



PORT MACQUARIE-HASTINGS
COUNCIL



Ordinary Council

Business Paper

date of meeting: Thursday 16 June 2022

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

time: 10:00am

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

Community Vision

A sustainable high quality of life for all

Community Mission

Building the future together
People Place Health Education Technology

Council's Corporate Values

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

Community Themes

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

Ordinary Council Meeting

Thursday 16 June 2022

Items of Business

Item	Subject	Page
01	Acknowledgement of Country	1
02	Remote Attendance at Meeting.....	1
03	Local Government Prayer	1
04	Apologies.....	1
05	Confirmation of Minutes	1
06	Disclosures of Interest.....	33
07	Mayoral Minute	
08	Confidential Correspondence to Ordinary Council Meeting.....	37
09	Public Forum - Matters Not On The Agenda.....	38
10	Public Forum - Matters On The Agenda	39
11	Leadership and Governance	40
11.01	Status of Reports From Council Resolutions.....	41
11.02	Mayoral Discretionary Fund Allocations - 5 May to 1 June 2022	51
11.03	2022 Local Government NSW Annual Conference	53
11.04	Request to Attend Australian Local Government Association National General Assembly 2022 - June 2022 - Councillor Lauren Edwards.....	55
11.05	Policy Review - Customer Complaint Policy - Post Public Exhibition	57
11.06	Policy Review - Cemeteries Policy - Post Public Exhibition	59
11.07	Policy Review - Bushfire Risk Mitigation - Post Public Exhibition	62
11.08	Policy Review - Compliance and Enforcement Policy	65
11.09	Policy Review - Footpaths and Walkways in Public Road Reserves - Post Public Exhibition.....	68
11.10	Policy Review - Asset Capitalisation and Disposal (Excluding Land) Policy	70
11.11	Rescission Motion - Community Strategic Plan Imagine2050.....	72
11.12	Community Inclusion Plan - Post Public Exhibition	75
11.13	Monthly Budget Review - May 2022	78
11.14	Investments - May 2022	83
11.15	Port Macquarie Town Centre Master Plan (TCMP) Business Rate Review.....	88
11.16	Works Depots Review	98

12	Your Community Life	<u>101</u>
12.01	Recommended Items from Mayor's Sporting Fund Committee - May 2022	<u>102</u>
12.02	Notice of Motion - Safety Audit at the Intersection of Owen Street and Maritime Lane.	<u>103</u>
12.03	Policy Review - Management of Public Spaces Policy - Post Public Exhibition.....	<u>104</u>
12.04	T-22-12 Bain Park Master Plan - Detailed Design - Implementation Stages 1 and 2	<u>107</u>
12.05	T-22-23 Port Macquarie Hastings Blueprint	<u>112</u>
13	Your Business and Industry	<u>116</u>
13.01	Request For Fee Waiver - Willing and Able Foundation	<u>117</u>
14	Your Natural and Built Environment	<u>119</u>
14.01	Koala Recovery Action Plan Update.....	<u>120</u>
14.02	Update on Site Specific Planning Proposal Requests - Bi- Annual Report	<u>122</u>
14.03	Memorandum of Understanding - Public Drinking Water Supply - Mid North Coast Local Health District and Port Macquarie-Hastings Council.....	<u>128</u>
14.04	Water Security Plan Update	<u>131</u>
14.05	Kooloonbung Creek Flying-Fox Camp Management Plan Update	<u>143</u>
14.06	Lake Cathie Natural Resource Management Monthly Update	<u>157</u>
14.07	Extension of Flood Waste Disposal Costs Waiver	<u>167</u>
15	Items To Be Dealt With By Exception	
16	Confidential Matters	
	Motion to move into Confidential Session	<u>173</u>
16.01	Payment of Part of Untaken Sick Leave on Termination	
16.02	Contract for the provision of Environmental Assessments in response to Flood Recovery Works	
16.03	T-22-11 Vince Inmon Sporting Fields - Grandstand	

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**

A Minister from the Combined Churches 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

That the Minutes of the Ordinary Council Meeting held on 19 May 2022 be confirmed.

PRESENT

Members:

Mayor Peta Pinson
Deputy Mayor Adam Roberts
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)
Governance and Legal Officer (Kirsty Callander)
Acting Governance Officer (Bree Scaysbrook)

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

Ms Caroline Dennis from the Lifeway Church delivered the Local Government Prayer.

04 APOLOGIES

Nil.

05 CONFIRMATION OF MINUTES

RESOLVED: Roberts/Slade

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.

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 - Lake Cathie Natural Resource Management Monthly Update, the reason being that Councillor Maltman is a non-financial life member of the community organisation Revive Lake Cathie Inc.

Councillor Sheppard declared a Non-Pecuniary, Less Than Significant Interest in Item 11.14 - Quarterly Budget Review Statement - March 2022, the reason being that Councillor Sheppard has a friend who owns a company listed in Council's report.

Councillor Sheppard declared a Non-Pecuniary, Less Than Significant Interest in Item 12.01 - Port Macquarie-Hastings Tree Management Policies and Procedures, the reason being that Councillor Sheppard has a friend who supplies tree services to Council, noting this is not regarded as a close friendship.

7.01 MAYORAL MINUTE - CLIMATE CHANGE RESPONSE POLICY

MOTION

MOVED: Pinson

That Council:

1. Note the State Member for Port Macquarie's assertion (as noted in the NSW State Parliament Hansard dated Thursday, 12 May 2022, attached to this Mayoral Minute) that in part, suggests that 'the Port Macquarie Hastings community is well past debating whether Climate Change exists; and that the community is well past who is responsible' [for Climate Change].
2. Note there is no directive through Legislation that explicitly specifies what impacts a Council must mitigate in regard to Climate Change.
3. Note there is no legislative requirement for Council to have a Climate Change Response Policy.
4. Note there is no NSW State Government funding specifically for the resourcing of a Climate Change Response Policy.
5. Include in July/August of 2022, through the upcoming Micromex Community Satisfaction Survey, the specific question "Which of the following statements do you agree with? (Please indicate (a), (b) or (c)):
 - (a) I support Port Macquarie-Hastings Council taking the approach to allocating ratepayer money into fixing pot holes, road maintenance, stormwater infrastructure and maintenance, sewer infrastructure and maintenance and water security assets or;
 - (b) I support Port Macquarie-Hastings Council taking the approach to allocating ratepayer money to Climate Change initiatives; or
 - (c) I support Port Macquarie-Hastings Council taking the approach to allocating ratepayer money to fixing pot holes, road maintenance, stormwater infrastructure and maintenance, sewer infrastructure and maintenance and water security assets, as well as Climate Change initiatives.
5. Defer the decision on the rescission of Council's Climate Change Response Policy until after the Micromex Community Satisfaction Survey response is reported to Council.
6. Request the Chief Executive Officer provide a report to the September 2022 Council Meeting on the Micromex Community Satisfaction Survey results in conjunction with a report on the Rescission or otherwise of the Climate Change Response Policy.

AMENDMENT

MOVED: Sheppard/Intemann

That Council:

1. Note the State Member for Port Macquarie's assertion (as noted in the NSW State Parliament Hansard dated Thursday, 12 May 2022, attached to this Mayoral Minute) that in part, recognises that 'the Port Macquarie Hastings

-
- community is well past debating whether Climate Change exists; and that the community is well past who is responsible’.
2. Note there is no directive through Legislation that explicitly specifies what impacts a Council must mitigate in regard to Climate Change.
 3. Note there is no legislative requirement for Council to have a Climate Change Response Policy.
 4. Note
 - i. the position of the Australian Local Government Association of addressing climate change at all levels of government
 - ii. The position of Local Government NSW on addressing climate change at all levels of government
 - iii. The business leadership on climate change forwarded as a primary concern of business at the recent Australian Governance Summit, hosted by the Australian Institute of Company Directors.
 - iv. The leadership of the NSW Government on addressing climate change through the Net Zero Strategy: Stage 1 2020-2030, as noted in the attached speech.
 5. Note that a Climate Response Policy bolsters local government advocacy of funding from both state and federal government climate change funding opportunities, by demonstrating alignment with the funding objectives, including the delivery of road, water and sewer infrastructure that considers the impacts of climate change.
 6. Note that in a Mayoral Minute of the March 2022 Ordinary Council Meeting, Councillors unanimously resolved to endorse the funding priority areas set out by the ALGA (<https://alga.com.au/app/uploads/ALGA-Pre-Budget-Submission-2022-23.pdf>), which included :
 - (a) Priority 11: a Targeted Disaster Mitigation Program of \$800million, because “Australia has been profoundly impacted by natural disasters in the past few years, and the impacts of climate change will result in more frequent and more severe disasters in the future “ (p.16)
 - (b) Priority 12: A Local Government Climate Response Partnership Fund of \$200 million because “Addressing the causes and impacts of climate change requires a collaborative effort across all three tiers of government, business and our communities.” (p. 17).
 7. Note the Micromex survey as a potential community feedback tool to be considered alongside existing feedback on community interest in climate change resilience, and request the CEO provide appropriate wording for Micromex questions to be put to the community, for inclusion in the 2022-2023 survey, such that data is gathered which:
 - i. Surveys community interest in whether council should consider climate related factors when planning delivery of core business such as roads, water and sewer infrastructure, and;
 - ii. Surveys community interest in whether council should take climate science and future impacts of climate change into account when making decisions for our community.
 8. Request the Chief Executive Officer provide a report the September 2022 Ordinary Council Meeting, that:
 - i. details the submissions made during the recent public exhibition of the proposal to rescind the Climate Change Response Policy
 - ii. Micromex Community Satisfaction Survey results
 - iii. Details of the previous feedback from community engagement from
 - Three year CSP engagement process
-

-
- The community engagement report on the original public exhibition response to the draft Climate Change Response Plan (2021)
 - Other sources that evidence local attitudes toward climate change and climate action in the local context.
9. Noting that the current Climate Change Response Policy remains active until amended or rescinded by council, defer the decision on the rescission of Council's Climate Change Response Policy until after the report indicated in clause 8 is delivered to Council.

PROCEDURAL MOTION:

RESOLVED: Roberts

That the amendment be put.

CARRIED: 7/2
FOR: Edwards, Griffiths, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Intemann and Lipovac

THE AMENDMENT WAS PUT AND LOST.

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

AMENDMENT

Moved: *Edwards/Lipovac*

That the matter be deferred following a Councillor workshop on this subject.

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 WAS PUT AND LOST

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

AMENDMENT

Moved: *Intemann/Edwards*

That Council:

1. Note the State Member for Port Macquarie's assertion (as noted in the NSW State Parliament Hansard dated Thursday, 12 May 2022, attached to this Mayoral Minute) that in part, suggests that 'the Port Macquarie Hastings

-
- community is well past debating whether Climate Change exists; and that the community is well past who is responsible' [for Climate Change].
2. Note there is no directive through Legislation that explicitly specifies what impacts a Council must mitigate in regard to Climate Change.
 3. Note there is no legislative requirement for Council to have a Climate Change Response Policy.
 4. Note there is no NSW State Government funding specifically for the resourcing of a Climate Change Response Policy.
 5. Include in July/August of 2022, through the upcoming Micromex Community Satisfaction Survey, the specific question "Yes or No, do you support Council including Climate Change response activities into its Business Plan and core responsibilities."
 6. Defer the decision on the rescission of Council's Climate Change Response Policy until after the Micromex Community Satisfaction Survey response is reported to Council.
 7. Request the Chief Executive Officer provide a report to the September 2022 Council Meeting on the Micromex Community Satisfaction Survey results in conjunction with a report on the Rescission or otherwise of the Climate Change Response Policy.

PROCEDURAL MOTION:

Moved: Sheppard / Intemann

A Motion of Dissent was moved on the chairperson's ruling regarding urgency of this Mayoral Minute.

LOST: 3/6

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

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 WAS PUT AND LOST

LOST: 4/5

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

THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED

RESOLVED: Pinson

That Council:

1. Note the State Member for Port Macquarie's assertion (as noted in the NSW State Parliament Hansard dated Thursday, 12 May 2022, attached to this Mayoral Minute) that in part, suggests that 'the Port Macquarie Hastings community is well past debating whether Climate Change exists; and that the community is well past who is responsible' [for Climate Change].
2. Note there is no directive through Legislation that explicitly specifies what impacts a Council must mitigate in regard to Climate Change.
3. Note there is no legislative requirement for Council to have a Climate Change Response Policy.
4. Note there is no NSW State Government funding specifically for the resourcing of a Climate Change Response Policy.
5. Include in July/August of 2022, through the upcoming Micromex Community Satisfaction Survey, the specific question "Which of the following statements do you agree with? (Please indicate (a), (b) or (c)):
 - (a) I support Port Macquarie-Hastings Council taking the approach to allocating ratepayer money into fixing pot holes, road maintenance, stormwater infrastructure and maintenance, sewer infrastructure and maintenance and water security assets or;
 - (b) I support Port Macquarie-Hastings Council taking the approach to allocating ratepayer money to Climate Change initiatives; or
 - (c) I support Port Macquarie-Hastings Council taking the approach to allocating ratepayer money to fixing pot holes, road maintenance, stormwater infrastructure and maintenance, sewer infrastructure and maintenance and water security assets, as well as Climate Change initiatives.
5. Defer the decision on the rescission of Council's Climate Change Response Policy until after the Micromex Community Satisfaction Survey response is reported to Council.
6. Request the Chief Executive Officer provide a report to the September 2022 Council Meeting on the Micromex Community Satisfaction Survey results in conjunction with a report on the Rescission or otherwise of the Climate Change Response Policy.

CARRIED: 5/4

FOR: Intemann, Maltman, Pinson, Roberts and Slade

AGAINST: Edwards, Griffiths, Lipovac and Sheppard

**7.02 MAYORAL MINUTE - LOCAL ROADS COMMUNITY
INFRASTRUCTURE PROGRAM FUNDING ROUND 2 -
NORTH SHORE**

MOVED: Pinson

That Council:

1. Request an extension of the LRCI (Local Roads Community Infrastructure Program) Funding Round 2 in the amount of \$960,000 to be carried forward to the 2022-2023 and 2023-2024 Operational Plan years in order to support Council in delivery of road rehabilitation works on the North Shore (Option 1A Shoreline Drive).
2. Should the LRCI funding Round 2 be declined for extension, request the Chief Executive Officer to proceed with points 3 and 4.
3. Request the Chief Executive Officer to proceed with detailed design and costings for the road rehabilitation works on the North Shore and include those costs in the 2022-2023 Operational budget.
4. Request the Chief Executive Officer actively seek grant funding to support the costs of works for road rehabilitation on the North Shore.

AMENDMENT

Moved: Sheppard/Griffiths

That Council defer consideration of this item for a formal report to be presented to Council highlighting the costs involved and the opportunity cost of completing the works to completion of works on other roads of community interest for example, but not limited to, The Tip Road Dunbogan, Hibbard Road.

THE AMENDMENT WAS WITHDRAWN

AMENDMENT

Moved: Griffiths/Lipovac

That Council:

1. Request an extension of the LRCI (Local Roads Community Infrastructure Program) Funding Round 2 in the amount of \$960,000 to be carried forward to the 2022-2023 and 2023-2024 Operational Plan years in order to support Council in delivery of road rehabilitation works on the North Shore (Option 1A Shoreline Drive).
2. Should the LRCI funding Round 2 be declined for extension, request the Chief Executive Officer to proceed with points 3 and 4.
3. Consider detailed design and costings for the road rehabilitation works on the North Shore and include those costs in the 2022-2023 Operational budget.
4. Request the Chief Executive Officer actively seek grant funding to support the costs of works for road rehabilitation on the North Shore.

