes of the Extraordinary Council Meeting held on 28 April 2022 be confirmed.

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)
Director Community, Planning and Environment (Melissa Watkins)
Acting Director Community Infrastructure (Glenn Lacey)
Director Community Utilities (Jeffery Sharp)
Group Manager Governance (Michael Ferguson)
Executive Manager Strategy (Duncan Coulton)
Governance and Legal Officer (Kirsty Callander)
Governance Officer (Vicki Garde)

The meeting opened at 10:00am.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

Nil

03 LOCAL GOVERNMENT PRAYER

Justin Pagotto from Grace Church delivered the Local Government Prayer.

04 APOLOGIES

Nil.

05 CONFIRMATION OF MINUTES

RESOLVED: Roberts/Maltman

That the Minutes of the Ordinary Council Meeting held on 17 March 2022 be confirmed.

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

06 DISCLOSURES OF INTEREST

Councillor Maltman declared a Non-Pecuniary, Less Than Significant Interest in Item 14.06 - 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 14.07 - 2021 Illaroo Road Community Values Survey Results, the reason being that Councillor Maltman is a non-financial life member of the community organisation Revive Lake Cathie Inc.

Mayor Pinson declared a Non-Pecuniary, Less than Significant Interest in Item 12.07 Rescission Motion - Notice of Motion - Road Network - the reason being that Mayor Pinson's husband owns a Civil Road Construction company - Stabilcorp - but does not contract at this time with Port Macquarie-Hastings Council.

Mayor Pinson declared a Non-Pecuniary, Less than Significant Interest in Item 12.08 Rescission Motion - Notice of Motion - Draft Infrastructure Strategy - the reason being that Mayor Pinson's husband owns a Civil Road Construction company - Stabilcorp - but does not contract at this time with Port Macquarie-Hastings Council.

Mayor Pinson declared a Non-Pecuniary, Less than Significant Interest in Item 12.09 Rescission Motion - Notice of Motion - Draft Regional Integrated Transport Strategy, the reason being that Mayor Pinson's husband owns a Civil Road Construction company - Stabilcorp - but does not contract at this time with Port Macquarie-Hastings Council.

Councillor Edwards declared a Pecuniary, Significant Interest in Item 12.04 Policy Review - Management of Public Spaces, the reason being that Councillor Edwards holds a mobile vendors licence which is addressed within this policy.

Councillor Intemann declared a Non-Pecuniary, Less than Significant Interest in Item 12.01 2021-2022 Round 2 Community Grant Program for Endorsement, the reason being a member of a group recommended for receiving a grant, and I occasionally serve as their Returning Office for Annual General Meetings.

07.01 MAYORAL MINUTE - GOLDEN GUITAR AWARD CONGRATULATIONS TO ANGUS GILL

RESOLVED: Pinson

That Council, on behalf of the local community, extend its congratulations to local musician, Angus Gill, on winning his first Golden Guitar Award for the Bush Ballad of the Year at the 2022 Golden Guitar Awards.

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

08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Roberts/Griffiths

That Council determine that the attachments to Items Number 12.01, 13.03 and 14.11 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

09 PUBLIC FORUM – MATTERS NOT ON THE AGENDA

The Mayor advised of requests to speak in the Public Forum - Matters Not On The Agenda from:

1. Steven Gates - Flooding to Wauchope Businesses
2. Steven Gates - Road Repairs and Tree Remedial Prioritisation

RESOLVED: Roberts/Lipovac

That the above requests to speak in the Public Forum - Matters Not On The Agenda be acceded to.

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

09.01 FLOODING TO WAUCHOPE BUSINESSES

Mr Steven Gates addressed Council in relation to Flooding to Wauchope Businesses and answered questions from Councillors.

09.02 ROAD REPAIRS AND TREE REMEDIAL PRIORITISATION

Mr Steven Gates addressed Council in relation to Road Repairs and Tree Remedial Prioritisation and answered questions from Councillors.

10 PUBLIC FORUM – MATTERS ON THE AGENDA

The Mayor advised of requests to speak in the Public Forum - Matters On The Agenda from:

Item 12.06 Notice of Motion - Affordable Housing - Caleb Rose in support of the recommendation.

Item 14.02 - Planning Proposal - 2021 Administrative Review of the Port Macquarie-Hastings Local Environmental Plan 2011 - Peter Hore in support of the recommendation.

Item 14.03 - Le Clos Planning Proposal - Maurice Driscoll in opposition to the recommendation.

Item 14.03 - Le Clos Planning Proposal - Graham Burns in opposition to the recommendation.

Item 14.06 - Lake Cathie Natural Resource Management - Monthly Update Report - Kate Aston in opposition to the recommendation.

RESOLVED: Roberts/Slade

That the above requests to speak in the Public Forum - Matters On The Agenda be acceded to.

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

Item 12.06 Notice of Motion - Affordable Housing - Caleb Rose addressed Council in support of the recommendation and answered questions from Councillors.

Item 14.02 - Planning Proposal - 2021 Administrative Review of the Port Macquarie-Hastings Local Environmental Plan 2011 - Peter Hore addressed Council in support of the recommendation and answered questions from Councillors.

Item 14.03 - Le Clos Planning Proposal - Maurice Driscoll addressed Council in opposition to the recommendation and answered questions from Councillors.

Item 14.03 - Le Clos Planning Proposal - Graham Burns addressed Council in opposition to the recommendation and answered questions from Councillors.

Item 14.06 - Lake Cathie Natural Resource Management - Monthly Update Report - Kate Aston addressed Council in opposition to the recommendation and answered questions from Councillors.

Councillor Slade left the meeting, the time being 11:27am.

Councillor Slade returned to the meeting, the time being 11:29am.

SUSPENSION OF STANDING ORDERS

RESOLVED: Roberts /Griffiths

That Standing Orders be suspended to allow Items 12.06, 14.02, 14.03, 14.06, 11.01, 11.02, 11.05, 11.06, 11.07, 11.09, 11.10, 11.11, 12.01, 12.04, 12.05, 12.07, 12.08, 12.09, 13.01, 13.02, 13.03, 14.01, 14.04, 14.05, 14.07 and 14.11 to be brought forward and considered next.

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

Councillor Sheppard left the meeting, the time being 11:31am.

Councillor Sheppard returned to the meeting, the time being 11:34am.

12.06 NOTICE OF MOTION - AFFORDABLE HOUSING

MOTION:

MOVED: Lipovac/Griffiths

That Council:

1. Request the Chief Executive Officer provide advice to Council on affordable housing in the Port Macquarie-Hastings Local Government Area.
2. Receive a report at the July 2022 Ordinary Meeting of Council on affordable housing.

AMENDMENT:

MOVED: Roberts/Slade

That Council:

1. Acknowledge that Affordable Housing is a significant National issue.
2. Note that Council has placed Affordable Housing and Housing Affordability on the list of priority issues to address through the Port Macquarie Hastings Blueprint.

CARRIED: 5/4

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

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.

PROCEDURAL MOTION:

RESOLVED: Roberts

That the motion be put.

CARRIED: 9/0

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

THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED

MOTION

RESOLVED: Roberts/Slade

That Council:

1. Acknowledge that Affordable Housing is a significant National issue.

-
2. Note that Council has placed Affordable Housing and Housing Affordability on the list of priority issues to address through the Port Macquarie Hastings Blueprint.

CARRIED: 5/4

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

PROCEDURAL MOTION

RESOLVED: Pinson/Roberts

That the Council meeting be adjourned.

CARRIED: 9/0

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

The meeting adjourned at 12:07pm.

The meeting resumed at 12:19pm.

SUSPENSION OF STANDING ORDERS

RESOLVED: Roberts/Maltman

That Standing Orders be suspended to allow Item 11.11 to be brought forward and considered next.

CARRIED: 8/1

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

11.11 PORT MACQUARIE HASTINGS BLUEPRINT

MOTION:

MOVED: Roberts/Griffiths

That Council:

1. Adopt the Action Plan to develop a Blueprint as included in Attachment 1.
 2. Specify a shortened tender period of 14 days from the date the invitation to tender is released in accordance with clause 171(1) of the Local Government (General) Regulation 2021 for the purpose of expediting the development of the Blueprint.
 3. Request Chief Executive Officer to present a report to a future meeting of Council on completion of the procurement evaluation process, for Council's consideration of T-22-23 Port Macquarie- Hastings Blueprint 2022 and acceptance of the recommended proposal.
-

-
4. Note the expected estimated total cost (\$150,000 - \$250,000) of T-22-23 Port Macquarie- Hastings Blueprint 2022 and approve the overall budget as described in the included financial summary.

AMENDMENT:

MOVED: Sheppard/Intemann

That Council

1. Note the potential utility of the infrastructure mapping component proposed in Councillor Roberts' tabled Blueprint talk notes, and request that Council give consideration to including such visual aids in the final Infrastructure Strategy and Regional Integrated Transport Strategy.
2. Note the considerable body of Strategic Work that has been undertaken by Council over the past several years. Further, note that this strategic work includes ensuring council's strategic documents are;
 - a) internally aligned;
 - b) clearly grounded in community values and priorities;
 - c) able to appropriately guide delivery of services and infrastructure, and additionally that
 - d) the strategies link to funding mechanisms through alignment with the higher level regional and state strategies and priorities.
3. Note the unexpected and unbudgeted escalation of costs of delivering the Blueprint, as described in the Report, including the potential that delivery of a Blueprint document could plausibly surpass \$250,000 in costs.
4. Note that progress on critical strategies (Infrastructure Strategy, Regional Integrated Transport Strategy) is being substantially delayed to facilitate delivery of the Blueprint.
5. Note:
 - a) the continued lack of clarity and inconsistent information about what the Blueprint is proposed to be or achieve;
 - b) that Councillors have not yet been provided with the 'scope' or 'brief' that will be used to invite tenders as per the 'Action Plan';
 - c) the limited information contained within the 'Action Plan' in the attachments;
 - d) the process through which the 'Action Plan' was developed;
6. Noting clauses 3, 4 and 5, defer progress on the Blueprint until February 2023 pending review.

A Point of Order was raised by the chairperson who insisted that point 5(d) be removed. The point of order was upheld.

PROCEDURAL MOTION:

MOVED: Sheppard/Intemann

A Motion of Dissent was moved on the Chairperson's ruling to remove item 5(d) from the amendment

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

The mover of the amendment amended 5(d) which was accepted by the chairperson.

PROCEDURAL MOTION:

RESOLVED: Roberts

That the amendment be put.

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

THE AMENDMENT ON BEING PUT TO THE MEETING WAS LOST

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

PROCEDURAL MOTION:

MOVED: Roberts/Slade

That Council adjourn the meeting

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

The meeting adjourned at 1:21pm
The meeting resumed at 1:54pm

AMENDMENT:

MOVED: Sheppard/Edwards

That Council defer this matter until after such time that Councillors have been provided with the Brief to be used in the tendering process for the Blueprint work.

THE AMENDMENT WAS PUT AND 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. Adopt the Action Plan to develop a Blueprint as included in Attachment 1.
 2. Specify a shortened tender period of 14 days from the date the invitation to tender is released in accordance with clause 171(1) of the Local Government
-

(General) Regulation 2021 for the purpose of expediting the development of the Blueprint.

3. Request Chief Executive Officer to present a report to a future meeting of Council on completion of the procurement evaluation process, for Council's consideration of T-22-23 Port Macquarie- Hastings Blueprint 2022 and acceptance of the recommended proposal.
4. Note the expected estimated total cost (\$150,000 - \$250,000) of T-22-23 Port Macquarie- Hastings Blueprint 2022 and approve the overall budget as described in the included financial summary.

CARRIED: 5/4

FOR: Griffiths, Maltman, Pinson, Roberts and Slade

AGAINST: Edwards, Intemann, Lipovac and Sheppard

SUSPENSION OF STANDING ORDERS

RESOLVED: Roberts/Maltman

That Standing Orders be suspended to allow Item 14.06 to be brought forward and considered next.

CARRIED: 8/1

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

AGAINST: Intemann

14.06 LAKE CATHIE NATURAL RESOURCE MANAGEMENT - MONTHLY UPDATE REPORT

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

RESOLVED: Griffiths/Sheppard

That Council:

1. Note the update report on Lake Cathie / Lake Innes / Cathie Creek waterway natural resource management projects/initiatives.
2. Note the progress on development of the Coastal Management Program to manage the Lake Cathie / Lake Innes / Cathie Creek waterway.
3. Delay presentation to Council of a further revision of the Lake Cathie Entrance Management Strategy Flow Chart and educational material until the Lake is closed, at which time any results and findings of current studies can be included in determining the future strategy direction.

CARRIED: 9/0

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

AGAINST: Nil

**14.02 PLANNING PROPOSAL - 2021 ADMINISTRATIVE REVIEW OF THE
PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011**

RESOLVED: Roberts/Griffiths

That Council:

1. Take the necessary steps under sections 3.35 and 3.36 of the Environmental Planning and Assessment Act 1979 (the Act) to finalise Port Macquarie-Hastings Council Local Environmental Plan 2011 (Amendment 61) in accordance with the exhibited Planning Proposal in Attachment 1.
2. Delegate authority to the Director Community, Planning and Environment to make any minor amendments to the Planning Proposal in finalising the Local Environmental Plan.
3. Notify all persons who lodged submissions of the meeting outcome.

CARRIED: 9/0

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

AGAINST: Nil

**14.03 LE CLOS PLANNING PROPOSAL
OWNER: LCS ESTATES PTY LTD
APPLICANT: LAND DYNAMICS AUSTRALIA**

MOTION

MOVED: Pinson/Roberts

That Council:

1. Acknowledge the current Housing Crisis identified by both the Federal and State Governments.
2. Write to the Department of Planning and Environment (DPE) to request an extension of time of up to six (6) months be granted for the Le Clos Planning Proposal due to a number of identified issues which require further time to resolve, as outlined in the report.
3. Request the Chief Executive Officer to write to The Hon Anthony Roberts, the Minister for Planning and the Minister for Homes informing Minister Roberts of the impediments faced by Council which create obstacles, and cause delays and additional cost to the delivery of housing in the Port Macquarie-Hastings Local Government Area.

AMENDMENT

MOVED: Intemann/Sheppard

That Council:

1. Note the submissions received in relation to public exhibition of the 'Le Clos Sancrox' Planning Proposal.
-

-
2. Note the timeframe for completing the Planning Proposal is to be 12 months following the date of the Gateway determination, which was made on 13 May 2021.
 3. Not proceed with the 'Le Clos Sancrox' Planning Proposal due to incomplete draft infrastructure contributions and costings required to ensure proposed infrastructure and public benefit of the Planning Proposal are made available to the public.
 4. Request the Minister to determine that the matter not proceed pursuant to section 3.35 of the Environmental Planning and Assessment Act 1979 due to incomplete draft infrastructure contributions and costings required to ensure proposed infrastructure and public benefit of the Planning Proposal are made available to the public.
 5. Note the detailed investigations undertaken to date and the merits of the proposal however acknowledges the critical importance of resolving infrastructure issues before land is rezoned to a higher use.

THE AMENDMENT WAS PUT AND 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. Acknowledge the current Housing Crisis identified by both the Federal and State Governments.
2. Write to the Department of Planning and Environment (DPE) to request an extension of time of up to six (6) months be granted for the Le Clos Planning Proposal due to a number of identified issues which require further time to resolve, as outlined in the report.
3. Request the Chief Executive Officer to write to The Hon Anthony Roberts, the Minister for Planning and the Minister for Homes informing Minister Roberts of the impediments faced by Council which create obstacles, and cause delays and additional cost to the delivery of housing in the Port Macquarie-Hastings Local Government Area.

CARRIED: 5/4

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

Councillor Lipovac left the meeting, the time being 02:23pm.

Councillor Lipovac returned to the meeting, the time being 02:25pm.

11.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Intemann / Roberts

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

11.02 DISCLOSURE OF INTEREST RETURNS - COUNCILLORS

RESOLVED: Intemann / Griffiths

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

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

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

11.05 CODE OF MEETING PRACTICE

MOTION:

MOVED: Roberts/Edwards

That Council:

1. Pursuant to section 361(3) of the Local Government Act 1993, place on public exhibition the draft Code of Meeting Practice for a period of not less than of 28 days.
2. Pursuant to section 361(4) of the Local Government Act 1993, accept submissions on the draft Code of Meeting Practice, for a period of not less than 42 days.
3. Note that a further report will be tabled at the June 2022 meeting of Council, detailing the submissions received from the public and further consideration of Council during the exhibition period.

AMENDMENT

MOVED: Lipovac/Sheppard

That Council:

1. Pursuant to section 361(3) of the Local Government Act 1993, place on public exhibition the draft Code of Meeting Practice for a period of not less than of 28 days.
2. Pursuant to section 361(4) of the Local Government Act 1993, accept submissions on the draft Code of Meeting Practice, for a period of not less than 42 days.
3. Note that a further report will be tabled at the June 2022 meeting of Council, detailing the submissions received from the public and further consideration of Council during the exhibition period.
4. Exhibit the Draft Code of Meeting Practice including Clauses 10.22 and 10.23 indicating a time limit of five (5) minutes rather than the three (3) minutes currently in the Draft Code.

THE AMENDMENT WAS PUT AND 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/Edwards

That Council:

1. Pursuant to section 361(3) of the Local Government Act 1993, place on public exhibition the draft Code of Meeting Practice for a period of not less than of 28 days.
2. Pursuant to section 361(4) of the Local Government Act 1993, accept submissions on the draft Code of Meeting Practice, for a period of not less than 42 days.
3. Note that a further report will be tabled at the June 2022 meeting of Council, detailing the submissions received from the public and further consideration of Council during the exhibition period.

CARRIED: 8/1

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

AGAINST: Lipovac

Councillor Slade left the meeting, the time being 03:02pm.

Councillor Slade returned to the meeting, the time being 03:04pm.

11.06 MONTHLY BUDGET REVIEW - MARCH 2022

RESOLVED: Intemann/Lipovac

That Council:

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

CARRIED: 8/0

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

Councillor Sheppard left the meeting, the time being 03:14pm.

Councillor Sheppard returned to the meeting, the time being 03:15pm.

11.07 INVESTMENTS - MARCH 2022

MOTION:

MOVED: Intemann/Roberts

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

AMENDMENT:

MOVED: Sheppard/Griffiths

That Council:

1. Note the Investment Report for the month of March 2022
2. Noting the currently complex and highly dynamic nature of investment markets, request that Imperium Markets provide a Councillor Briefing to better understand the recommended approach to Council's investments in the current environment.

AMENDMENT WAS PUT AND CARRIED.

CARRIED: 9/0

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

THE AMENDMENT BECAME THE MOTION

RESOLVED: Sheppard/Griffiths

That Council:

1. Note the Investment Report for the month of March 2022
2. Noting the currently complex and highly dynamic nature of investment markets, request that Imperium Markets provide a Councillor Briefing to better understand the recommended approach to Council's investments in the current environment.

CARRIED: 9/0

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

AGAINST: Nil

11.09 POLICY REVIEW - VOLUNTEER POLICY

RESOLVED: Intemann/Sheppard

That Council:

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

CARRIED: 9/0

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

AGAINST: Nil

11.10 POLICY REVIEW - MEDIA RELATIONS POLICY

RESOLVED: Roberts/Maltman

That Council:

1. Adopt the draft Media Relations Policy for the purpose of public exhibition for a period of not less than 28 days.
2. Note that a further report will be tabled at the July 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 9/0

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

AGAINST: Nil

12.01 2021-2022 ROUND 2 COMMUNITY GRANT PROGRAM FOR ENDORSEMENT

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

RESOLVED: Griffiths/Roberts

That Council, pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2021-2022 Round 2, for the total amount of \$30,029 according to the following:

<i>Organisation Name</i>	<i>Project</i>	<i>Funding</i>
Community Builders		
Port Macquarie Kart Racing Club	Hastings Road Safety Expo	\$5,000
	Sub-total	\$5,000
Community Celebrations		
Wauchope Chamber of Commerce	Christmas Celebrations	\$4,700
Liberty Domestic & Family Violence Specialist Services	Coastal Walk against Domestic & Family Violence	\$4,750
	Sub-total	\$9,450
Cultural Activities		
Hastings Fine Art Association	Hastings Valley Open Art Prize	\$1,000
Wauchope Community Art Council	Arts from the Heart of Wauchope	\$5,000
	Sub-total	\$6,000
Youth Projects		
Port Macquarie Squash Inc.	Junior Squash Competition	\$5,000
Hastings Neighbourhood Services	Cathie Youth Hub	\$4,759
	Sub-total	\$9,579
2021-2022 Round 1 Community Grants Distribution Total		\$30,029

CARRIED: 9/0

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

AGAINST: Nil

12.04 POLICY REVIEW - MANAGEMENT OF PUBLIC SPACES

Councillor Edwards declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration.

MOTION

RESOLVED: Sheppard/Slade

That Council:

1. Adopt the draft Management of Public Spaces Policy which would replace nine policies for the purpose of public exhibition and publically exhibit the draft policy for a period of not less than 28 days.
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.

CARRIED: 8/0

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

AGAINST: Nil

12.05 DUNBOGAN BEACH RECREATIONAL ENHANCEMENT OPTIONS

MOTION

RESOLVED: Pinson/Roberts

That Council:

1. Undertake community engagement with nearby residents of Dunbogan Beach, Dunbogan community, key stakeholders, Bunyah LALC, local environmental groups and Crown Land to survey the desire for Council to enhance the access to the beach and provide amenities and formalised carparking.
2. Provide a report back to Council at the July 2022 Ordinary Council meeting for further consideration.

CARRIED: 7/2

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

AGAINST: Griffiths and Intemann

12.07 RESCISSION MOTION - NOTICE OF MOTION - ROAD NETWORK

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

MOTION:

MOVED: Sheppard / Lipovac

That the undermentioned motion adopted at the Ordinary Council Meeting held on 17 March 2022:

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 Circuit, Koala Street, College Rise, Thrumster Street, Fernbank Creek Road, 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 Governments.
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.

be rescinded.

THE MOTION WAS PUT AND LOST

LOST: 4/5

FOR: *Edwards, Intemann, Lipovac and Sheppard*

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

PROCEDURAL MOTION

MOVED: Sheppard/Edwards

That a motion of Dissent be moved against the ruling of the Chairperson and the rejecting of a request to table documents.

LOST: 3/6

FOR: *Edwards, Lipovac and Sheppard*

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

THE MOTION WAS PUT AND LOST

Councillor Maltman left the meeting, the time being 03:37pm.

Councillor Maltman returned to the meeting, the time being 03:40pm.

Councillor Intemann left the meeting, the time being 03:38pm.

Councillor Intemann returned to the meeting, the time being 03:39pm. Councillor

Councillor Griffiths left the meeting and did not return, the time being 03:57pm.

**12.08 RESCISSION MOTION - NOTICE OF MOTION - DRAFT
INFRASTRUCTURE STRATEGY**

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

MOTION:

MOVED: Sheppard/Edwards

That the undermentioned motion adopted at the Ordinary Council Meeting held on 17 March 2022:

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.

be rescinded.

LOST: 4/4

FOR: *Edwards, Intemann, Lipovac and Sheppard*

AGAINST: *Maltman, Pinson, Roberts and Slade*

Mayor Casting Vote (against)

12.09 RESCISSION MOTION - NOTICE OF MOTION - DRAFT REGIONAL INTEGRATED TRANSPORT STRATEGY

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

MOTION

MOVED: Sheppard/Edwards

That the undermentioned motion adopted at the Ordinary Council Meeting held on 17 March 2022:

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.

be rescinded.

LOST: 4/4

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

Mayor Casting Vote (against)

13.01 NOTICE OF MOTION - PORT MACQUARIE WORKS DEPOT

MOTION

RESOLVED: Pinson/Roberts

That Council request the Chief Executive Officer to provide a report to the May 2022 Ordinary Council Meeting as to the future plans for the relocation of the Port Macquarie Works Depot.

CARRIED: 8/0

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

AGAINST: Nil

13.02 2022-2032 ECONOMIC DEVELOPMENT STRATEGY

MOTION

RESOLVED: Roberts/Maltman

That Council:

1. Acknowledge the Economic Development of the Port Macquarie Hastings LGA is of strategic importance.
2. Not adopt the Draft Economic Development Strategy.
3. Note that Council has placed Economic Development on the list of priority issues to address through the Port Macquarie Hastings Blueprint.
4. Advise people and organisations who provided input and feedback through the community engagement on the 2022-2032 Economic Development Strategy of Council's determination in this matter and thank them for their input

CARRIED: 4/4

FOR: Maltman, Pinson, Roberts and Slade

*AGAINST: Edwards, Intemann, Lipovac and Sheppard
Mayor Casting Vote (for)*

PROCEDURAL MOTION

MOVED: Sheppard/Edwards

That the Council meeting be adjourned for 5 minutes.

LOST: 4/4

FOR: Edwards, Intemann, Lipovac and Sheppard

*AGAINST: Maltman, Pinson, Roberts and Slade
Mayor Casting Vote (against)*

13.03 MAJOR EVENTS GRANT PROGRAM - ROUND 2, 2022

RESOLVED: Roberts/Lipovac

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Major Events Grant Program Round 2, 2022 in the total amount of \$20,000 as follows:

Event Name, Organiser & Ranking	Sponsorship Recommended
1. Elephant Trail Race (Coastal Sports Warehouse & Coastal Track & Trail Runners)	\$5,000
2. Gardenista (Creative Comboyne)	\$5,000
3. Academy Netball Challenge (North Coast Academy of Sport)	\$2,500

4. Rainbow Gold Enduro (Wauchope Bonny Hills Surf Lifesaving Club)	\$2,500
5. Beach Oztag (Australian Oztag)	\$2,500
6. Dropknee Sessions (Clayton Pickworth)	\$2,500
Total allocated this round	\$20,000

CARRIED: 7/0
FOR: Edwards, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Nil

Councillor Intemann left the meeting, the time being 05:04pm.

Councillor Intemann returned to the meeting, the time being 05:07pm.

Councillor Edwards left the meeting, the time being 05:08pm.

14.01 NOTICE OF MOTION - BELLBOWRIE PARK, PORT MACQUARIE

RESOLVED: Pinson/Roberts

That Council:

1. Give consideration to the establishment of a new dog park at Bellbowrie Park in conjunction with the upcoming annual review of Council's Recreation Action Plan.
2. Request the Chief Executive Officer to include the concept of establishing a dog park at Bellbowrie Park in the community engagement for the Recreation Action Plan review.

CARRIED: 5/2
FOR: Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Intemann and Lipovac

14.04 PP2017-11.1 PLANNING PROPOSAL ASSESSMENT REPORT - LOT 1 DP1161722, THE CHIMNEYS, HOMEDALE ROAD, KEW OWNER: YEVRAN SUPER PTY LTD APPLICANT: GEM PLANNING PROJECTS

RESOLVED: Roberts/Slade

That Council:

1. Not support the Planning Proposal request to amend the Port Macquarie-Hastings Local Environmental Plan 2011 to rezone Lot 1 DP 1161722, Homedale Road, Kew from RU1 Primary Production to R1 General Residential, C2 Environment Conservation and C3 Environmental Management, for the following reasons:
 - a) The proposed development resulting from the Planning Proposal is premature from an infrastructure servicing perspective. The current Kew/Kendall Sewerage Treatment Plant currently does not have capacity for currently zoned land within the Kew / Kendall area and therefore Council

-
- cannot approve the rezoning of any further land for urban purposes that will increase the sewerage loading to the treatment plant. A new system is only in the design phase and remains several years from completion.
- b) The request proposes development of land which, if supported, would be inconsistent with Objectives (b), (c), (e), (f), (g) and (j) of the Environmental Planning and Assessment Act, 1979.
 - c) The Planning Proposal is inconsistent with State Environmental Planning Policies for SEPP (Biodiversity and Conservation) 2021 - Chapter 3 Koala Habitat Protection, SEPP (Resilience and Hazards) 2021 - Chapter 2 Coastal Management and SEPP (Transport and Infrastructure) 2021.
 - d) The Planning Proposal is inconsistent with the following Environmental Planning and Assessment Act, 1979 Section 9.1 Ministerial Directions:
 - I. Direction 3.1 Conservation Zones
 - II. Direction 3.2 Heritage Conservation
 - III. Direction 4.2 Coastal Management
 - IV. Direction 4.3 Planning for Bushfire Protection
 - V. Direction 5.1 Integrating Land Use and Transport
 - VI. Direction 6.1 Residential Zones
 - VII. Direction 9.2 Rural Lands.
 - e) The proposed amendments requested to the Port Macquarie-Hastings Local Environmental Plan 2011 through the Planning Proposal do not demonstrate strategic and site specific merit under the Assessment Criteria in the NSW Department of Planning & Environment's Local Environmental Plan Making Guideline (December 2021).
 - f) Under Section 3.6 b) of Council's Planning Proposal Policy (2019) the Planning Proposal does not promote the orderly and efficient provision of essential services, notably sewer and road infrastructure, and involves the development of areas of high environmental value.
 - g) The Planning Proposal is inconsistent with the Biodiversity Conservation Act 2016 in that the biodiversity values of the site have not been sufficiently assessed and the physical constraints of the site avoided.
 - h) The Planning Proposal has not adequately assessed and demonstrated avoidance of the high environmental values on the site, as it does not:
 - I. Provide the required buffers to the three (3) Endangered Ecological Communities, as required by Council's Development Control Plan 2013,
 - II. Proposes the removal of four (4) Hollow Bearing Trees (HBT), which, due to the score these have achieved under Council's HBT Assessment Protocol, require retention and exclusion from development under DCP 2013,
 - III. Undertake an assessment of potential Koala presence in accordance with SEPP (Biodiversity and Conservation) 2021.
 - i) The proposed development does not incorporate community facilities, contrary to Council's Development Control Plan 2013, which requires a neighbourhood park to be located within a 500m walkable catchment.
 - j) The Planning Proposal has not interpreted the Port Macquarie-Hastings Local Environmental Plan 2011 Schedule 5 Environmental heritage item I161 (Chimneys - remains of mill workers' cottages) formerly located on the site, contrary to Condition 6 of DA No 2018/215, which required any future rezoning of the site to interpret the heritage item within a public reserve.
 - k) Secondary road access arrangements are not adequately addressed for the Planning Proposal in accordance with the requirements of the NSW
-

Government's Planning for Bushfire Protection (PBP) 2019 and Council policy. As required by Section 4.2.1 of PBP 2019, the increasing density of development and traffic movements on Homedale Road should be considered in the context of emergency access, egress and evacuation for any future development proposed on the site.

- l) Pedestrian accessibility and connectivity of the site to the Kew village and public transport is not adequately addressed by the Planning Proposal. In the event of future secondary road access is provided from the land to Kendall Road (to the north-west) and Nancy Bird Walton Drive (to the east), footpaths will be required to meet the NSW Government requirements for Traffic Generating Development, which would allow easy pedestrian access to bus stops and into Kew.
2. For the reasons outlined in 1 above, not refer the Planning Proposal to the NSW Department of Planning & Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979.
3. Acknowledge that the subject land is located within the Urban Growth Area boundary of the North Coast Regional Plan 2036 and Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036, and invite the Proponent to submit a new Planning Proposal application, which addresses the matters raised within this report, at a time when Council has entered into a construction contract for the Kew/ Kendall Sewage Treatment Plant upgrade.
4. Notify the Proponent of its decision in the matter.
5. Notify the NSW Department of Planning & Environment of its decision in the matter.

CARRIED: 7/0

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

AGAINST: Nil

14.05 PORT MACQUARIE AQUATIC FACILITY

RESOLVED: Roberts/Maltman

That Council:

1. Note the information contained within the Port Macquarie Aquatic Facility report.
2. Endorse the revised design options A, B, C, D to progress to development of a Business Case Report.
3. Request to Chief Executive Officer (CEO) present the Business Case report to the June 2022 Ordinary Council meeting outlining the Capital and Operational impacts / Financial implications for Council.

CARRIED: 6/1

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

AGAINST: Intemann

Councillor Edwards returned to the meeting, the time being 5:10pm

14.07 2021 ILLAROO ROAD COMMUNITY VALUES SURVEY RESULTS

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 note the results of the Illaroo Road Community Values Survey as outlined in the report.

CARRIED: 7/1
FOR: Edwards, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Intemann

14.11 TACKING POINT SURF LIFE SAVING CLUB EXTERNAL SEWER UPGRADE WORKS

RESOLVED: Roberts/Intemann

That Council:

1. Note the request from the Tacking Point Surf Life Saving Club to consider a contribution toward the expansion of the Club House in Matthew Flinders Drive, Port Macquarie.
2. Request the Chief Executive Officer confirm with the Tacking Point Surf Life Saving Club that a contribution toward the new private sewage pumping station to the value of \$52,525 will be made upon completion of the project should the project continue.
3. Include a budget line item to the value of \$52,525 in the 2021-2022 Operational Plan "Tacking Point Surf Life Saving Club SPS" funded from the sewer reserve.

CARRIED: 6/2
FOR: Edwards, Lipovac, Maltman, Pinson, Roberts and Slade
AGAINST: Intemann and Sheppard

15 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Roberts/Slade

That Items 11.03, 11.04, 11.08, 12.02, 12.03, 14.08, 14.09 and 14.10 be considered as a block resolution.

CARRIED: 8/0
FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Nil

RESOLVED: Roberts/Slade

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

CARRIED: 8/0
FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Nil

Item 11.01 Status of Reports from Council Resolutions has been addressed previously within the meeting.

Item 11.02 Disclosure of Interest Returns - Councillors has been addressed previously within the meeting.

11.03 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 3 MARCH TO 6 APRIL 2022

BLOCK RESOLVED: Roberts/Slade

That Council note the Mayoral Discretionary Fund allocation for the period 3 March to 6 April 2022 inclusive.

11.04 POLICY REVIEW - MAYORAL DISCRETIONARY FUND POLICY - FOLLOWING EXHIBITION

BLOCK RESOLVED: Roberts/Slade

That Council adopt the Mayoral Discretionary Fund Policy.

Item 11.05 Code of Meeting Practice has been addressed previously within the meeting.

Item 11.06 Monthly Budget Review - April 2022 has been addressed previously within the meeting.

Item 11.07 Investments - April 2022 has been addressed previously within the meeting.

11.08 POLICY REVIEW - CONTROL OF BURNING - POST PUBLIC EXHIBITION

BLOCK RESOLVED: Roberts/Slade

That Council adopt the Draft Control of Burning Policy.

Item 11.09 Policy Review - Volunteer Policy has been addressed previously within the meeting.

Item 11.10 Policy Review - Media Relations Policy has been addressed previously within the meeting.

Item 11.11 Port Macquarie Hastings BLUEPRINT has been addressed previously within the meeting.

Item 12.01 2021-2022 Round 2 Community Grant Program for Endorsement has been addressed previously within the meeting.

12.02 RECOMMENDED ITEMS FROM MAYOR'S SPORTING FUND COMMITTEE - MARCH 2022

BLOCK RESOLVED: Roberts/Slade

That Council award the following scholarships under the Mayor's Sporting Fund:

- \$350 to Trelise Kirkby to support her attendance at the 2022 Australian Junior Basketball Championships in Ballarat from 10-17 April 2022.
- \$750 to Maddison Drewitt to support her attendance at the 2022 Australian National Hockey Championships in Cairns from 6-14 April 2022.
- \$500 to Lacey Costigan to support her attendance at the 2022 National Netball Championships in Hobart from 17-22 April 2022.
- \$350 to Tobias Toohey to support his attendance at the 2022 National Hockey Championships in Newcastle from 7-13 April 2022.
- \$350 to Hadyn Johnson to support his attendance at the 2022 Australian Youth Beach Volleyball Championships in Coolangatta from 28-31 March 2022.

12.03 DRAFT COMMUNITY INCLUSION PLAN

BLOCK RESOLVED: Roberts/Slade

That Council:

1. Place the draft Community Inclusion Plan on exhibition for a period of not less than 28 days.
2. Note that a further report will be tabled at the June 2022 Ordinary Council Meeting detailing the submissions received from the public during the exhibition period.

Item 12.04 Policy Review - Management of Public Spaces has been addressed previously within the meeting.

Item 12.05 Dunbogan Beach Recreational Enhancement Options has been addressed previously within the meeting.

Item 12.06 Notice of Motion - Affordable Housing has been addressed previously within the meeting.

Item 12.07 Rescission Motion - Notice of Motion - Road Network has been addressed previously within the meeting.

Item 12.08 Rescission Motion - Notice of Motion - Draft Infrastructure Strategy has been addressed previously within the meeting.

Item 12.09 Rescission Motion - Notice of Motion - Draft Regional Integrated Transport Strategy has been addressed previously within the meeting.

Item 13.01 Notice of Motion - Port Macquarie Works Depot has been addressed previously within the meeting.

Item 13.02 2022-2032 Economic Development Strategy has been addressed previously within the meeting.

Item 13.03 Major Events Grant Program - Round 2, 2022 has been addressed previously within the meeting.

Item 14.01 Notice of Motion - Bellbowrie Park, Port Macquarie has been addressed previously within the meeting.

Item 14.02 Planning Proposal - 2021 Administrative Review Of The Port Macquarie-Hastings Local Environmental Plan 2011 has been addressed previously within the meeting.

Item 14.03 Le Clos Planning Proposal, Owner: LCS Estates Pty Ltd, Applicant: Land Dynamics Australia has been addressed previously within the meeting.

Item 14.04 PP2017-11.1 Planning Proposal Assessment Report - Lot 1 DP1161722, The Chimneys, Homedale Road, Kew, Owner: Yevrah Super Pty Ltd, Applicant: Gem Planning Projects has been addressed previously within the meeting.

Item 14.05 Port Macquarie Aquatic Facility has been addressed previously within the meeting.

Item 14.06 Lake Cathie Natural Resource Management - Monthly Update Report has been addressed previously within the meeting.

Item 14.07 2021 Illaroo Road Community Values Survey Results has been addressed previously within the meeting.

14.08 PIPES AND FITTINGS PROCUREMENT EXEMPTION REPORT - OCEAN DRIVE DUPLICATION - ENABLING WORKS - TRANSIT HILL WATER TRUNKMAIN CUT IN

BLOCK RESOLVED: Roberts/Slade

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 up to \$385,035.46 (incl. GST) for the supply and delivery of necessary pipes and fittings for the Ocean Drive Duplication - Enabling Works - Transit Hill Water Trunkmain Cut In.

14.09 T-21-13 WATER & SEWER CLIENT SIDE ENGINEERING SUPPORT SERVICES AND T-21-14 WATER & SEWER DESIGN SERVICES PANEL ARRANGEMENT POST CONTRACT AWARD UPDATE

BLOCK RESOLVED: Roberts/Slade

That Council note the information contained in this report.

14.10 CLASSIFICATION OF LAND RECENTLY ACQUIRED BY COUNCIL - GILLMAN WAY, THURMSTER

BLOCK RESOLVED: Roberts/Slade

That Council classify Lot 1 Deposited Plan 1275372, land situated in Gillman Way Thurmster, as Operational Land.

Item 14.11 Tacking Point Surf Life Saving Club External Sewer Upgrade Works has been addressed previously within the meeting.

CONFIDENTIAL SESSION

RESOLVED: Roberts/Slade

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

Item 16.01 Independent Chairperson for the Audit, Risk and Improvement Committee

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 16.02 Contract Matter

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 16.03 Supply and Delivery Water Treatment Chemicals

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 16.04 Chief Executive Officer's Performance Review

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

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

CARRIED: 8/0

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

AGAINST: Nil

**16.01 INDEPENDENT CHAIRPERSON FOR THE AUDIT, RISK
ANDE IMPROVEMENT COMMITTEE**

MOTION

RESOLVED: Roberts/Sheppard

That Council:

1. Appoint Mr Stephen Coates as the independent chairperson of the Audit, Risk and Improvement Committee for a four (4) year term.
2. Maintain the confidentiality of the documents and considerations in respect of this item.

CARRIED: 8/0

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

16.02 CONTRACT MATTER

MOTION

MOVED: Roberts/Slade

That Council:

1. Undertake a Councillor workshop on the relevant matter
2. Through the Chief Executive Officer, provide a Report to the June 2022 Council meeting regarding this matter.

AMENDMENT

MOVED: Sheppard / Intemann

That Council:

1. Adopt the recommendation of the staff report
2. Undertake a Councillor workshop on this matter

PROCEDURAL MOTION

RESOLVED: Roberts/Maltman

That the amendment be put.

CARRIED: 8/0

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

AGAINST: Nil

THE AMENDMENT ON BEING PUT TO THE MEETING WAS LOST

LOST: 1/7

FOR: Sheppard

AGAINST: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts and Slade

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Roberts/Slade

That Council:

1. Undertake a Councillor workshop on the relevant matter
2. Through the Chief Executive Officer, provide a Report to the June 2022 Council meeting regarding this matter.

CARRIED: 7/1

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

AGAINST: Sheppard

16.03 SUPPLY AND DELIVERY WATER TREATMENT CHEMICALS

RESOLVED: Roberts/Lipovac

That Council:

1. Resolve, that in accordance with s.55(3)(i) of the Local Government Act 1993, due to the extenuating circumstances being the obligations to supply water for public use that complies with the relevant standards, resolved not to call open tenders for the supply and delivery of water treatment chemicals for a period until new contractual arrangements can be put in place.
2. Maintain the confidentiality of the documents and consideration in respect this report.

CARRIED: 8/0

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

AGAINST: Nil

16.04 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW

RESOLVED: Pinson/Roberts

That Council:

1. Endorse the Chief Executive Officer's Performance Review Committee's assessment of the Chief Executive Officer's annual performance as 'Significant Strength' across all agreed KPIs for the previous review period.
2. Agree to provide the Chief Executive Officer an additional two weeks' annual leave in lieu of any performance-based increase as per clause 8 of the CEO's contract of employment.
3. Draft a new Chief Executive Officer performance agreement as soon as possible for the new review period 2022-2023.

-
4. Undertake the next performance review of the Chief Executive Officer in March 2023.

CARRIED: 7/1

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

AGAINST: Intemann

MOVED: Roberts/Maltman

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

CARRIED: 8/0

FOR: Edwards, 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.

The meeting closed at 6:41pm.

.....
Peta Pinson
Mayor

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)
Director Community, Planning and Environment (Melissa Watkins)
Acting Director Community Infrastructure (Glenn Lacey)
Acting Director Community Utilities (Cameron Hawkins)
Group Manager Governance (Michael Ferguson)
Group Manager Financial Services (Nicole Spencer)
Governance Officer (Vicki Garde)

The meeting opened at 5:30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

Nil

03 APOLOGIES

Nil

04 DISCLOSURES OF INTEREST

Councillor Maltman declared a Non-Pecuniary, Less Than Significant Interest in Item 9.01 - Illaroo Road Stormwater Redirection Project Community Engagement the reason being that Councillor Maltman attended a meeting on Saturday 5th March to discuss with residents the Proposed Illaroo Road Stormwater Diversion Works, along with Mayor Pinson and Councillor Sheppard.

05.01 MAYORAL MINUTE - CORRESPONDENCE FROM DEPUTY PREMIER - DEPARTMENT OF REGIONAL NSW

MOTION:

MOVED: Pinson

That Council:

1. Note the correspondence from Deputy Premier and Minister for Regional NSW, The Hon Paul Toole MP.
2. Seek a meeting with Gary Barnes, Secretary, Department of Regional NSW to discuss the needs of the Port Macquarie-Hastings community in detail.

AMENDMENT:

MOVED: Intemann/Sheppard

That Council:

1. Note the correspondence from Deputy Premier and Minister for Regional NSW, The Hon Paul Toole MP.
2. That Councillors be consulted regarding potential local project priorities to be raised in the meeting referred to in 3. below.
3. Seek a meeting with Gary Barnes, Secretary, Department of Regional NSW to discuss the needs of the Port Macquarie-Hastings community in detail.

THE AMENDMENT WAS WITHDRAWN BY COUNCILLOR INTEMANN.

AMENDMENT:

MOVED: Pinson/Griffiths

That Council:

1. Note the correspondence from Deputy Premier and Minister for Regional NSW, The Hon Paul Toole MP.
2. Seek a meeting with Gary Barnes, Secretary, Department of Regional NSW to discuss the needs of the Port Macquarie-Hastings community in detail.
3. Note the NSW Government will be pursuing major projects across NSW and will rely on regional leaders to guide this investment.

-
4. Workshop with Councillors, CEO, and Executive staff projects of strategic importance to be raised at the meeting with Gary Barnes, Secretary, Department of Regional NSW.

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.

RESOLVED: Pinson/Griffiths

That Council:

1. Note the correspondence from Deputy Premier and Minister for Regional NSW, The Hon Paul Toole MP.
2. Seek a meeting with Gary Barnes, Secretary, Department of Regional NSW to discuss the needs of the Port Macquarie-Hastings community in detail.
3. Note the NSW Government will be pursuing major projects across NSW and will rely on regional leaders to guide this investment.
4. Workshop with Councillors, CEO, and Executive staff projects of strategic importance to be raised at the meeting with Gary Barnes, Secretary, Department of Regional NSW.

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

06.01 DRAFT COMMUNITY STRATEGIC PLAN

MOTION:

MOVED: Griffiths/Roberts

That Council:

1. Thank community members who provided feedback on the draft Community Strategic Plan Imagine2050 during the public exhibition period in 2021.
2. Note that feedback received from the community during the public exhibition period showed strong support for the direction of Imagine2050.
3. Note the amendments to the exhibited draft Community Strategic Plan Imagine2050 as a result of community feedback during the public exhibition period.
4. Note the amendments to the exhibited draft Community Strategic Plan Imagine2050 as a result of changes to the Integrated Planning and Reporting (IP&R) Guidelines by the Office of Local Government (OLG).

-
5. Note that it is a Local Government statutory requirement for NSW Councils to develop the Integrated Planning and Reporting (IPR) suite of documents (including the Community Strategic Plan), and for them to be endorsed by Council, by 30 June in the year following a Council election.
 6. Adopt Council's Community Strategic Plan Imagine2050.
 7. Request the CEO replace reference to 'Climate Change' with 'Sustainable Resource Management'.

PROCEDURAL MOTION:

RESOLVED: Roberts

That the motion be put.

CARRIED: 6/3
FOR: Griffiths, Intemann, Maltman, Pinson, Roberts and Slade
AGAINST: Edwards, Lipovac and Sheppard

THE MOTION WAS PUT AND CARRIED.

CARRIED: 6/3
FOR: Griffiths, Lipovac, Maltman, Pinson, Roberts and Slade
AGAINST: Edwards, Intemann and Sheppard

06.02 DRAFT DELIVERY PROGRAM 2022-2026, DRAFT RESOURCING STRATEGY, DRAFT OPERATIONAL PLAN AND BUDGET 2022-2023

MOTION:

MOVED: Roberts/Pinson

That Council:

1. Place the following Draft Integrated Planning and Reporting (IP&R) documents on public exhibition for a period of not less than 28 days:
 - (a) Draft Delivery Program 2022 - 2026
 - (b) Draft Resourcing Strategy 2022 - 2026, with the following components:
 - i) Long Term Financial Plan
 - ii) Workforce Management Strategy
 - iii) Asset Management Strategy
 - (c) Draft Operational Plan 2022 - 2023
 - (d) Draft Fees and Charges 2022 - 2023
 - (e) Draft Revenue Policy 2022 - 2023
 - (f) Draft Rating Maps 2022- 2023.
2. Note that as per the Council Resolution dated 16 February 2022 Item 09.09 Notice of Motion - Rate Freeze, the draft 2022 - 2023 Operational Plan has been prepared with Ordinary and Special Rates retained at the 2021 - 2022 level, and the draft Long Term Financial Plan has been prepared with Ordinary and Special Rates retained at the 2021 - 2022 level for the period 1 July 2022 to 30 June 2025 inclusive.

3. Note that as per the Council Resolution dated 16 February 2022 Item 12.03 Notice of Motion - Town Centre Master Plan, the draft 2022 - 2023 Operational Plan (and the draft Long Term Financial Plan) have been prepared with the removal of the Town Centre Master Plan (TCMP) component from the Port Macquarie CBD business rate sub-category.
4. For the reasons outlined in the body of the report, note that the Chief Executive Officer will prepare an Improvement Plan to address the general fund operating performance ratio over the coming years and will present a report to a future meeting of Council for consideration.
5. 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.
6. Note the additional funding for projects of strategic importance across the 2022-23 and 2023-24 financial years:
 - a) Lorne Road \$5M
 - b) Footpath works \$3.47M
 - c) Bridges and Road Resealing Works of \$5M
 - d) Drainage Maintenance and Renewals \$5M
 - e) Parks and Recreation areas maintenance and renewals \$2M
 - f) Tree maintenance \$600K
7. Note the strategic use of Council Reserves to deliver additional works.
8. Make provision in the final 2022 - 2026 Delivery Program, 2022 - 2023 Operational Plan and Budget a Contingency allocation of \$20M from Reserves and or loan borrowings as appropriate for possible contribution to dollar-for-dollar or co-contribution funding opportunities for significant road, footpath/cycleway, water, sewer or water security projects of strategic importance, for use in collaboration with the State and or Commonwealth Governments, noting that any funds to be allocated, first be the subject of a Report to Council before commitment and or expenditure.
9. Provide as part of the 2022 - 2023 Suite of Documents for approval at the June 2022 Ordinary Council Meeting, a detailed Program of Total Works for the financial year ahead.

AMENDMENT:

MOVED: Intemann/Edwards

That Council:

1. Defer adopting for exhibition the proposed suite of IP&R documents including the 2022-2023 Operating Plan and Budget
2. Request the CEO to present to the May Ordinary Council meeting:
 - a. two optional budgets for exhibition, one with and one without the rate freeze;
 - b. a revised consultation plan sufficient to ensure that the community is informed of the key differences between the two options in terms of rates payable by ratepayers, and expenditure implications in terms of projects to be foregone if the rate freeze applies; and
 - c. an independent report on the implications of a rate freeze in the short, medium, and long term.

LOST: 3/6

FOR: Edwards, Intemann and Lipovac

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

AMENDMENT:

MOVED: Sheppard/Lipovac

That Council:

1. Place the following Draft Integrated Planning and Reporting (IP&R) documents on public exhibition for a period of not less than 28 days:
 - a. Draft Delivery Program 2022 - 2026
 - b. Draft Resourcing Strategy 2022 - 2026, with the following components:
 - i) Long Term Financial Plan
 - ii) Workforce Management Strategy
 - iii) Asset Management Strategy
 - c. Draft Operational Plan 2022 - 2023
 - d. Draft Fees and Charges 2022 - 2023
 - e. The Revised Draft Revenue Policy 2022 - 2023 noted in clause 7.
 - f. Draft Rating Maps 2022- 2023.
2. Note that as per the Council Resolution dated 16 February 2022 Item 09.09 Notice of Motion - Rate Freeze, the draft 2022 - 2023 Operational Plan has been prepared with Ordinary and Special Rates retained at the 2021 - 2022 level, and the draft Long Term Financial Plan has been prepared with Ordinary and Special Rates retained at the 2021 - 2022 level for the period 1 July 2022 to 30 June 2025 inclusive.
3. Note the substantial negative impact of the proposed rate freeze on the long-term financial sustainability of Council, as outlined in this report.
4. Note that due to time limitations, at this time there is no practical mechanism through which Council can provide a rating structure for the 22/23 financial year that does not include a rate freeze.
5. Request that clause 4 be clearly communicated in community engagement activities, and that any community feedback regarding the rate freeze be considered in development of the 23/24 operational budget.
6. Note that as per the Council Resolution dated 16 February 2022 Item 12.03 Notice of Motion - Town Centre Master Plan, the draft 2022 - 2023 Operational Plan (and the draft Long Term Financial Plan) have been prepared with the removal of the Town Centre Master Plan (TCMP) component from the Port Macquarie CBD business rate sub-category.
7. noting the community feedback and substantial negative financial impacts regarding the TCMP rate removal, place on public exhibition for a period of not less than 28 days, a revised draft Revenue Policy 2022-2023 which includes two options for the Port Macquarie CBD business rate sub-category (i.e. including and excluding the TCMP component).
8. For the reasons outlined in the body of the report, note that the Chief Executive Officer will prepare an Improvement Plan to address the general fund operating performance ratio over the coming years and will present a report to a future meeting of Council for consideration. Note that this will include reduction in services
9. 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.
10. Note the additional funding for projects of strategic importance across the 2022-23 and 2023-24 financial years:

- a. Lorne Road \$5M
 - b. Footpath works \$3.47M
 - c. Bridges and Road Resealing Works of \$5M
 - d. Drainage Maintenance and Renewals \$5M
 - e. Parks and Recreation areas maintenance and renewals \$2M
 - f. Tree maintenance \$600K
11. Note the strategic use of Council Reserves to deliver additional works.
 12. Make provision in the final 2022 - 2026 Delivery Program, 2022 - 2023 Operational Plan and Budget a Contingency allocation of \$20M from Reserves and or loan borrowings as appropriate for possible contribution to dollar-for-dollar or co-contribution funding opportunities for significant road, footpath/cycleway, water, sewer or water security projects of strategic importance, for use in collaboration with the State and or Commonwealth Governments, noting that any funds to be allocated, first be the subject of a Report to Council before commitment and or expenditure.

PROCEDURAL MOTION:

RESOLVED: Roberts

That the motion be put.