THE AMENDMENT WAS PUT AND LOST

LOST: 3/6

FOR: Edwards, Griffiths and Lipovac

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

THE MOTION WAS PUT AND CARRIED

RESOLVED: Pinson

That Council:

1. Request an extension of the LRCI (Local Roads Community Infrastructure Program) Funding Round 2 in the amount of \$960,000 to be carried forward to the 2022-2023 and 2023-2024 Operational Plan years in order to support Council in delivery of road rehabilitation works on the North Shore (Option 1A Shoreline Drive).
2. Should the LRCI funding Round 2 be declined for extension, request the Chief Executive Officer to proceed with points 3 and 4.
3. Request the Chief Executive Officer to proceed with detailed design and costings for the road rehabilitation works on the North Shore and include those costs in the 2022-2023 Operational budget.
4. Request the Chief Executive Officer actively seek grant funding to support the costs of works for road rehabilitation on the North Shore.

CARRIED: 7/2

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

AGAINST: Griffiths and Sheppard

08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Intemann/Roberts

That Council determine that the attachments to Item Numbers 11.12, 11.14 and 11.19 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

Councillor Sheppard left the meeting, the time being 12:11pm.

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 - Footpaths and Council reserve inspection, repair and management
 2. Steven Gates - IP&R Resourcing Plans including Asset Management Policy and Plans, Operational Plan and LTFP.

RESOLVED: Slade/Lipovac

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

CARRIED: 8/0

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

AGAINST: Nil

Councillor Sheppard returned to the meeting, the time being 12:14pm.

09.01 FOOTPATHS AND COUNCIL RESERVE INSPECTION, REPAIR AND MANAGEMENT

Mr Steven Gates addressed Council in relation to Footpaths and Council reserve inspection, repair and management and answered questions from Councillors.

09.02 IP&R RESOURCING PLANS INCLUDING ASSET MANAGEMENT POLICY AND PLANS, OPERATIONAL PLAN AND LTFP

Mr Steven Gates addressed Council in relation to IP&R Resourcing Plans including Asset Management Policy and Plans, Operational Plan and LTFP and answered questions from Councillors.

Councillor Slade left the meeting, the time being 12:34pm.

Councillor Edwards left the meeting, the time being 12:36pm.

Councillor Maltman left the meeting, the time being 12:36pm.

Councillor Slade returned to the meeting, the time being 12:37pm.

Councillor Edwards returned to the meeting, the time being 12:38pm.

10 PUBLIC FORUM – MATTERS ON THE AGENDA

There were no requests to speak in the Public Forum - Matters On The Agenda.

Councillor Maltman returned to the meeting, the time being 12:40pm.

SUSPENSION OF STANDING ORDERS

RESOLVED: Roberts /Lipovac

That Standing Orders be suspended to allow Items 11.01, 11.03, 11.04, 11.05, 11.07, 11.08, 11.11, 11.12, 11.14, 11.17, 11.18, 11.21, 12.01, 13.01, 14.01, 14.02, 14.03 and 14.06 not in the block to be brought forward and considered next.

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

PROCEDURAL MOTION

RESOLVED: Roberts/Edwards

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 12.41pm

The meeting resumed at 1.14pm

SUSPENSION OF STANDING ORDERS

RESOLVED: Maltman/Roberts

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

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

14.06 LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY UPDATE

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 progress of natural resource management projects/initiatives within the Lake Cathie / Lake Innes / Cathie Creek waterway and the progression of the Coastal Management Program.

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

11.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

MOTION

MOVED: Roberts/Griffiths

That Council

1. Note the information contained in the Status of Reports from Council Resolutions report with the following amendments:
 - i. Removal of the item "Draft Economic Development Strategy Post Exhibition" following Council's resolution of April 2022
 - ii. Amend the item "Draft Joint Integrated Transport Network Plan" to return to Council in July 2022 due to input required from TfNSW
 - iii. Amend the item "Policy Review - Climate Change Response Policy - post public exhibition" to return to Council in June 2022 following an extended public exhibition period
 - iv. Amend the item "Port Macquarie Works Depot" to return to Council in June 2022 as the item is not yet finalised.
 - v. Note that the item "Prioritisation of Sporting Infrastructure Projects" has been deferred until July 2022 to enable a Councillor workshop to be undertaken
 - vi. Amend the item "Policy Review - Customer Complaint Policy - post public exhibition" to be presented to Council in June 2022
 - vii. Amend the item "Policy Review - Cemeteries Policy - post public exhibition" to be presented to Council in June 2022
 - viii. Addition of the following items noting no expected date has been determined at this stage:
 - Procurement process - Port Macquarie Hastings Blueprint - Determine outcome
 - Illaroo Road Stormwater Issues
 - General Fund Operating Result Improvement Plan Report

-
2. That Council note a staff member vacated a relevant position which may have contributed to the errors made on this particular report.
 3. That Council note the errors highlighted above will be rectified before the report to next meeting.

AMENDMENT

MOVED: Sheppard / Intemann

That Council note the information contained in the Status of Reports from Council Resolutions report with the following amendments:

- i. Removal of the item "Draft Economic Development Strategy Post Exhibition" following Council's resolution of April 2022
- ii. Amend the item "Draft Joint Integrated Transport Network Plan" to return to Council in July 2022 due to input required from TfNSW
- iii. Amend the item "Policy Review - Climate Change Response Policy - post public exhibition" to return to Council in June 2022 following an extended public exhibition period
- iv. Amend the item "Port Macquarie Works Depot" to return to Council in June 2022 as the item is not yet finalised.
- v. Note that the item "Prioritisation of Sporting Infrastructure Projects" has been deferred until July 2022 to enable a Councillor workshop to be undertaken
- vi. Amend the item "Policy Review - Customer Complaint Policy - post public exhibition" to be presented to Council in June 2022
- vii. Amend the item "Policy Review - Cemeteries Policy - post public exhibition" to be presented to Council in June 2022
- viii. Addition of the following items noting no expected date has been determined at this stage:
 - Procurement process - Port Macquarie Hastings Blueprint - Determine outcome
 - Illaroo Road Stormwater Issues
 - General Fund Operating Result Improvement Plan Report

LOST: 4/5

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Griffiths, Maltman, Pinson, Roberts and Slade

THE AMENDMENT WAS PUT AND LOST.

THE MOTION ON BEING PUT WAS CARRIED.

RESOLVED: Roberts/Griffiths

That Council

1. Note the information contained in the Status of Reports from Council Resolutions report with the following amendments:
 - i. Removal of the item "Draft Economic Development Strategy Post Exhibition" following Council's resolution of April 2022
 - ii. Amend the item "Draft Joint Integrated Transport Network Plan" to return to Council in July 2022 due to input required from TfNSW

- iii. Amend the item "Policy Review - Climate Change Response Policy - post public exhibition" to return to Council in June 2022 following an extended public exhibition period
- iv. Amend the item "Port Macquarie Works Depot" to return to Council in June 2022 as the item is not yet finalised.
- v. Note that the item "Prioritisation of Sporting Infrastructure Projects" has been deferred until July 2022 to enable a Councillor workshop to be undertaken
- vi. Amend the item "Policy Review - Customer Complaint Policy - post public exhibition" to be presented to Council in June 2022
- vii. Amend the item "Policy Review - Cemeteries Policy - post public exhibition" to be presented to Council in June 2022
- viii. Addition of the following items noting no expected date has been determined at this stage:
 - Procurement process - Port Macquarie Hastings Blueprint - Determine outcome
 - Illaroo Road Stormwater Issues
 - General Fund Operating Result Improvement Plan Report
2. That Council note a staff member vacated a relevant position which may have contributed to the errors made on this particular report.
3. That Council note the errors highlighted above will be rectified before the report to next meeting.

CARRIED: 9/0

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

11.03 2022-2023 COUNCILLOR AND MAYORAL FEES

MOVED: Roberts/Maltman

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.

AMENDMENT

Moved: Lipovac/Intemann

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 \$24,810, noting this represents no increase from the 2021-2022 fee.
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 \$86,090, noting this represents no increase from the 2021-2022 fee (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.

PROCEDURAL MOTION

RESOLVED: Pinson

That the amendment be put.

CARRIED: 7/2

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

AGAINST: Intemann and Lipovac

THE AMENDMENT ON BEING PUT WAS LOST

LOST: 2/7

FOR: Intemann and Lipovac

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

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Roberts/Maltman

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.
- CARRIED: 7/2*
- FOR: Edwards, Griffiths, Intemann, Maltman, Pinson, Roberts and Slade*
AGAINST: Lipovac and Sheppard
-

11.04 AUSTRALIAN GOVERNANCE SUMMIT 2022 - COUNCILLOR REPORT

RESOLVED: Intemann/Roberts

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

CARRIED: 9/0

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

11.05 POLICY REVIEW - COUNCILLOR AND STAFF INTERACTION POLICY - FOLLOWING EXHIBITION

RESOLVED: Intemann/Edwards

That Council adopt the Councillor and Staff Interaction Policy, noting Clause 3.7 of the Policy be amended to require an acknowledgement as soon as practicable and a response within 15 days or explanation as to when the answer may be provided.

CARRIED: 9/0

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

11.07 POLICY REVIEW - SOCIAL IMPACT ASSESSMENT POLICY

MOVED: Pinson/Roberts

That Council:

1. Adopt the Social Impact Assessment Policy
2. Proceed to develop a Social Impact Assessment Guideline to assist applicants, Council and members of the community to understand when a Social Impact Assessment is and is not required and the process to undertake a Social Impact Assessment.

AMENDMENT

MOVED: Edwards/Sheppard

That Council:

1. Defer the adoption the Draft Social Impact Assessment Policy
2. Proceed to develop a Social Impact Assessment Policy and Procedure and report both to a future Council meeting.

THE AMENDMENT PUT WAS LOST

LOST: 2/7

FOR: Edwards and Sheppard

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

AMENDMENT

MOVED: Intemann/Griffiths

That Council:

1. Adopt the Social Impact Assessment Policy
2. Proceed to develop a Social Impact Assessment Guideline to assist applicants, Council and members of the community to understand when a Social Impact Assessment is and is not required and the process to undertake a Social Impact Assessment.
3. Provide the Guidelines to Councillors on completion.
4. Request the Chief Executive Officer to provide an opportunity following completion of point 3 above, to discuss a final format for the Social Impact Assessment Policy, Procedure and Guideline.

THE AMENDMENT WAS PUT AND LOST

LOST: 1/8

FOR: Intemann

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

THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED

RESOLVED: Pinson/Roberts

That Council:

1. Adopt the Social Impact Assessment Policy
2. Proceed to develop a Social Impact Assessment Guideline to assist applicants, Council and members of the community to understand when a Social Impact Assessment is and is not required and the process to undertake a Social Impact Assessment.

CARRIED: 6/3

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

AGAINST: Edwards, Intemann and Sheppard

11.08 POLICY REVIEW - GRAFFITI VANDALISM MANAGEMENT POLICY & GRAFFITI AND VANDALISM REWARD SCHEME POLICY

RESOLVED: Slade/Maltman

That Council;

1. Amend the Draft Graffiti Vandalism Management Policy and the Graffiti and Vandalism Reward Scheme Policy to reflect a simplistic two tiered scheme of \$2,000 Reward for up to \$20,000 damage amount and \$5,000 Reward for over \$20,000 damage amount.
2. Request the Chief Executive Officer to develop a resourcing strategy for the implementation of the Graffiti Vandalism Management Policy and the Graffiti and Vandalism Reward Scheme Policy including the general management of graffiti throughout the Local Government Area.
3. Adopt both the Graffiti Vandalism Management Policy and the Graffiti and Vandalism Reward Scheme Policy (including the amendments)
4. Formally thank those who made submissions and advise them of Council's decision on this matter.

CARRIED: 6/3

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

AGAINST: Edwards, Griffiths and Sheppard

11.11 POLICY REVIEW - ASSET MANAGEMENT POLICY - POST PUBLIC EXHIBITION

RESOLVED: Sheppard/Griffiths

That Council adopt the amended Asset Management Policy.

CARRIED: 9/0

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

AGAINST: Nil

11.12 LEGAL FEES

RESOLVED: Sheppard/Griffiths

That Council note the information in the Legal Fees report.

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

Councillor Maltman left the meeting, the time being 3:02pm.

Councillor Maltman returned to the meeting, the time being 3:05pm.

11.14 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2022

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

RESOLVED: Sheppard/Griffiths

That Council

1. Note the Quarterly Budget Review Statement for the March 2022 Quarter.
2. Note the importance of the TCORP ratios as indicators of Council's long term financial sustainability.
3. Request the Chief Executive Officer include the following in future quarterly budget reports to Council;
 - a. A list of those ratios not meeting benchmarks, including those Quarterly Budget Review Statement ratios deemed 'close to' meeting benchmarks;
 - b. The reasons for these ratios not meeting benchmarks, and;
 - c. A high level summary of the intended actions to bring the ratios to meet benchmarks.

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

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

RESOLVED: Sheppard / Roberts

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.

CARRIED: 9/0

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

AGAINST: Nil

Councillor Sheppard left the meeting, the time being 03:10pm.

11.18 CONTRACTS AWARDED UNDER DELEGATION BY THE CHIEF EXECUTIVE OFFICER

RESOLVED: Griffiths/Roberts

That Council note the information provided in the Contracts Register.

CARRIED: 8/0

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

AGAINST: Nil

Councillor Sheppard returned to the meeting, the time being 03:11pm.

11.21 COMMUNITY ENGAGEMENT POLICY

RESOLVED: Griffiths/Roberts

That Council adopt the Community Engagement Policy.

CARRIED: 8/1

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

AGAINST: Edwards

12.01 PORT MACQUARIE-HASTINGS TREE MANAGEMENT POLICIES AND PROCEDURES

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

RESOLVED: Griffiths/Roberts

That Council:

1. Note a proposed additional budget of \$100,000 has been included the draft 2022-2023 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.
5. Include in report to Council, point 4, consideration of options to reduce risk and provide provisions for residents to prune trees without approval from Council.

CARRIED: 7/2

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

AGAINST: Edwards and Sheppard

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

RESOLVED: Pinson/Lipovac

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.
4. Request the Chief Executive Officer present a further report to the December 2022 Ordinary Council Meeting on the outcomes of the implementation of the Fly Neighbourly Agreement; this being the 6 month mark of the 12 month trial and a further report in June 2023 at the conclusion of the trial for further consideration.

CARRIED: 8/1

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

AGAINST: Griffiths

Councillor Edwards left the meeting, the time being 3:49pm.
Councillor Edwards returned to the meeting, the time being 3:53pm.

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

RESOLVED: Pinson/Roberts

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. Receive from the Chief Executive Officer costings and potential funding for the footpath works as noted in point 1 as part of consideration of the Draft Operational Plan for 2022-2023.
3. Formally thank the residents for raising this safety issue and advise them of Council's decision on this matter.

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

**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**

RESOLVED: Roberts/Maltman

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.

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

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

RESOLVED: Edwards/Roberts

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.

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

15 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Roberts/Griffiths

That Items 11.02, 11.06, 11.09, 11.10, 11.13, 11.15, 11.16, 11.19, 11.20, 14.04 and 14.05 be considered as a block resolution.

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

RESOLVED: Roberts/Griffiths

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

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

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

11.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 7 APRIL TO 4 MAY 2022

BLOCK RESOLVED: Roberts/Griffiths

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

Item 11.03 2022-2023 Councillor and Mayoral Fees, has been addressed previously within the meeting.

Item 11.04 Australian Governance Summit 2022 - Councillor Report, has been addressed previously within the meeting.