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

THE AMENDMENT WAS PUT AND LOST

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

MOTION:

RESOLVED: Roberts/Pinson

That Council:

1. Place the following Draft Integrated Planning and Reporting (IP&R) documents on public exhibition for a period of not less than 28 days:
 - a. Draft Delivery Program 2022 - 2026
 - b. Draft Resourcing Strategy 2022 - 2026, with the following components:
 - i) Long Term Financial Plan
 - ii) Workforce Management Strategy
 - iii) Asset Management Strategy
 - c. Draft Operational Plan 2022 - 2023
 - d. Draft Fees and Charges 2022 - 2023
 - e. Draft Revenue Policy 2022 - 2023
 - f. Draft Rating Maps 2022- 2023.
2. Note that as per the Council Resolution dated 16 February 2022 Item 09.09 Notice of Motion - Rate Freeze, the draft 2022 - 2023 Operational Plan has been prepared with Ordinary and Special Rates retained at the 2021 - 2022

- level, and the draft Long Term Financial Plan has been prepared with Ordinary and Special Rates retained at the 2021 - 2022 level for the period 1 July 2022 to 30 June 2025 inclusive.
3. Note that as per the Council Resolution dated 16 February 2022 Item 12.03 Notice of Motion - Town Centre Master Plan, the draft 2022 - 2023 Operational Plan (and the draft Long Term Financial Plan) have been prepared with the removal of the Town Centre Master Plan (TCMP) component from the Port Macquarie CBD business rate sub-category.
 4. For the reasons outlined in the body of the report, note that the Chief Executive Officer will prepare an Improvement Plan to address the general fund operating performance ratio over the coming years and will present a report to a future meeting of Council for consideration.
 5. 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.
 6. Note the additional funding for projects of strategic importance across the 2022-23 and 2023-24 financial years:
 - a. Lorne Road \$5M
 - b. Footpath works \$3.47M
 - c. Bridges and Road Resealing Works of \$5M
 - d. Drainage Maintenance and Renewals \$5M
 - e. Parks and Recreation areas maintenance and renewals \$2M
 - f. Tree maintenance \$600K
 7. Note the strategic use of Council Reserves to deliver additional works.
 8. Make provision in the final 2022 - 2026 Delivery Program, 2022 - 2023 Operational Plan and Budget a Contingency allocation of \$20M from Reserves and or loan borrowings as appropriate for possible contribution to dollar-for-dollar or co-contribution funding opportunities for significant road, footpath/cycleway, water, sewer or water security projects of strategic importance, for use in collaboration with the State and or Commonwealth Governments, noting that any funds to be allocated, first be the subject of a Report to Council before commitment and or expenditure.
 9. Provide as part of the 2022 - 2023 Suite of Documents for approval at the June 2022 Ordinary Council Meeting, a detailed Program of Total Works for the financial year ahead.

CARRIED: 6/3

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

AGAINST: Edwards, Intemann and Sheppard

**09.01 ILLAROO ROAD STORMWATER REDIRECTION PROJECT
COMMUNITY ENGAGEMENT**

MOTION:

RESOLVED: Maltman/Slade

That Council:

1. Note the findings of the Illaroo Road Stormwater Redirection Project Engagement and that the issue of the Illaroo Road Stormwater Redirection Project was also raised at the Illaroo Road Coastal Hazard Protection Options Review and Co Design Project Community Engagement session held on 27 April 2022.
2. Note the revised cost estimates undertaken in late 2021 for the Illaroo Stormwater Redirection Project amounts to \$1,929,000 if this project is to proceed.
3. Request the Chief Executive Officer to submit a request for variation to NSW Department of Planning and Environment (DPE) to fund the shortfall in the current funding allocation under the Coastal and Estuary Implementation Grant.
4. Address the long-term erosion around the two stormwater outlets off Illaroo Road as a component of the Illaroo Road Coastal Hazard Protection Options Review and Co Design.
5. Address the short-term erosion hazard around the southern stormwater outlet off Illaroo Road by using dredged material from lower Cathie Creek to nourish the shoreline around the outlet utilising the existing approved dredging Development Application.
6. Undertake emergency works around the existing stormwater outlet should engineering advice determine if there is any imminent risk to Illaroo Road.
7. Proceed to undertake the Asbestos Remediation Works to the extent that addresses immediate risk and within the available budget of \$121,554 as noted in the report.
8. Agree to waive the waste disposal fees (excluding the waste levy) associated with Asbestos Removal on the Illaroo Road embankment.
9. Request the Chief Executive Officer to provide a report to a future meeting of Council on the stormwater issues in the immediate areas surrounding Illaroo Road, including but not limited to Aqua Crescent and Kywong Street.

CARRIED: 9/0

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

AGAINST: Nil

The meeting closed at 6:59pm

.....
Peta Pinson
Mayor

UNCONFIRMED

Item: 06
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- your interest, or
 - the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - 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:
- Your "relative" is any of the following:
 - your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - the spouse or de facto partner of a person referred to in paragraphs (i) and (i)
 - "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)
- if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - 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
 - 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 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
 - 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.
 - 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.
 - 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
 - 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
 - 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:
- 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
 - if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

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

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

Councillor's Signature: **Date:**

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

Last Updated: 3 June 2019

Important Information

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

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

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

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

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

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

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

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

Item: 08

Subject: CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council determine that the attachment to Items Number 11.12, 11.14 and 11.19, be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

Discussion

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

Item No:	11.12
Subject:	Legal Fees
Attachment Description:	Confidential - Legal matters greater than \$10,000 2021/2022 Financial Year
Confidential Reason:	Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d(i)).
Item No:	11.14
Subject:	Quarterly Budget Review Statement - March 2022
Attachment Description:	Confidential - March 2022 Quarterly Budget Review - Consultancy Engagements
Confidential Reason:	Relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. (Local Government Act 1993 - Section 10A(2)(c)).
Item No:	11.19
Subject:	T18-18 Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators
Attachment Description:	Confidential - Executive Team Information Brief - T-18- 18 Provision of Hire Services, Contract Plant, Ancillary Equipment and Plant Operators
Confidential Reason:	Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d(i)).

Item: 09

Subject: PUBLIC FORUM – MATTERS NOT ON THE AGENDA

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.portmacquarie.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.

Item: 10

Subject: PUBLIC FORUM – MATTERS ON THE AGENDA

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 \(nsw.gov.au\)](http://Speak in a Public Forum Port Macquarie Hastings Council (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 affective advocates for the community
- 1.3 Demonstrate leadership
- 1.4 Use innovative, efficient and sustainable practices
- 1.5 Ensure strong corporate and financial management that is transparent and accountable

Item: 11.01

Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

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

Discussion

Report	Date and Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
T-21-54 Replacement of Filtration membranes - Camden Haven Waste Water Treatment Plant	13/10/2021 Item 14.06	Work still being undertaken on this tender	DBP	Feb-22 Mar-22	May-22
Rawdon Island Bridge - Milestone Events	16/02/2022 Item 12.07		DCI	Apr-22	May-22
Contract Extension - Processing of Dry Recyclables at the Cairncross Materials Recovery Facility - negotiations	16/02/2022 Item 14.01		DBP		May-22
Potential Purchase of Land	07/03/2022 Item 10.02		DCPE		May-22
Policy Review - Councillor and Staff Interaction Policy - post public exhibition	17/03/2022 Item 11.03		CEO		May-22
Policy Review - Social Impact Assessment Policy - post public exhibition	17/03/2022 Item 11.12		DCPE		May-22
Draft Graffiti Vandalism	17/03/2022 Item 12.02		DCPE		May-22

Management Policy - post public exhibition					
Draft Joint Integrated Transport Network Plan	17/03/2022 Item 14.01		DCI		May-22
Policy Review - Providing Funding and Support to the Community Policy - post public exhibition	17/03/2022 Item 11.11		DCPE		May-22
Developments, Public Place & Events Waste minimisation and Management Policy - outcomes of engagement	19/05/2021 Item 12.02	Initial engagement undertaken with local waste management (skip bin) operators. Further investigation required regarding Council's fees and charges, and corresponding construction and demolition waste policy provisions as part of a broader review of Council's Waste Strategy proposed in line with OP action 4.1.7.27.	DCU	Nov-21 Mar-22	May-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	May-22
Policy Review - Asset Management Policy - post public exhibition	17/03/2022 Item 11.16		DCU		May-22
Code of Meeting Practice	21/04/2022 Item 11.05		GMG		Jun-22
Policy Review - Volunteer Policy	21/04/2022 Item 11.09		GMC		Jul-22

Policy Review - Media Relations Policy	21/04/2022 Item 11.10		GMCEC		Jul-22
Policy Review - Management of Public Spaces	21/04/2022 Item 12.04		GMC		Jun-22
Dunbogan Beach Recreational Enhancement Options	21/04/2022 Item 12.05		GMC		Jul-22
Port Macquarie Works Depot	21/04/2022 Item 13.01		CEO		May-22
Policy Review - Bushfire Risk Mitigation on Public Land - post public exhibition	17/03/2022 Item 11.07		DCPE		Jun-22
Port Macquarie-Hastings Tree Management Policies and Procedures	17/03/2022 Item 14.10		DCPE		Jun-22
Policy Review - Climate Change Response Policy - post public exhibition	17/03/2022 Item 11.09		DCPE		Jun-22
Draft Community Inclusion Plan	21/04/2022 Item 12.03		GMC		Jun-22
Contract Matter (CONFIDENTIAL)	21/04/2022 Item 16.02		CEO		Jun-22
Draft Delivery Program 2022-2026, Draft Resourcing Strategy, Draft Operational Plan and Budget 2022-2023	28/04/2022 Item 06.02		DBP		Jun-22
Illaroo Road Stormwater Redirection Project Community Engagement	28/04/2022 Item 09.01		DCPE		Jun-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	20/05/2020 Item 13.05	The development of a new	DCPE	Dec-20 Jun-21 Oct-21	Jun-22

Roads Contribution Plan		Contributions Plan will be incorporated in the program for review of Council developer contributions framework.			
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
Dunbogan Beach - Upgrades	13/10/2021 Item 10.03		DCPE	Mar-22	Jun-22
Koala Recovery Action Plan - draft	17/03/2022 Item 14.05		DCPE		Jun-22
Policy Review - Community Engagement Policy - post public exhibition	17/03/2022 Item 11.10		DCPE		Jun-22
Policy Review - Footpaths and Walkways in Public Road Reserves - post public exhibition	17/03/2022 Item 11.06		DCI		Jun-22
Prioritisation of Sporting Infrastructure Projects	17/03/2022 Item 12.01		DCPE		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	DBP	Dec-19 Feb-20 Sep-20 Mar-21 Apr-21 Jun-21 Sep-21 Feb-22	Aug-22

		on. Subject to strategic property portfolio review to be undertaken in 2022.			
COVID-19 Recovery and Stimulus Projects Update	16/02/2022 Item 11.01		DCPE		Aug-22
New Employment Lands Zones - Translation to Port Macquarie-Hastings Local Environmental Plan 2011 - post public exhibition	17/03/2022 Item 14.02		DCPE		Sep-22
Sale of Surplus Land- 178 Nancy Bird Walton Drive, Kew	16/02/2022 Item 09.23		DBP		Dec-22
PP2014 - 10.1 - Planning Proposal Assessment report - 11 and 33 Mumford Street, Port Macquarie - post public exhibition	17/03/2022 Item 14.04		DCPE		Dec-22
Draft 2022-2032 Economic Development Strategy - post exhibition	13/10/2021 Item 11.01		DCPE		TBA - early 2022
Material Public Benefit - Developer Delivered Sewer Works Kendall - completion of works	17/03/2022 Item 14.07		DCU		Feb-23
Tendering and purchasing process - Council's commitment and support to local business for previous 12 months	17/03/2022 Item 11.20		DBP		Mar-23
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the	10/08/16 Item 12.01		DCPE		2024 (estimate)

options for securing the required Blackbutt Tallowwood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.					
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
Bain Park Masterplan - Stages 1 and 2-amendments	07/03/2022 Item 07.01		DCPE		TBA
Lots 101 and 102 DP 1244390 Pacific Drive, Port Macquarie - options for operational land	07/03/2022 Item 10.01		DBP		TBA
Policy Review - Customer Complaint Policy - post public exhibition	17/03/2022 Item 11.04		CEO		TBA
Policy Review - Cemeteries Policy - post public exhibition	17/03/2022 Item 11.05		CEO		TBA
T-21-03 Design and Construct of Six Sewer Pump Stations - post contact award	17/03/2022 Item 16.01		DCI		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		
Opening Lake Cathie (13/01/2022 Item 05.01)	DCPE	Monthly	Every		
Legal Fees - Update Report (19/09/18 - Item 09.16)	CEO	Quarterly	Feb, May, Aug, Nov		
Development Activity and Assessment System Performance	DCPE	Quarterly	Feb, May, Aug, Nov		
Operational Plan – Quarterly Progress	DBP	Quarterly	May, Nov (other 2 quarters reported with DP 6 monthly progress report)		
Grant Application Status Report (21/08/19 - Item 11.02)	DCPE	Biannual	Feb, Aug		
Glasshouse Strategic Plan Update	DBP	Biannual	Feb, Aug		
Delivery Program – Six Monthly Progress	DBP	Biannual	Feb, Sep		
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 (04/08/2021 - Item 10.01)	DCPE	Annually	Aug		
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

Item: 11.02

Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 7 APRIL TO 4 MAY 2022

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Mayoral Discretionary Fund allocations for the period 7 April to 4 May 2022 inclusive.

Executive Summary

To advise of the Mayoral Discretionary Fund allocations for the period 7 April to 4 May 2022 inclusive.

Discussion

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

8 x Remembrance Day Wreaths for ANZAC Day Ceremonies attended by Mayor and Councillors	\$640.00
Donation of Glasshouse Vouchers to Rotary Club of PMQ Sunrise Annual Big Dig Fundraiser	\$200.00
Donation of Glasshouse Vouchers to PMQ Garden Club fundraiser for 60 th Anniversary in 2022	\$200.00
Total allocation	\$1,040.00

Options

This report is for noting only.

Community Engagement & Internal Consultation

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

Planning & Policy Implications

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

Financial & Economic Implications

There are no economic implications in relation to this report.

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

Attachments

Nil

Item: 11.03

Subject: 2022-2023 COUNCILLOR AND MAYORAL FEES

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

1.2.1 Provide effective leadership that supports the community.

RECOMMENDATION

That, in relation to Councillor remuneration for the 2022-2023 financial year, Council:

1. Pursuant to the provisions of section 248(2) of the Local Government Act 1993, Council set the annual fee payable to a Councillor for the financial year commencing 1 July 2022 to be \$25,310.
2. Pursuant to the provisions of section 249(3) of the Local Government Act 1993, Council set the annual fee payable to the Mayor for the financial year commencing 1 July 2022 to be \$87,820 (this amount includes the fee payable to a Councillor).
3. Make superannuation contribution payments for Councillors, in addition to the annual fees, with the amount of the payment to be the amount the Council would have been required to contribute under the Commonwealth Superannuation Guarantee (Administration) Act 1992 as superannuation if the Councillors were employees of the Council.
4. Note that individual Councillors may opt out of receiving superannuation contribution payments or opt to receive reduced payments.

Executive Summary

The Local Government Remuneration Tribunal on 20 April 2022 released its determination in relation to its 2022 annual review for the payment of fees to Councillors and Mayors.

Port Macquarie-Hastings Council was recategorised as a Regional Centre in 2020 for the purposes of the remuneration tribunal's annual report and determination of Mayor and Councillor.

The Tribunal has determined that the band of fees for a Regional Centre council for 2022-2023 are:

Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Regional Centre	\$14,380	\$25,310	\$29,920	\$62,510

* This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

Council, in the past, has adopted the maximum fee determined by the Tribunal for both Councillors and the Mayor.

Discussion

On 20 April 2022, the Local Government Remuneration Tribunal (the Tribunal) made its determination in relation to its 2022 Annual Review for the payment of fees to Councillors and Mayors. The review focused on the determination of annual fees to be paid in each of the categories to councillors and mayors.

The full 2021 Determination from the Tribunal is at Attachment 1.

The Tribunal, under section 241 of the Local Government Act 1993 ("the Act"), determines annually for each category of council, the minimum and maximum amount of fees to be paid to councillors and mayors.

The Tribunal has determined that there be a 2% increase to mayoral and councillor fees for the 2022/2023 financial year, with effect from 1 July 2022.

It is noted that the Tribunal created a new category called Regional Centre in 2020 which Port Macquarie-Hastings Council has been categorised.

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

Other councils that have been categorised as Regional Centres include:

Regional Centre (24)	
Albury	Mid-Coast
Armidale	Orange
Ballina	Port Macquarie-Hastings
Bathurst	Port Stephens
Blue Mountains	Queanbeyan-Palerang
Cessnock	Shellharbour
Clarence Valley	Shoalhaven
Coffs Harbour	Tamworth
Dubbo	Tweed
Hawkesbury	Wagga Wagga
Lismore	Wingecarribee
Maitland	Wollondilly

The 2022 revised table of fees, including all categories, are shown below:

Category		Councillor/Member Annual Fee (\$) effective 1 July 2022		Mayor/Chairperson Additional Fee* (\$) effective 1 July 2022	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	28,750	42,170	175,930	231,500
	Major CBD	19,180	35,520	40,740	114,770
	Metropolitan Large	19,180	31,640	40,740	92,180
	Metropolitan Medium	14,380	26,840	30,550	71,300
	Metropolitan Small	9,560	21,100	20,370	46,010
General Purpose Councils - Non-Metropolitan	Major Regional City	19,180	33,330	40,740	103,840
	Major Strategic Area	19,180	33,330	40,740	103,840
	Regional Strategic Area	19,180	31,640	40,740	92,180
	Regional Centre	14,380	25,310	29,920	62,510
	Regional Rural	9,560	21,100	20,370	46,040
	Rural	9,560	12,650	10,180	27,600
County Councils	Water	1,900	10,550	4,080	17,330
	Other	1,900	6,300	4,080	11,510

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

Following an amendment to the Local Government Act 1993 in 2021, Council may make payments to a Councillor as a contribution to a superannuation account nominated by their councillors, starting from the financial year commencing on 1 July 2022. The making of superannuation contribution payments for councillors is optional and is at each council's discretion.

Should Council resolve to make superannuation contribution payments for its councillors, the amount of the payment is to be the amount the council would have been required to contribute under the Commonwealth Superannuation Guarantee (Administration) Act 1992 as superannuation if the councillors were employees of the council. As of 1 July 2022, the superannuation guarantee rate will be 10.5%. The rate will increase by half a percent each year until 1 July 2025 when it reaches 12% with the superannuation contribution payment is to be paid at the same intervals as the annual fee is paid to councillors.

To receive a superannuation contribution payment, each Councillor must first nominate a superannuation account for the payment before the end of the month to which the payment relates. The superannuation account nominated by councillors must be an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth Superannuation Guarantee (Administration) Act applies. Councils must not make a superannuation contribution payment for a Councillor if the Councillor fails to nominate an eligible superannuation account for the payment before the end of the month to which the payment relates.

Individual councillors may opt out of receiving superannuation contribution payments or opt to receive reduced payments. Councillors must do so in writing. Councils must not make superannuation contribution payments for councillors during any period in which they are suspended from their civic office or their right to be paid any fee or other remuneration, or expense, is suspended under the Act.

Councillors are also not entitled to receive a superannuation contribution payment during any period in which they are not entitled to receive their fee under section 254A of the Act because they are absent.

The approximate cost to Council for superannuation payments to Councillors, should Council resolve to adopt the maximum fees payable to Councillors and the superannuation contributions being made to Councillors is accepted by all Councillors is \$30,500.

Options

Council must determine the Councillor Fee for the 2022-2023 financial year within the relevant band of the 2021 Local Government Remuneration Tribunal determination.

Councillor Fee \$14,3800 - \$25,310

Council must determine the Mayoral Fee for the 2021-2022 financial year within the relevant band of the 2021 Local Government Remuneration Tribunal determination.

Mayoral Fee \$29,920 - \$62,510

Community Engagement & Internal Consultation

Internal Consultation

- Chief Executive Officer
- Group Manager Governance

Planning & Policy Implications

As per Council's current Payment of Expenses and Provision of Facilities to Councillors Policy:

"Pursuant to section 248 of the Act, Council shall, prior to 30 June each year, set by resolution, the annual fees to be paid to the Councillors for the following year commencing on 1 July provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal."

Council's past practice has been to adopt the maximum fee determined by the Tribunal for both Councillors and the Mayor.

Should Council resolve to make superannuation contributions to Councillors, the Payment of Expenses and Provision of Facilities Policy will need to be reviewed to reflect this.

Financial & Economic Implications2022-2023 Budget Allocations:

The 2022-2023 budget provides provision for:

- Councillor Fees - \$227,800
- Mayoral Fee - \$62,500
- \$290,300

No budget allocation has been made in the draft budget for these superannuation payments and can be amended in the final budget should Council resolve to provide superannuation contributions to Councillors.

The approximate cost to Council for superannuation payments to Councillors, should Council resolve to adopt the maximum fees payable to Councillors and the superannuation contributions being made to Councillors is accepted by all Councillors is \$30,500.

Attachments

1.  2022 Annual Determination LGRT

Item: 11.04

Subject: AUSTRALIAN GOVERNANCE SUMMIT 2022 - COUNCILLOR REPORT

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

RECOMMENDATION

That Council note the report of Councillor Griffiths attendance at the Australian Governance Summit 2022.

Executive Summary

At its Ordinary Council meeting held 16 February 2022, Council resolved for Councillor Sharon Griffiths to attend the Australian Governance Summit 2022.

Councillors are required to report to Council to outcomes of these conferences following in accordance with the Payment of Expenses and Provision of Expenses Policy.

Discussion

Councillor Griffiths attended the Australian Governance Summit 2022 virtually on 2 and 3 March 2022. The following is her report on this conference.

The purpose of the summit was to provide board directors with an understanding of the current state of play. Various organisations and government bodies provided an overview on subject matter to provide an understanding of how risk and capability of the organisation could be considered by the board.

Boards should understand movement within markets surrounding their organisation to appropriately plan for impacts both positive and negative which could be perceived.

Although not entirely focused on local government, the subjects covered were relevant to any organisation. These subjects included:

Duty of the Director - To improve the capability of the board it is essential for board members to receive professional development to be effective in their role. One important point presented related to the duty of the director and who the duty related to. Similar to local government legislation, the duty is held with the stakeholders to produce superior value. The main stakeholder was identified to be the organisation. If

the organisation is not functioning effectively then the organisation has limited capacity to provide for the alternate stakeholders who may receive a benefit.

Climate change - Many organisations had taken steps to restructure or change business direction and /or undertake appropriate operational change to reduce demand on energy/resources. Many organisations believed that reaching 50% reduction in emissions may be an achievable target but 100% was not. There was no path available to achieve this goal by 2050, and that it is likely to be a challenge for decades. Questions were raised regarding the integrity of schemes. Companies to provide for carbon offsets are purchasing land and implementing their own forest management plan. The question, what would be the end result or disruption to the existing environment where areas were to be forested.

Living in interesting times, geopolitical issues - the Russian - Ukranian conflict is creating instability, interrupting supply and increasing costs to products across many items across the world including our local area. All Australians are noticing the impact at the petrol pump with significantly increased prices. Many countries have taken to instigating passive sanctions in a bid to end the conflict. Switzerland is no longer a neutral country and no longer has a policy of secrecy. Concern on whether China would enter the conflict in a supporting role to Russia, further increasing the potential impact on global markets. New government alliances are developing in a bid to curb the impact or threat from hostile countries but the horizon is uncertain.

Performance and culture – The culture of an organisation preserves what is valued most. A principles statement can assist to portray the values of the organisation. It was suggested that a screening policy be implemented for prospective employees to ensure cultural fit. Organisations should be results driven not tokenistic to provide tangible value. It was stated that organisations that outperformed had management which were focused and allocated money based on the most important long term view. Surveys regarding sexual harassment/bullying has revealed that a significant number of females have been sexually harassed and bullied. Organisations are undertaking proactive management to address the incidence. It is suggested that the safety policy incorporate sexual harassment/bullying. Inclusion showed female participation in roles from the highest level down through the organization at every level. Organisations who were inclusive had proven to show an increase in performance.

Cyber security – Risk to IT can reduce flexibility in operations and impact on high performance. It is necessary to determine what needs protection and ensure effective controls are in place. The highest risk to IT is operators using the system. Operators on the system are often invited by hackers through information that is likely to be attractive or enticing- such as specials, discounts etc. Tight controls should be encouraged to limit interaction with links external to the operating system. Organisations held to ransom by hackers should seek advice from the Australian Cyber Security Centre, a government organisation. It was suggested no one should get paid, to consider where the money would go as it is likely to fund criminal activity. It was also suggested that boards be skilled in the understanding of IT.

Options

As this report is for notation only being a report following a conference attendance, no options are provided.

Planning and Policy Implications

This report has been provided in accordance with the Payment of Expenses and Provision of Facilities Policy.

Financial and Economic Implications

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

Attachments

Nil

Item: 11.05

Subject: POLICY REVIEW - COUNCILLOR AND STAFF INTERACTION
POLICY - FOLLOWING EXHIBITION

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the Councillor and Staff Interaction Policy.

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 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.

A draft Policy (Attachment 1) was considered by Council at its March 2022 Ordinary Council meeting and placed on 28 days public exhibition. No submissions were received from the public.

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.

3.

The draft Councillor and Staff Interaction Policy has been reviewed and complies with the Model Policy as released by the Office of Local Government (OLG).

A draft Policy was considered by Council at its March 2022 Ordinary Council meeting and placed on 28 days public exhibition. No submissions were received from the public.

Options

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

Community Engagement and Internal ConsultationCommunity Engagement

This draft policy was placed on 28 days public exhibition with no submissions being received from the public.

Internal Consultation

- Chief Executive Officer
- Group Manager Governance

Planning and Policy Implications

This report considers the review of the Councillor and Staff Interaction policy. Following the exhibition period and consideration by Council, this policy (Attachment 1) may become Council's adopted Mayoral Discretionary Fund Policy.

Financial and Economic Implications

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

Attachments

1.  Draft Policy - Councillor and Staff Interaction Policy
2.  Current Policy - Provision of Information between Councillors and Staff Policy

Item: 11.06

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

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the Providing Funding and Support to the Community Policy.

Executive Summary

At the Ordinary Council Meeting held on 17 March 2022, Council resolved to place the Providing Funding and Support to the Community Policy on public exhibition.

A copy of the draft Policy is included here as Attachment 1.

The policy was subsequently placed on public exhibition from 21 March 2022 to 25 April 2022. During the exhibition period, no submissions were received on the Policy. The Public Exhibition Report is provided attached (Attachment 2).

This report recommends that the Providing Funding and Support to the Community Policy (Attachment 1) be adopted.

Discussion

At the Ordinary Council meeting held on 17 March 2022, Council resolved as follows:

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.*

This Policy (Attachment 1) ensures that Council is able to assist 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.

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

Options

Council has the option to amend or not to amend the Providing Funding and Support to the Community Policy identified within this report.

Community Engagement and Internal ConsultationPublic Exhibition

The public exhibition period is now complete with the outcomes of the exhibition process discussed below and included in Attachment 2.

There were a total of 15 visits to Council's engagement website page during the exhibition period. 4 documents were downloaded or viewed. No submissions were received, in support / opposition of the proposed Policy amendments. The Public Exhibition Report is provided attached (Attachment 2). As no submissions were received, there have been no further amendments made to the policy.

Planning and Policy Implications

This report recommends the amendment of one (1) current Council Policies.

Financial and Economic Implications

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

Attachments

1.  Draft Policy
2.  Public Exhibition Report

Item: 11.07

Subject: POLICY REVIEW - SOCIAL IMPACT ASSESSMENT POLICY

Presented by: Community, Planning and Environment, Melissa Watkins

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 Social Impact Assessment Policy**
- 2. Proceed to develop a Social Impact Assessment Guideline to assist applicants and Council to understand when a Social Impact Assessment is required and the process to undertake one.**

Executive Summary

At the Ordinary Council Meeting held on 17 March 2022, Council resolved to place the draft Social Impact Assessment Policy on public exhibition.

The policy was subsequently placed on public exhibition from 21 March 2022 to 25 April 2022. During the exhibition period, 4 submissions were received on the policy.

This report considers the submissions received and recommends that the Social Impact Assessment Policy (Attachment 1) be adopted.

Discussion

At the Ordinary Council meeting held on 17 March 2022, Council resolved as follows:

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.*

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.

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.

Options

Council has the option to amend or not to amend the Social Impact Assessment Policy identified within this report.

Community Engagement and Internal ConsultationPublic Exhibition

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

There were a total of 35 visits to Council's engagement website page during the exhibition period. 12 documents were downloaded or viewed. 4 submissions were received, in support / opposition of the proposed Policy amendments. The Public Exhibition Report is provided attached (Attachment 2). As can be seen in the attached report the feedback largely related to when an applicant and/or Council are required to conduct a Social Impact Assessment and what steps are required in completing a Social Impact Assessment when a SIA will be required. These matters are more appropriately addressed in a Social Impact Assessment Guideline, which will be required to be prepared to support implementation of the Policy.

As the concerns raised in the submissions will be addressed in the development of the Social Impact Assessment Guideline there have been no further amendments made to the Policy.

Planning and Policy Implications

This report recommends the amendment of one (1) current Council Policies.

Financial and Economic Implications

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

Attachments

1.  Draft Social Impact Assessment Policy
2.  Public Exhibition Report

Item: 11.08

Subject: POLICY REVIEW - GRAFFITI VANDALISM MANAGEMENT POLICY
& GRAFFITI AND VANDALISM REWARD SCHEME POLICY

Presented by: Community, Planning and Environment, Melissa Watkins

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 Graffiti Vandalism Management Policy and Graffiti and Vandalism Reward Scheme Policy**
- 2. Thank people who made submissions and advise them of Council determination**

Executive Summary

At the Ordinary Council Meeting held on 17 March 2022, Council resolved to place the Graffiti Vandalism Management and Graffiti and Vandalism Reward Scheme Policy on public exhibition.

The policy was subsequently placed on public exhibition from 21 March 2022 to 25 April 2022. During the exhibition period, 2 submissions were received on the policy and these are addressed in the Public Exhibition Report included as Attachment 3.

This report considers the submissions and recommends that the Graffiti Vandalism Management and Graffiti and Vandalism Reward Scheme Policy (Attachment 1 and 2) be adopted.

Discussion

At the Ordinary Council meeting held on 17 March 2022, Council resolved as follows:

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.*

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.

With graffiti vandalism becoming an increasingly prevalent social problem over the past 18 months, a review of Councils approach to graffiti management including responsibilities has been conducted and resulted in the development of the Graffiti Vandalism Management Policy (Attachment 2).

The Graffiti and Vandalism Reward Scheme Policy (Attachment 1) seeks to outline the process related to the payment of a financial reward to members of the community where information regarding a graffiti or vandalism incident is provided to the NSW Police Force, and results in legal action resulting in a conviction against offender.

Options

Council has the option to amend or not to amend the Graffiti Vandalism Management Policy and Graffiti and Vandalism Reward Scheme Policy identified within this report.

Community Engagement and Internal Consultation

Public Exhibition

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

There were a total of 40 visits to Council's engagement website page during the exhibition period. 15 documents were downloaded or viewed. 2 submissions were received, in support / opposition of the proposed Policy amendments. The Public Exhibition Report is provided attached (Attachment 3).

The concerns raised in the feedback will be considered in the creation of the Graffiti Vandalism Plan and Graffiti Vandalism Reward Scheme Program, there have been no further amendments made to the policy.

Planning and Policy Implications

This report recommends the amendment of two (2) current Council Policies.

Financial and Economic Implications

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

Attachments

1.  Draft Graffiti & Vandalism Reward Scheme Policy
2.  Draft Graffiti Vandalism Management Policy
3.  Public Exhibition Report

Item: 11.09

Subject: POLICY REVIEW - CONTAMINATED LAND

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the Draft Contaminated Land Policy.

Executive Summary

At the Ordinary Council Meeting held on 17 March 2022, Council resolved to place the Contaminated Land Policy on public exhibition. The policy was subsequently placed on public exhibition for 28 days from 21 March 2022 to 23 April 2022. During the exhibition period, there were eleven (11) visits with two (2) informed participants and ten (10) aware participants. No submissions were received in relation to the proposed policy amendments. The draft Policy is included as Attachment 1 and is now recommended for adoption.

Discussion

At the Ordinary Council meeting held on 17 March 2022, Council resolved as follows:

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 Ordinary Council meeting, detailing the submissions received from the public during the exhibition period.*

This Policy ensures that contaminated land has an appropriate assessment and management framework and outline's Council's commitments and practices used in relation to contaminated land matters. Council manages contamination whilst performing duties as a planning authority, public land manager, and regulatory authority.

The Contaminated Land Policy has been reviewed with the following minor amendments. No further changes are considered necessary as a result of the public submission period.

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"> • At least five years of experience in contaminated land services that are relevant to those being offered • Relevant Bachelor Degree or similar tertiary qualifications • Regular professional development training in the contaminated land field • Record of strong ethical and professional conduct 	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

Public Exhibition

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

There were a total of 11 visits to Council's engagement website page during the exhibition period. Two (2) documents were downloaded or viewed. No submissions were received.

Options

Council has the option to amend or not to amend the draft Contaminated Land Policy identified within this report.

Community Engagement and Internal Consultation

The draft (Attachment 1) and current Contaminated Land Policy were placed on public exhibition from 23 March 2022 until 21 April 2022. No submissions were received.

Planning and Policy Implications

There are no planning implications in relation to this report. This report recommends the amendment of one (1) current Council policies.

Financial and Economic Implications

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

Attachments

1.  Attachment 1 - Draft Contaminated Land Policy

Item: 11.10

Subject: POLICY REVIEW - ROAD RESERVE MANAGEMENT

Presented by: Community Infrastructure, Glenn Lacey

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 2 June 2022 to 30 June 2022 (28 days), the draft Road Reserve Management Policy.**
- 2. Note that a further report will be tabled at the 18 August 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 Road Reserve Management Policy has been developed for consideration by Council and is an overarching policy that references a number of associated sub-policies subject to further review.

Discussion

The Road Reserve Management Policy has been developed with the following considerations:

- To align with our broader strategic plans and relevant reference documents;
- To articulate Council's obligations and position on a range of aspects that impact public road reserves;
- To consolidate multiple policies into an overarching policy, supported by relevant procedures.

Options

Council has the option to not adopt the draft Road Reserve Management 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

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.  Draft Road Reserve Management Policy

Item: 11.11

Subject: POLICY REVIEW - ASSET MANAGEMENT POLICY - POST PUBLIC EXHIBITION

Presented by: Community Utilities, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the amended Asset Management Policy.

Executive Summary

At the Ordinary Council Meeting held on 17 March 2022, Council resolved to place the draft amended Asset Management Policy (attached) on public exhibition for 28 days.

The Draft Asset Management Policy was subsequently placed on public exhibition from 21 March 2022 to 20 April 2022.

Two submissions were received during the public exhibition process.

Discussion

At the Ordinary Council Meeting held on 17 March 2022, Council resolved as follows:

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.*

The Asset Management Policy has been reviewed with only minor amendments proposed at this time. Based on the feedback from a submission received during the exhibition period, two minor amendments have been made to the draft policy. Policy principle statements regarding risk management of critical assets and preventative maintenance have been added as outlined below:

Policy Principles - Page 2 - an additional paragraph has been included:

Risk management is a key element of asset management. A risk management approach will be integrated into asset management planning to ensure critical services and assets are identified and prioritised accordingly

Policy Principles - Page 3 - additional words have been included in the beginning of the first sentence of paragraph 3:

Asset renewals, *routine and preventative maintenance* required to meet agreed services levels.....

The final Asset Management Policy presented for Council adoption is included as Attachment 1.

Options

Council has the option to resolve as recommended or to not adopt the amended Policy identified in this report.

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

The amended Asset Management Policy was available for public comment from 23 March 2022 to 20 April 2022 and two submissions were received. The submissions received and Council's response are detailed in Attachment 2. A summary of the engagement on the exhibited policy via Council's Have Your Say website is included in Attachment 3.

Planning and Policy Implications




This report recommends the adoption of the updated Asset Management Policy, which is a key document within Council's Asset Management Framework. Council is committed to ensure that assets are managed to meet the strategic direction of Council and the community; and providing the services desired within the financial capacity of Council. This will be achieved via the implementation of the policy across all areas of Council.

There are no planning 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 Asset Management Policy
2.  Summary of Submissions and Responses - Asset Management Policy
3.  Summary Report Port Macquarie-Hastings Council Have Your Say - Asset Management Policy Review April 2022

Item: 11.12

Subject: LEGAL FEES

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information in the Legal Fees report.

Executive Summary

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

Attached is a confidential file that provides this information relating to a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2021-2022 financial year as at the end of March 2022.

Discussion

At the July 2018 Ordinary Council meeting, Council resolved:

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

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

That Council:

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

Attached is a confidential file that provides the information that relates to point 2 of the resolution above. This includes a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2021-2022 financial year as at the end of March 2022.

The attachment titled "Legal matters greater than \$10,000 2021/2022 Financial Year" is confidential as it contains information that relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it (*Local Government Act 1993 - Section 10A(2)(d)(i)*).

Options

Council can resolve to request further information.

Community Engagement and Internal Consultation

Internal Consultation

- Chief Executive Officer
- Director Business and Performance

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1. Confidential - Legal matters greater than \$10,000 2021/2022 Financial Year (Confidential)

Item: 11.13

Subject: MONTHLY BUDGET REVIEW - APRIL 2022

Presented by: Business and Performance, Ashley Grummitt

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 "April 2022 Adjustments" section of the Monthly Budget Review – April 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 April 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 moderate budget surplus position of \$19,808 as at the end of April 2022. Details outlined in the table below.

Monthly Budget Review Summary

Original Budget as at 1 July 2021	Balanced	\$0
<i>Plus adjustments:</i>		
July Review	Balanced	\$0
August Review	Shortfall	(\$427,403)
September Review	Surplus	\$5,841
October Review	Surplus	\$18,636
January Review	Surplus	\$65,560
February Review	Shortfall	(\$11,254)
March Review	Balanced	\$0
April Review	Surplus	\$368,428
Forecast Budget Position for 30 June 2022	Surplus	\$19,808

* 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.

April 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 4 of this report. Further details on individual transactions are provided in Attachment "April 2022 Budget Review".

April Budget Adjustments

Additional rates income (\$258k) and interest on investments (\$110k) have been recognised, bringing the previous deficit back in line. Additional water (\$50k) and sewer (\$40k) interest revenue has been transferred to their applicable reserves.

Contributions and Grants totalling \$378k were recognised during the month of April. These include a contribution from Mid North Coast Area Health towards the cleaning of staff facilities at the Regional Stadium COVID testing site (\$28k), and Local Roads and Community Infrastructure grant funding for Laurieton Sports Complex and Log Wharf Reserve (\$350k).

Reserve transfers were required this month for Outdoor Amphitheatre at Town Beach (\$52k), Westport Park Playspace (\$88k) and Bain Park Wauchope (\$107k) as a result of reallocation of grant funding (\$450k) which will fund future works proposed in 2022-23. Additional revenue was recognised for rezoning fees (\$40k) and developer contributions (\$9.2m), with the balances being transferred to reserves.

A New Project Bid was approved by Executive for the establishment of a Koala Connectivity Corridor at Cairncross Waste Management Facility (\$86k). A Budget Variance Request was also approved by Executive for Sewer Rising Main Replacements (\$555k).

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 remainder of the financial year. It is noted that further costs are to be incurred in relation to repair works or alternate crossing works and these costs are likely to be significant. A funding source, including potential grant funding, will need to be determined. Should a funding source not be available, borrowings may be required. Once budget impacts and funding sources have been clarified, these will be brought to account.

Forecast Budget Statement for the Year Ended 30 June 2022

	2021-22 Original Budget '\$000	Carry Overs '\$000	Approved Adj YTD '\$000	Prior Month Forecast '\$000	Current Month Adj '\$000	2021-22 Full Year Forecast '\$000
Operating Activities Movements						
Income from continuing operations						
Rates and Annual Charges	108,390		0	108,390	258	108,648
User Charges and Fees	39,588		30	39,618		39,618
Interest Received	5,455		0	5,455	200	5,655
Grants and Contributions	60,845	2,785	9,878	73,508	9,118	82,626
Other Operating Receipts	5,458		340	5,798	40	5,838
Expenses from continuing operations						
Employee Costs	(55,268)		(863)	(56,131)		(56,131)
Materials and Contracts	(45,201)	(2,104)	(793)	(48,098)	(28)	(48,126)
Depreciation	(50,236)		0	(50,236)		(50,236)
Interest Paid	(2,158)		0	(2,158)		(2,158)
Other Operating Payments	(15,352)		737	(14,615)		(14,615)
Loss on Disposal of Assets	(3,000)		0	(3,000)		(3,000)
Operating result from continuing operations	48,521	681	9,329	58,531	9,588	68,119
Restricted Asset Movements						
Transfer from Restricted Assets	38,796	6,146	2,526	47,468	890	48,358
Transfer to Restricted Assets	(55,466)		(519)	(55,985)	(9,320)	(65,305)
Net Revenues (Used in)/Provided by in Restricted Assets	(16,670)	6,146	2,007	(8,517)	(8,430)	(16,947)
Property, Plant and Equipment Movements						
Purchase of Assets	(67,573)	(6,827)	(11,684)	(86,084)	(790)	(86,874)
Developer Provided Assets	(6,500)		0	(6,500)		(6,500)
Net Revenues (Used in)/Provided by Property, Plant and Equipment Activity	(74,073)	(6,827)	(11,684)	(92,584)	(790)	(93,374)
Financing Activities Movements						
Proceeds from Borrowings and Advances	0			0		0
Repayments of Borrowings and Advances	(11,014)			(11,014)		(11,014)
Net Revenues (Used in)/Provided by Financing Activity	(11,014)	0	0	(11,014)	0	(11,014)
Net Result (Incl Depreciation)	(53,236)	0	(348)	(53,584)	368	(53,216)
Add Back: Non Cash Items	53,236		0	53,236		53,236
Budget Surplus/(Shortfall)	0	0	(348)	(348)	368	20

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 surplus of \$19,808.

Statement by Responsible Accounting Officer

“The adopted original budget result for 2021-2022 was a balanced budget. As at 30 April 2022 this position is changed to a budget surplus of \$19,808 and this position is considered acceptable.”

Attachments

1.  April 2022 Budget Review

Item: 11.14

Subject: QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2022

Presented by: Business and Performance, Ashley Grummitt

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the Quarterly Budget Review Statement for the March 2022 Quarter.

Executive Summary

This report details Council's progress against the original and revised 2021-2022 budget as at the end of the third quarter being 31 March 2022.

Discussion

The Quarterly Budget Review Statement (QBRS) is a statutory report prepared in accordance with sections 202 and 203 of the *Local Government (General) Regulation 2021* ('Regulations').

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

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

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

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

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

That Council:

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

Confidential Attachment 2 titled “Confidential - March 2022 Quarterly Budget Review - Consultancy Engagements” relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting for proposes to conduct business. (Local Government Act 1993 - Section 10A(2)(c)).

Budget Progress Commentary

The variances listed below should be read in conjunction with Attachment 1 (March 2022 Quarterly Budget Review Statement).

Income and Expenses – QBRs Page 1

Rates and Annual Charges

YTD Budget	YTD Actual	Budget Variance	% Received
\$104.833m	\$105.367m	+\$0.534m	100.5%
<i>Rates revenue is in line with YTD budget, noting that an adjustment to reflect additional rates revenue due to growth is included in the April Monthly Budget Review.</i>			

User Fees and Charges

YTD Budget	YTD Actual	Budget Variance	% Received
\$27.417m	\$26.293m	-\$1.124m	95.9%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - <i>Water User Charges: - \$1.625m</i> - <i>Waste Management: + \$1.042m</i> - <i>Airport Fees: - \$1.069m</i> <p><i>Water User Charges are below YTD budget. This is due to budgets being weighted in the first half of the year. Across the full year, these charges appear in line with budget, and the variance should largely be offset by the end of year accrual, however this will continue to be monitored.</i></p> <p><i>Waste Management revenue is above YTD budget. This is attributed to an increase in waste generated from the November storm event (and to a lesser extent the continuation of clean up from the March 2021 flood event). This will</i></p>			

continue to be monitored in the fourth quarter and an adjustment processed if required.

Airport Fees income is below YTD budget. This is due to the impacts of lockdowns and restrictions associated with COVID-19 in the first half of the year. This is offset to a large extent by reduced expenditure as noted below. This will continue to be monitored in the fourth quarter and an adjustment processed if required.

Interest and Investment Income

YTD Budget	YTD Actual	Budget Variance	% Received
\$4.091m	\$4.230m	+\$0.139m	103.4%
<i>Interest and Investment Income is slightly higher than YTD budget due to slightly higher than predicted balances available for investment. An adjustment is included in the April Monthly Budget Review.</i>			

Other Revenues

YTD Budget	YTD Actual	Budget Variance	% Received
\$3.888m	\$3.665m	-\$0.223m	94.3%
<i>Major budget variances include:</i>			
<ul style="list-style-type: none"> - Glasshouse: - \$0.190m - Fines: - \$0.231m - Administration: + \$0.157m 			
<i>Revenue in these areas is slightly below YTD budgets which can be primarily attributed to COVID -19 lockdowns and restrictions in the first half of the year. They will continue to be monitored in the fourth quarter and adjustments processed if required.</i>			

Operating Grants & Contributions

YTD Budget	YTD Actual	Budget Variance	% Received
\$9.710m	\$8.673m	-\$1.037m	89.3%
<i>Major budget variances include:</i>			
<ul style="list-style-type: none"> - Roads to Recovery: - \$0.900m - Street Lighting: - \$0.147m 			
<i>The variance in the Roads to Recovery grant is due to the timing of the grant receipt. The March Quarter Roads to Recovery Claim has been lodged which will result in the grant receipt in the fourth quarter.</i>			
<i>The Street Lighting variance is below YTD budget due to the Street Lighting Subsidy not yet received from Transport for NSW. This funding is due to be received in the fourth quarter.</i>			

Capital Grants & Contributions

YTD Budget	YTD Actual	Budget Variance	% Received
\$19.098m	\$72.133m	+\$53.035m	377.7%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Roads & Bridges: + \$35.205m - Natural Disaster: + \$13.588m - Developer Contributions: + \$3.159m <p><i>Grant funds have been received in advance for several Roads and Bridges projects. These include \$33m for the Ocean Drive Duplication and \$1.320m for Fixing Local Roads. Note that these will be transferred to a liability account as part of end of year procedures where they will remain until utilised, as which point they will be recognised in revenue.</i></p> <p><i>Natural Disaster variances are due to grant funds which have been received for the March 2021 Flood Event \$12.588m and February 2022 Flood Event \$1m. The accounting treatment for the flood events is currently being assessed in preparation for end of year and the revenue will be brought to account once this has been finalised.</i></p> <p><i>Developer contributions are above budget as at the end of the March quarter. This variance is due to the timing of contribution receipts and the level of development activity. They will continue to be monitored and restricted at the end of financial year.</i></p>			

Employee Costs

YTD Budget	YTD Actual	Budget Variance	% Expended
\$42.639m	\$40.640m	-\$1.999m	95.3%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Salaries & Wages: - \$2.020m - Superannuation: + \$0.414m <p><i>The favourable variation in salaries and wages is due to vacant positions and the timing of employees taking leave / public holidays. An analysis of salaries and wages is currently underway and any adjustment required will be included in the next Monthly Budget Review.</i></p> <p><i>Superannuation is above budget due to the timing of payroll processes and payments to Superannuation Funds. Across the full year expenditure is tracking in line with budget.</i></p>			

Borrowing Costs

YTD Budget	YTD Actual	Budget Variance	% Expended
\$1.419m	\$1.105m	-\$0.314m	77.9%
<i>Interest on Loans is in line with YTD budget. Borrowing Costs overall are under budget due to the timing of Tip Amortisation journals.</i>			

Materials & Services

YTD Budget	YTD Actual	Budget Variance	% Expended
\$39.834m	\$32.236m	-\$7.598m	80.9%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - <i>Transport & Traffic: - \$2.175m</i> - <i>Events: - \$0.789m</i> - <i>Fleet Management: - \$0.709m</i> - <i>Governance: - \$0.686m</i> - <i>Airport: - \$0.603m</i> - <i>Waste Disposal: - \$0.373m</i> - <i>Landuse Planning: - \$0.268m</i> - <i>Glasshouse: - \$0.256m</i> <p><i>Transport & Traffic is running under budget with levels of road maintenance being weather dependent with the greatest need arising after wet weather conditions. The timing of the roads program is also generally in the second half of the year. This will continue to be monitored and adjusted if needed.</i></p> <p><i>Events are under YTD budget. This is due to COVID-19 restrictions impacting events in the first three quarters of the budget year.</i></p> <p><i>The variance in Fleet Management is due to plant recoveries being higher than budgeted, along with the timing of depot maintenance. Fuel usage, scheduled maintenance and registration and insurance are also less than budgeted. This will continue to be monitored and any underspends transferred to reserve at year-end.</i></p> <p><i>Governance variances are due to Elections under expenditures. Council is yet to receive the invoice from the NSW Electoral Commission for the elections held in December 2021.</i></p> <p><i>The Airport variances are due to COVID-19 lockdowns and travel restrictions imposed during the first half of the year. This is offset by reduced revenue as noted above.</i></p> <p><i>The variance in Waste Disposal is due to the timing of contractor payments.</i></p> <p><i>Landuse Planning variances are due to several strategic projects that are yet to commence. These will be monitored during the remainder of the budget year.</i></p> <p><i>Glasshouse variances are due to reduced expenditure within the venue. COVID-19 restrictions impacted this area in the first half of the financial year. This is offset by reduced revenue as noted above.</i></p>			

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

Depreciation

YTD Budget	YTD Actual	Budget Variance	% Expended
\$37.677m	\$36.460m	-\$1.217m	96.8%
<p><i>The lower than budgeted depreciation is due largely to variances in roads and sewer assets. This is due to the impact of prior revaluations and the timing of capitalisation of works. This will be monitored and adjusted in the next Monthly Budget Review required.</i></p>			

Other Expenses

YTD Budget	YTD Actual	Budget Variance	% Expended
\$10.764m	\$9.992m	-\$0.772m	92.8%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Waste Levy: - \$0.570m - Street Lighting: - \$0.133m <p><i>The variance in Waste Levy is timing only. Actual expenditure is still tracking to the annual budget.</i></p> <p><i>Electricity expenditure is slightly below YTD budget. This cost will be monitored in the fourth quarter for possible budget adjustments.</i></p>			

Asset Disposal

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

Capital Expenditure – QBRs Page 2

YTD Budget	YTD Actual	Budget Variance	% Expended
\$46.559m	\$49.433m	+\$2.874m	106.2%
<p><i>Projects with major budget variances include:</i></p> <ul style="list-style-type: none"> - Rawdon Island Bridge Structural Repairs: + \$5.632m <ul style="list-style-type: none"> - Budget adjustment for \$1.2m processed as part of the August 2021 Monthly Budget Review report. Further budget adjustments required are currently being assessed. - Plant Purchases: - \$0.888m <ul style="list-style-type: none"> - Timing only. Plant purchases are in line with plant replacement schedules. - Pembroke Road: - \$0.567m <ul style="list-style-type: none"> - Timing of contractor payments only. Project on track. - Kindee Bridge: - \$0.368m <ul style="list-style-type: none"> - Works have not yet commenced on this project. Project behind schedule. 			

- *Local Roads Proactive Transport Program: - \$0.365m*
- *Timing only. Works to commence in fourth quarter.*

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

Progress details for particular capital projects can be found in the report “2021-2022 Operational Plan - Quarterly Progress Report as at 31 March 2022” which is also on the agenda of the Ordinary Council Meeting for May 2022 and contained within the business paper.

Cash and Investments – QBRs Page 3

The return on Council's investment portfolio for the financial year as at 31 March 2022 was 1.56% which was 1.52% above the benchmark of 0.04%.

Key Performance Ratios – QBRs Page 4

The budget variations and carry-overs that have been adopted throughout the financial year have not had a material impact on the forecasted T-Corp ratios set out in the adopted original budget.

Contracts and Other Expenses – QBRs Page 5-6

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

Statement by Responsible Accounting Officer

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

Responsible Accounting Officer Statement

It is my opinion that the Quarterly Budget Review Statement for Port Macquarie-Hastings Council for the quarter ended 31 March 2022 indicates that Council's projected financial position at 30 June 22 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

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



Nicole Spencer

March 31, 2022

Responsible Accounting Officer - Port Macquarie-Hastings Council

Options

Council may adopt the recommendation or amend as required.

Community Engagement & Internal Consultation

Not applicable.


Planning & Policy Implications

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

Financial & Economic Implications

As indicated in the QBRS, the projected operating result for Council on a consolidated basis, as at 30 June 2022, is a surplus of \$1.625m and this result is satisfactory. As at 31 March 2022, there was a budget deficit for the 2021-2022 financial year. This has largely been remedied in the April 2022 Monthly Budget Review through favourable budget variations.