Item 11.05 Policy Review - Councillor and Staff Interaction Policy - Following Exhibition, has been addressed previously within the meeting.

11.06 POLICY REVIEW - PROVIDING FUNDING AND SUPPORT TO THE COMMUNITY POLICY

BLOCK RESOLVED: Roberts/Griffiths

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

Item 11.07 Policy Review - Social Impact Assessment Policy, has been addressed previously within the meeting.

Item 11.08 Policy Review - Graffiti Vandalism Management Policy and Graffiti and Vandalism Reward Scheme Policy, has been addressed previously within the meeting.

11.09 POLICY REVIEW - CONTAMINATED LAND

BLOCK RESOLVED: Roberts/Griffiths

That Council adopt the Draft Contaminated Land Policy.

11.10 POLICY REVIEW - ROAD RESERVE MANAGEMENT

BLOCK RESOLVED: Roberts/Griffiths

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.

Item 11.11 Policy Review - Asset Management Policy - Post Public Exhibition, has been addressed previously within the meeting.

Item 11.12 Legal Fees, has been addressed previously within the meeting.

11.13 MONTHLY BUDGET REVIEW - APRIL 2022

BLOCK RESOLVED: Roberts/Griffiths

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.

Item 11.14 Quarterly Budget Review Statement - March 2022, has been addressed previously within the meeting.

11.15 2021-2022 OPERATIONAL PLAN - QUARTERLY PROGRESS REPORT AS AT 31 MARCH 2022

BLOCK RESOLVED: Roberts/Griffiths

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

11.16 INVESTMENTS - APRIL 2022

BLOCK RESOLVED: Roberts/Griffiths

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

Item 11.17 Payment of Water Fund and Sewer Fund Dividend for the Year 2020-2021, has been addressed previously within the meeting.

Item 11.18 Contracts Awarded under Delegation by the Chief Executive Officer, has been addressed previously within the meeting.

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

BLOCK RESOLVED: Roberts/Griffiths

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.
-

11.20 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

BLOCK RESOLVED: Roberts/Griffiths

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.

Item 11.21 Community Engagement Policy, has been addressed previously within the meeting.

Item 12.01 Port Macquarie-Hastings Tree Management Policies and Procedures, has been addressed previously within the meeting.

Item 13.01 Port Macquarie Airport - Pilot Training and Aircraft Noise - Draft Fly Neighbourly Agreement, has been addressed previously within the meeting.

Item 14.01 Petition - Safety Concerns with Footpath on the Western End of Garden Crescent, Port Macquarie, has been addressed previously within the meeting.

Item 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, has been addressed previously within the meeting.

Item 14.03 Developments, Public Place and Events Waste Minimisation and Management Policy - outcomes of engagement, has been addressed previously within the meeting.

14.04 DRAFT MR538 AND MR600 CORRIDOR STRATEGY

BLOCK RESOLVED: Roberts/Griffiths

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.
-

14.05 RAWDON ISLAND BRIDGE UPDATE

BLOCK RESOLVED: Roberts/Griffiths

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.
-

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

CONFIDENTIAL SESSION

RESOLVED: Roberts/Maltman

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 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.

Item 16.03 T-22-14 Port Macquarie Airport Parallel Taxiway Stage 1 Major Civil Contractor Package

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

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

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

16.01 POTENTIAL PURCHASE OF LAND

MOTION

MOVED: Roberts/Pinson

That Council:

1. Delegate authority to the Chief Executive Officer and the Mayor to enter into negotiations regarding the possible purchase of the subject land.
2. Request the Chief Executive Officer provide a report to the next available Council Meeting on the particulars of the negotiations and any other relevant information relating to the purchase of the land for the further consideration of Council.
3. Maintain the confidentiality of the documents and considerations with regard to this matter.

AMENDMENT

Moved: Sheppard/Lipovac

That Council:

1. Delegate authority to the Chief Executive Officer and the Mayor to enter into discussions regarding the possible future uses of the subject land that is compatible with the relevant safety, zoning and consideration to costs to Council.

-
2. Request the Chief Executive Officer provide a report to the next available Council Meeting on the particulars of the discussions and any other relevant information relating to the future uses of this land for the further consideration of Council.
 3. Maintain the confidentiality of the documents and considerations with regard to this matter.

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 WAS LOST

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

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Roberts/Pinson

That Council:

1. Delegate authority to the Chief Executive Officer and the Mayor to enter into negotiations regarding the possible purchase of the subject land.
2. Request the Chief Executive Officer provide a report to the next available Council Meeting on the particulars of the negotiations and any other relevant information relating to the purchase of the land for the further consideration of Council.
3. Maintain the confidentiality of the documents and considerations with regard to this matter.

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

16.02 CONTRACT MATTER

MOVED: Roberts/Maltman

That Council:

1. Reaffirm its support for the final year of the 2019-2023 tripartite hosting Agreement with Destination NSW and IRONMAN Oceania for the IRONMAN Australia and IRONMAN 70.3 events.
2. Note that Council's preferred bike course route is to the North of Port Macquarie.
3. Maintain the confidentiality of the documents and considerations with regard to the matter.

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

**16.03 T-22-14 PORT MACQUARIE AIRPORT PARALLEL
TAXIWAY STAGE 1 MAJOR CIVIL CONTRACTOR
PACKAGE**

MOVED: Intemann / Roberts

That Council:

1. In accordance with Section 178(1) of the Local Government (General) Regulation 2021, accept the Tender from Airport Consultancy Group Construction and Building Heights Pty Ltd - Joint Venture for the Lump Sum of \$5,311,406.00 (exclusive of GST) and the tendered Schedule of Rates for T-22-14 Port Macquarie Airport Parallel Taxiway Stage 1 Major Civil Contractor Package.
2. Note the expected total cost of the project and endorse the forecast 2022-2023 project budget as described in the Financial & Economic Implications section of this report.
3. Note that the Chief Executive Officer, under existing delegation to the General Manager, will execute the necessary contract documents.
4. Maintain confidentiality of the documents relating to the Request for Tender T-22-14.

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

MOVED: Roberts/Pinson

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

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

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

The meeting closed at 5:20pm.

.....
Peta Pinson
Mayor

Item: 06
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

Managing non-pecuniary conflicts of interest

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

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

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

Councillor's Signature: **Date:**

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

Last Updated: 3 June 2019

Important Information

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

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

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

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

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

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

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

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

Item: 08**Subject: CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL
MEETING****Presented by: Chief Executive Officer, Dr Clare Allen**

Alignment with Delivery Program

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

RECOMMENDATION

That Council determine that the attachment to Item Numbers 12.04 and 12.05 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: 12.04
Subject: T-22-12 Bain Park Master Plan - Detailed Design - Implementation Stages 1 And 2
Attachment Description: CONFIDENTIAL - T-22-12 Bain Park Evaluation Report
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: 12.05
Subject: T-22-23 Port Macquarie Hastings Blueprint
Attachment Description: CONFIDENTIAL - T-22-23 Port Macquarie Hastings Blueprint 2022
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)).
Attachment Description: CONFIDENTIAL - T-22-23 RFP Evaluation Report
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.portmacquariehastings.nsw.gov.au)

Information for Speakers

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

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 \(nsw.gov.au\)](https://www.portmacquariehastingscouncil.nsw.gov.au)

Information for Speakers

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

1 Leadership and Governance

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

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
Policy Review - Management of Public Spaces	21/04/2022 Item 12.04		GMC		Jun-22
Policy Review - Customer Complaint Policy - post public exhibition	17/03/2022 Item 11.04		CEO		Jun-22
Policy Review - Cemeteries Policy - post public exhibition	17/03/2022 Item 11.05		CEO		Jun-22
Port Macquarie Works Depot	21/04/2022 Item 13.01		CEO	May-22	Jun-22
Policy Review - Bushfire Risk Mitigation on Public Land - post public exhibition	17/03/2022 Item 11.07		DCPE	May-22	Jun-22
Draft Community Inclusion Plan	21/04/2022 Item 12.03		GMC		Jun-22
Illaroo Road Stormwater Redirection Project Community Engagement	28/04/2022 Item 09.01	This item has been addressed in the item titled "Lake Cathie Natural Resource	DCPE		Jun-22

		Management Monthly update" in the June 2022 Council Meeting agenda			
Procurement process - Port Macquarie Hastings Blueprint - Determine outcome	21/04/2022 Item 11.11		CEO		Jun-22
Koala Recovery Action Plan - draft	17/03/2022 Item 14.05		DCPE		Jun-22
Policy Review - Footpaths and Walkways in Public Road Reserves - post public exhibition	17/03/2022 Item 11.06		DCI		Jun-22
Draft Delivery Program 2022-2026, Draft Resourcing Strategy, Draft Operational Plan and Budget 2022-2023	28/04/2022 Item 06.02		DBP		23/06/2022 (Extraordinary)
Code of Meeting Practice	21/04/2022 Item 11.05	Public submissions closed 7 June 2022	GMG	Jun-22	23/06/2022 (Extraordinary)
Rawdon Island Bridge - Milestone Events	16/02/2022 Item 12.07	Incomplete for June meeting	DCI	Jun-22	Jul-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	Jul-22
General Fund Operating Result Improvement Plan Report	28/04/2022 Item 6.02		DBP		Jul-22

Bonny Hills Reserves Draft Master Plan - post exhibition	09/12/2020 Item 11.02	Community consultation is being finalised in June for a report back to the July Council meeting	DCPE	Apr-21 May-21 Jun-21 Jul-21 Sep-21 Mar-22 Jun-22	Jul-22
Dunbogan Beach Recreational Enhancement Options	21/04/2022 Item 12.05		GMC		Jul-22
Graffiti - Update Report	25/01/2022 Item 06.01		DCPE		Jul-22
Policy Review - Volunteer Policy	21/04/2022 Item 11.09	Draft policy on exhibition for reporting back to Council following community engagement	DCPE		Jul-22
Prioritisation of Sporting Infrastructure Projects	17/03/2022 Item 12.01	Councillor workshop scheduled for June	DCPE	Apr-22 Jun-22	Jul-22
Policy Review - Media Relations policy	21/04/2022 Item 11.10		CEO		Jul-22
Draft Joint Integrated Transport Network Plan	17/03/2022 Item 14.01	Commenced the draft plan and working with TfNSW to finalise draft plan including highway corridor and related Council projects.	DCI	May-22	Jul-22
Dunbogan Beach Recreational Enhancement Options	21/04/2022 Item 12.05		DCPE		Jul-22
Policy Review - Road Reserve Management	19/05/2022 Item 11.10		DCI		Aug-22
Potential Purchase of Land - Following negotiations	19/05/2022 Item 16.01		CEO		Aug-22
Lake Cathie - Pathway to Permanently Open	16/02/2022 Item 07.02		DCPE		Aug-22

Council owned lots at North Shore - Progress of Sale	19/09/18 Item 09.24)	Council is currently in the process of obtaining DA's for the individual lots, prior to sale - this will provide assurance to future purchasers that the lots can be built on. Subject to strategic property portfolio review to be undertaken in 2022.	DBP	Dec-19 Feb-20 Sep-20 Mar-21 Apr-21 Jun-21 Sep-21 Feb-22	Aug-22
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	The NSW Government's exhibition period will run for 6 weeks from 27 May 2022 to 8 July 2022. Following exhibition, it is anticipated that this will be reported back to Council in Aug/Sept-22.	DCPE		Aug-Sept 22
Bain Park Masterplan - Stages 1 and 2-amendments	07/03/2022 Item 07.01	Final design anticipated for report to Council in Aug/Sep-22	DCPE		Aug-Sept 22
Port Macquarie Aquatic Facility - Business Case	21/04/2022 Item 14.05	Business case development is underway	DCPE	Jun-22	Aug-Sept 22
Port Macquarie-Hastings Tree Management Policies And Procedures - Budget required to fast	19/05/2022 Item 12.01	A thorough review of tree management process and procedures required as detailed in	DPCE	Jun-22	Sep-22

track backlog - Process improvements - Options to reduce risk and provide for residents to prune trees without Council approval		2022-2023 Operational Plan			
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	Sep-22
Draft Port Macquarie-Hastings Local Housing Strategy 2021-2041 - post exhibition	19/05/2021 Item 12.06	Workshop with Councillors to be scheduled for July with industry forum to follow.	DCPE	Oct-21 Mar-22 Jun-22	Sep-22
Coastal Protection Options - Illaroo Road, Lake Cathie	21/04/2021 Item 13.06	Community workshops underway. Updates provided via monthly report on Lake Cathie coastal hazard options, stormwater and CMP	DCPE	Jun-21 Sep-21 Feb-22 Mar-22 Jun-22	Sep-22
Outcome of Micromex Community Satisfaction Survey	19/05/2022 Item 7.01		DCPE		Sep-22
Policy Review - Climate Change Response Policy - post public exhibition	19/5/2022 Item 7.01	Deferred until September 2022 in conjunction with Community Satisfaction Survey	DCPE	May-22	Sep-22
Town Centre Master Plan - Finding of Independent Review	16/02/2022 Item 12.03		DBP		Oct-22
Implementation of Fly Neighbourly	19/05/2022 Item 13.01		DBP		Dec-22

Agreement - 6 month Update					
Sale of Surplus Land- 178 Nancy Bird Walton Drive, Kew	16/02/2022 Item 09.23		DBP		Dec-22
Draft s9.11 Airport Business Park Roads Contribution Plan	20/05/2020 Item 13.05	To be considered as part of wider development contribution framework review	DCPE	Dec-20 Jun-21 Oct-21 Jun-22	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	Gateway process commenced 16 May-22. Gateway determination provides for a 10 month timeframe for completion.	DCPE		Dec-22
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
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/18 Item 14.05	To be incorporated in strategic property portfolio review to be undertaken in 2022/2023	DBP	Mar-20 Nov-20 Mar-21 Apr-21 Jun-21 Sep-21 Feb-22 Jun-22	Jun-23
Implementation of Fly Neighbourly Agreement - 12 month Update	19/05/2022 Item 13.01		DBP		Jun-23

Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.	10/08/16 Item 12.01		DCPE		2024 (estimate)
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
Lots 101 and 102 DP 1244390 Pacific Drive, Port Macquarie - options for operational land	07/03/2022 Item 10.01		DBP		TBA
T-21-03 Design and Construct of Six Sewer Pump Stations - post contact award	17/03/2022 Item 16.01		DCI		TBA
Draft MR538 and MR600 Corridor Strategy - Following public exhibition	19/05/2022 Item 14.04		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		Current resourcing levels have prevented this report from being prepared

					for the June 2022 meeting. It will be presented to July 2022
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 - 5 MAY TO 1 JUNE 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 5 May to 1 June 2022 inclusive.

Executive Summary

To advise of the Mayoral Discretionary Fund allocations for the period 5 May to 1 June 2022 inclusive.

Discussion

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

Donation to PMQ Croquet Club	\$150.00
Donation of Glasshouse Vouchers to Bravehearts MNC Fundraiser	\$200.00
Donation to Rotary Club of PMQ Sunrise Big Dig Fundraiser	\$500.00
Total allocation	\$850.00

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 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE****Presented by: Chief Executive Officer, Dr Clare Allen**

Alignment with Delivery Program

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

RECOMMENDATION**That Council:**

- 1. Determine who will attend the 2022 Local Government NSW Annual Conference to be held at the Crowne Plaza Hunter Valley from 23 to 25 October 2022.**
- 2. Determine who will be Council's voting delegates on motions at the Conference (maximum of four voting delegates).**
- 3. Note that the Chief Executive Officer will also attend the Conference.**

Executive Summary

The 2022 Local Government NSW Annual Conference will be held at the Crowne Plaza, Hunter Valley from 23 to 25 October 2022.

Council is entitled to four (4) voting delegates at the Conference.

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

Discussion

The Local Government NSW Annual Conference is the signature event of the year for all NSW Councils and provides a forum in which to debate important issues pertinent to our local communities. It also provides the opportunity to hear from State and Federal Government leaders, business representatives, community groups and academics.

As per Council's "Payment of Expenses and Provision of Facilities to Councillors" Policy, a Councillor may nominate or be nominated to attend conferences, seminars, or similar functions.

Voting Delegate Entitlements

Local Government NSW has confirmed that, as in previous years, Council will be entitled to four (4) voting delegates at the Conference.

Reporting Requirements for Conferences

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

Options

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

Internal Consultation

- Chief Executive Officer
- Group Manager Governance

Planning & Policy Implications

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

Financial & Economic Implications

The 2022-2023 budget contains an allocation for expenses pertaining to conferences and out-of-pocket expenses for the Mayor and Councillors. The attendance by the Mayor and Councillors at the Conference can be funded from within the existing budget allocation.

Registrations open on 4 July 2022 with early bird discounted registration rates available until 17 August 2022.

The estimated cost to attend the Conference is unknown at this time, but costs will include Conference registrations/workshops/conference dinner and accommodation for those attending. In addition to the above, there will be costs associated with travel and any out-of-pocket expenses as allowed for under the Policy and these will be at the expense of Council.

Attachments

Nil

Item: 11.04

**Subject: REQUEST TO ATTEND AUSTRALIAN LOCAL GOVERNMENT
ASSOCIATION NATIONAL GENERAL ASSEMBLY 2022 - JUNE
2022 - COUNCILLOR LAUREN EDWARDS**

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

RECOMMENDATION

That Council:

- 1. Approve the attendance of Councillor Lauren Edwards at the Australian Local Government Association National General Assembly 2022 to be attended virtually from 19 to 22 June 2022.**
- 2. Authorise Councillor Edwards to be Council's voting delegate at the Australian Local Government Association National General Assembly 2022.**

Executive Summary

The Australian Local Government Association National General Assembly 2022 will be held from 19 to 22 June 2022.

Councillor Lauren Edwards has expressed an interest in attending the assembly virtually as part of her professional development.

As per Council's "Payment of Expenses and Provision of Facilities to Councillors Policy", a Council resolution is required for Councillor attendance at conferences.

Discussion

The theme of this year's Australian Local Government Association National General Assembly 2022– Partners in Progress – reflects the important role Councils play in building a stronger, more inclusive, and more sustainable Australia – and our willingness to work with other governments to get the job done. The assembly will provide a forum to network and hear expert insights into the critical issues facing councils in the current environment and will feature sessions on:

- Thinking Differently for a New Future of Local Government in Australia
- Economic Recovery
- Building Stronger Communities
- Global Democracy
- Workforce Skills and Housing
- Strategic Community Leadership

- Disaster Management and Recovery
- Climate Change
- The New Political Landscape
- Local Government - A Global View
- Future of Local Government
- Regional Tourism Post-Pandemic
- Leadership During an Uncertain Climate
- Regional Leadership
- Increasing Our Resilience to Fires and Floods
- Regional Housing and Population Challenges

Council has confirmed with the event organisers that each Council is entitled to one vote when voting on motions. As Councillor Edwards is the only Councillor to express an interest in attending this conference, it is recommended that Councillor Edwards be authorised as Council's voting delegate at the Australian Local Government Association National General Assembly 2022.

Options

Council has the option of approving or declining the attendance of Councillor Edwards at the Australian Local Government Association National General Assembly 2022.

Community Engagement & Internal Consultation

Internal consultation has occurred with:

- Chief Executive Officer
- Councillor Edwards

Planning & Policy Implications

This report satisfies the requirements of Council's Payment of Expenses and Provision of Facilities to Councillors Policy. Under this policy Councillor Edwards will be required to report back to Council with the outcomes of the Assembly.

Financial & Economic Implications

The 2021-2022 budget contains an allocation for expenses relating to conferences and out of pocket expenses for Councillors. The attendance of Councillor Edwards at the Assembly can be funded from within this budget allocation.

As attendance will be virtual, there will be no additional costs for accommodation or travel.

Attachments

Nil

Item: 11.05

**Subject: POLICY REVIEW - CUSTOMER COMPLAINT POLICY - POST
PUBLIC 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 draft Customer Complaints Policy

Executive Summary

Council's current Complaint Policy was adopted in 2020.

Whilst the current policy conforms with the NSW Ombudsman's model complaint policy for local government, the policy was reviewed, updated and at its meeting in March 2022 Council resolved to place the revised draft Complaints Policy on public exhibition for a period of 28 days.

No submissions were received from the public

Discussion

A customer complaint is the communication (orally or in writing) of dissatisfaction with a decision, policy, procedure, charge, employee, agent or the quality of the service provided, which may include a delay in taking action, making a decision or providing a service.

A customer request is a request for action or provision of a service or product; reports of infrastructure faults or requests for maintenance of infrastructure.

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

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

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

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

The Customer Complaints Policy has been reviewed to:

- specify how customer complaints and requests are managed
- detail how complaints are assessed, investigated and resolved
- facilitate clearer accountability by specifying roles and responsibilities, incorporating a flowchart and specifying reporting requirements
- strengthen our capability to capture, report, investigate, resolve and review customer complaints.

Options

Council has the option to not adopt the draft revised draft Customer Complaints Policy noting the existing policy will remain current.

Community Engagement and Internal Consultation

Customers have provided input, feedback and testing of our related online forms and their experience as complainants as informed the drafting of the policy.

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

Internal Consultation

- Chief Executive Officer and Directors
- Group Manager Governance
- Group Manager People and Culture



Planning and Policy Implications

Upon adoption of this policy, it will become Council's policy with the previous version being superseded.

Financial and Economic Implications

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

Attachments

1.  Draft Customer Complaint Policy
2.  Complaint handling flowchart

Item: 11.06

**Subject: POLICY REVIEW - CEMETERIES POLICY - POST PUBLIC
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 draft Cemeteries Policy.

Executive Summary

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

This policy has been publicly exhibited and amendments made as a result.

Discussion

Council is responsible for the management and administration of eleven cemeteries, of which the following remain open for reservations:

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

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

- Port Macquarie General Cemetery
- Cross Roads Cemetery
- Ellenborough Cemetery
- Telegraph Point Cemetery
- Beechwood Cemetery
- Herons Creek (monumental area)

In the first year of operation since the sale of Innes Garden in July 2020, our customer service team arranged 82 burials, 14 ash placements and processed 32 reservations. These numbers have been trending upwards in the past twelve months.

The new draft policy:

- removes the operational and procedural detail contained in the current policy;
- reflects the requirements of the Cemeteries and Crematoria Act 2013;
- establishes a framework for a review of our processes, procedures and resourcing.

During the policy development and subsequent exhibition period, feedback was sought from Cemeteries and Crematoria NSW, local Funeral Directors. One submission was received from a member of the public, who asked questions outside the scope of the policy but pertinent to the operations of local Cemeteries which are covered more broadly under the Act.

The revised Cemeteries and Crematoria Act 2013 has introduced a number of reforms for the operations of cemeteries in NSW, primarily as a response to a diminishing supply of burial space in metropolitan areas. It also now provides a consistent regulatory framework across Crown, private and local government owned and operated cemeteries.

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

Interment rights grant exclusive entitlement to holder. Two types of interment rights may now be granted by cemetery operators:

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

Our draft policy responds to this discretion and complies with the new legislative requirements by making clear that interment rights are issued in perpetuity, and whilst not renewable, may be transferable.

This position will be reviewed with the next review of the policy in 2026. Our focus for the next 3 years is to introduce more rigour into our administration and record keeping, and plan for future growth to meet demand at Wauchope.

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

Options

Council has the option to make changes to this policy prior to resolving to adopt it.
Council

Community Engagement and Internal Consultation

This draft policy was placed on public exhibition with 1 submission received from the public. This submission asked questions outside the scope of the policy but pertinent to the operations of local Cemeteries which are covered more broadly under the Act.

Planning and Policy Implications

Upon adoption of this policy, it will become Council's policy with the previous version being superseded.

Financial and Economic Implications

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

Attachments

1.  Draft Cemetery Policy

Item: 11.07

Subject: POLICY REVIEW - BUSHFIRE RISK MITIGATION - POST PUBLIC EXHIBITION

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 Bushfire Risk Mitigation on Public Land Policy as amended.

Executive Summary

The Bushfire Risk Mitigation on Public Land Policy 2011 was reviewed and a draft version presented to Council at the Ordinary Council Meeting held on 17 March 2022. Council resolved to place the draft Bushfire Mitigation on Public Land Policy on public exhibition.

The Policy was subsequently placed on public exhibition from 21 March 2022 to 20 April 2022. During the exhibition period, one submission was received which did not result in any further amendments to the draft Policy. There has however been a couple of minor updates to legislation made to the draft Policy following exhibition. The Policy (Attachment 1) is now recommended for adoption.

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 Bushfire Risk Mitigation on Public Land Policy.*
2. *Note that a further report will be tabled at the May 2022 meeting of Council, detailing the submissions received from the public during the exhibition period.*

This Policy ensures clear guidelines for assessment and mitigation of bushfire risk on public land whilst preserving the Local Government Area's (LGA) natural amenity and environmental values.

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

- Relevant legislation has been updated to reference current versions with repealed versions removed.

Initial Draft - 17 March 2022	Current Draft - 16 June 2022
Rural Fires Regulation 2008	Rural Fires Regulation 2022
Crown Lands Act 1989	Crown Lands Management Act 2016
State Environmental Planning Policies	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021

Options

Council has the option to amend or not to amend the Bushfire Mitigation on Public Land Policy identified within this report.

Community Engagement and Internal Consultation

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

There were a total of 18 visits to Council's engagement website page during the exhibition period. Four documents were downloaded or viewed. One submission was received via online submission which did not result in any changes to the Draft Policy. The submission is detailed in the below table, including responses to issues raised.

Additional internal consultation identified changes to the legislation as outlined above.

Submission		Response as submitted
1.	Graeme Roberts	<p><i>It would have been appropriate to make the Bush Fire Risk Management Plan available as part of this review process.</i></p> <p><i>My experience in living next to a Council reserve for 30 years is the continual reduction in vegetation maintenance levels by Council increase the fire risk to adjacent properties.</i></p> <p><i>Residents have been forced to undertake maintenance themselves to reduce fire risk and maintain public amenity.</i></p> <p><i>The fact the Council classifies these reserves as "unmaintained" means they are treated as a greater risk when undertaking BAL rating assessments for new building works. The resulting higher BAL rating requirements imposes greater construction & economic costs upon residents that is not accounted for in any Council policies.</i></p>
	Response/ Comment:	<p>The Midcoast Bushfire Risk Management Plan 2019 is available on Council's website. It is noted that it could have been included on the policy exhibition link.</p> <p>Council is investigating avenues that may allow residents to maintain the approved Asset Protection Zone width themselves where Council's program does not meet their expectations.</p> <p>Whether a property is Bushfire prone is a restriction that property owners are made aware of prior to purchase on the planning certificate or with the development consent for their property.</p>

Planning and Policy Implications

This report recommends adoption of the amendment of the Bushfire Risk Mitigation Policy.

Financial and Economic Implications

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

Attachments

1.  Draft Policy - Bushfire Mitigation on Public Land

Item: 11.08

Subject: POLICY REVIEW - COMPLIANCE AND ENFORCEMENT 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. Publicly exhibit the revised draft Enforcement Policy 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.**

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 Compliance and Enforcement Policy, previously titled the Regulatory Enforcement Policy has been reviewed for consideration by Council. The revised draft Policy has been developed based on both the previous Policy and the NSW Ombudsman Model Compliance and Enforcement Policy for Councils.

The draft Policy outlines how Council will respond to, investigate and enforce matters of alleged unlawful activity for which Council is the regulatory authority. In particular, maintaining effective communication with customers and carrying out the quickest and most informal enforcement option with the aim of achieving compliance with the most effective use of Council resources.

Discussion

The previous Regulatory Enforcement Policy, adopted in 2017 (Attachment 1), has been reviewed with significant changes proposed to bring the Policy up to date with contemporary Local Government compliance and enforcement practices. The draft Policy (Attachment 2) is now more closely aligned with the NSW Ombudsman Model Compliance and Enforcement Policy. However, the main aims and intent of the Policy do not differ greatly from the previous policy.

The draft Policy outlines the guiding principles for dealing with compliance issues. It also provides a framework for how Council will respond to and investigate reports of

unlawful activity, and the enforcement options that will be considered to achieve the aims of:

- prevent or minimise harm to health, welfare, safety, property and the environment;
- manage risks;
- meet the expectations of the community;
- reduce incidents of non-compliance by educating the community of their legal obligations and how to comply;
- efficiently allocate Council resources.

The draft Policy outlines an approach that places an emphasis on strong communication with our customers and an approach that achieves compliance in the quickest and most informal manner possible, considering the individual circumstances of each matter investigated. Wherever possible Council officers will work with the customer to resolve matters, achieve voluntary compliance and educate the community to prevent further breaches occurring.

Options

Council has the option to not adopt the draft Compliance and Enforcement Policy for public exhibition.

Community Engagement and Internal Consultation

Community Engagement

The draft Policy is proposed to be placed on public exhibition for a period of not less than 28 days.

Internal Consultation

The draft Policy was distributed for comment to the following staff, many of who are authorised officers and feedback has been incorporated where relevant:

- Director Community, Planning and Environment
- Group Manager Customer Experience and Communications
- Group Manager Development Assessment
- Governance and Legal Officer
- Environment and Regulatory Services Group
- Development Assessment Planning Coordinator
- Building Certification Coordinator
- Senior Arborist
- Trade Waste Inspector

Planning and Policy Implications

This Policy is proposed to replace the current Regulatory Enforcement Policy

Financial and Economic Implications

The Policy places an emphasis on taking action that is the quickest and most informal possible which will make the most efficient use of Council's resources.

Attachments

1.  Regulatory Enforcement Policy - Adopted 16 August 2017
2.  Draft Compliance and Enforcement Policy

Item: 11.09

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

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 adopt the Draft Footpaths and Walkways in Public Road Reserves Policy.

Executive Summary

At the ordinary Council meeting held on 17 March 2022, Council resolved to place the Footpaths and Walkways in Public Road Reserves Policy on public exhibition.

The policy was subsequently placed on exhibition from 24 March 2022 to 21 April 2022 (28 days). During the exhibition period, four submissions, and one informal submission was received via email on the draft policy. Based on the submissions no material changes were proposed to the draft policy.

This report is provided to summarise the feedback received and recommend the draft policy for adoption.

Discussion

At the ordinary Council meeting held on 17 March 2022, Council resolved to:

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

This policy was previously known as the Footpaving of Roads Policy and was developed to outline Council's objective to plan for the provision of footpaths to enable pedestrian mobility by developing safe, accessible and sustainable local transport options linking key destinations. The current policy outlines how Council will undertake this in accordance with our approved strategies, plans and available resources. It does not identify specific actions regarding maintenance or development of our footpath network and is limited in scope to footpaths and walkways in road reserves and not the wider path network such as in our parks and

reserves.

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

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

Public Exhibition

Following the resolution of Council at the 17 March 2022 Ordinary Council Meeting, the draft policy was placed on exhibition for 28 days on its Have Your Say (HYS) webpage. Council received four submissions via the HYS page, and one informal submission via email.

The comments received generally related to other plans, strategies or design standards of Council, and not the Policy itself. Comments were general in nature or related to specific locations and project suggestions. Submissions that were specific in nature will be responded to by Council's standard Customer Request Management (CRM) procedures and weren't considered appropriate to address through this Policy.