Attachments

1.  March 2022 Quarterly Budget Review Statement
2. Confidential - March 2022 Quarterly Budget Review - Consultancy Engagements (Confidential)

Item: 11.15

Subject: 2021-2022 OPERATIONAL PLAN - QUARTERLY PROGRESS
REPORT AS AT 31 MARCH 2022

Presented by: Business and Performance, Ashley Grummitt

Alignment with Delivery Program

1.1.4 Provide easy to understand and accessible community reporting.

RECOMMENDATION

That Council note the 2021-2022 Operational Plan Quarterly Progress Report as at 31 March 2022.

Executive Summary

The 2021-2022 Operational Plan Quarterly Progress Report summarises progress achieved towards the actions, projects and activities identified in the 2021-2022 Operational Plan as measured by the Corporate Performance Indicators (CPIs). There are a total of 443 CPIs across the four identified community themes.

It is evident that the significant weather events experienced in Quarter 3, global resource and supply chain challenges and competing local priorities i.e. the Rawdon Island Bridge project have impacted on CPI delivery during the reporting period.

An increase in grant funding opportunities has allowed a reprioritisation of, in particular, capital works projects. The opportunities afforded Council through increased external funding has meant that scarce resources have been allocated to funded projects and in some cases away from actions identified in the Operational plan.

Notwithstanding the challenges and opportunities of the past quarter, Council remains on track to deliver at least 366 CPIs with remedial action being investigated on addition CPIs to achieve stronger outcomes at the conclusion of the 2021-2022 year.

Discussion

The Delivery Program (DP) is designed as the single point of reference for all key activities to be undertaken during the term of Council that support the delivery of the vision and goals outlined in the Community Strategic Plan (CSP).

The 2021-2022 Operational Plan (OP) is a sub plan of the adopted 2017-2022 Delivery Program that establishes the individual actions, projects and activities Council will undertake in the financial year to achieve the objectives of Delivery Program.

The following table and accompanying graph provides a trend analysis of the total number of Operational Plan actions, and percentage of actions identified as On Track by quarter over the progress of the 2019-2020, 2020-2021 and 2021-2022 (to date) reporting years.

Status	Q1 July-Sept		Q2 Oct-Dec		Q3 Jan- March		Q4 April-June	
2019-2020 On Track	375	88%	375	88%	375	86%	375	80%
2020-2021 On Track	521	94%	527	96%	527	93%	464	86%
2021-2022 On Track	430	89%	439	91%	443	83%	443	

4. Overview - Operational Plan

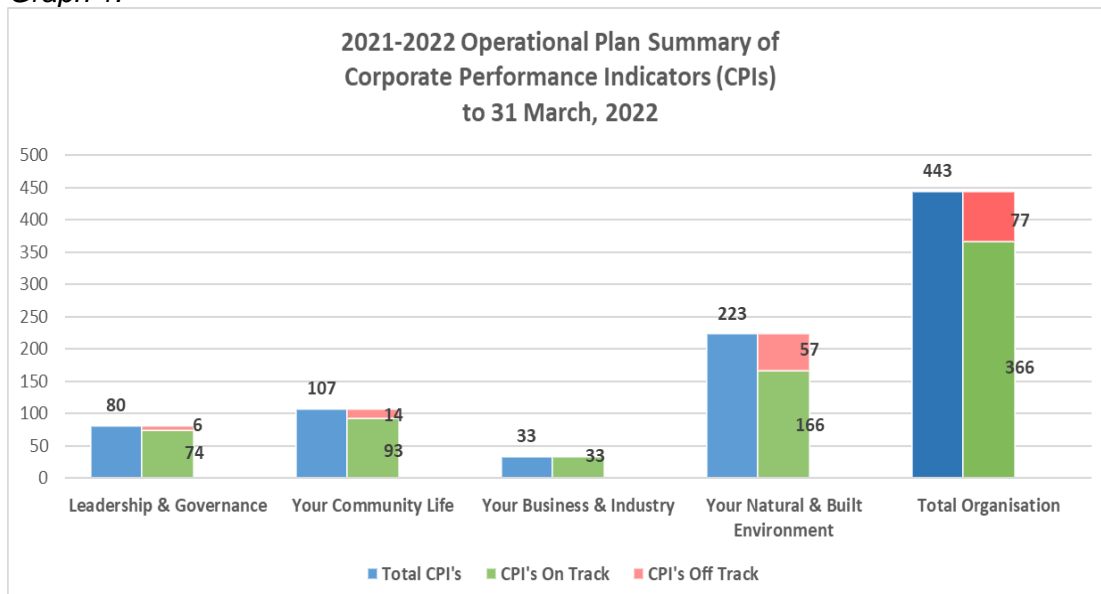
2021-2022 Operational Plan actions are directly linked to **443** Corporate Performance Indicators (CPIs). As at 31 March 2022, **366** (84%) of these CPIs are On Track for delivery.

Table 1 and Graph 1 provide a summary of the total number of CPIs and status by Community Theme.

Table 1:

2021-2022 Operational Plan Summary of Corporate Performance Indicators (CPIs)			
Community Theme	Total CPI's	CPI's On Track	Overall Delivery
Leadership & Governance	80	74	93%
Your Community Life	107	93	87%
Your Business & Industry	33	33	100%
Your Natural & Built Environment	223	166	75%
Total Organisation	443	366	83%

Graph 1:



Details of progress achieved against each CPI and action are provided in the following attachments:

Attachment 1 - Statistical Overview by Community Theme.

Attachment 2 - Quarterly Exception Report - this report details each Operational Plan action, activity or project that is currently experiencing delays and is reported as Off Track.

Attachment 3 - Capital Works by Location - this listing provides a status overview of capital works by LGA area.

Attachment 4 - Quarterly Progress Report - Status report on all Operational Plan line items, linked to the Community Strategic Plan and Delivery Program objectives, with commentary on progress.

Options

It is a statutory requirement under Integrated Planning and Reporting legislation to report on what has been delivered against the Delivery Program on a six monthly basis. This report is additional to those requirements and is delivered quarterly.

Community Engagement and Internal Consultation

Internal consultation was undertaken with:

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





Planning and Policy Implications

This report is aligned with legislative obligations under the *Local Government Act 1993* and the requirements of the NSW Integrated Planning and Reporting Framework.

Financial and Economic Implications

There are no direct financial implications in relation to this report. Quarterly Budget Review Statements (QBRs) align with the reporting period referenced in this report.

Attachments

1.  Statistical Overview by Community Theme
2.  Quarterly Exception Report
3.  Capital Works by Location
4.  Quarterly Progress Report

Item: 11.16

Subject: INVESTMENTS - APRIL 2022

Presented by: Business and Performance, Ashley Grummitt

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 April 2022.

Executive Summary

- Total funds invested as at 30 April 2022 was \$412,673,941.
- Interest for the month of April was \$464,900.
- The year-to-date investment income of \$4,480,474 represents 87% of the total annual investment income budget of \$5,132,800.
- Council's total investment portfolio performance for the financial year to date was 1.55% above the benchmark (1.56% against 0.01%), benchmark being the Bank Bill reference rate as at 30 April 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 1.60% p.a., strongly outperforming bank bills by 1.59% p.a.
- The RBA at their April meeting left interest rates on hold at 0.10%, however they have flagged to the market that a rate hike is imminent. (*Note rates have since been increased in the May meeting*).
- With surging inflationary pressures and a potential aggressive hike in interest rates flagged, markets are bracing for the central banks to move to a rapid tightening cycle in relation to policy measures.
- 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 64% of the total portfolio.
- PMHC remains amongst the best performing Councils in the state of NSW where deposits are concerned, earning on average, \$2.97m 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 has seen larger amounts of developer contributions being received during those years. The purpose of these contributions is to fund infrastructure associated with the growth of an area and consequently are for new infrastructure and are future focussed. The funds cannot be spent on existing infrastructure. There are specific contribution plans which dictate which projects can be funded from these funds and many of the projects are not ready for completion yet (or are not yet needed as growth levels do not yet require the infrastructure). To complicate matters, Councils cannot spend these funds on projects that are not listed in the relevant contribution plans.

Water and Sewer

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

Current Investments

Council is required to undertake investments in accordance with section 625 of the *Local Government Act 1993*. This report provides details of Council's investments, and certifies that all funds that Council has invested as at 30 April 2022, comply with this Act. All investments have been made in accordance with the Act and Regulations, and Council's Investment Policy.

As at 30 April 2022, the investments held by Council totalled \$412,673,941 and were attributed to the following funds:

General Fund*	187,527,292
Waste Fund	22,961,178
Water Fund	137,597,873
Sewer Fund	62,899,762
Broadwater	1,634,189
Sanctuary Springs	53,647
	412,673,941

**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.*

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.

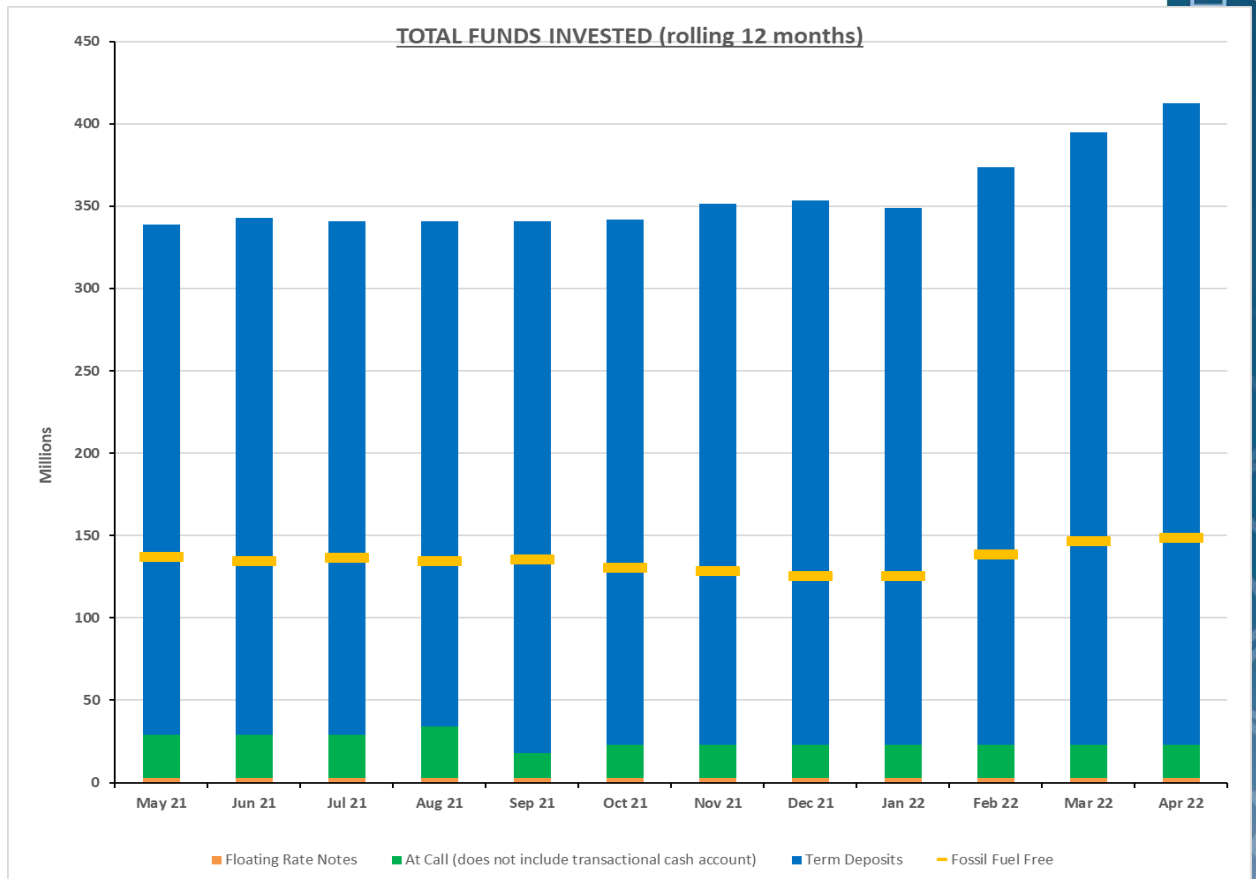
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$412,673,941), and total investments held as per Imperium’s attached monthly report (\$412,680,310). 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 30/04/22 (\$)	Amount invested at 30/04/22 (%)
Yes	127,020,000	69%	264,173,941	64%
No	58,000,000	31%	148,500,000	36%
	185,020,000		412,673,941	

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



The value of Council’s investments as at 30 April was \$18m higher than March due to receipt of \$10.3m in Developer Payments and \$7.7m for the Financial Assistance Grant 2022-23 advance payment from Office of Local Government.

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 1.55% above the benchmark (1.56% against 0.01%) and year to date income is 87% 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 - April 2022
2.  Port Macquarie-Hastings Council Portfolio Valuation - April 2022

Item: 11.17

Subject: PAYMENT OF WATER FUND AND SEWER FUND DIVIDEND FOR
THE YEAR 2020-2021

Presented by: Business and Performance, Ashley Grummitt

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Note the achievement of substantial compliance with each of the best practice guidelines (NSW Best Practice Management Guidelines for Water Supply and Sewerage, August 2007) of:
 - (a) Strategic Business Planning
 - (b) Pricing
 - (c) Water Conservation
 - (d) Drought Management
 - (e) Performance Reporting
 - (f) Integrated Water Cycle Management.
2. Authorise the application to the NSW Government for approval to pay a dividend of \$942,057 to the General Fund from the surplus in Water Supply operations for the 2020-2021 financial year.
3. Authorise the payment of \$104,673 for tax equivalents to the General Fund from the Water Supply operations for the 2020-2021 financial year.
4. Authorise the application to the NSW Government for approval to pay a dividend of \$894,699 to the General Fund from the surplus in the Sewerage Fund for the 2020-2021 financial year.
5. Authorise the payment of \$99,411 for tax equivalents to the General Fund from the Sewerage Fund for the 2020-2021 financial year.
6. Determine that if successful in its application, the dividend be allocated to partially fund the repair works being undertaken on the Rawdon Island Bridge.

Executive Summary

This report provides Council with information on Council's compliance with NSW Best Practice Management Guidelines for Water Supply and Sewerage.

In addition, the recommendation will allow Council to apply for payment of a dividend from the Water Supply and Sewerage Funds to General Fund for the year ended 30 June 2021.

Discussion

Where a Council Water or Sewerage operation has:

- an operating surplus for the year in question, and
- a sufficient cumulative operational surplus over the last three years,

it may be eligible to make a dividend payment from the surplus if it meets the following requirements:

1. Demonstrates best-practice management compliance through an independent compliance audit report.
2. Obtains an unqualified financial audit report for its water supply/and or sewerage business(es).
3. Resolves in a council meeting open to the public that it has achieved “substantial compliance” with each criterion of the Best Practice Management Guidelines. The criterion is set out in table 1 of the guidelines which is attached.
4. Successfully undergoes a review of the Council overhead distribution to Water and Sewerage for the year in question.

Any dividend taken from the water and sewerage funds is able to be transferred to the General Fund and is unrestricted.

For the 2020-2021 financial year, Council meets the surplus requirements for both the Water Supply operations and the Sewerage operations.

Requirement 1 – Best Practice Criteria

In August 2007, the NSW Department of Water & Energy issued the final guidelines for the Best Practice Management of Water Supply and Sewerage Operations. This was updated through the BPM Framework in February 2019. The intent of the Best Practice Guidelines is to ensure compliance with Best Practice Management criteria.

The Best Practice criteria are:

1. Strategic Business Planning
2. Pricing (including Developer Charges, Liquid Trade Waste Policy and Approvals)
3. Water Conservation
4. Drought Management
5. Performance Reporting
6. Integrated Water Cycle Management.

Within each of the above six criteria there is a required outcome that needs to be met and indicators that demonstrate the achievement of the outcome. In accordance with the guidelines, Council has endeavoured to meet all criteria as addressed in the guidelines and to demonstrate the achievement of the criteria.

The achievement of the criteria is required to be audited by an independent external Auditor. Council has recently appointed NSW Public Works Advisory to undertake the best practice compliance audit for the 2020-2021 financial year. A copy of the final audit report is attached.

The audit concluded that “Port Macquarie-Hastings Council has demonstrated “substantial compliance” with Best Practice Management of Water Supply and Sewerage in line with the DPIE-Water Guidelines as applicable for the year ended 30th June 2021”.

Requirement 2- Unqualified Financial Audit Report

The independent Audit Report on the Special Purpose Financial Reports for Water and Sewerage was included in Council's Annual Statements for the 2020-2021 financial year. The audit report was unqualified and therefore meets the criteria in the guidelines. A copy of the audit report is attached.

Requirement 3- Council Resolution

It is recommended that Council resolve that it has achieved “substantial compliance” with each criterion of the Best Practice Management Guidelines.

Requirement 4 - Overhead Distribution

Council recently engaged Thomas Noble & Russell to undertake the overhead review for the 2020-2021 financial year. The conclusion of that review was that “nothing has come to our attention that causes us to believe that the reallocation of overheads to Council’s water and sewer business activities disclosed in the special purpose financial statements for the year ended 30 June 2021 is not fair and reasonable”. A copy of this report is attached.

Application

Once Council complies with the abovementioned criteria, Council is able to apply for permission to pay a dividend from the Water Supply and Sewerage operations. The dividends total \$942,057 for water supply and \$894,699 for sewerage services for the financial year 2020-2021. The payment of the dividend is subject to approval by the NSW Government and approval may or may not be granted. The payment of tax equivalents totalling \$204,084 is not subject to approval from the NSW Government.

Allocation of Dividend to Reserves

Major structural issues were identified on the Rawdon Island Bridge in June 2021, placing the bridge at a high risk of collapse. Council has been working to re-establish access and implement a long-term solution for residents.

Costs in relation to repair works or alternate crossing works are likely to be significant. Funding sources, including potential grant funding, are currently being assessed. There is likely to be a funding shortfall and borrowings may be required. Given future borrowings committed in the draft 2022-23 Operational Plan and draft Long Term Financial Plan, to support key infrastructure works moving forward, including additional asset renewals, it is recommended that the dividend, if approved, be allocated to partially fund the bridge repair works being undertaken.

Options

Council has the option of applying for approval to pay a dividend of \$1,836,756 from the water and sewerage funds or it can choose not to apply. If Council chooses to apply it must resolve that it has achieved “substantial compliance” with each of the criterion in the Best Practice Guidelines.

Council may choose to resolve that if successful the dividend be used for certain purposes, or it may choose not to limit the application of the funds.

Community Engagement & Internal Consultation

Consultation has occurred with the Water and Sewerage sections, Executive Team and independent auditors.





Planning & Policy Implications

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

Financial & Economic Implications

A total dividend from surplus of \$1,836,756 is payable by the Water Supply and Sewerage operations. In addition, tax equivalents of \$204,084 are also payable. These funds are unrestricted and can therefore be spent on General Fund activities.

Attachments

1.  Best Practice Guidelines - Table 1
2.  2020-2021 Best Practice Compliance Audit
3.  2020-2021 Special Purpose Financial Statements Audit Report
4.  2020-2021 Signed Audit Report on Overhead Distribution

Item: 11.18

Subject: CONTRACTS AWARDED UNDER DELEGATION BY THE CHIEF EXECUTIVE OFFICER

Presented by: Business and Performance, Ashley Grummitt

Alignment with Delivery Program

1.5.2 Use procurement, tendering, purchasing and contract management approaches that are transparent and equitable.

RECOMMENDATION

That Council note the information provided in the Contracts Register.

Executive Summary

Attached is a Contracts Register for the period ending 30 April 2022 that provides information relating to Contracts that have been awarded under delegation by the Chief Executive Officer.

Attached is also a Register containing information on tenders requiring a further report back to Council, for information purposes, following the negotiation process.

Discussion

Under section 377 of the *Local Government Act 1993*, a Council may by resolution delegate to the general manager or any other person specific functions. This includes the function to accept tenders as set out in section 178(a) of the *Local Government (General) Regulation 2021* and in accordance with s377(1)(i) of the Act.

Delegated Authority

When a tender process and evaluation is completed, under delegated authority the Chief Executive Officer may accept tenders, with the following exceptions that should be referred to Council:

- The limitation legislated in s377(1)(i) of the Act being the acceptance of tenders required under the Act to be invited by the council.
For example: the acceptance of tenders to provide services currently provided by members of staff of the council.
- A recommendation made under s178(1)(b), s178(3) or s178(4) of the Regulation.
For example: a recommendation to decline tenders and enter into negotiations.
- Any tender for a service or project where cost exceeds the adopted budget limit for that service or project.
- Any tender for a service or project which is not in an approved Operational Plan.

The Project Steering Group, Group Manager, Procurement, the Procurement Sponsor and the Chief Executive Officer will retain discretion to refer to Council for decision any tender:

- which otherwise falls within the Chief Executive Officer's delegated authority;
- which has failed to comply with the critical dates as detailed in the Procurement Calendar;
- which has materially deviated from the approved Procurement and Evaluation Plan;
- that has a significant level of public interest in the service;
- that is contentious in nature; or
- for any other reason described in the tender evaluation report.

A report will be tabled on a quarterly basis providing Council with a list of Contracts that have been awarded under delegation by the Chief Executive Officer.

The attached Contracts Register is provided for information purposes.

Options

This is an information report. Council can resolve to request further information.

Community Engagement and Internal Consultation

Internal Consultation

- Chief Executive Officer
- Acting Director Business and Performance
- Group Manager Procurement
- Contracts Manager
- Contracts Officer.



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.  PMHC GIPA Contracts Register - CEO Delegation
2.  Register of Tenders - Results Reporting Back to Council

Item: 11.19

Subject: T-18-18 PROVISION OF HIRE SERVICES - CONTRACT PLANT,
ANCILLARY EQUIPMENT AND PLANT OPERATORS

Presented by: Community Utilities, Jeffery Sharp

Alignment with Delivery Program

1.4.2 Deliver agreed services at the agreed service level at best value.

RECOMMENDATION

That Council:

1. In accordance with Section 55(3)(i) of the *Local Government Act 1993*, due to the extenuating circumstances, being the prioritisation of staff resources in response to the drought, fire and flood events over the past 24 months, resolves not to call open tenders for the Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators.
2. Request the Chief Executive Officer to enter into negotiations to extend the panel arrangement for T-18-18 for the Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators with the following 55 contractors appointed to the panel arrangement for T-18-18 for a further period of up to nine months to 31 March 2023:
 - AJ & JA Wilson Family Trust
 - AS & S Collins t/as Mortons Creek Haulage
 - Blanch Earthmoving Pty Ltd
 - Booker Backhoe Bobcat & Tipper Hire Pty Ltd
 - Bridle Concrete Resources
 - CJ Hoogland t/as Hoogland Plant Hire
 - CNC Roads
 - Coastal Hire & Sales
 - Coates Hire Operations Pty Ltd
 - Conplant Pty Ltd
 - CSC Industries Pty Ltd t/as Platinum Excavation and Plant Hire
 - Ditchfield Contracting Pty Ltd
 - DJ & D Coombes
 - Eire Constructions Pty Ltd
 - Elf's Excavations
 - Fenech Group Pty Ltd
 - FJ & BJ Lyon Pty Ltd
 - Garry Hooper Haulage Pty Ltd
 - GC & LR Mellor t/as Midcoast Tipper Hire
 - G H Lindsay Earthmoving Pty Ltd
 - Glenn Martin Backhoe Hire
 - HC & K Bennett Pty Ltd
 - Hobbs Rural Services

- Hollfields Plumbing Excavation
 - Jim Anderson Earthmoving
 - JR & EG Richards Pty Ltd
 - Keegan Civil Pty Ltd
 - Kennards Hire Pty Ltd
 - Lake Cathie Excavations
 - Laurie Mascord Backhoe Hire
 - LinCon Earthmoving Pty Ltd
 - Magnum Haulage & Excavations Pty Ltd
 - Manton Building & Excavations
 - Marden Alliance Pty Ltd t/as Marden Civil
 - Marschall Bobcat Service
 - Master Hire Pty Ltd
 - Mid Coast Cranes Pty Ltd
 - Mid North Coast Hydro Digging & Service Locating Pty Ltd
 - Mid North Coast Water Tankers Pty Ltd
 - Mitchbrook Management Pty Ltd t/as Mitchbrook Construction
 - ML & LT Swan
 - ONeills Backhoe Services Pty Ltd
 - Port Cranes Pty Ltd
 - Redhead Machinery Pty Ltd
 - Rollers Australia Pty Ltd
 - Schmutter Earthmoving & Demolition Pty Ltd
 - Specialised Pavement Services Pty Ltd
 - Stephen McNeilly Bobcat & Tipper Hire
 - Steve Wallis Transport
 - TFH Hire Services Pty Ltd
 - Tutt Bryant Equipment
 - Tyrrells Earthmoving t/as Next Level Earthworks
 - Winicki Excavations
 - XXXDirtworx Pty Ltd t/as M C Dirtworx; and
 - YI Constructions.
3. Delegate to the Chief Executive Officer the authority to issue a letter of variation with the 55 contractors appointed to the panel arrangement for T-18-18 for a further nine (9) months to 31 March 2023.