A minor change was made to add an additional reference to the PMHC Bike Plan.

Options

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

Community Engagement and Internal Consultation

The draft Footpaths and Walkways in Public Road Reserves Policy (Attachment 1) was placed on public exhibition from 24 March 2022 to 21 April 2022 (28 days).

A summary of submissions is provided in Attachment 2.



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 - Policy - Footpaths and Walkways in Public Road Reserves - Post Exhibition
2.  Summary of Submissions Received - Draft Policy

Item: 11.10

**Subject: POLICY REVIEW - ASSET CAPITALISATION AND DISPOSAL
(EXCLUDING LAND) POLICY**

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:

- 1. Note the separate Asset Capitalisation and Disposal Policies have been reviewed and combined into one new policy.**
- 2. Note that the draft Asset Capitalisation and Disposal (Excluding Land) Policy will be placed on public exhibition, for a period of not less than 28 days.**
- 3. Place on public exhibition, for a period of not less than 28 days, the intent to rescind the current Council adopted Asset Disposal Policy noting it is proposed to combine it with the updated Asset Capitalisation Policy.**
- 4. Note the Policy excludes the disposal of Council owned land, which will be covered in a separate policy.**
- 5. Note that the implementation of the draft Asset Capitalisation and Disposal (Excluding Land) Policy is operational in nature and will be approved by management.**
- 6. Request the Chief Executive Officer present a report to Council with the outcome of the public exhibition period with regard to proposed rescinding of the Asset Disposal Policy for the consideration of Council.**

Executive Summary

The Asset Disposal Policy was last reviewed in 2013 and the Asset Capitalisation Policy was last reviewed in 2015.

Both Policies have been reviewed and with major updates are being combined into the one policy to cover the full life-cycle management of asset and associated financial governance.

As the Policy covers the operational governance of asset expenditure and disposals it is intended that the Policy be approved by the Executive Group.

The existing Asset Disposal Policy is included as attachment 1, the existing Asset Capitalisation Policy is included as attachment 2 and the new Draft Asset Capitalisation and Disposal (Excluding Land) Policy is included as attachment 3. For completeness the Draft Asset Capitalisation and Disposal (Excluding Land) Procedure is included as attachment 4.

Discussion

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

Ongoing financial governance and management of the Community's assets and associated expenditure is a fundamental of Council's activities, and in response to this ongoing requirement, both the Asset Capitalisation Policy and Asset Disposal Policy have been reviewed. For operational efficiencies and to streamline policies it is proposed to combined both updated policies into one Executive Group approved operational policy.

It is to be noted that the policy does not cover the disposal of Council owned land, this will be covered by a separate standalone policy being developed.

Options

Council has the option to resolve as recommended or request further information on the Draft Asset Capitalisation and Disposal (Excluding Land) Policy prior to public exhibition.

Community Engagement and Internal Consultation

Internal consultation has been undertaken with the following staff:

- Executive Leadership and Senior Leadership Teams
- Strategic Projects Manager
- Asset Officers and Finance Staff

Planning and Policy Implications

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

Once approved the new policy will be an internal operational policy.

Financial and Economic Implications

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

Attachments

1.  Policy - Asset Disposal - adopted 2013 02 20
2.  Internal Policy - Asset Capitalisation - adopted Executive Group out-of-session 2015 12 07
3.  Final Draft - Policy - Asset Capitalisation and Disposal (Excluding Land) 2022
4.  Final Draft - Procedure - Asset Capitalisation and Disposal (Excluding Land) 2022

Item: 11.11

Subject: RESCISSION MOTION - COMMUNITY STRATEGIC PLAN
IMAGINE2050

Councillors Edwards, Sheppard and Lipovac have given notice of their intention to move the following motion:

RECOMMENDATION

That the undermentioned motion adopted at the Extraordinary Council meeting held on 28 April 2022:

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'.**

be rescinded.

Should the rescission motion be successful, it is the Councillors' intention to move the following motion:

That Council adopt the staff recommendation originally proposed for item 6.01 of the 28 April 2022 Extraordinary meeting:

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 as attached to the report regarding item 6.01 titled Draft Community Strategic Plan considered at the 28 April 2022 Extraordinary Council Meeting.
7. Request the Chief Executive Officer to place on public exhibition for 28 days a proposal to "replace reference to 'Climate Change' with 'Sustainable Resource Management'" within Council's Community Strategic Plan Imagine2050 and determine community support for this proposal.
8. Request that a report detailing the submissions received during the public exhibition period be presented to the August 2022 Ordinary Meeting of Council for the consideration of Council.

Comments by Councillors (if provided)

The goal of rescinding item 6.01 of the April 2022 Extraordinary Council Meeting is to return to proper process for our Port Macquarie Hastings Community.

In Item 6.01 of the 28th April 2022 Extraordinary Council Meeting, staff recommended the adoption of the draft Community Strategic Plan, which had been designed in consultation and collaboration with the community since 2019. Instead, Council amended the CSP on the floor of Council, without any notice to community: the amendment was to remove all references to climate change and replace them with 'sustainable resource management', a relatively outdated and complex field.

To quote key parts of the executive summary of the Imagine2050 Community Strategic Plan: "Imagine2050 is one of the most important planning documents for the Port Macquarie-Hastings region. It sets the direction for how our community, Council and other levels of government may work together to make the vision a reality" and "Imagine2050 is the culmination of an extensive community engagement program, which sought to understand our community's priorities and aspirations for the future, through a range of different activities and opportunities over a 15-month period between 2019 and 2021".

To quote the results summary/conclusion of the engagements undertaken in forming the Imagine2050 Community Strategic Plan: "Priority areas that the community would like to see Council take action in the next four years is more shared path for walking and cycling, improve our road networks and traffic congestion, improve major infrastructure, address climate change and disaster mitigation and protect the natural environment".

No feedback received from the community whilst the Community Strategic Plan was on exhibition conveyed a want to remove or replace the reference to climate change from the document. In fact, in a summary of submissions received, Climate Change/Sustainability was second out of the top two issues mentioned 24 times by the community, the other being Road Network/Traffic Congestion which was mentioned 28 times. Likewise on action projects, the top two areas our community feedback spoke of were Road Network/Traffic Congestion 14 times and Climate

Change/Sustainability 10 times. This is significant and any removal of reference to Climate Change must first consult with the community before the change is made.

I remind my fellow councillors that our community also let us know, loud and clear, through their vision for our community's future that they want greater trust between Council and the community so if we are truly listening to the CSP theme on being authentic, then I urge you to support this rescission motion to show the community that we do value their words and will follow proper process.

The CSP is the Community vision which is intended to be the foundation for the next ten years of decision-making, strategy and planning for our community. Removing the words climate change from the CSP amounted to removing the community's own words, without consultation. The fundamental goal of this rescission motion is to return to sound process, by consulting with our community before altering their words in a fundamental planning document that is acknowledged as being their community vision, not the vision of nine Councillors.

Attachments

Nil

Item: 11.12

Subject: COMMUNITY INCLUSION PLAN - POST PUBLIC EXHIBITION

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

2.2.1 Support and advocate for all community sectors.

RECOMMENDATION

That Council:

- 1. Adopt the Community Inclusion Plan 2022 - 2025.**
- 2. Acknowledge the residents who took time to submit their feedback in relation to the draft Community Inclusion Plan and advise them of the outcome of Council's determination.**

Executive Summary

At the Ordinary Council Meeting held on 21 April 2022, Council resolved to place the Draft Community Inclusion Plan on public exhibition.

The plan was subsequently placed on public exhibition from 28 April 2022 to 27 May 2022. During the exhibition period, 12 submissions were received on the Plan. The Public Exhibition Report is provided attached (Attachment 2).

This report recommends that the Community Inclusion Plan 2022 - 2025 (Attachment 1) be adopted.

Discussion

At the Ordinary Council meeting held on 21 April 2022, Council resolved as follows:

That Council:

- 1. Place on public exhibition, for a period of not less than 28 days, the draft Community Inclusion Plan.*
- 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.*

To assist Council in reducing disadvantage, strengthening community well-being and celebrate diversity in our community the attached (Attachment 1) draft Community Inclusion Plan (CIP) has been developed which takes on a holistic approach to making the Port Macquarie - Hastings region a more welcoming, accessible and inclusive community.

The draft Community Inclusion Plan includes actions that Council will commit to over the next three years. Each Strategic outcome focuses on a different aspect of inclusion within Council and the Port Macquarie-Hastings community.

The five Strategic outcomes are:

- A Connected Community
- An Accepting Community
- A Liveable Community
- A Resilient Community
- A Community Leader

To guide the delivery of Community Inclusion Plan, a clear annual Community Inclusion Action Plan will be developed with specific tasks and clear measures which address each of the actions outlined. This Action Plan will be presented to Executive for endorsement and will be reported on by the Community Inclusion Team to Council quarterly as part of the Operational Plan reporting requirements in accordance with the Groups Functional Business Plan.

Options

Council may choose to seek further information, amend or not amend the draft Community Inclusion Plan identified within this report.

Community Engagement and Internal Consultation

Public Exhibition

The public exhibition period is now complete. There were a total of 269 visits to Council's engagement website page during the exhibition period. 233 documents were downloaded or viewed. 15 submissions were received, in support / opposition of the proposed Policy amendments. The Public Exhibition Report is provided attached as Attachment 2.

As many of the submissions received were targeted at specific areas or community groups such as homelessness or cultural groups, this feedback will be considered when developing the Community Inclusion Action Plan. The majority of the submissions received were not in relation to the Community Inclusion Plan, however were more generic council issues relating to the need for improved roads, drainage, ferry services and environmental issues will be forwarded to the relevant departments for consideration.

The following points provide a summary of the responses received through Have Your Say:

- Resilience section should include the impacts of climate change and a commitment to mitigation and adaption measures required to address these impacts.
- Resilience needs to include a plan for assistance following disasters such as a 'Guide to helping after a flood' for immediate steps.
- Council should support the tidal pool as this will create employment opportunities for youth and will be a great resource for seniors.
- Draft plan needs to extend focus to all members of the community for all activities and initiatives.
- Intergenerational events should be considered.
- Many people with a disability, particularly psychosocial disabilities, are ideal volunteer candidates and should be utilised to their full potential.
- Extensive cultural education is needed for Council and the community

- Concern that some issues (e.g. homelessness) are being overlooked and other groups focused on too much.
- More community events should be included
- Definition of community inclusion is too restricted and limited - should apply to every person in the LGA and not 'topical elements of society'.
- Draft plan should include equal, equitable, consistent and transparent service levels for all areas of the LGA
- Inclusion of Community Plans in draft plan to 'support and encourage community led initiatives'.



Planning and Policy Implications

If adopted this will become a new Policy of Council.

Financial and Economic Implications

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

Attachments

1.  Draft Community Inclusion Plan
2.  Engagement Summary

Item: 11.13

Subject: MONTHLY BUDGET REVIEW - MAY 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 "May 2022 Adjustments" section of the Monthly Budget Review – May 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 May 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 May 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
May Review	Balanced	\$0
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.

May 2022 Adjustments

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

May Budget Adjustments

An ongoing review has been carried out on operational budgets across all sections of Council. As we approach end of financial year, a number of savings across the business have now crystallised and as such adjustments totalling \$1,113k have been brought to account in the month of May 2022. A detailed breakdown of these revisions is included in the attachment to this report, however the main items driving this total are additional revenue, \$427k, in the Development Services area, (noting that this is largely offset by corresponding increases in salaries), savings in Learning & Development, \$300k, due to COVID-19 impacting the delivery of training programs, and savings in employee costs, \$371k, (net of overheads) due largely to vacancies. These funds have been utilised to partially fund the Rawdon Island Bridge repair works (refer below).

Grants totalling \$260k were recognised during the month of May. These include a grant for a Winter Holiday Break Youth Program (\$7k), a Caravan Safety Road Safety Project (\$5k), Airport Enhanced Security Screening Funding (\$175k) and Artwalk 2022 (\$73k).

Reserve transfers were required this month for Kew/Kendall Sewerage Pump Station Number 1 (\$400k), Central Road & Barton Crescent Road Works (\$269k), Koala Road Strike Project (\$41k), Marbuk Motorised Value Relocation (\$373k) and Transformation Projects (\$260k). Additional revenue was also recognised for beaches income (\$38k), with the balance being transferred to reserve.

Budget Variance Requests were approved by Executive for Kennedy Drive Rehabilitation Works (\$1,625k), Airport Entrance Road Works (\$45k), Cairncross Waste Management Facility (\$176k) and the Bicentennial Walkway (\$63k).

Rawdon Island Bridge

Assessment of repair costs and associated funding in relation to Rawdon Island Bridge has been ongoing.

An initial adjustment of \$1.2m was recognised in the August Monthly Budget Review Report, resulting in a shortfall of approximately \$427k that was subsequently funded by savings in other areas.

Latest cost assessments indicate that the total project will cost approximately \$10.5m, with \$7.5m of this being incurred in the current financial year and \$3m in 2022-2023.

In relation to the current year costs of \$7.5m, it is proposed that these will be funded as follows:

- Existing Budget: \$1.20m
- Water & Sewer Dividend: \$2.04m
- Working Capital Reserve: \$3.15m
- Savings from other operational areas: \$1.11m *(as included in this report)*
\$7.05m

Allocation of the Water and Sewer Dividend of \$2.04m to Rawdon Island Bridge was approved by Council at the 19 May Ordinary Council meeting. Should Council's application be denied, an alternate funding source will be required.

The 2022-2023 costs will likely need to be funded by \$3m in loans. Assessment of this portion of the costs is still underway and once this is finalised, the budget and associated funding will be brought to account via a monthly finance review in the next financial year.

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		258	108,648		108,648
User Charges and Fees	39,588		30	39,618	459	40,077
Interest Received	5,455		200	5,655		5,655
Grants and Contributions	60,845	2,785	18,996	82,626	260	82,886
Other Operating Receipts	5,458		380	5,838	(92)	5,746
Expenses from continuing operations						
Employee Costs	(55,268)		(863)	(56,131)	504	(55,627)
Materials and Contracts	(45,201)	(2,104)	(821)	(48,126)	743	(47,383)
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)	90	(14,525)
Loss on Disposal of Assets	(3,000)		0	(3,000)		(3,000)
Operating result from continuing operations	48,521	681	18,917	68,119	1,964	70,083
Restricted Asset Movements						
Transfer from Restricted Assets	38,796	6,146	3,416	48,358	6,815	55,173
Transfer to Restricted Assets	(55,466)		(9,839)	(65,305)	(38)	(65,343)
Net Revenues (Used in)/Provided by in Restricted Assets	(16,670)	6,146	(6,423)	(16,947)	6,777	(10,170)
Property, Plant and Equipment Movements						
Purchase of Assets	(67,573)	(6,827)	(12,474)	(86,874)	(8,741)	(95,615)
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)	(12,474)	(93,374)	(8,741)	(102,115)
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	20	(53,216)	0	(53,216)
Add Back: Non Cash Items	53,236		0	53,236		53,236
Budget Surplus/(Shortfall)	0	0	20	20	0	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 31 May 2022 this position is changed to a budget surplus of \$19,808 and this position is considered acceptable."

Attachments

1.  May 2022 Budget Review

Item: 11.14

Subject: INVESTMENTS - MAY 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 May 2022.

Executive Summary

- Total funds invested as at 31 May 2022 was \$413,683,848.
- Interest for the month of May was \$515,765.
- The year-to-date investment income of \$4,996,239 represents 94% of the total annual investment income budget of \$5,332,800.
- Council's total investment portfolio performance for the financial year to date was 1.50% above the benchmark (1.55% against 0.05%), benchmark being the Bank Bill reference rate as at 31 May 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 1.57% p.a., strongly outperforming bank bills by 1.52% p.a.
- The RBA lifted the official cash rate by 25bp to 0.35% on 4th May 2022 - the first time it has increased rates in over a decade.
- 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, with markets now factoring the possibility of a recession as official rates move higher.
- The biggest risk to Council's portfolio continues to be decreasing interest income while interest rates remain low, as opposed to loss of capital, noting that markets are factoring in additional rate increases over the coming months.
- 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, \$3m 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 31 May 2022, comply with this Act. All investments have been made in accordance with the Act and Regulations, and Council's Investment Policy.

As at 31 May 2022, the investments held by Council totalled \$413,683,848 and were attributed to the following funds:

General Fund*	189,214,855
Waste Fund	22,400,980
Water Fund	136,854,891
Sewer Fund	63,554,250
Broadwater	1,600,956
Sanctuary Springs	57,916
	413,683,848

**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.

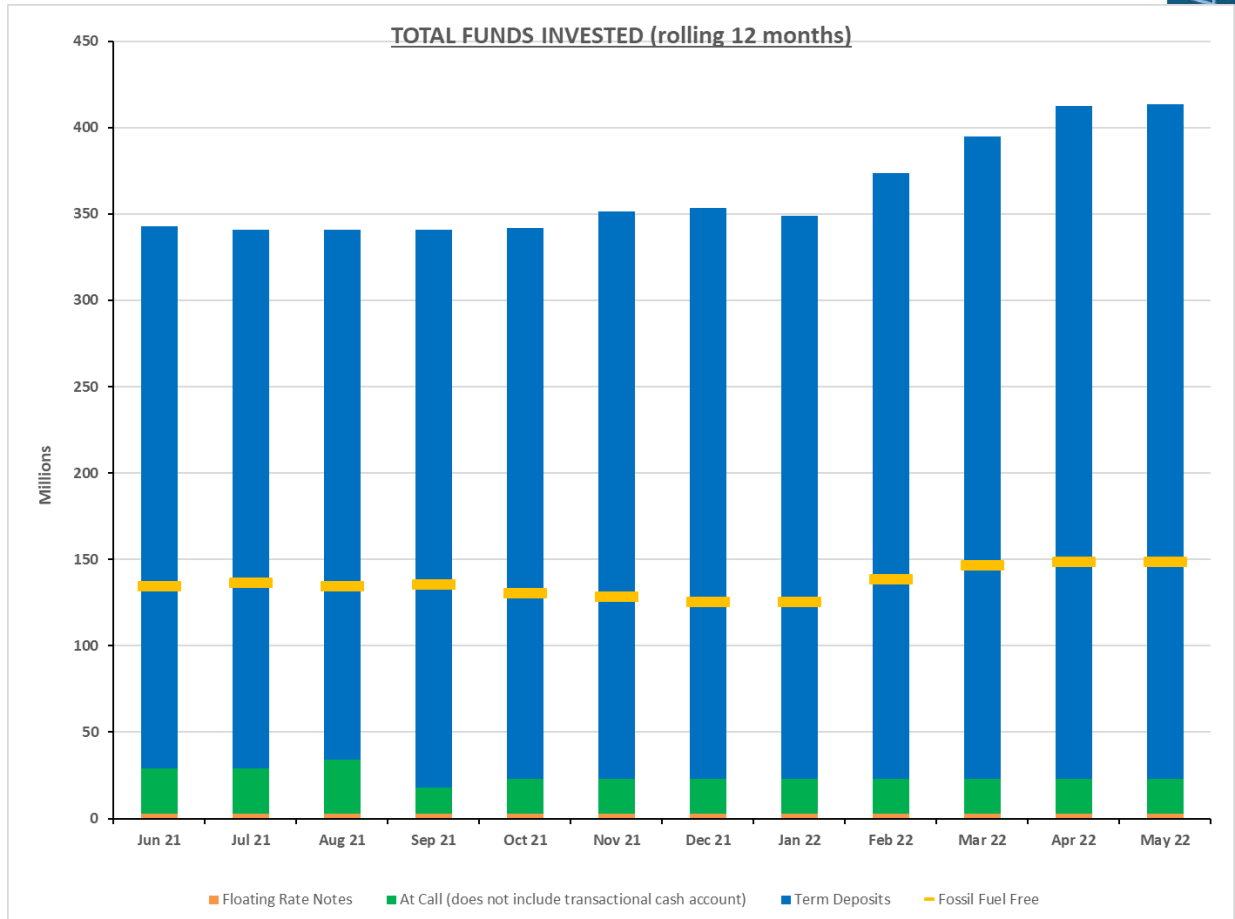
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

It is noted that there is a variance between the total investments held as per this report, (\$413,683,848), and total investments held as per Imperium's attached monthly report (\$413,689,265). This is due to the fact that Council's accounting policy treatment means that floating rate notes (FRNs) are held at amortised cost, whereas they are included at fair value in Imperium's report.

In relation to Council's exposure to financial institutions that fund fossil fuels, the following provides a summary:

Financial institutions funding fossil fuels	Purchases since 01/07/21 (\$)	Purchases since 01/07/21 (%)	Amount invested at 31/05/22 (\$)	Amount invested at 31/05/22 (%)
Yes	132,030,000	69%	265,183,848	64%
No	58,000,000	31%	148,500,000	36%
	190,030,000		413,683,848	

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



Investment levels have remained consistent with the previous month.

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 1.50% above the benchmark (1.55% against 0.05%) and year to date income is 94% 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 - May 2022
2.  Port Macquarie-Hastings Council Portfolio Valuation - May 2022

Item: 11.15

Subject: PORT MACQUARIE TOWN CENTRE MASTER PLAN (TCMP)
BUSINESS RATE REVIEW

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:

- 1. Note the information provided in this Port Macquarie Town Centre Master Plan (TCMP) business rate review report.**
- 2. Defer the removal of the Town Centre Master Plan (TCMP) component from the Port Macquarie CBD business rate from the final 2022-2023 Operational Plan and Long Term Financial Plan, pending a detailed independent review of Council's business rating model, historical TCMP processes and management structures, and comprehensive engagement with the community and stakeholders.**
- 3. Request the Chief Executive Officer provide a report to the October 2022 meeting of Council on the findings of the detailed independent review including recommendations for the funding options and rating structures for future development and maintenance of the Port Macquarie CBD.**

Executive Summary

This report provides an overview of the Port Macquarie Town Centre Master Plan (TCMP) business rate and the initial review conducted in response to the resolutions of Council made at the Ordinary Council meeting held on 16 February 2022 and the Extraordinary Council Meeting held on 7 March 2022.

The report recommends that Council defer removal of the Town Centre Master Plan (TCMP) component from the Port Macquarie CBD business rate from the final 2022-2023 Operational Plan and Long Term Financial Plan, pending a detailed independent review of Council's business rating model, historical TCMP processes and management structures, and comprehensive engagement with the community and stakeholders, to recommend a pathway forward for the funding for future development and maintenance of the Port Macquarie CBD and potentially other defined urban centres across the local government area.

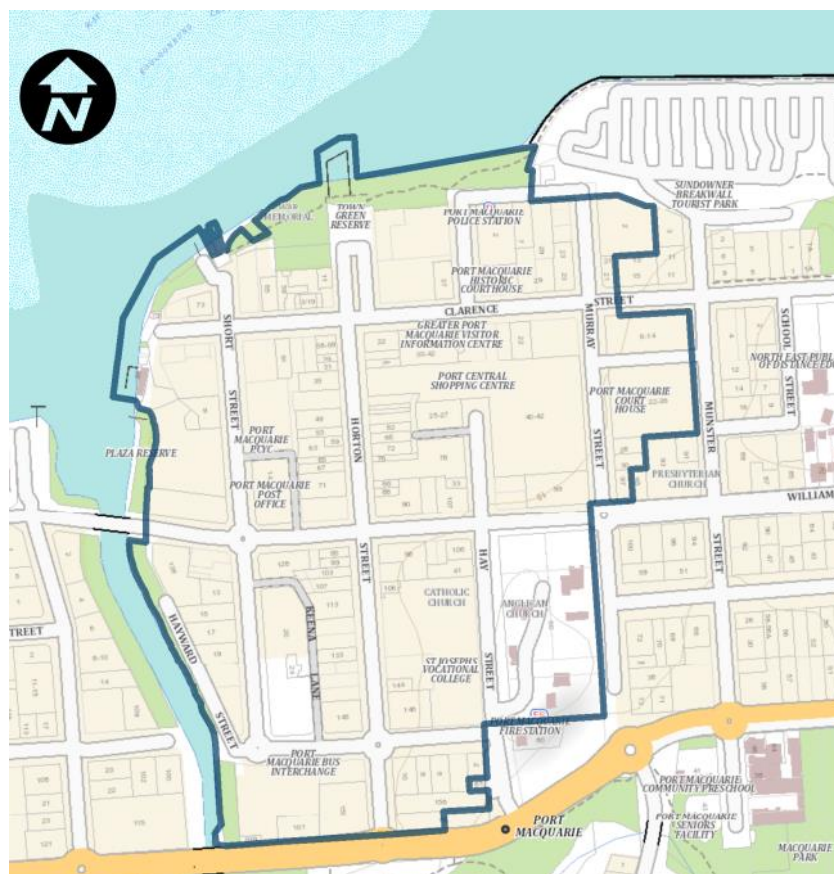
DiscussionBackground / History

A Port Macquarie CBD Special Rate was introduced in 1994 in conjunction with CBD stakeholders as a local rate to fund streetscape, landscaping and beautification works identified in a defined area of the Port Macquarie CBD. As part of the establishment of the special rate, it was determined that the funds raised be applied only to works identified in the Port Macquarie CBD, that the special rate be levied on a “sunset basis” to achieve the work identified, and that a committee be established of Council and interest group representatives to establish priorities and monitor progress.

The Port Macquarie CBD Special Rate was raised as a special rate from 1994 until 1998-1999. In 1999-2000 the rate was incorporated into a new Port Macquarie CBD ordinary business rate sub-category. The rate applied to the Port Macquarie CBD business sub-category has increased each year since then by the rate pegging allowance.

Legal advice obtained from Lindsay Taylor Lawyers in 2021 has confirmed the validity of the Port Macquarie CBD ordinary business rate sub-category as currently levied.

The Port Macquarie CBD business rate boundary is shown below. Business property owners located within the boundary are subject to the TCMP component as part of the Port Macquarie CBD ordinary business rate.



Since its introduction in 1994, the TCMP component has funded \$19.7 million in CBD capital works and \$5.2 million in CBD maintenance works.

The funds from the TCMP component are used each year, alongside grants and other funding sources, to pay for specific works in the Port Macquarie CBD as resolved by Council, based on recommendations of the former Town Centre Master Plan Committee.

Since 2016, the Town Centre Master Plan Reserve has funded the following works:

- Installation of shade structures in Town Square to accommodate outdoor dining, events and general public use;
- Completion of Kooloonbung Creek Stage 1 Upgrade from Gordon to Hayward Streets;
- Town Green Works
 - Town Green East development
 - Town Green West development
 - Town Green Playground development - currently under construction
- Town Square development;
- Overseeing Parklet development in Horton Street;
- Fishermans Wharf Amenities;
- Detailed cleaning service including all pavements and furniture within the Town Centre;
- Street sweeping and footpath cleaning/sealing program;
- Street furniture reconditioning including seating, bollards, recycling dual bin enclosures;
- Replacement of Town Centre banners and poles;
- Pavement upgrade in front of the new amenities building on Short Street; and
- Streetscape and landscape maintenance and upgrades.

Current projects include the Bicentennial Walkway Stage 1 project, a key project identified in the Port Macquarie Town Centre Masterplan with the aim to provide a safer, continuous pathway from the recently completed Town Green West through to Kooloonbung Creek Nature Park.

In addition to specific projects, the TCMP component allows for a higher standard of service for streetscape and public open space maintenance within the Port Macquarie CBD including:

- Extensive quarterly pavement clean and seal sessions, as well as interim targeted localised pavement cleans as required;
- Frequent garden maintenance and tree renewals within the CBD Boundary;
- Frequent mechanised street sweeping;
- Frequent and more detailed cleaning of open space furniture and other installations including:
 - Cleaning of bins hoods and litter overflow removal, seating, handrails poles;
 - Prompt removal of graffiti, tagging and illegal posters;
 - Prompt spill clean ups;
 - Strategic detailed cleaning sessions undertaken before and after peak holiday periods and major events.
- Replacements of the standard Port Macquarie banners. These last 6 to 9 months before becoming tattered and require renewal (not including event themed banner change overs and replacements). Pole halyard replacement; and

- Reconditioning and upgrade of street furniture including seating, bollards, bin enclosures.

The TCMP component also allows for a dedicated full-time Port Macquarie Town Centre Landscape Architect to oversee all projects and maintenance including:

- Conceptual design of larger projects and detailed design of minor projects;
- Project management of consultants and approval of submissions (environmental, heritage, Council and State approvals);
- Management of special maintenance service providers;
- Focussed State and Australian Government funding submissions;
- Assistance to construction project managers with additional details and clarifications during construction; and
- Management of warranty funded replacement of assets such as catenary lights in Town Square and shade structures.

In the current 2021-2022 financial year, the TCMP component raised \$1.24 million to fund capital and maintenance works within the Port Macquarie CBD, together with associated staff costs, overheads and loan repayments. The 2021-2022 maintenance budget accounted for approximately 50% of the TCMP component at an amount of \$626,986.

As outlined above, the TCMP component and broader Town Centre Master Plan process has delivered significant benefits to the Port Macquarie CBD over many years, and has significant support from CBD stakeholders. Likewise however, Council has recently received a petition raising concerns with the higher rates applied to the Port Macquarie CBD business sub-category and the perceived inequity of the TCMP Rating Model.

Council Resolutions - February and March 2022

At the Ordinary Council meeting held on 16 February 2022, Council considered a Notice of Motion regarding the Town Centre Master Plan and resolved as below:

That Council:

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

At the Extraordinary Council Meeting held on 7 March 2022, Council considered a Rescission Motion regarding Council Committees, Working Parties and Groups, and resolved as below:

That Council:

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

General Review

In response to Resolution 1 from the Ordinary Council meeting held on 16 February 2022, an initial general review of the business sub-categories has been undertaken, with particular reference to the Port Macquarie CBD business rate including the Port Macquarie Town Centre Master Plan (TCMP) component of that rate.

The review was conducted by independent financial consultant John Comrie (JAC Comrie Pty Ltd) as part of the review and development of the draft 2022-2023 budget and long term financial plan (LTFP) process.

The review was presented to a Councillor Briefing held on 6 April 2022 and further summarised below.

Council's current rating structure incorporates a Business Category with 3 sub-categories:

- Port Macquarie CBD (including the TCMP component);
- Defined Urban Centres (Bonny Hills, Camden Haven, Kew & Kendall, Lake Cathie, Port Macquarie, Thrumster, Wauchope);
- Other Hastings.

The table below shows the relative rating differential between the sub-categories, and the comparison (multiple) against the Business Defined Urban Centre baseline.

Category	2021-22 Ad Valorem Rate: Cents in the \$	2021-22 Yield \$'000	2021-22 Average Rate \$	Multiples of Business - Defined Urban Centre
Business - Port Macquarie CBD incl. TCMP	2.40869	3,316	12,283	4.4
Business - Port Macquarie CBD excl. TCMP	1.45924	2,076	7,689	2.7
Business - Defined Urban Centre	0.54550	5,132	3,118	1.0
Business - Other Hastings	0.47543	365	1,737	0.9

The figures show that the Port Macquarie CBD business rate, including the TCMP component, is around 4.4 times that of the Business Defined Urban Centre rate levied across other areas of the LGA. The Port Macquarie CBD business rate, excluding the TCMP component, is around 2.7 times that of the Business Defined Urban Centre rate.