Executive Summary

At the Ordinary Council Meeting held on 21 May 2021, Council resolved:

That Council:

1. *In accordance with Section 55(3)(i) of the Local Government Act 1993, due to the extenuating circumstances, being the prioritisation of staff resources in response to the drought, fire and flood events over the past 18 months, resolves not to call open tenders for the Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators.*
2. *Request the Chief Executive Officer to enter into negotiations to vary the panel contracts for T-18-18 for the Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators with the following 55*

contractors appointed to the panel arrangement for T-18-18 for a further period of twelve (12) months to 30 June 2022:

- *AJ & JA Wilson Family Trust*
- *AS & S Collins t/as Mortons Creek Haulage*
- *Blanch Earthmoving Pty Ltd*
- *Booker Backhoe Bobcat & Tipper Hire Pty Ltd*
- *Bridle Concrete Resources*
- *CJ Hoogland t/as Hoogland Plant Hire*
- *CNC Roads*
- *Coastal Hire & Sales*
- *Coates Hire Operations Pty Ltd*
- *Conplant Pty Ltd*
- *CSC Industries Pty Ltd t/as Platinum Excavation and Plant Hire*
- *Ditchfield Contracting Pty Ltd*
- *DJ & D Coombes*
- *Eire Constructions Pty Ltd*
- *Elf's Excavations*
- *Fenech Group Pty Ltd*
- *FJ & BJ Lyon Pty Ltd*
- *Garry Hooper Haulage Pty Ltd*
- *GC & LR Mellor t/as Midcoast Tipper Hire*
- *G H Lindsay Earthmoving Pty Ltd*
- *Glenn Martin Backhoe Hire*
- *HC & K Bennett Pty Ltd*
- *Hobbs Rural Services*
- *Hollfields Plumbing Excavation*
- *Jim Anderson Earthmoving*
- *JR & EG Richards Pty Ltd*
- *Keegan Civil Pty Ltd*
- *Kennards Hire Pty Ltd*
- *Lake Cathie Excavations*
- *Laurie Mascord Backhoe Hire*
- *LinCon Earthmoving Pty Ltd*
- *Magnum Haulage & Excavations Pty Ltd*
- *Manton Building & Excavations*
- *Marden Alliance Pty Ltd t/as Marden Civil*
- *Marschall Bobcat Service*
- *Master Hire Pty Ltd*
- *Mid Coast Cranes Pty Ltd*
- *Mid North Coast Hydro Digging & Service Locating Pty Ltd*
- *Mid North Coast Water Tankers Pty Ltd*
- *Mitchbrook Management Pty Ltd t/as Mitchbrook Construction*
- *ML & LT Swan*
- *ONeills Backhoe Services Pty Ltd*
- *Port Cranes Pty Ltd*
- *Redhead Machinery Pty Ltd*
- *Rollers Australia Pty Ltd*
- *Schmutter Earthmoving & Demolition Pty Ltd*
- *Specialised Pavement Services Pty Ltd*

- *Stephen McNeilly Bobcat & Tipper Hire*
 - *Steve Wallis Transport*
 - *TFH Hire Services Pty Ltd*
 - *Tutt Bryant Equipment*
 - *Tyrrells Earthmoving t/as Next Level Earthworks*
 - *Winicki Excavations*
 - *XXXDirtworx Pty Ltd t/as M C Dirtworx; and*
 - *YI Constructions.*
3. *Delegate to the Chief Executive Officer the authority to negotiate and sign the contract extension agreements with the 55 contractors appointed to the panel arrangement for T-18-18 for twelve (12) months to 30 June 2022.*
 4. *Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-18-18.*

Council's current panel arrangement for the Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators (Plant Hire) commenced 1 July 2018 for 12 months, with a further two (2) options to extend, each for a period of twelve (12) months. At the Ordinary Council Meeting held on 19 May 2021 Council resolved to vary the panel contracts for T-18-18 for the Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators with 55 contractors appointed to the panel arrangement for T-18-18 for a further period of twelve (12) months to 30 June 2022.

To successfully deliver the continuation of operational works, it is recommended that Council extend the current panel contracts for a further nine months to allow Council to finalise the new procurement pathways. The intent of the new procurement pathways is to establish up to four arrangements that are fit-for-purpose, but also flexible and responsive to Council's current and future needs. The new arrangements are to appoint appropriately qualified suppliers and contractors to provide:

- Dry Hire Services (the hiring of plant/equipment on its own without an operator)
- Wet Hire Services (hiring equipment in conjunction with a qualified operator to operate the machinery)
- Minor Civil Works arrangement; and
- Supply and installation of Temporary Fencing (potentially or may be included in the Dry Hire arrangement)

Planning is underway and it is intended to go to market next financial year to establish the various contractual arrangements.

Discussion

RFT T-18-18 established the current panel arrangement of 55 panel contractors and was considered a 'bridging arrangement' until a plant hire pre-qualification scheme could be established, as detailed in the 20 June 2018 Council report.

The 20 June 2018 Council report identified that a plant hire pre-qualification scheme would provide a more appropriate framework for the rigid assessment of plant and operators compliance with work health and safety, quality assurance and environmental management on a project specific basis.

It was acknowledged that a pre-qualification scheme could take up to two (2) years to establish, and as a result RFT T-18-18 was entered into as a bridging arrangement. This bridging arrangement expires on 30 June 2022.

Extenuating circumstances related to the prioritisation of staff resources in response to operational circumstances associated with the drought, fire and flood events over the past 24 months, have resulted in Council's inability to finalise the required documentation ahead of the contract expiration.

Significant unforeseen natural disaster events throughout 2020 and continuing into 2021 have required diversion of resources in direct responses associated with maintaining our essential services. This includes responding to the impact of severe drought, bushfires fires and the recent flooding, and additionally continuing to operate within the constraints and supply chain impacts of COVID-19. As a result, the required review and decision points described above have been delayed.

Plant and equipment hire rates can be volatile and unstable. They are not one-size-fits-all, rather hire rates will depend on different factors and are affected by the law of supply and demand. The main contributors influencing the costs of labour hire are:

- a rise in global crude oil prices
- increase costs of commodities, scheduled maintenance and servicing
- skilled trade shortages
- global shipping delays for plant and equipment stemming from the pandemic
- high demand for plant hire services in the LGA and along the eastern seaboard in response to the recent flooding events
- increase insurance premiums; and
- high prices of equipment that meet emission regulations.

It is therefore recommended that Council vary existing contracts with the 55 panel contractors for a further nine-month period, under Section 55(3)(i) of the *Local Government Act 1993* and in accordance with their tender submissions in response to RFT T-18-18.

This will enable Council to:

- use the current plant hire panel arrangement to complete operational works without needing to obtain quotes; and
- initiate and finalise a new tendering strategies and contractual arrangements.

Options

Council has the option to accept the recommendation as presented and vary the current contract arrangements with panel contractors in accordance with the information detailed in this report or reject the recommendation, which means current contract arrangements with panel contractors will expire on 30 June 2022.

Community Engagement and Internal Consultation

Internal consultation has occurred with the following Council staff:

- Acting Director Business and Performance
- Group Manager Infrastructure Operations

- Transport and Stormwater Operations Manager Infrastructure Operations
- Group Manager Procurement
- Project and Administration Officers Infrastructure Planning

Planning and Policy Implications

There are no planning or policy implications.

Financial and Economic Implications

Contract plant hire represents a significant financial cost for Council. A spend analysis has been completed commencing at the 2018 financial year to allow for three full years of spend data, with year-to-date spend for the 2021 financial year. This analysis shows total spend of \$18,241,967.17 or on average approximately \$424,000 per month.

Hire Services for contract plant, ancillary equipment and plant operators are funded from both operational and capital works budgets. The funding sources include Water, Sewer and General funds.

Attachments

1. Confidential - Executive Team Information Brief - T-18-18 Provision of Hire Services, Contract Plant, Ancillary Equipment and Plant Operators (Confidential)

Item: 11.20

Subject: DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM
PERFORMANCE

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

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

Executive Summary

This report provides a summary of development assessment, building certification and subdivision certification activities for the January to March 2021-2022 quarter. Data on the number of applications and processing times, together with a commentary on development trends is provided for the information of Council.

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

Discussion

1. Development Activity and Assessment System Performance

Table 1 provides data on the volume of applications received and determined over the quarter relative to the yearly average and monthly average of the preceding two years.

The monthly average number of Development Applications (DAs) received for the first 3 quarters of 2021-2022 was 92, compared to a monthly average of 99 in 2020-2021 and 83 in 2019-2020. Whilst slightly down on the previous year's monthly average, a large contributor to this is the slower January period, which only saw 49 DAs lodged. By stark contrast is the month of March, where a record 130 DAs were received for the month. This continues to be a very positive sign of confidence in the Port-Macquarie-Hastings area, with building and construction activity continuing to be strong.

This confidence in the sector is also apparent in the monthly average number of planning certificates issued, which is a typical lead indicator for subsequent development activity. The year to date average of certificates issued is 301 per month, compared to the 2020-2021 monthly average of 277. Building and plumbing inspection numbers remain with a monthly average of 434, although this is slightly down on the previous year monthly average of 456. Staff are being advised by builders that supply chains are being increasingly affected by the pandemic so this may see a continued reduction in inspections over the coming months.

Similar to DAs, there has been a slight reduction in Construction Certificates (CCs) and Roads Act applications during the first 3 quarters of 2021-2022 compared to the monthly average in 2020-2021, with a monthly average of 42 CCs and 49 Roads Act applications being received. This is compared to the 2020-2021 monthly average of 48 CCs and 55 Roads Act applications.

There has been a more significant decrease in plumbing and drainage applications received, with a monthly average of 81 being received for the year to date compared to the monthly average of 95 for 2020-2021. One of the factors in this reduction has been the commissioning of the small village sewerage schemes and completion of the majority of connections to the new network.

Whilst monthly average application volumes are slightly down on the previous year's monthly average it is noted that there is a significant backlog of applications and this is likely to influence processing times and data over the coming months.

Table 1 - Applications Received and Determined

Applications Received and Determined	2019-20 Monthly Average	2020-21 Monthly Average	2020 - 21 TOTAL	2021-22 TOTAL	2021-22 Monthly Average	Third Quarter		
						Jan-22	Feb-22	Mar-22
Development Application Received	83	99	1184	824	92	49	82	130
Development Application Approved	76	90	1079	738	82	74	98	78
Development Application Refused/Withdrawn/Rejected	4	5	57	16	2	2	6	1
DA Modifications Received	13	17	200	142	16	6	17	17
DA Modifications Determined	12	16	193	141	16	10	11	21
Complying Development Certificates Received (Council)	10	9	106	60	7	1	10	9
Complying Development Certificates Determined (Council)	7	5	65	35	4	1	3	3
Complying Development Certificates Determined (Private Certifier)	17	19	233	253	28	8	22	36
Construction Certificates - Building Work Received (Council)	45	48	576	374	42	20	52	50
Construction Certificates - Building Work Determined (Council)	44	43	514	339	38	23	44	28
Construction Certificates - Building Work Determined (Private Certifier)	39	22	261	228	29	17	41	47
Plumbing & Drainage Received	82	95	1142	726	81	39	79	126
Plumbing & Drainage Determined	81	87	1045	656	73	56	90	81
Subdivision Works Certificates Received	9	8	99	82	9	6	9	7
Subdivision Works Certificates Determined	8	8	98	67	7	4	6	12
Subdivision Certificates Received	9	7	88	53	6	4	9	1
Subdivision Certificates Determined	8	8	100	66	7	4	9	7
Strata Certificates Received	3	1	9	19	2	1	1	4
Strata Certificates Determined	4	1	8	22	2	0	4	3
Roads Act Applications Received	40	55	665	440	49	25	57	82
Roads Act Applications Determined	35	49	585	378	42	31	46	47
Planning Certificates Issued	245	277	3319	2707	301	295	354	328
Building Inspections Undertaken	461	456	5470	3303	434	236	408	378
Planning Proposals (received)				5	1	1	0	0
Building Information Certificates (received)				51	6	4	4	8
Building Information Certificates (determined)				57	6	5	3	0

Application processing data and longer-term trends for the various application types is provided in Table 2. For DAs, monthly gross average processing times for the year to date was 68 days, being the same the monthly average for the 2020-2021 period. It is worth noting that PMHC’s gross average processing time is still well below the NSW average of 91 days.

The monthly net average processing days for works certificates for the quarter was 70 days, compared to a 73-day monthly average in 2020-2021, representing a slight improvement. The gross average data for works certificates is considerably greater than the net average due to a number of applications that have been on ‘stop the clock’ while officers are waiting for necessary information.

Staff are working to improve the lodgement review process to improve the quality of applications being received. Significant improvements have been realised in monthly averages for the processing of subdivision certificates, with the gross monthly average for year to date being 63 days compared to the monthly average of 94 days in 2020-2021. Processing times may be impacted over the coming months noting the

difficulty on recruiting the vacant development engineering position and the increasing backlog of applications.

Table 2 - Application Processing Times

Processing Days	PMHC 2019 - 20 Monthly Average	2020 - 21 Monthly Average	Third Quarter			2021-22 Monthly Average
			Jan-22	Feb-22	Mar-22	
Development Application Net Median Days	37	41	51	57	56	48
Development Application Gross Median Days	56	50	57	73	72	63
Development Application Net Average Days	42	47	56	59	62	52
Development Application Gross Average Days	61	68	68	75	79	70
Complying Development Net Average Days	13	21	8	12	26	22
Complying Development Gross Average Days	15	25	71	12	26	40
Building Construction Certificate Net Average Days	9	14	41	29	28	25
Building Construction Certificate Gross Average Days	66	61	97	86	71	69
Plumbing and Drainage Net Average Days	18	21	50	47	39	38
Plumbing & Drainage Gross Average Days	53	60	112	103	76	83
Subdivision Works Certificates Net Average Days	39	73	84	83	61	69
Subdivision Works Certificates Gross Average Days	77	99	142	103	94	121
Subdivision and Strata Certificates Net Average Days	44	48	64	46	50	47
Subdivision and Strata Certificates Gross Average Days	91	94	64	81	70	63
Roads Act Net Average Days	13	19	25	19	16	20
Roads Act Gross Average Days	39	37	53	42	34	44

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

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

Table 3 - Variations to Development Standards

Application	Property	Extent of Variation
DA2021 - 675.1	134 Bridge Street, Port Macquarie	6.7% - building height
DA2021 - 1151.1	15 Church Street, Port Macquarie	1.3% - building height
DA2021 - 1015.1	9 Bay Street, Dunbogan	2% - building height

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

Options

This is an information report.

Community Engagement and Internal Consultation

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

Planning and Policy Implications

There are no planning or policy impacts.

Financial and Economic Implications

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

Attachments

Nil

Item: 11.21

Subject: COMMUNITY ENGAGEMENT POLICY

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the Community Engagement Policy.

Executive Summary

Council's current Policy for Community Engagement was first adopted in 2014 and last adopted in 2016. Since that time, community engagement has continued to evolve and it is 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.

A draft Policy was considered by Council at its March 2022 Ordinary Council Meeting and placed on public exhibition for 28 days. No submissions were received by the public, an Engagement Summary Report is attached (Attachment 2).

This report recommends that the Community Engagement Policy (Attachment 1) be adopted.

Discussion

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

- 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.

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.

A Community Engagement Strategy is 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. The draft Strategy will be presented to Council for consideration at a future meeting.

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

Options

Council has the option to not adopt the draft Community Engagement Policy or request further amendments to the draft policy.

Community Engagement and Internal Consultation

Community Engagement

This draft policy was placed on 28 days' public exhibition with no submissions being received. There is an Engagement Summary Report provided for this exhibition (Attachment 2).

Internal Consultation

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

Planning and Policy Implications

This report considered the review of the Community Engagement Policy. Following the exhibition period and consideration by Council, this Policy (Attachment 1) if adopted will become Council's adopted Community Engagement Policy.

Financial and Economic Implications

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

Attachments

1.  Draft Community Engagement Policy
2.  Engagement Summary Report - Community Engagement Policy

2 Your Community Life

What we are trying to achieve

A healthy, inclusive and vibrant community.

What the result will be

We will have:

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

How we will get there

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

Item: 12.01

Subject: PORT MACQUARIE-HASTINGS TREE MANAGEMENT POLICIES
AND PROCEDURES

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Note a proposed additional budget of \$100,000 has been included the draft 2022/23 Operational Plan for management of trees.
2. Note the backlog of 842 tree requests with 53% of those jobs rated in the very high to high risk band.
3. Note information on tree approval requirements has been updated on Council's website.
4. A future report will be presented to Council following the review of the tree function outlining the budget required to fast-track the backlog of work and deliver process improvements identified in the review.

Executive Summary

This report is provided in response to a Notice of Motion on 17 March 2022 where Council resolved:

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, NSW RFS - NSW Rural Fire Service
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.

This report is provided in response to resolution (4) and (5) above. Information for the public has been updated on Council’s website clarifying tree removal works that can be undertaken without the need for Council approval.

The website content has also been updated to clarify where to find information on 10/50 clearing under the Rural Fires Act and where approval is required for the removal of native trees as per Council’s Development Control Plan (DCP) and in areas mapped as Littoral Rainforest or Coastal Wetland under the State Environmental Planning Policy (Biodiversity and Conservation, Resilience and Hazards) 2021.

A review of the tree management service and procedures is an action identified within the draft 2022/23 Operational Plan. This review will identify the actions and budget required for outer years to fast-track clearing of the backlog of tree maintenance and removal.

Discussion

Management of trees on public land is a critical function we deliver for our community particularly from an environmental compliance and risk perspective. The service relies on community and staff reports of dangerous or nuisance trees as they relate to public safety, property or public infrastructure risk.

An arborist inspection is undertaken to determine the trees condition and its level of risk/hazard (ie. level of damage, likelihood of failure, environmental factors, etc). In 2020/21 there were a total of 556 tasks completed resulting in 834 actual trees actioned, 37% of those were unforeseen works generated by events such as storm and wind. In the 2021/22 financial year to date there have been 456 tasks completed and 712 trees actioned, 50% of these were unforeseen works.

There are currently 842 requests we have assessed as requiring works - our backlog. A single request can include multiple trees therefore this equates to 1563 actual trees requiring some form of work to be undertaken by Council. A breakdown of the current outstanding tree works list is as follows:

Priority Rating/Risk Score	Risk Level	Number of requests listed (30/03/22)	Number of actual trees listed (30/03/22)
1	Very High	9	15
2	High	399	821
3/4	Substantial	407	690
5/6	Low	27	27
Total		842	1563

Managing our Risk

Council manages risk through an annual inspection program. Where we are not able to undertake the necessary pruning, deadwood removal or other work called for in the arborist report within a year of the notification, an annual inspection (subject to the trees risk rating) is undertaken to assess and prioritise work on the basis of any changes in the trees condition. Concerned residents are also encouraged to report any changes in the trees condition they notice, where an additional inspection may be undertaken.

Permits for Works on Private Land

We also provide advice to the public on requests for work to trees on private land. No permit is required for tree removals unless it is an identified tree or species listed in the Development Control Plan (DCP) or in an area mapped as Littoral Rainforest or Coastal Wetland under the State Environmental Planning Policy (SEPP) - Biodiversity and Conservation, Resilience and Hazards, 2021.

Council's DCP allows for some pruning of trees on private land. An extract from the DCP is shown below:

- d) *Removal of dead branches including palm fronds and the selective removal of branches up to and including a diameter of 50mm may be undertaken without a permit or development consent where the removal:*
- *Does not alter the canopy of the tree, and*
 - *Does not destroy the aesthetic appearance of the tree canopy; and*
 - *Does not alter the growth structure of the tree, and*
 - *Is carried out in accordance with Australian Standard AS 4373 - Pruning of Amenity Trees*

The State Government has proposed the introduction of a Standard DCP for NSW. Following notification and adoption of the standard instrument, Council may then choose to consider the introduction of a Tree Policy for management of significant trees and to extend provisions for residents to prune trees without approval from Council.

An increase in community requests (CRM), some public confusion on what requires a permit or is permitted in accordance with a DA or 10/50 rule, recent changes in legislation, and tasks created through weather events such as fire, storm or flood, have put increased pressure on the service impacting our responsiveness levels. Despite increased budget in the service over the past two financial years we are still carrying a significant backlog of works.

The review of Tree Management is an action identified within the draft 2022/23 Operational Plan. This will incorporate a review of Council's approach to tree management and our processes and will investigate additional budget required for outer years to fast-track clearing of the backlog of tree maintenance and removal.

Options

Council has the option to:

- Consider a further budget increase for tree maintenance in the 2022/23 draft budget to reduce backlogs more quickly concurrent with a service review.
- Reduce budget in this service and accept the present risk profile and service responsiveness.
- Request an update of Council's DCP 2013 - Tree Management to extend the provisions for pruning on private land without the need to seek Council approval. Any proposed changes to Council's DCP 2013 - Tree Management would need to be included in a broader review of the DCP, which requires public exhibition and consultation.

Community Engagement and Internal Consultation

Internal engagement has taken place with the following stakeholders:

- Group Manager, Community
- Natural Resources Manager
- Recreation and Facilities Manager
- Land Use Planning Manager
- Ecologist
- Parks Management Officer
- Senior Arborist

Planning and Policy Implications

At this time there are no planning or policy implications. However, should the State Government introduce a standard Development Control Plan (DCP) for NSW, at that time Council may need to consider development of a Tree Policy to manage tree requirements currently identified in our DCP 2013 - Tree Management.

Financial and Economic Implications

Depending on the level of budget commitment there are financial implications associate with this report.

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

Item: 13.01

Subject: PORT MACQUARIE AIRPORT - PILOT TRAINING AND AIRCRAFT NOISE - DRAFT FLY NEIGHBOURLY AGREEMENT

Presented by: Business and Performance, Ashley Grummitt

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the information provided in this Port Macquarie Airport - Pilot Training and Aircraft Noise - Draft Fly Neighbourly Agreement report;**
- 2. Thank local aircraft operators and statutory authorities for their contribution to the draft Fly Neighbourly Agreement;**
- 3. Endorse the draft Fly Neighbourly Agreement for implementation on a 12-month trial basis commencing 1 June 2022; and**
- 4. Request the Chief Executive Officer present a further report to the June 2023 Ordinary Council Meeting on the outcomes of the implementation of the Fly Neighbourly Agreement.**

Executive Summary

At the Ordinary Council Meeting held on 21 October 2020, Council resolved to investigate the establishment of a formal Fly Neighbourly Agreement (FNA) that includes practical measures to minimise general aviation aircraft noise in the vicinity of Port Macquarie Airport. This report summarises the results of those investigations and presents a draft FNA (see Attachment 1) for Council's consideration. The draft FNA is a voluntary agreement that has been endorsed by the major general aviation pilot training operators based at Port Macquarie Airport.

Noting Port Macquarie Airport is a public aerodrome operating 24 hours a day, 7 days per week, a key measure of the agreement is the voluntary undertaking by local operators to avoid continuous, high frequency (repetitive) circuit training operations on Sundays and Public Holidays.

The proposal to change the circuit direction (ie. the direction that aircraft fly around the Airport) and to shift aircraft movements and associated noise to the west of the Airport was considered as part of this investigation. Conflicting advice was received from CASA as to the feasibility and safety of changing to a non-standard circuit direction at Port Macquarie Airport, and as such it is proposed to revisit the need for and feasibility of introducing a non-standard circuit direction as part of the post-implementation review of the draft FNA.

Subject to consideration by Council, it is proposed to implement the draft FNA on a 12-month trial basis commencing 1 June 2022, with a post-implementation review reported back to Council in June 2023.

Discussion

Council investigated the impact of pilot training and aircraft noise through a comprehensive community engagement process and aircraft noise monitoring study undertaken in mid-2020. The results were presented to the Ordinary Council Meeting held on 21 October 2020. At that meeting, Council resolved:

That Council:

- 1. Note the submissions received and information provided in this Pilot Training and Aircraft Noise Community Engagement report.*
- 2. Thank those people who made a submission on the Pilot Training and Aircraft Noise Have Your Say community engagement process.*
- 3. In consideration of the submissions received and the information provided in this Pilot Training and Aircraft Noise Community Engagement report, request the General Manager investigate the establishment of a formal "fly neighbourly agreement" to include practical measures to minimise aircraft noise in the vicinity of Port Macquarie Airport.*
- 4. Request the General Manager table a further report to a future meeting of Council on the outcome of the investigations at Resolution 3 above.*

This report addresses resolutions 3 and 4 above.

Council engaged a specialist aviation consultant, Aviation Projects, to lead the investigation into the establishment of a FNA. The investigation commenced with: a review of previous community and industry consultations, including Council's community engagement survey and log of claims submitted by the Residents' Impacted by Flight Training (RIFT) group (see Attachment 2), a benchmarking study of other Australian FNAs, and further industry consultation with local operators and relevant authorities, including the Civil Aviation Safety Authority (CASA) and Airservices Australia.

This preliminary research led into the technical assessment of a range of potential noise mitigation measures, including:

- review of circuit training flight paths and altitudes;
- further consideration of the circuit training hours of operation, particularly with regard to permitted times for night training;
- operating aircraft on reduced power settings over residential areas;
- preferring to operate on runway 03 (take-off to the north and circling to the west of the airport) where possible;
- limiting the number of aircraft conducting circuit training at any one time;
- enforced use of mufflers on aircraft;
- consideration of limiting circuit training conducted by visiting aircraft;
- suitability of aircraft; and
- review of training involving simulated engine failure.

The results of the technical assessment were presented to local operators and, following further consultation and negotiation, the draft FNA was developed. The

draft FNA has been endorsed by the two (2) main pilot training operators based at Port Macquarie Airport: Australian International Aviation College (AIAC) and Hastings District Flying Club (HDFC), which, prior to COVID, performed over 70% of total aircraft movements and 90% of training movements at the Airport.

The FNA prioritises safety and the application of Civil Aviation Safety Regulations (CASR) above all else and seeks to find an appropriate balance in reducing the impact of aircraft noise, while not unreasonably penalising or restricting general aviation business activity. The FNA does not aim to cease aircraft noise, nor to reduce the level of aircraft activity.

The draft FNA includes the following list of nine voluntary undertakings to mitigate the impact of aircraft noise on adjacent residents:

1. Conduct continuous circuit training during the *Circuit Training Hours of Operation*, being:

Monday - Friday	- 0700hrs - 2200hrs AEDT
	- 0700hrs - 2100hrs AEST
Saturday	- 0800hrs - 1800hrs
Sunday and Public Holidays	- No continuous circuit training

Noting that Port Macquarie Airport is a public aerodrome operating 24 hours a day, 7 days per week, a key outcome of the draft FNA is the agreement from local operators to avoid continuous, high frequency circuit training operations on Sundays, Public Holidays and after 6pm on Saturdays. This is a significant "concession" by local operators and will provide residents impacted by aircraft noise with a break in training activity during busy training periods. Other non-training aircraft (incl. RPT airlines) may still operate during this period, and (as per item 3) pilot training activities may be undertaken if operators need to make up for time lost during the week due to weather, airspace, technical or other operations. This key undertaking will be monitored throughout the 12-month trial period.

Otherwise the Circuit Training Hours of Operation on Mondays to Fridays remain unchanged from current practice, and recognise that training during both day and night is important for developing pilot competencies.

2. Recreational aircraft (i.e. up to 600kg maximum take-off weight) may commence continuous circuit training from 0600hrs Monday to Friday.

The FNA acknowledges the current practice of light recreational aircraft, such as aircraft operated by Hastings District Flying Club (HDFC), and permits these aircraft to continue to commence circuit training from 6:00am, Monday to Friday. This undertaking recognises that recreational aircraft have lower noise emissions and are more susceptible to the effects of stronger winds and turbulence. The aircraft are also typically flown by local residents who are learning to fly before work or school. Over the past five (5) years, around 5% of HDFC movements, which is less than 1% of total aircraft movements, were performed between 6am and 7am.

3. Operators may catch up on lost time caused by weather, airspace, technical or other disruptions on Sundays between 0800hrs and 1600hrs.

While the intent of the FNA is to avoid continuous, high frequency (repetitive) circuit training operations on Sundays and Public Holidays, this undertaking recognises that operators may need to make up for training time lost during the week due to various disruptions out of the operator's control. This undertaking seeks to find a pragmatic and balanced solution that doesn't unduly constrain general aviation businesses and recognises that the restricted hours of operation have been voluntarily accepted.

4. Operators will implement their own procedures to practically and safely manage the number of aircraft operating in the circuit at any one time, preferring to maintain four or fewer aircraft in the circuit where practicable.