It is noted that it is common practice for CBD business rates to be rated separately and typically higher than other business rates within a region.

There are 270 rateable business properties located within the Port Macquarie CBD business rate boundary. A high level analysis of the TCMP component currently paid by CBD business property owners indicates that the "top 20" property owners (by contribution paid), which covers 42 rateable properties, contribute approximately \$690,000 pa (55%) of the total TCMP revenue raised each year, with 14 out of the 20 being "non-local" businesses ie having a principal place of business located outside of the LGA. The remaining 228 rateable properties contribute \$550,000 pa (45%) at an average of approximately \$2,411 pa per property.

As indicated in the table above, the amount paid is levied at a standard "ad valorem" rate (cents in the \$) based on property value as determined by the NSW Valuer General.

In considering the option to remove the TCMP component from the Port Macquarie CBD business rate (valued at \$1.24m in 2021-2022), the review by Mr Comrie highlighted Council's long term financial plan projections which indicate that Council cannot sustain the removal of this rating revenue without a corresponding reduction in service levels (and expenditure) within the Port Macquarie CBD. Alternatively, the revenue could be raised by considering options for the redistribution of this amount across other Port Macquarie - Hastings residential and business rate categories.

The review by Mr Comrie presented these alternatives including, the redistribution of the \$1.24m TCMP rating revenue across:

- all residential and business rate categories; and
- all business rate categories only.

Neither of these options, or alternatives such as reviewing the current boundary of the Port Macquarie CBD rate, were considered appropriate for the draft 2022-2023

budget and Operational Plan without further detailed review and significant community engagement.

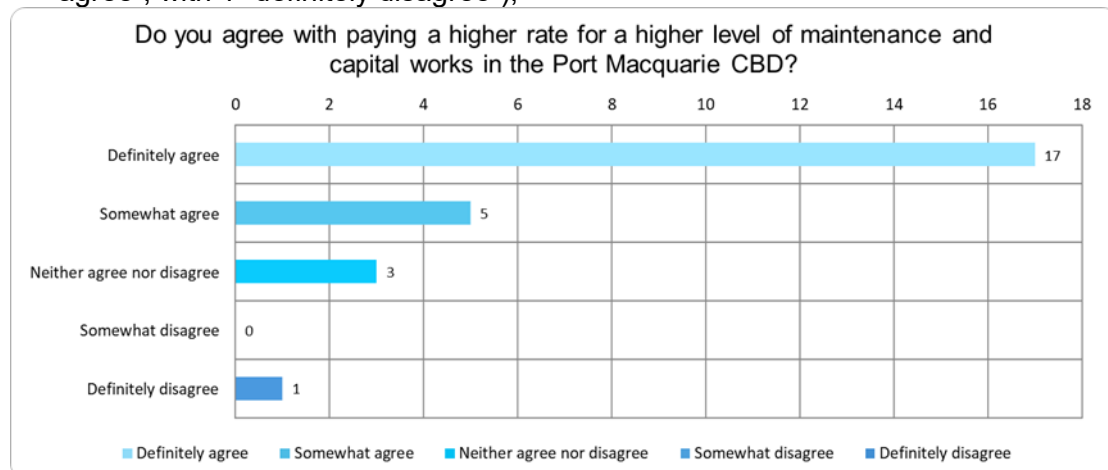
As such, the draft 2022-2023 Operational Plan and Long Term Financial Plan as reported to Council at the Extraordinary Council Meeting held on 28 April 2022, were prepared with the removal of the TCMP component from the Port Macquarie CBD business rate, and a corresponding reduction in service levels (and expenditure) within the Port Macquarie CBD, to demonstrate the potential impact for the purposes of public exhibition and community comment regarding the impact of the proposed removal of the TCMP component.

Feedback received during the public exhibition period

The TCMP component / Port Macquarie CBD business rate was on exhibition from the 4 May to 3 June 2022 as part of the overall IP&R public exhibition and community engagement process. During the exhibition period 33 submissions were received, with 31 received via the TCMP survey tool and 2 additional written submissions.

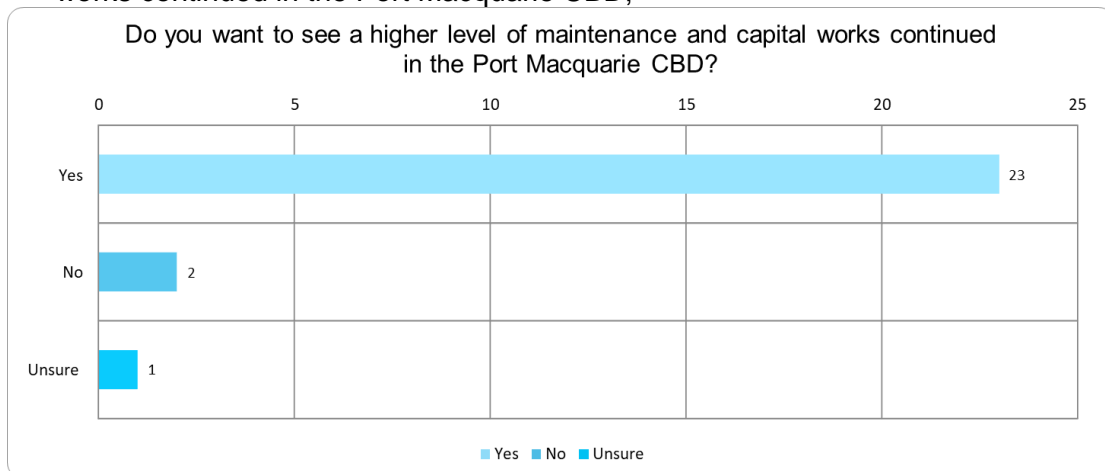
The feedback received is the first stage of engagement that will be used to inform further detailed community engagement planned as part of the detailed independent review of Council's business rating model. The summary of responses received via the initial TCMP engagement indicates:

- 19 of the 31 survey responses were received from business property owners, with 13 located within the Port Macquarie CBD business rate boundary;
- 22 responses agreed with paying a higher rate for a higher level of maintenance and capital works in the Port Macquarie CBD (17 "definitely agree", 5 "somewhat agree", with 1 "definitely disagree");



- 17 responses suggested that the current Port Macquarie CBD business rate boundary should be reviewed, with 1 commenting that the levy should be continued but the contribution reassessed;
- 17 responses were "very happy" (10) or "happy" (7) with the level of maintenance and capital works in the Port Macquarie CBD currently, while 23 responses

indicated that they would like to see a higher level of maintenance and capital works continued in the Port Macquarie CBD;



- 22 responses provided detailed comments in response to the request to provide “any other feedback on the TCMP you would like to share” - 19 responses provided strong support for the continuation of the TCMP component of the Port Macquarie CBD business rate, with 1 response providing strong opposition to the TCMP (2 responses were not related specifically to the TCMP revenue).

The 2 additional written submissions received were both in support of retaining the TCMP component of the Port Macquarie CBD business rate.

In summary, there was strong support via the survey responses and submissions received for the continuation of the TCMP component of the Port Macquarie CBD business rate in order to provide ongoing funding for capital improvement works and a higher level of maintenance within the Port Macquarie CBD.

In particular, the responses highlighted a willingness to pay and an expectation for a higher level of maintenance and capital works to be provided in the Port Macquarie CBD which Council would not be able to meet if the TCMP component is removed.

Many submissions did note that a review would be appropriate, including (though not limited to) a possible review of the Port Macquarie CBD business rate boundary, the level of the TCMP contribution, and information provided via rates notices to improve the transparency of the TCMP contribution paid by CBD business property owners.

The TCMP survey also examined sentiment regarding the level of maintenance and capital works in our other town centres including Wauchope and Laurieton. The responses received suggested support for a higher level of maintenance and capital works to be introduced in these areas, with mixed responses as to the support for a higher business rate to be applied to fund the works (12 “yes”, 11 “unsure”, 2 “no”). This issue is proposed for further investigation with stakeholders as part of the planned further detailed independent review of Council’s business rating model.

Impacts of removing the TCMP component

As outlined above, removing the TCMP revenue (\$1.24m in 2021-2022) without an alternative funding mechanism will result in a corresponding impact (reduction) on service levels within the Port Macquarie CBD including:

- the loss of revenue for future capital improvement works;
- the loss of revenue for enhanced maintenance activities (approx. \$634k in 2022-2023);
- the loss of 1 full time equivalent employee (Port Macquarie Town Centre Landscape Architect) funded from the TCMP;
- the loss of revenue to cover outstanding loan repayments, which will otherwise need to be funded from the General Fund impacting on Council's ability to fund other projects / activities for the community (noting that outstanding loan balances at 30 June 2022 are expected to be \$2.03m, with \$1.18m of this to be funded by General Fund should the TCMP revenue be removed from the 2022-2023 and future year budgets).

The above would be offset slightly by the savings each year of current General Fund contribution / revenue allocated to the TCMP works of approx. \$217k per year.

It is noted that if the TCMP rating revenue is removed and then a determination is subsequently made by Council to reinstate the rate or variation thereof following the proposed detailed review of Council's business rating model, then the reinstatement would need to wait until the next rating cycle (ie 2023-2024 financial year) as rates cannot be amended during the year.

Next steps

A further detailed independent review of Council's business rating model, historical TCMP processes and management structures, and comprehensive engagement with the community and stakeholders is planned to be undertaken in the coming months in conjunction with a review of Council's long term financial plan. This review aims to recommend a pathway forward including funding options and rating structures for future development and maintenance of the Port Macquarie CBD and potentially other defined urban centres across the local government area.

Options

Council has the option to:

- adopt the recommendation of this report, and **defer the removal** of the Town Centre Master Plan (TCMP) component from the Port Macquarie CBD business rate from the final 2022-2023 Operational Plan and Long Term Financial Plan, pending a detailed independent review of Council's business rating model, historical TCMP processes and management structures, and comprehensive engagement with the community and stakeholders; or
- resolve to **remove** the Town Centre Master Plan (TCMP) component from the Port Macquarie CBD business rate as per the draft 2022-2023 Operational Plan and Long Term Financial Plan and accept the associated impacts outlined in this report; or
- resolve to **reduce** the Town Centre Master Plan (TCMP) component in the Port Macquarie CBD business rate by 20% (or other amount deemed appropriate) in the final 2022-2023 Operational Plan and Long Term Financial Plan to maintain current maintenance service levels in the Port Macquarie CBD and fund ongoing loan repayment commitments pending a detailed independent review of Council's business rating model, historical TCMP processes and management structures, and comprehensive engagement with the community and stakeholders.

Community Engagement and Internal Consultation

Initial feedback received from stakeholders during the public exhibition period regarding the TCMP component of the Port Macquarie CBD business rate is outlined above. Full details of the community engagement undertaken in conjunction with the Draft Delivery Program 2022-2026, Draft Resourcing Strategy, Draft Operational Plan and Budget 2022-2023 will be reported to the Extraordinary Council meeting to be held on 23 June 2022.

Further detailed community and stakeholder engagement is planned as part of the detailed independent review of Council's business rating model.

Planning and Policy Implications

The outcome of Council's consideration of this matter will be reflected in the final 2022-2023 Operational Plan and accompanying suite of Integrated Planning & Reporting (IP&R) documents to be reported to Council for adoption at the Extraordinary Council meeting to be held on 23 June 2022.

Financial and Economic Implications

In the current 2021-2022 financial year, the TCMP component raised \$1.24 million to fund capital and maintenance works within the Port Macquarie CBD, together with associated staff costs, overheads and loan repayments. The 2021-2022 maintenance budget accounted for approximately 50% of the TCMP component at an amount of \$626,986.

The projected status of the Town Centre Master Plan Reserve is shown below:

Opening reserve balance	\$1,398,685
2021-2022 rate revenue	\$1,240,600
2021-2022 other revenue	\$217,000
2021-2022 maintenance	(\$626,986)
2021-2022 overheads	(\$59,383)
2021-2022 loans	(\$408,702)
2021-2022 capital works	(\$898,058)
Projected reserve balance 30 June 2022:	\$863,156

Future loan repayment commitments through to 2027 total \$2,045,763.

Taking into account the project reserve balance at 30 June, this leaves an amount of \$1,182,607 to be funded from the General Fund should the TCMP revenue be removed from the 2022-2023 and future year budgets. This would be offset in part by savings of approximately \$217,000 per year in General Fund contributions / revenue currently paid into the TCMP Reserve.

Attachments

Nil

Item: 11.16

Subject: WORKS DEPOTS REVIEW

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

1.3.4 Manage our workforce to deliver community outcomes.

RECOMMENDATION

That Council note:

- 1. The information contained in the report regarding the future of Council Depots.**
- 2. A future report on the progress of the Depots Review will be presented to the October 2022 Ordinary Council meeting.**

Executive Summary

The relocation of Council depot operations from Koala St has long been recognised as a Council priority. With the continued development of the Wayne Richards Park Sporting precinct and the poor state of the depot - due to the reduced level of maintenance completed at the site over an extended period of time - the closing and rehabilitation of the Depot site is becoming an increasing priority.

Council is currently investigating opportunities for the future location of depot and workshop facilities across the local government area

Discussion

Council has been reviewing options for our depots for a number of years, the need to move the depot has now become a critical path for not only ensure safe and efficient facilities for our staff to deliver operational services but also to facilitate the future expansion of sporting facilities in the Port Macquarie area.

The significance and impact of the relocation of the Port Macquarie Works Depot from Koala Street is acknowledged, accordingly a number of scenarios are being explored to minimise operational disruption and maintain services.

An opportunity has recently arisen to utilise an existing facility owned by Council and previously used as a depot for garbage trucks by waste contractor's J R Richards. This facility is now vacant, and already contains appropriate infrastructure that is deemed suitable for reuse as a Council depot. As such, the site has many advantages and has the capacity to be renovated over time to meet the ongoing operational needs of Council. Council has also recently purchased 1 Commerce Street, Wauchope and additional land adjacent to the Wauchope depot. Council also

has access to the former Lend Lease site on Hastings River Drive. These sites will be integral to our solution.

A project team has recently been established, under the Director of Community, Planning and Environmental services to ensure that a timely solution is determined. The Project team has identified a set of principles to define the solution to the future location of our depot services that are as follows:

1. Relocate from Koala Street Depot to allow for expansion of Wayne Richards Sporting fields
2. New depot locations to be on existing Council owned land
3. Efficiencies/Travel times for work crews-
Develop weighted criteria/matrix to understand where the functions can be split - Workplace, materials, assets, stores, workshops requirements, work approach, environmental impact
4. Staged approach - to manage phasing of new sites and remain operational
5. Modern, fit for purpose, quality facilities
6. Maintain operations while new facilities are built
7. Timely delivery/execution of outcomes
8. Timeframes are clearly articulated
9. Future expansion/changes planned to 'future proof'
10. Compromise may be required
11. Communications at every stage is key - with all stakeholders/staff
12. Clarity around engagement and co-design
13. Centralised Depot management

The project team is now tasked with the determining a weighted criteria of staff needs, plant needs, efficiencies, asset requirements and future desired state to assist in determine the locational makeup of the depot locations to meet operational needs for now and into the future.

Once the weighted scenarios have been determined a further report will be presented to Council for consideration.

Options

This report is for notation only.