CASA has advised that the practical maximum number of aircraft in a circuit is generally accepted as six (6). Local operators have agreed to maintain four (4) or fewer aircraft in the circuit where practicable.

5. Preferred use of runway 03 when wind and traffic conditions permit, with circuits conducted to the west of the Airport.

Airport operators have agreed to utilise runway 03 (i.e. take-off to the north and circle left to the west of the Airport) when conditions permit, which is typically early mornings with negligible wind. The proposed new parallel taxiway infrastructure project will assist with this operation, allowing aircraft to safely taxi off the runway to position for take-off or exiting after landing on runway 03.

6. Commensurate with traffic situation and aircraft performance, operators will implement their own procedures for turning crosswind after take-off that considers the impact of aircraft noise on residential areas.

Local operators have already conducted assessments and implemented procedures to fly high to minimise aircraft noise over residential areas, including climbing to above 700 ft before turning crosswind, in accordance with Civil Aviation Regulations.

7. When conducting Precautionary Search and Landing – not operating below 500 ft AMSL within the vicinity of the runway, otherwise not below 700 ft AMSL.

In addition to the previous undertaking, local operators have agreed to not operate below 700 ft when conducting Precautionary Search and Landing activities in the vicinity of the Airport.

8. Aircraft engine ground operations performed by an aircraft maintenance organisation, for the purpose of aircraft engine diagnosis and testing, should only be performed during the hours of 0700hrs and 1800hrs all year round. This excludes urgent maintenance engine test operations required for a commercial operator and engine ground operations, including pre-take off engine functionality checks.

While aircraft noise emanating from the Airport itself was not raised as a significant issue through the community engagement process, aircraft engine ground running can contribute to local noise impacts. This undertaking limits the hours for engine ground running and testing as a further measure to minimise disruption from aircraft noise.

9. Minimising low level flight over built-up areas in accordance with Civil Aviation Regulations.

The FNA acknowledges CASR, which require aircraft to maintain a minimum height of 1000 feet above ground level (AGL) over built up areas and 500 feet over all other areas. Night circuits for training purposes should also be conducted at a height more than 1000 feet above ground level.

Council has purchased ADS-B receiver equipment which will allow the Airport to receive aircraft altitude data directly from aircraft transponders to allow for improved monitoring of this requirement.

The draft FNA also requires Council to coordinate communication with the community, by maintaining an aircraft noise complaint register, seeking and providing advice on particular movements or events, as well as sharing de-identified noise complaint data with operators on a quarterly basis.

In addition to these measures contained in the draft FNA, the investigation focused on the proposal from residents to change the circuit direction to redirect aircraft to the west of the Airport. The Airport currently operates using CASA's industry standard left-hand circuit procedures, which direct aircraft to turn left after take-off and fly in an anticlockwise direction around the Airport. Circuit training is conducted to the west of the runway when the prevailing wind direction suits taking off to the north, (i.e. operating on runway 03), or the east when taking off to the south (i.e. runway 21). At Port Macquarie, it is typical for circuit operations in summer to be conducted predominantly (but not exclusively) to the west of the Airport. In winter, circuits are conducted predominantly to the east of the Airport over the more populated areas of Port Macquarie.

To shift aircraft activity and associated noise to the west, aircraft taking-off in a southerly direction on runway 21 would need to conduct *non-standard* right-hand turns when circling the runway. Aircraft operating on runway 03 would maintain *standard* left-hand circuits. The change would create a non-standard *combination* of clockwise (right-hand) and anti-clockwise (left-hand) aircraft movements and concentrate all movements to the west of the Airport, which also contains a growing residential population.

Conflicting advice was received from CASA as to the feasibility and safety of changing to a non-standard circuit direction at Port Macquarie Airport, and as such it is proposed to revisit the need for and feasibility of introducing a non-standard circuit direction as part of the post-implementation review of the draft FNA.

It is noted that the proposed item 5 of the draft FNA, requests operators to operate off runway 03 and conduct circuits to the west of the Airport whenever conditions allow.

Subject to endorsement by Council, the FNA would be published on Port Macquarie Airport's website and circulated to local Airport operators, Airservices Australia and CASA. Council would also refer aircraft operators to the FNA via a website link published in the Aeronautical Information Package En Route Supplement Australia (ERSA) for Port Macquarie Airport.

The FNA will be reviewed after an initial 12-month trial period, with a post-implementation review reported back to Council in June 2023. The trial will provide the opportunity to seek further input from the community, airport stakeholders and relevant statutory authorities.

It is worth noting that while investigating the FNA, total aircraft movements at the Airport have declined by around 40% to 50% due to the impact of COVID-19 on international pilot training. Despite these short-term changes, this draft FNA is designed to address the long-term needs of the community and Airport operators.

Options

Council has the option to:

- endorse the draft Fly Neighbourly Agreement as proposed, noting its implementation on a 12-month trial basis;
- request further amendments and negotiation with local operators and/or statutory authorities; or
- not endorse the draft Fly Neighbourly Agreement and investigate alternative approaches to managing pilot training and aircraft noise at Port Macquarie Airport.

Community Engagement and Internal Consultation

Council investigated the impact of pilot training and aircraft noise through a comprehensive community engagement process and aircraft noise monitoring study undertaken in mid-2020. The results were presented to the Ordinary Council Meeting held on 21 October 2020.

In response to that meeting, further consultation and engagement has been undertaken with local pilot training operators and relevant statutory authorities, including:

- Airservices Australia;
- Australian International Aviation College (AIAC);
- Aviation Projects (specialist aviation consultant);
- Civil Aviation Safety Authority;
- Eastern Air Services (EAS);
- Hastings District Flying Club (HDFC);
- Macquarie Air Pty Ltd.

While acknowledging that an FNA is a voluntary agreement, the draft FNA outlined in this report (and as attached) has been endorsed by the main general aviation pilot training operators based at Port Macquarie Airport: Australian International Aviation College (AIAC) and Hastings District Flying Club (HDFC).

Stakeholder group, Residents' Impacted by Flight Training (RIFT) submitted a log of claims in November 2020 (see Attachment 2) for Council's consideration in

conjunction with the investigation. The following items were considered throughout the process.

Submission	Issue
1.	Residents Impacted by Flight Training - log of claims Circuit Training Days of Operation Monday to Friday ONLY No Circuit Training on Public Holidays No night circuits after 1700 on Wednesdays
<i>Response/ Comment:</i>	<p>Port Macquarie Airport is a public aerodrome and operates 24 hours per day, 7 days per week. Council cannot legally restrict the hours of operation of the Airport or enforce circuit training hours of operation. The FNA does not aim to cease aircraft noise, nor to reduce the level of aircraft activity.</p> <p>Through the engagement process, operators were encouraged to voluntarily reduce the circuit hours of operation, in consideration of feedback from residents and have made significant concessions to reduce the hours of operation. Operators noted the requirement to deliver a night-time flying competency component requires extended hours of operation. Other factors, such as weather, airspace, technical or other disruptions, may limit training operations, requiring further flexibility for occasional continuous circuit training outside of core hours.</p> <p>Recreational aircraft requested an earlier start time noting that these aircraft have lower noise emissions, are more susceptible to the effects of stronger winds and turbulence and are typically flown before work/school by local trainees / residents.</p> <p>Proposed undertaking:</p> <ol style="list-style-type: none"> 1. Conduct continuous circuit training during the Circuit Training Hours of Operation, being: <ul style="list-style-type: none"> Mon-Fri - 0700hrs-2200hrs AEDT - 0700hrs-2100hrs AEST Sat - 0800hrs-1800hrs Sun and Public Holidays - no continuous circuit training. 2. Recreational aircraft (up to 600kg MTOW) may commence continuous circuit training from 0600hrs Monday to Friday. 3. Operators may catch up on lost time caused by weather, airspace, technical or other disruptions, on Sundays between 0800hrs and 1600hrs.
2.	Residents Impacted by Flight Training - log of claims Mufflers/Silencers Fit manufactured approved silencers to all training aircraft
<i>Response/ Comment:</i>	Council does not have authority to regulate, enforce nor assess the suitability of aircraft or its equipment. Aircraft are certified by the applicable National Airworthiness Authority to be maintained and operated in accordance with applicable airworthiness requirements. Non-standard or aftermarket equipment, including mufflers, requires a rigorous engineering assessment and certification of aircraft for safe operations before fitting the equipment. The technical assessment highlighted that

Submission		Issue
		retrofitting an aircraft with a muffler will typically degrade engine performance.
3.	Residents Impacted by Flight Training - log of claims	Simulated Engine Failure After Take Off (SEFATO) Not over residential areas
	<i>Response/ Comment:</i>	<p>Practice engine failures are a requirement of training programs to ensure a pilot is competent in dealing with such an event should it ever occur. They are also conducted by qualified pilots during recency or formal review flights.</p> <p>Engines are generally not stopped during a simulated SEFATO, rather power is reduced to a low setting. It is a requirement to maintain 1000 ft over built-up areas and the aircraft would be expected to be in a position from which it can safely land on the runway.</p> <p>Proposed undertaking: 9. Minimise low-level flight over built-up areas in accordance with Civil Aviation Regulations.</p>
4.	Residents Impacted by Flight Training - log of claims	Circuit Altitude Follow runway extended centre line and climb to 1000 ft before 1st turn into circuit
	<i>Response/ Comment:</i>	<p>There may be times when climbing to 1000 ft height (AMSL) before turning may unnecessarily extend the circuit length and/or cause unnecessary conflict or delay with other traffic, such as aircraft joining the circuit or higher performance taking off behind a lower performance aircraft. This could inadvertently cause a safety incident.</p> <p>CASA opposed the inclusion of a proposed measure that stipulated aircraft altitude when turning crosswind after take-off, noting that the measure was “at variance with Civil Aviation Safety Regulations”.</p> <p>Operators have developed procedures to turn at 700 ft AMSL, designed to result in an aircraft achieving 1000 ft AMSL before overflying residential development.</p> <p>Proposed undertaking: 6. Commensurate with traffic situation and aircraft performance operators will implement their own procedures for turning crosswind after take-off that considers the impact of aircraft noise on residential areas.</p>
5.	Residents Impacted by Flight Training - log of claims	Circuit Direction Change Circuit to Right Hand to minimise the residential impact area. This is common practice at many airports. Take off to the North as allowed

Submission		Issue
	<i>Response/ Comment:</i>	<p>Conflicting advice was received from CASA as to the feasibility and safety of changing to a non-standard circuit direction at Port Macquarie Airport, and as such it is proposed to revisit the need for and feasibility of introducing a non-standard circuit direction as part of the post-implementation review of the draft FNA.</p> <p>Propose undertaking: 5. Preferred use of runway 03 when wind and traffic conditions permit, with circuits conducted to the west of the Airport.</p>
6.	Residents Impacted by Flight Training - log of claims	Restricted number of aircraft in circuit: One AIAC Training Aircraft in Circuit at One Time
	<i>Response/ Comment:</i>	<p>CASA's Aviation Safety Adviser advised that the practical maximum number of aircraft in a circuit is generally accepted as 6.</p> <p>Council is required to provide 24/7, non-discriminatory access to the Airport and is unable to limit the operation of a particular aircraft operator.</p> <p>Operators are encouraged to formalise their own procedures to maintain the number of aircraft in the circuit at any one time at manageable / safe levels.</p> <p>Proposed undertaking: 4. Operators will implement their own procedures to practically and safely manage the number of aircraft operating in the circuit at any one time, preferring to maintain four or fewer aircraft in the circuit where practicable.</p>
7.	Residents Impacted by Flight Training - log of claims	<p>Circuit Training: Hours of Operation Maximum 8 hours per day, in blocks of no more than 4 hours. Take off no earlier than 0800am and land no later than 2000pm</p>
	<i>Response/ Comment:</i>	<p>The FNA does not intend to reduce to the level of aircraft activity. The proposed start time would significantly restrict the use of the Airport and the opportunity for pilot training organisations to make the best use of time available. The 2000hrs cut-off would not allow for night flying during summer months.</p> <p>Operators also advised that the proposed maximum hours and training blocks would be difficult to manage and enforce and may not provide a perceivable benefit to neighbouring residents if different operators fly at different times/blocks.</p> <p>Proposed undertaking: 1. Conduct continuous circuit training during the Circuit Training Hours of Operation, being: Mon-Fri - 0700hrs-2200hrs AEDT - 0700hrs-2100hrs AEST Sat - 0800hrs-1800hrs Sun and Public Holidays - no continuous circuit training.</p>
8.	Residents Impacted by Flight Training - log of claims	<p>Navigation Training: Hours of Operation Take-off no earlier than 0900 am</p>

Submission		Issue
		Land no later than 2100 (Including summertime) NOTE: Navigation flying over, populated areas to be minimal and include zero circuits
	<i>Response/ Comment:</i>	The FNA has focused on reducing the impact of continuous circuit training. Navigation training, which generally involves taking-off and departing the vicinity of the Airport at a high altitude to conduct training, with an approach procedure performed on return, is less impactful than continuous (repetitive) circuit training. The proposed start time would significantly restrict the use of the Airport and the opportunity for pilot training organisations to make the best use of time available. Proposed undertaking: 1. Conduct continuous circuit training during the Circuit Training Hours of Operation, being: Mon-Fri - 0700hrs-2200hrs AEDT - 0700hrs-2100hrs AEST Sat - 0800hrs-1800hrs Sun and Public Holidays - no continuous circuit training.
9.	Residents Impacted by Flight Training - log of claims	Suitability of Planes Twin-Engine aircraft are significantly louder. They should not be used to conduct circuits at any time
	<i>Response/ Comment:</i>	Council does not have authority to regulate, enforce nor assess the suitability of aircraft or its equipment. Twin-engine rating or endorsement is an important component of airline pilot training outcomes. Twin-engined aircraft have built-in redundancy and greater resilience to engine failure-related occurrences and are not necessarily louder than other aircraft. The technical noise monitoring conducted in 2020 has identified that aircraft noise in the vicinity of the airport is within "acceptable" levels (ref. AS 2021:2015 and industry standards).
10.	Residents Impacted by Flight Training - log of claims	Transponders Aircraft have transponders fitted and turned on.
	<i>Response/ Comment:</i>	The FNA is principally concerned with reducing impacts for residents impacted by aircraft noise. Aircraft equipment requirements are a matter for the National Airworthiness Authority and/or CASA. Council has purchased ADS-B receiver equipment which will allow the Airport to receive aircraft height data directly from aircraft transponders to allow for improved monitoring of this requirement.

The FNA establishes a review after an initial 12-month trial period, which will provide the opportunity to seek further input from the community, airport stakeholders and relevant statutory authorities.



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.  Port Macquarie Airport - Draft Fly Neighbourly Agreement
2.  RIFT log of claims regarding Fly Neighbourly Agreement

4 Your Natural and Built Environment

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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



Item: 14.01

Subject: PETITION - SAFETY CONCERNS WITH FOOTPATH ON THE WESTERN END OF GARDEN CRESCENT, PORT MACQUARIE

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

1.1.1 Use a variety of tools to engage with the community in a manner that is transparent, effective, relevant and inclusive.

RECOMMENDATION

That Council:

1. **Note the petition received by residents of Garden Village raising safety concerns with the footpath on the western end of Garden Crescent, Port Macquarie.**
2. **Respond to the organiser of the petition with the outcome of Council's consideration in the matter.**

Discussion

A petition has been received by the Mayor from Ms Chery Pearson on behalf of 133 residents of Garden Village raising safety concerns with the footpath located at the western end of Garden Crescent, Port Macquarie (south-eastern corner of Westerweller Way and Garden Crescent).

Garden Village has approximately 290 elderly residents living in the main campus on the western side of Garden Village and at the Cascades building on the southern side of Garden Crescent, with the average age of the residents being 85 years.

A number of residents have aged related mobility issues or disabilities and residents frequently use the pathway to go between the main campus and Cascades and to access the shops in Gordon Street.

Residents are concerned with the section of footpath in question due to the steep and curved incline of the pathway as it possibly creates a dangerous slip, trip and fall risk, with elderly residents with walking aids struggling to navigate or physically push the aid up the incline. Some residents are electing to use their mobility scooters on the roadway which has a better gradient and less risk of tipping.

Residents are voicing their concerns and seeking an alternative plan for the section of footpath in question.

In accordance with Council's "Petitions Policy", petitions lodged with Council containing 100 signatures or more will be included on the agenda of the next available Ordinary Council Meeting of Council where the agenda has not already been determined with a recommendation for notation.

Options

Council may resolve to note the petition or resolve in some other manner as appropriate.

Planning and Policy Implications

There are no planning and policy implications should the petition be noted.

Should Council recommend in another way, there could be a planning implication.

Financial and Economic Implications

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

Should Council recommend in another way, there could be a financial implication.

Attachments

1.  Petition - Safety Concerns regarding Footpath - Residents of Garden Village

Item: 14.02

Subject: DA2021 - 999.1 DWELLING AND SWIMMING POOL INCLUDING A CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDING) OF THE PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011, LOT 3 DP 238250, NO 5 ORR STREET PORT MACQUARIE

Report Author: Development Assessment Planner, Steven Ford

Applicant: Karen Burke Registered Architect
Owner: BP & RS Lulham
Estimated Cost: \$650,000
Parcel no: 15815

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2021-999 for a Dwelling and Swimming Pool Including a Clause 4.6 Objection to Clause 4.3 (Height of Building) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 3, DP 238250, No. 5 Orr Street, Port Macquarie, be determined by granting consent subject to the recommended conditions

Executive Summary

This report considers a development application for a Dwelling and Swimming Pool including a Clause 4.6 Objection to Clause 4.3 (Height of Building) of the Port Macquarie-Hastings Local Environmental Plan 2011 at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

The proposal was considered by Council's Development Assessment Panel (DAP) on 20 April 2022, a copy of the assessment report is included as Attachment 1. The DAP resolved as follows:

"That it be recommended to Council that DA 2021-999 for a Dwelling and Swimming Pool Including a Clause 4.6 Objection to Clause 4.3 (Height of Building) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 3, DP 238250, No. 5 Orr Street, Port Macquarie, be determined by granting consent subject to the recommended conditions as amended below:

- *Additional condition in Section B of the consent to read: 'Prior to the issue of a Construction Certificate a dilapidation report prepared by a suitably qualified person is to be submitted to Council. The report is to cover the rock retaining wall on the northern boundary/northern property.'*

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

This report recommends that the development application be approved subject to the attached conditions as outlined in Attachment 2.

Options

Council has the following options in determining the development application:

1. Grant consent to the application subject to the recommended conditions.
2. Grant consent to the application subject to amended conditions.
3. Refuse consent to the application.



If consent is refused, Council is required to provide reasons for refusal in accordance with the Environmental Planning and Assessment Act 1979.

Community Engagement and Internal Consultation

The application has been notified in accordance with the Port Macquarie-Hastings Council Community Participation Plan 2019. Following exhibition of the application, Three (3) submissions were received. The submissions have been addressed in the DAP Report included as Attachment 1.

The assessment report and recommended conditions of consent have been prepared with internal consultation.

Attachments

1.  DA2021 - 999.1 DAP Report 20 04 2022
2.  DA2021 - 999.1 Recommended Conditions of Consent as amended by DAP Resolution

Item: 14.03

Subject: DEVELOPMENTS, PUBLIC PLACE & EVENTS WASTE
MINIMISATION AND MANAGEMENT POLICY - OUTCOMES OF
ENGAGEMENT

Presented by: Community Utilities, Jeffery Sharp

Alignment with Delivery Program

4.1.7 Develop and implement effective waste management strategies.

RECOMMENDATION

That Council:

1. Note the engagement work undertaken to date with the local development and construction industry and the feedback received.
2. Note that engagement activities with the local development and construction industry in relation to the Developments, Public Place & Events Waste Minimisation Policy will cease until the new Waste Strategy is developed and adopted.
3. Note that the implementation of additional systems such as pricing mechanisms, Waste Management Plans and increased compliance of Construction and Demolition waste sorting will also be delayed until the new Waste Strategy is developed.

Executive Summary

At the Ordinary Council Meeting held on 19 May 2021, Council resolved to:

1. Note the implementation review of the Developments, Public Place & Events Waste Minimisation Policy (the Policy).
2. Undertake further engagement with local development and construction industry with regard to potential adjustments to Council's fees and charges to incentivise positive waste minimisation and management outcomes.
3. Provide a report to the November 2021 meeting on engagement outcomes with the local development and construction industry.

This report provides an update on engagement outcomes with the local development and construction industry since May 2021.

Discussion

The Developments, Public Place & Events Waste Minimisation and Management Policy ("Policy") sets out the requirements to ensure appropriate development provisions are made for waste bin storage, collection and source separation of domestic, commercial and construction waste. Section 2.6 of the Policy requires that

construction waste be sorted into various waste streams (e.g. bricks and concrete, scrap metal and general waste) so it can be recovered or disposed of appropriately.

Prior to May 2021, Waste Services staff presented to the Master Builders Association and local TAFE students to build awareness of the Policy and seek feedback on challenges and their desire to sort and recover waste.

In October 2021, Waste Services and Engagement staff met with four local key skip bin operators via MS Teams. The intent of the meetings was to further understand the operators' barriers, successes and opportunities as well as discussing the option of using a sorted and unsorted price mechanism to incentivise landfill diversion.

The key feedback points from the engagement sessions are numbered below with a discussion on each point:

1. The requirement for Waste Management Plans in the development assessment process should be considered.

Waste Management Plans (WMP) can be used to assess waste management in two aspects: These are the waste generation (quantity and types) from a development and ensuring a development has appropriate waste storage, separation and access.

The existing Development Assessment (DA) process does not have a mandatory requirement for the applicant to provide a WMP. This is because of the varying scales and types of development. The existing DA process prompts applicants to advise what they are doing with their waste however this requests very little information. For larger developments, particularly multi-unit dwellings, WMPs are often requested to ensure the design of the development has adequate waste storage, separation (organics, recycling and general waste) and access (for collection).

Systems for reducing Construction & Demolition (C&D) waste, including the use of WMPs and Accredited Service Providers (evidence of sorting and recovering waste), were introduced approximately 15 years ago however they are no longer used and it is unclear why these systems lapsed.

Feedback received from Council's Development Assessment Planners has reported that the Policy with link to the Development Control Plan has provided a useful policy framework and reference to improve waste minimisation and management considerations within larger developments. It is noted that Council has no ability to regulate "complying development" making it difficult to mandate the sorting of building waste on these developments.

The reintroduction of WMPs and / or Accredited Service Providers in the DA process would require further engagement with Council's Development Assessment Planners and the community and may lead to some amendments to the Policy.

2. There should be stronger monitoring and compliance mechanisms put in place to ensure waste is sorted properly and landfill diversion is maximised.

Section 2.6 of the Policy requires that construction waste be separated into various waste streams. This enables a mechanism to ensure waste separation is being

undertaken onsite however, without compliance systems, it is unknown what is actually occurring at building sites.

In conjunction with the reintroduction of WMPs, stronger monitoring and compliance processes may be established to check what is actually occurring on building sites. Undertaking onsite audits for all developments would be extremely resource intensive and it is not considered feasible. Alternatives may be considered such as random audits of building sites or reviewing evidence of sorting from skip bin operators which may link to the possible reintroduction of the Accredited Service Provider system.

3. Skip bin operators are open to a central sorting site for C&D waste but careful consideration should be given to the operation given the competitive nature of the industry.

A central sorting site for C&D waste could be established to accept waste from all skip bin operators and other C&D waste generators in the area. Skip bin operators were open to this idea but some noted that they would rather it be operated by Council instead of a skip bin operator to avoid any impacts on their businesses.

The Cairncross Waste Management Facility has the potential to become a “hub” for waste and resource recovery activities. A number of vacant development lots have been constructed at the entrance to the facility, intended for the establishment of ancillary waste activities. A number of parties have expressed interest in these lots as they offer a strategic location being close to the landfill, materials recovery facility, organics resource recovery facility, the Pacific Highway and are relatively close to the train line. An Expression of Interest (EOI) process will be considered to make these lots available for use.

4. In order to sort waste effectively, it needs to be economically viable for skip bin operators.

Skip bin operators need to have the financial incentive to sort waste in order for it to be effective.

Council currently offers a single weight based fee for “Building Waste (Landfill)” at Cairncross, at a rate of \$252 per tonne (incl. GST - 2021-22). This is the same rate for “General Waste”.

Council’s Schedule of Fees and Charges already includes fees to incentivise the separation of waste and improved resource recovery, as below:

- Green waste \$66.00 per tonne (incl. GST 2021-22)
- Bricks and concrete \$30.00 per tonne (incl. GST 2021-22)
- Clean fill / VENM \$110.00 per tonne (incl. GST 2021-22)
- Scrap metal no charge
- Recyclables no charge

Some other councils including MidCoast and Kempsey use sorted and unsorted (mixed) gate fees to incentivise resource recovery. This generally works by allowing customers the opportunity to dispose of recoverable material first and then

reweighing the remaining general waste and charging it at a lower rate. Local skip bin operators were generally open to the introduction of sorted and unsorted gates fees.

While this system provides a financial incentive to sort waste, it requires particular traffic flow systems at waste facilities. The existing design of the Cairncross Waste Management Facility does not allow for this operation to work. Traffic flow designs at the site will be considered in any future upgrades to allow for sorted and unsorted prices to be used.

It should be noted that the main constraints for builders and skip bin operators to sort waste are space, time and cost so these factors should be considered in any changes.

5. There is interest in obtaining land for the expansion of services by some skip bin operators.

Discussed in point 3 above.

Outcome

Following the engagement with the local development and construction industry, it can be determined that there is genuine interest in diverting waste from landfill. Staff recognise that in order to achieve this, the implementation of additional systems such as price incentives, WMPs and increased compliance should be further considered.

Council's new Waste Strategy will be developed this calendar year, which will guide Council's long term approach to waste management and resource recovery.

Following the engagement having been undertaken highlighting the commercial reality of the competitive nature of waste service provision, staff propose to cease any further engagement activities on the Policy, with the local development and construction industry until the new Waste Strategy is complete. This will ensure consistency with the Strategy's overarching direction, and allow further investigation and consideration of long term strategic outcomes which should support both the waste diversion ideal and current commercial providers.

Additionally, the vacant land at the Cairncross Waste Management Facility will be an integral part of the Waste Strategy and thus incorporating an EOI process to introduce waste and resource recovery activities at Cairncross could also be considered.

Options

Council may choose to adopt the recommendations as proposed, continue on with further engagement, seek further information or determine in some other direction.

As detailed within the report, it is considered that the development of the new Waste Strategy will provide the best basis for further development of the Policy outcomes.

Community Engagement and Internal Consultation

Internal

Director Community Utilities
Group Manager Utilities Planning and Design
Acting Waste Manager

External

Local Skip Bin Operators

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

Nil

Item: 14.04

Subject: DRAFT MR538 AND MR600 CORRIDOR STRATEGY

Presented by: Community Infrastructure, Glenn Lacey

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 Draft MR538 and MR600 Corridor Strategy and report.**
2. **Endorse the release of Draft MR538 and MR600 Corridor Strategy and report for public exhibition.**

Executive Summary

The Draft MR538 and MR600 Corridor Strategy (The Strategy) was developed to guide future transport planning along the MR538 (Hastings River Drive) and MR600 (Ocean Drive) corridors. The Strategy will provide guidance and direction to achieve the intent of Council's Community Strategic Plan and other strategic documents.

This corridor strategy has been undertaken in accordance with the guidance contained in the National Guidelines for Transport System Management in Australia. It was identified following the development of the Port Macquarie-Hastings Council Local Government Area (LGA) Traffic Study. The LGA Traffic Study identified the importance of this corridor and the required planning for associated transport and road infrastructure to achieve the desired community outcomes.

This strategy considers all road users (including traffic, walking, cycling and public transport) and focusses on:

- preserving the corridor
- setting out a broad design framework for future transport network upgrades
- defining priorities for future road maintenance, operation, and the safety of all road users
- considering the communities, it serves and planned growth across the region.

The Strategy will inform Council's planning and investment decisions for the corridor and aligns with a range of other transport network planning strategies undertaken by Council. It will also inform Council's discussions with other government agencies about the corridor, such as Transport for NSW (TfNSW). It should be noted this strategy is not an adopted works program, but will allow for more informed and consistent decision making for Council's future Delivery Programs and other strategic documents.

Discussion

Corridor strategies are an important component of multi-modal transport network planning. They have a focus on protecting and enhancing the transport corridors with their associated land-uses. Such strategies make planning and investment decisions transparent to the community, Council and other government agencies. They include priorities for future road maintenance, operation, safety, traffic and development. And they identify key issues and set out broad design parameters for any future road network upgrades.

The Strategy seeks to integrate Council's plans and strategies for the region as well as the NSW Government's plans for the Pacific and Oxley Highways. It will focus on preserving the corridor and setting out a broad design framework for future transport network upgrades for all users including traffic, walking, cycling and public transport.

It also defines priorities for future road maintenance, operation, and safety for all road users, while also considering the diverse communities it serves and planned growth across the region.

Options

Council has the option to resolve in line with the recommendation or in some other manner.

Community Engagement and Internal Consultation

Extensive consultation with community and government stakeholder groups has been completed prior to this request through Phase One Corridor review, Description and Vision and Phase Two Improvement Strategies and Actions.

The community and stakeholder engagement approach was designed to ensure key stakeholders, community groups, and interested local community members were given opportunities to provide direct input to the draft corridor strategy at key points in the process. Input captured during the initial phase of engagement fed into project team's work to define the vision, objectives, and targets for the corridor. The second phase of the engagement captured input to inform the draft strategies and actions.

Council staff are now at the third and final phase of engagement and which will be undertaken by placing the draft document on public exhibition for 28 days.

Additional detailed information on prior engagement activities are contained within the draft report.

Planning and Policy Implications

The Strategy will guide transport and land use planning decisions along the corridor. Prioritisation of the identified section improvements will need to be considered against the whole of LGA priorities with consideration to timing and resourcing identified in the Long Term Financial Plan and Council's Asset Management Planning processes.

Financial and Economic Implications




There are no specific financial and economic implications in relation to this report, however significant capital funding is required to deliver the identified section improvements. As such, it should be noted that the Strategy is not an adopted works program and does not commit Council to delivering any of the identified works, but will allow for more informed and consistent decision making for Council's future Delivery Programs and other strategic documents.

The strategy has identified and examined over \$102 million of strategic works. The works were assumed so to inform the likely future corridor requirements and are indicative only and are based on a reasonable modelling scenarios. Where timing for works are indicated it is based on long term financial assumptions and subject to change. All other works have no assumed construction date or financial allocation and without significant external funding or other unidentified funding are unlikely to be delivered in this 20-year strategy window.

These estimates are high-level strategic cost estimates by works program type and are only to inform program budget planning and would require concept designs level investigation to provide more reliable estimates. These also do not include maintenance works which will need to be considered as part of ongoing asset management considerations.

By adopting this strategy and allowing strategic decision making that is aligned with federal and state guidelines for transport system management, Council will be better placed to pursue external funding via grants and other funding streams.

Attachments

1.  MR538 & MR600 Corridor Strategy Technical Report
2.  MR538 & MR600 Corridor Strategy Summary Report
3.  MR538 & MR600 Corridor Strategy Engagement Technical Note

Item: 14.05

Subject: RAWDON ISLAND BRIDGE UPDATE

Presented by: Community Infrastructure, Glenn Lacey

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 the Rawdon Island Bridge Update report.**
- 2. Request the Chief Executive Officer provide a report to Council in accordance with milestone events associated with progress on Rawdon Island Bridge.**

Executive Summary

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

Major structural issues were identified on the Rawdon Island Bridge in June 2021, placing the bridge at a high risk of collapse. The bridge was closed to traffic and an unauthorised vessel zone was established for the navigable waterway by TfNSW Maritime. The bridge was re-opened to light vehicles under strict conditions from 30 August 2021, after an eight-week closure and Council has been working closely with specialist contractors since this date to re-establish access and implement a long-term solution for residents.

Specialist contractors (Duratec Ltd) were engaged on 27 October 2021 and commenced works on 2 November 2021. Construction progressed successfully with critical underwater repairs completed allowing the load limit to be removed from the bridge prior to Christmas 2021. Traffic control measures remained in place to facilitate safe construction activities. Following completion of the underwater repairs in February 2022, traffic restrictions were removed restoring normal access arrangements.

Above water repair works are currently progressing with a key focus on prioritising works to allow re-opening of the navigable channel. Delays have been experienced due to significant rainfall and riverine flooding in February and March 2022. The current forecast for completion is July 2022.

Discussion

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

That Council:

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

This report is to provide an update to item 3i) of the above resolution, further to the 16 February 2022 Council report. It is proposed following this report, that reports are only provided following significant milestones and for budget adjustments.

A summary of Key Milestones to date are:

- July 2021 - Bridge Closed to all vehicles and navigable channel closed. Community support arrangements were put in place.
- August 2021 - Heavy Vehicle Barge engaged and ramps constructed. Bridge partial re-opening for light vehicles (5 tonne) with live monitoring and traffic controls - daytime access only.
- September 2021 - Bridge partial re-opening for light vehicles (5 tonne) with live monitoring and traffic controls - 24hr access
- October 2021 - Specialist Contractor engaged and works commenced on site.
- December 2021 - Load limit increased to include heavy vehicles. Traffic restrictions remained.
- December 2021 - Heavy Vehicle Barge demobilised.
- February 2022 - Completion of underwater work. Traffic restrictions removed.

Since February 2022, above water repair works have continued although there have been delays due to significant rainfall and riverine flooding in February, March and April 2022. These delays have extended the forecast Project completion by approximately 6 weeks. The construction during this time has been focussed on above water repairs at Pier 2, 3, 4 and 5.

Approval for the works (Stage 1) was provided in October 2021 via a Review of Environmental Factors (REF). A significant population of vulnerable microbats were identified preventing above water repair works in close proximity to this roost at Pier 6. A Microbat Management Plan has been implemented controlling works to date via intensive monitoring and controls to prevent impacts. A secondary REF has been prepared for works planned at Pier 6. Stage 2 of the project requires work in close proximity to Pier 6 and temporary relocation of the microbats to complete the work.

Due to the presence of the significant microbat population, Council has to complete a Species Impact Statement (SIS) and management plans which require reviewing by the Department of Planning, Industry and Environment (DPIE) to gain concurrence for Stage 2 works. These plans must be placed on public exhibition for 30 days for community and DPIE feedback before approvals can be granted. The SIS is currently under public exhibition until 12 May 2022. This has not significantly impacted the current construction program.

The current program has been extended from the original program due to wet-weather delays experienced throughout the project and have extended the forecast completion to Mid-July 2022. Any further wet weather delays are expected to impact completion dates. A budget allocation will be required into 2022/23, and this will be undertaken as part of end of financial year processes.

There may be opportunities to complete additional works to the bridge super structure in addition to the current contract and achieve efficiencies with the contractors in place and continuing on with these works. The works are being investigated further by Council officers and will be reported to Council at the Ordinary Council June meeting if determined to be of value and recommended to proceed.

Options

Council has the option to:

1. Note the information provided
2. Request additional information

Community Engagement and Internal Consultation

Council has been providing regular updates to impacted residents and relevant stakeholders through online community meetings, e-newsletters, and social media content. Since the November 2021 Council Meeting, Council have held an online community meeting on 15 December 2021 and distributed two community e-newsletters in November 2021 and January 2022 to update residents on the current progress of works. The most recent update was provided to residents in March 2021. Council's Stakeholder Relations Manager continues to be in contact with Rawdon Island residents regarding individual matters, including ad-hoc communications regarding flood monitoring in times of heavy rains. Finally, public exhibition of the SIS has commenced in April 2022 and will conclude on 11 May 2022.

Internal consultation has occurred with the following staff:

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

External consultation has occurred with:

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

Planning and Policy Implications

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

Financial and Economic Implications

At the onset of the Rawdon Island Bridge emergency response Council allocated \$1.2million to cover initial costs including initial investigations and monitoring, bridge

closure and community support, temporary alternate route option investigation and design, and waste services.

A tender was undertaken and completed in October 2021 to determine bridge repair costs. The tender was awarded in October 2021 to Duratec Australia Ltd in the amount of \$7,082,014.69.

The revised full estimated costs for the repair of Rawdon Island Bridge including construction costs, management costs and contingency funding is now approximately \$10,536,506. The actual expenditure to date is \$6,784,398 as at the time of this writing this report. The remaining \$3,752,108 are the estimated construction costs.

Council are closely monitoring the costs and funding sources as the project continues. Council officers have also recently sought grant funding under the Federal Government's Bridges Renewal Program. This application was submitted in March 2022 and Council officers are still awaiting the outcome of that application. A range of scenarios have been modelled based on funding availability and potential grant outcomes. A detailed report of the funding sources will be provided at the June 2022 Ordinary Council Meeting in addition detailing the optional extra works discussed above.

Attachments

Nil

Item: 14.06

Subject: LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY UPDATE

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the progress of natural resource management projects/initiatives within the Lake Cathie / Lake Innes / Cathie Creek waterway and the progression of the Coastal Management Program.

Executive Summary

Council is currently involved in a number of projects involved in the management of the Lake Cathie/ Lake Innes / Cathie Creek waterway (referred herein as Lake Cathie) and its surrounds.

This report addresses Item 7 of the Council resolution from Extraordinary Council Meeting held on 13 January 2022 (included in discussion below) which requests a monthly update report. It provides an update on Lake Cathie / Lake Innes / Cathie Creek waterway natural resource management projects / initiatives and the progression of the Coastal Management Program that have occurred since the report presented to the April Ordinary Council Meeting.

Works currently being undertaken and outlined in this report include:

1. Hydrodynamic Model of Lake Innes / Lake Cathie / Cathie Creek
2. Illaroo Road Coastal Hazard Protection Options Review and Co Design
3. Illaroo Road Stormwater Redirection Project
4. Sensitive Receptors - Catchment Management: Bushfire Affected Coastal Waterways Project
5. Amendment of DA2013.151 - Dredging Lower Cathie Creek
6. Coastal Recreational User Needs Analysis
7. Review of the Opening Strategy
8. Development of other CMP Chapters

Discussion

At the Extraordinary Council Meeting on 13 January 2022 Council resolved as follows:

That Council:

1. *Undertake an urgent review of the Lake Cathie Opening Strategy triggers to reduce the high level opening trigger from 1.6m to 1.4m to mitigate flood impacts on Council infrastructure and include as a high priority, consideration of poor water quality and public health.*
2. *Receive in the February 2022 Ordinary Council meeting a draft revised Lake Cathie Opening Strategy for consideration.*
3. *Upon the Lake reaching the 1.4m trigger level, request that the Chief Executive Officer affect a traditional opening of the lake on the first and most appropriate tide in accordance with the revised Opening Strategy.*
4. *Continue to pursue the option to dredge the lake for recreational purposes and for beach nourishment.*
5. *Urgently seek the appropriate approvals to affect a traditional opening of the lake, if closed and/or water quality has been determined to be a risk to public health and marine life in preparation for the start of the December 2022 holidays, and then annually.*
6. *Request the Chief Executive Officer to host a meeting of the key Government agencies/officers involved in the management of the Lake Cathie system and Councillors, to discuss the future management of the Lake.*
7. ***Request the Chief Executive Officer to provide a monthly update report to Council on the progress of items above.***
8. *Note that any opening of the lake is dependent on Council first obtaining relevant approvals and meeting legislative requirements.*
9. *That the Chief Executive Officer be requested to expedite the coastal management program.*

In response to Item 7 of the Extraordinary Council meeting held on 13 January 2022, an initial monthly update report was prepared for the Ordinary Council meeting held on 21 April 2022. The purpose of that report was to advise Council of the progress undertaken to address the items identified in the abovementioned resolution. At this meeting Council resolved as follows

That Council:

1. *Note the update report on Lake Cathie / Lake Innes / Cathie Creek waterway natural resource management projects/initiatives.*
2. *Note the progress on development of the Coastal Management Program to manage the Lake Cathie / Lake Innes / Cathie Creek waterway.*
3. *Delay presentation to Council of a further revision of the Lake Cathie Entrance Management Strategy Flow Chart and educational material until the Lake is closed, at which time any results and findings of current studies can be included in determining the future strategy direction.*

The matters resolved in Item 12.02 at the 16 February 2022 Council meeting are also addressed within the relevant sections in the body of this report.

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.*

The following provides an overview of the progress since last month of Council projects and initiatives within the Lake Cathie / Lake Innes / Cathie Creek waterway.

1. Hydrodynamic Model of Lake Innes/Lake Cathie

As part of the development of the hydrodynamic model, Royal HaskoningDHV are required to collect updated field data. From mid-April, Royal HaskoningDHV has

- Deployed water level loggers at four locations
- Undertaken a round of water quality monitoring
- Undertaken tidal gauging
- Installed two Acoustic Doppler Current Profilers (ADCP) that will continuously measure currents for two months.

2. Illaroo Road Coastal Hazard Protection Options Review and Co-Design

Council and Rhelm/Bluecoast held a community information session at the Lake Cathie Bowling Club on 27 April 2022. The session gave the community an opportunity to learn about the project and register for the co-design workshops. The information session was attended by 31 community members including Leslie Williams MP and Councillors. The information session had four 'market stalls' where attendees could ask Council staff or Coastal specialists from Rhelm/Bluecoast about the project. The market stalls included:

- **Coastal Erosion Risk at Illaroo Road:** Council staff provided attendees with information about the history of the site, why a coastal protection measure is

required and provide the results of the recent stormwater redirection engagement project.

- **Community Values and Guideline Principles:** Staff from Rhelm presented and requested feedback from the community values survey with regards to informing the co-design project. The guiding principles developed by Rhelm to guide the selection of a preferred coastal protection measure were discussed.
- **Preliminary Options and Design Aspects:** A coastal engineer from Bluecoast presented and requested feedback on a wide range of approaches to managing the coastal hazards at the site
- **Co-design registration:** Council and Rhelm staff explained the co-design process and outlined participant's requirements. To date, 28 people have registered to be involved in the co design workshops.

The next stage of this project is the first of two co-design workshops. The purpose of this initial workshop is to engage with the attendees to identify their shortlist of potential coastal hazard protection options for Illaroo Road. The second round of workshops will aim to identify a preferred coastal hazard protection option for Illaroo Road. The first round of workshops will occur on 24 and 25 May 2022 at the Lake Cathie Community Hall. The second round of workshops will occur on 15 and 16 June 2022.

3. Illaroo Road Stormwater Redirection Project

As discussed above, Council held a community information session at the Lake Cathie Bowling Club on 27 April 2022. The session also gave the community an opportunity to be provided with an update on the Illaroo Road Stormwater Redirection project, including the results of the recent community engagement.

An Extraordinary Council Meeting was held on 28 April 2022. In the meeting it was resolved:

That Council:

1. *Note the findings of the Illaroo Road Stormwater Redirection Project Engagement and that the issue of the Illaroo Road Stormwater Redirection Project was also raised at the Illaroo Road Coastal Hazard Protection Options Review and Co Design Project Community Engagement session held on 27 April 2022.*
2. *Note the revised cost estimates undertaken in late 2021 for the Illaroo Stormwater Redirection Project amounts to \$1,929,000 if this project is to proceed.*
3. *Request the Chief Executive Officer to submit a request for variation to NSW Department of Planning and Environment (DPE) to fund the shortfall in the current funding allocation under the Coastal and Estuary Implementation Grant.*
4. *Address the long-term erosion around the two stormwater outlets off Illaroo Road as a component of the Illaroo Road Coastal Hazard Protection Options Review and Co Design.*
5. *Address the short-term erosion hazard around the southern stormwater outlet off Illaroo Road by using dredged material from lower Cathie Creek to nourish the shoreline around the outlet utilising the existing approved dredging Development Application.*

6. *Undertake emergency works around the existing stormwater outlet should engineering advice determine if there is any imminent risk to Illaroo Road.*
7. *Proceed to undertake the Asbestos Remediation Works to the extent that addresses immediate risk and within the available budget of \$121,554 as noted in the report.*
8. *Agree to waive the waste disposal fees (excluding the waste levy) associated with Asbestos Removal on the Illaroo Road embankment.*
9. *Request the Chief Executive Officer to provide a report to a future meeting of Council on the stormwater issues in the immediate areas surrounding Illaroo Road, including but not limited to Aqua Crescent and Kywong Street.*

In response to the above items:

- A geotechnical investigation into the stability of Illaroo Road commenced 3 May 2022.
- Council staff have been in discussion for many months with DPE - Crown Lands regarding a licence to dredge material from lower Cathie Creek. A licence was finally offered to Council on 4 May 2022.
- Council staff will prepare correspondence with DPE later this month requesting additional funding to cover the current shortfall from the latest cost estimate and confirm the proposed asbestos remediation works.

4. Sensitive Receptors - Catchment Management: Bushfire Affected Coastal Waterways Project

NSW Soil Conservation Services (SCS) have finalised their fieldwork associated with their ecological investigation into the recovery of the Lake Innes / Lake Cathie / Cathie Creek waterway following the 2019/2020 bushfire / drought event. SCS observations from their latest fieldwork include:

- There continues to be large stores of dissolved Iron II in the groundwaters in the system, albeit not to the concentrations of the previous two opening events.
- Heavy rainfall periods post entrance opening resulted in a delayed/staggered iron floc response. Sampling was delayed and staggered to allow for these flushes to pass and to target pore water effluent.
- The semi enclosed embayments of Lake Innes and the stormwater creek out of Kenwood Drive have vast stores of newly formed Acid Sulphate Acid Volatile Sulphur (AVS), which in the last 2 months has begun to oxidised during the neap tide / low rainfall periods, and have started to produce iron floc in significant quantities
- Heavy rainfall periods during the opening event did flush away / dilute the areas of iron floc temporarily, however iron floc returned once neap tide cycles returned and catchment runoff subsided.
- The western margin of Lake Innes continues to produce what is likely to be novel elemental sulfur colloids at the interface of the embayments and the lake proper, that, with sustained groundwater inflows, have yet to oxidise.
- Poor water quality post entrance breach in Cathie Creek, and to an extent Lake Cathie, is predominately driven by the quantum of dissolved Iron II in pore waters, which whilst still present, are in much lower concentrations, and thus is on a path of recovery. Being dominated Iron II, the Cathie Creek system reacts much quicker to entrance opening events than Lake Innes

- Poor water quality in Lake Innes is driven by AVS stores. AVS oxidises (responds) much slower to entrance opening events as it takes longer to oxidise, and attenuated tidal prism and surface water inflows have kept these deposits wet. There are vast stores of unoxidised AVS and elemental sulfur in the embayments of Lake Innes which has the potential to produce more acid/iron if lake levels drop. Thus the extent of this iron floc event has the potential to grow and continue, if low rainfall coincides with lake entrance closure.
- Overall the majority of the system is still stuck in an Iron / Sulfur hysteresis, and has the potential to flip back to a full blown iron floc event again if the system experiences drought conditions.

SCS will meet with NSW DPE Biodiversity and Conservation Planning staff in May to discuss Biodiversity Conservation Act 2016 implications to reverting Lake Innes to a separate system to address current management implications. The final report is expected to be presented to Council staff in June.

Aquatic Science and Management have been working on development of water quality management plans as a component of this grant. Delays have been experienced due to COVID and flood events however these are expected to be completed within the coming few months.

5. Dredging Lower Cathie Creek

Following lodgement of an amendment to *DA2013.151* for the hazard based dredging of Lower Cathie Creek, a Crown licence application to undertake dredging was submitted to DPE-Crown Lands in July 2021. The Crown Licence was unable to be assessed until the Development Application was finalised (8 November 2021). A Crown licence was offered to Council on 11 February 2022 for a five-year period. Council staff reviewed the license and requested some minor amendments be made to the licence, in particular around the hours of operation to allow activities to occur on Saturdays and School Holidays. An amended licence was offered to Council on 21 April 2022. Council staff identified minor errors with the licence offer and requested the licence be amended again. The requested changes were supported and a licence was offered on 4 May 2022.

At the February Council Meeting Council resolved in part as follows:

“Request the Chief Executive Officer to undertake a review of Appendix B - Site Priorities Assessment of the Port Macquarie Hastings Council Dredging Strategy (2007) and, place priority for the dredging of Lake Cathie in the budget for 2022/2023 taking it from a low priority to a high priority.”

A review of the Strategy's Appendix B is with Council's Infrastructure Division for consideration. Budget for dredging activity at Lake Cathie has been included in the 2022/2023 draft Operational Plan. Staff are working through the procurement process for a dredging event in accordance with Council's modified DA for dredging of the lake (Lower Cathie Creek) and sand nourishment of Lighthouse Beach in front of Illaroo Road. A Crown Licence has been issued for 5 years enabling the works to take place when the coastal hazard risk trigger levels and DA conditions are met.

6. **Coastal Recreational User Needs Analysis**

The need for a Local Government Area (LGA) wide Coastal Recreational User Needs Analysis was identified in the forward planner of the CMP Scoping Study to be undertaken as part of the second stage of the development of the CMP. The purpose of the study would be to identify key recreational activities undertaken in the coastal zone, patterns in usage and the suitability of existing infrastructure to support recreation. The assessment will include a combination of both fieldwork and desktop assessment. A report will be prepared that provides an updated and comprehensive understanding of the recreational user groups and assets within the coastal zone of the PMHC LGA and inform future management actions to be incorporated into the CMP.

Council staff submitted a funding application on 22 April 2022 to DPE to undertake the analysis. It is estimated that the analysis will cost up to \$100,000. A grant application of \$66,667 was made. This grant requires 2:1 funding and requires Council to commit \$33,333. Subject to approval, it is estimated that the project will commence mid-2022 and take approximately six months to complete.

7. **Review of the Opening Strategy**

At the Council meeting held on the 21 April 2022, Council resolved to; *'Delay presentation to Council of a further revision of the Lake Cathie Entrance Management Strategy Flow Chart and educational material until the Lake is closed, at which time any results and findings of current studies can be included in determining the future strategy direction.'*

The waterway is still open to the ocean and the studies this resolution refers to are summarised in this report and are still being completed.

The resolution of 16 February 2022 also requested that a meeting be organised with 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. A meeting was scheduled for March however the Northern Beaches Manager was unable to attend. An alternate date is yet to be set.

8. **Development of other CMP Chapters**

Although these projects are located outside of the Lake Innes / Lake Cathie / Cathie Creek waterway, the findings of these projects will feed into the CMP.

- **Hastings River Estuary Bank and Riparian Assessment**

Fruition Environmental have been engaged by Council to undertake a Bank and Riparian Assessment of the Hastings River Estuary. The assessment will:

- Assess the bank and riparian land condition of the Hastings River estuary system;
- Identify threats to bank condition;
- Assess severity of issues and risk to both natural and physical assets;
- Identify remediation concept plans that can be implemented to address degraded bank and riparian land condition; and
- Gauge landholder support for remediation where identified to be a priority.

The assessment will inform future management actions to be incorporated into the Hastings River Estuary CMP.

Fieldwork associated with the assessment is planned to commence next week.

- **Hydrographic Dilution Study Kooloonbung Creek**

The purpose of this investigate is to investigate the impacts of sewage overflows on oyster leases in the lower Hastings River estuary. The scope of works provides a staged approach to improving an understanding of the exposure of Hastings River oyster leases to sewage overflows, and development of a decision support matrix to guide authorities in determining aquaculture industry closures following sewage overflow events. University of NSW has been engaged to undertake this work.

Although this project was anticipated to start early 2022, contractor resourcing issues has resulted in the project being delayed until July 2022. It is anticipated that this project will be finalised in early 2023.

Options

This report is provided for information.

Community Engagement and Internal Consultation

This report is provided for information only.

Community consultation has been undertaken in some of the abovementioned projects, as mentioned in the discussion section of this report.

Planning and Policy Implications

There are no planning or policy implications in relation to this report. However, the outcomes of the various investigations and activities referenced in this report will guide the content of the Lake Cathie Bonny Hills Chapter of the Coastal Management Program.

Financial and Economic Implications

Funding currently allocated to the projects outlined in this report are detailed below:

Project	Grant Funding (\$)	Council Contribution (\$)	Total Estimated Project Cost (\$)
Lake Cathie / Lake Innes / Cathie Creek			
Hydrodynamic Model	300,000	150,000	450,000
Illaroo Road Coastal Hazard Protection Options Review	80,500	40,250	120,750

Bushfire Affected Coastal Waterways Program	265,000	30,000	295,000
Illaroo Stormwater Redirection Project including variations for Asbestos Remediation and Aboriginal Cultural Heritage	456,825	456,825	913,650*
SUB TOTAL	1,102,325	677,075	1,779,400
Hastings River Estuary			
Hastings River Estuary Bank and Riparian Assessment	76,954	38,477	115,431
Hydrographic Dilution Study Kooloonbung Creek	70,001	35,000	105,001
SUB TOTAL	146,955	73,477	220,432
TOTAL	1,249,280	750,552	1,999,832

* The latest cost estimate to undertake the Stormwater Redirection project was \$1,929,000. Currently Council has \$720,000 for the civil works and \$121,553 for asbestos remediation around the proposed stormwater outlet - totalling \$841,553 (split 1:1). This results in a shortfall of \$1,087,447. As discussed above, Council staff will request DPE to cover this additional cost.

Attachments

Nil

Subject: CONFIDENTIAL SESSION

RECOMMENDATION

- 1. That Council move into Confidential Session to receive and consider the following items:**

Item 16.01 Potential Purchase of Land

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 16.02 Contract 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.

- 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.**