Community Engagement and Internal Consultation

Extensive internal consultation has been undertaken over many years to find a solution for the depot operations. The depot has now become a key focus for Council

and the Project team has been developed and includes representation from across the Organisation and will include:

- Director Community, Planning and Environment
- Director Community Utilities
- Acting Director Community Infrastructure
- Executive Group Manager Strategy
- Group Manager Community
- Group Manager Infrastructure Planning and Design
- Group Manager Planning and Design - Community Utilities
- Group Manager Community Infrastructure Operations
- Operations Manager Transport and Stormwater
- Community Infrastructure Project Manager
- Parks and Open Space Coordinator
- Facilities Coordinator
- Natural Resources Management Team leader

Input from other areas of Council will also be required as the project progresses such as Communications, People and Culture, Finance, Project Delivery and Procurement.

Planning and Policy Implications

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

Financial and Economic Implications

There are funds dedicated in the 2022-2023 works program to support the planning stages of the depot design. Future budgets will be required to manage any future construction once the detail is determined.

Attachments

Nil

2 Your Community Life

What we are trying to achieve

A healthy, inclusive and vibrant community.

What the result will be

We will have:

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

How we will get there

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

Item: 12.01

**Subject: RECOMMENDED ITEMS FROM MAYOR'S SPORTING FUND
COMMITTEE - MAY 2022**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

2.3.2 Provide a range of inclusive sporting and recreational opportunities and facilities to encourage a healthy and active lifestyle.

RECOMMENDATION

That Council endorse payment of \$750 from the Mayor's Sporting Fund to Sam Hilton to support his representation at the National Karate Championships.

DISCUSSION

The Mayor's Sporting Fund Committee met on 12 May 2022 and considered a funding application from young athlete Sam Hilton. Sam is a member of the NSW Sate Karate Federation Team and has been selected to attend the NSW Open in May and National events in June, July and August 2022.

2022 Achievements:

- NSW Karate Championships - 2nd and 3rd
- NSW State Titles - 3rd
- Australian Open - 5th and 7th

The Mayor's Sporting Fund Committee noted the high costs incurred for competition fees and interstate travel, and seeks Council's support to award \$750 from the Fund to support Sam in his sport.

Attachments

Nil

Item: 12.02

**Subject: NOTICE OF MOTION - SAFETY AUDIT AT THE INTERSECTION OF
OWEN STREET AND MARITIME LANE.**

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

RECOMMENDATION

That Council request the CEO undertake a safety audit at the intersection of Owen Street and Maritime Lane.

Comments by Councillor (if provided)

A meeting was held with local residents and business owners regarding the safety of entering and exiting Maritime Lane.

The main concern expressed is line of sight.

Additionally, the functionality of Maritime Lane was raised as an additional concern with request raised seeking a longer term solution.

Attachments

Nil

Item: 12.03

**Subject: POLICY REVIEW - MANAGEMENT OF PUBLIC SPACES POLICY -
POST PUBLIC EXHIBITION**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

2.3.1 Ensure access to community facilities and activities; including access to natural environment.

RECOMMENDATION

That Council

- 1. Adopt the Management of Public Spaces Policy.**
- 2. Rescind the following existing policies:**
 - a. A-Frame Sign Policy 2013**
 - b. Activities in Public Places Policy 2013**
 - c. Alcohol Use on Public Reserves and Beaches Policy 2018**
 - d. Commercial Activities on Council-managed Land Policy 2017**
 - e. Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Policy 2018**
 - f. Mooring Agreement for Lady Nelson Wharf Policy 2010**
 - g. Outdoor Dining Policy 2018**
 - h. Parks and Reserves Use Policy 2010**
 - i. Port Macquarie Entertainment Precinct Event Use Policy 2018**

Executive Summary

At the Ordinary Council Meeting held on 21 April 2022, Council resolved to place the draft Management of Public Spaces Policy on public exhibition.

The policy was subsequently placed on public exhibition from 2 May 2022 to 31 May 2022. During this exhibition, no submissions were received on the Policy.

Discussion

At the Ordinary Council meeting held on 21 April 2022, Council resolved as follows:

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.**
 - 1)**

Council has nine existing policies for the management of public space, some of which are very outdated. Council is seeking to simplify the process for the customer through implementation of an overarching policy, the draft Management of Public Spaces Policy (Attachment 1).

This Policy ensures:

1. a consistent approach to approvals,
2. appropriate and equitable access to public spaces for business activities and active and passive recreation;
3. that overcrowding is not an issue;
4. that activities are conducted in a safe manner;
5. there is capacity for activities to take place and contribute to the vibrancy of our places;
6. our community has fair and equitable access to public spaces.

With the repeal of the nine existing policies and implementation of one overarching policy, Council would look to ensure customers can clearly navigate information on their specific requirements via the Council website.

No amendments have been made to the draft Management of Public Spaces Policy following public exhibition.

Public Exhibition

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

There were a total of 44 visits to Council's engagement website page during the exhibition period. 12 documents were downloaded or viewed. No submissions were received.

Options

Council has the option not to adopt the draft Management of Public Spaces 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
- Group Manager, Environment & Regulatory Services

Planning and Policy Implications

This report recommends the adoption of the Management of Public Spaces Policy. The following existing policies for the use of public spaces are to be repealed:



- A-Frame Sign Policy 2013
- Activities in Public Places Policy 2013
- Alcohol Use on Public Reserves and Beaches Policy 2018
- Commercial Activities on Council-managed Land Policy 2017
- Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Policy 2018
- Mooring Agreement for Lady Nelson Wharf Policy 2010
- Outdoor Dining Policy 2018
- Parks and Reserves Use Policy 2010
- Port Macquarie Entertainment Precinct Event Use Policy 2018

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 Management of Public Spaces Policy
2.  Engagement Summary Report

Item: 12.04

Subject: T-22-12 BAIN PARK MASTER PLAN - DETAILED DESIGN -
IMPLEMENTATION STAGES 1 AND 2

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

2.3.4 Plan, investigate, design and construct open spaces, recreational and community facilities.

RECOMMENDATION

That Council:

1. In accordance with section 178(1) of the *Local Government (General) Regulation 2021*, accept the Tender from Moir Landscape Architecture Pty Ltd for the lump sum of \$228,200.00 (exclusive of GST) inclusive of the provision sum for site electrical supply upgrade design for T-22-12 Detailed Design - Bain Park Master Plan - Implementation Stages 1 and 2.
2. Note that the Chief Executive Officer, under existing delegation to the Chief Executive Officer, will execute the necessary contract documents.
3. Maintain confidentiality of the documents in Attachment 2 of the report relating to the Request for Tender T-22-12.

Executive Summary

This report presents the assessment of the evaluation panel for Bain Park Master Plan - Detailed Design - Implementation Stages 1 and 2 and recommends the awarding of the Contract to Moir Landscape Architecture Pty Ltd.

The Bain Park Master Plan (Attachment 1) was adopted at the 17 March 2021 Ordinary Council Meeting following extensive community and stakeholder engagement between September 2019 and December 2020.

Discussion

Background

In adopting the Master Plan, Councillors noted in the 17 March 2021 resolution that further community consultation would be undertaken and a further report to Council be made before actioning any stage of the Master Plan. The resolution also requested the Chief Executive Officer consider funding opportunities for implementation of the Bain Park Master Plan through development of future Operational Plans and relevant State and Federal Government grant programs.

In July 2021, Council was successful in an application for a NSW Public Spaces Legacy Program grant of \$3 million. The grant (shared across three projects)

includes \$1,450,000 for the construction of stages one and two of the Bain Park Master Plan.

Following a series of council meetings and briefings, the Bain Park Master Plan was amended relocating the playground from the southern end of Bain Park to nearby its existing location at the northern end. A copy of the Bain Park Master Plan (the Master Plan) is provided as an attachment to this report.

Project Benefits

This project aims to improve the open spaces and public recreation facilities for the community of Wauchope, specifically through the upgrade of Bain Park. Bain Park is an important cultural and recreational space for the community and a number of groups who both use and activate the space. The park has been an intrinsic part of the Wauchope community since it was proclaimed a recreational area in 1889.

The Master Plan represents a long term vision for the park and provides an overarching framework to guide future development. The Master Plan identifies opportunities and constraints of the site and incorporates the community's vision for the space, identified through community consultation. It also addresses the use of the space, connectivity and activation from adjacent facilities that support a range of cultural, community and commercial functions that enrich the park.

Structures, buildings, artwork and other elements included in the Master Plan are indicative of this future development - detailed design of these elements will be undertaken in consultation with the community and specific user groups as the project progresses.

The engagement of the design consultant will enable the detailed design of stages 1 and 2 of the Master Plan to occur. Construction works will be subject to a future procurement process.

Procurement

In accordance with the provisions of the *Local Government Act 1993*, a public procurement process has been conducted to identify a suitably qualified, experienced and registered landscape architect to undertake detailed design of stages 1 and 2 of the Master Plan.

The Request for Tender (RFT) scope includes the detailed design of stages 1 and 2 of the Master Plan including civil earthworks, stormwater, paths, lighting, electrical, water, sewer, playground and landscaping.

Prior to the procurement process commencing, a Procurement Plan and Tender Evaluation and Probity Plan was developed to establish a suitable procurement pathway, mandatory participation requirements, evaluation criteria, and weighting assessments for Council's approach to market and establishing the evaluation panel.

The evaluation panel concluded that based on all assessable criteria, Moir Landscape Architecture Pty Ltd represented the best value for Council, and should be recommended to Council for undertaking the detailed design of Bain Park Master Plan, Stages 1 and 2.

In summary, the tender from Moir Landscape Architecture provides best value for money, and meets the specified requirements, providing a suitable range of options

to address the project risks as well as stakeholder requirements. The tendered program is in accordance with the RFT specification and grant funding requirements. Moir Landscape Architecture were able to demonstrate suitable past performance on recent projects of similar scope, scale and complexity. The findings of the referee checks validated the assessment by the evaluation panel.

The Tender Evaluation Report is attached to this report.

Expected Outcomes

The expected outcome of the engagement is the development of detailed design documentation for Bain Park stages 1 and 2 in accordance with the adopted Master Plan and community feedback regarding play equipment.

The Services required under the engagement includes all investigations, designs, approvals and any other items required for the preparation of "Construct Only" detailed design documentation of the Master Plan and approvals required.

Interest and Probity Statement

Enquiries have been made throughout all stages of the procurement with relevant members of staff, ensuring that disclosable interests arising through the process have been raised. Two members of the evaluation panel disclosed a non-pecuniary insignificant conflict of interest. The matter was resolved with the tender evaluation proceeding with the retention of the two aforementioned members.

The tender process has fully complied with the *Tendering Guidelines for NSW Local Government 2009*, the agreed procurement planning documents and the Conditions of Tendering. No potential tenderer had access to the final specification prior to its release. All advice, written or verbal, provided to a tenderer clarifying any aspect of the tender documentation was also provided to all other tenderers.

No tenderer was provided any advantage over other tenderers, and all were treated fairly and equally during the tendering process. Information provided by tenderers which has been deemed confidential, has been protected, and will not be disclosed.

Project Programme

It is noted the project is constrained by tightly grant funding deed timeframes, which require detailed design and construction of the work by 31 March 2022.

The contract for detailed design services is anticipated to commence immediately upon Council's endorsement to accept the tender from Moir Landscape Architecture being 16 June 2022. With detailed design services to be completed by 22 September 2022.

A future procurement for the construction is proposed, with works anticipated to commence late December 2022, concluding late March 2023.

Options

Council's options when considering tenders is limited to the Local Government (General) Regulation 2021 - Clause 178(1), in that Council must either -

- (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or

- (b) decline to accept any of the tenders.

Should Council decline to accept the recommendation, Council must do one of the following by resolution, in accordance with clause 178(3) of the Local Government (General) Regulation 2021:

- (a) postpone or cancel the proposal for the contract,
- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
- (f) carry out the requirements of the proposed contract itself.

Should Council decide to decline the recommendation: -

- Council may forfeit the grant funding allocation as there is not sufficient time within the grant funding deed to enable further procurement processes.

Community Engagement and Internal Consultation

Community Consultation

No community consultation was undertaken as part of the principal design consultant engagement.

It is noted community engagement is being undertaken with respect to public art and playground design elements. This engagement includes a formal Reference Group, Have your Say, and pop-up shop, coinciding with the Wauchope preparedness day. Reference is made to the February 2022 Ordinary Council Meeting (Item 10.02) which presented a rigorous Stakeholders and Community Engagement Methodology, which was subsequently endorsed.

Internal Consultation

Internal consultation was undertaken with the following Council staff in the development and assessment of this RFT:

- Director Community, Planning and Environment
- Group Manager Organisational Project Delivery
- Group Manager Financial Services
- Group Manager Procurement
- Senior Landscape Architect Community
- Senior Project Manager Organisational Project Delivery
- Project Manager Organisational Project Delivery
- Senior Procurement Officer Procurement
- Facilities Coordinator Community
- Electrical Projects Officer Utility Operations
- Environmental Planner, Environmental Planning and Regulatory Services
- Property and Leasing Coordinator Community

- Senior Transport and Road Asset Engineer Community Infrastructure Planning and Design.

Planning and Policy Implications

This project relates to OP Reference # 2.3.4.7 CW - Detailed design - Bain Park revitalisation, Westport Park, Town Beach Amphitheatre.

In July 2021, Council was successful in an application for a NSW Public Spaces Legacy Program grant of \$3 million. The grant (shared across three projects) includes \$1,450,000 for the construction of stages one and two of the Bain Park Master Plan.


The procurement process was undertaken in accordance with the *Local Government (General) Regulation 2021* and Council's Procurement Policy and related Tendering Procedures.

Financial and Economic Implications

The project is reliant upon achieving the terms and conditions of the associated grant funding deed. Which provides funding for implementation of stages 1 and 2 of the Bain Park master plan within the deed timeframes. Total project grant funding for Bain Park amounts to \$1,450,000 (excluding GST).

Council is required to contribute costs for project management, which are estimated to amount to \$100,000. Which have been allocated from Crown Reserve Reserves.

Attachments

1.  Bain Park Master Plan, Revision 8
2. CONFIDENTIAL - T-22-12 Bain Park Evaluation Report (Confidential)

Item: 12.05

Subject: T-22-23 PORT MACQUARIE HASTINGS BLUEPRINT

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. In accordance with section 178(1)(b) and 178(3)(e) of the Local Government (General) Regulation 2021, decline to accept any of the proposals submitted for T-22-23 Port Macquarie Hastings Blueprint 2022 and enters into negotiations with University of Newcastle or any other person whether or not they submitted a proposal for Port Macquarie Hastings Blueprint 2022, with a view to entering into a contract in relation to the subject matter of the Request for Proposal.**
- 2. Pursuant to section 178(4)(a) and (b) of the Local Government (General) Regulation 2021 decline to invite fresh tenders for the reasons that the evaluation Panel considers that respondents have the demonstrated experience, capacity and capability to meet the requirements of the Request for Proposal and inviting fresh tenders likely will not achieve a superior outcome and will unduly delay the project.**
- 3. Request the Chief Executive Officer present a further report to a future meeting of Council on completion of the negotiation process, for Council's further consideration of Request for Proposal T-22-23 Port Macquarie Hastings Blueprint 2022.**
- 4. Maintain the confidentiality of the documents and consideration in Attachment 1 and Attachment 2 of the report with respect of Request for Proposal T-22-23 Port Macquarie Hastings Blueprint 2022.**

Executive Summary

The purpose of this report is to advise Council of the outcome of a recent Request for Proposal for the Port Macquarie Hastings Blueprint 2022, and recommend to decline to accept any proposals and to enter into negotiations with The University of Newcastle or any other person whether or not they submitted a proposal with a view to entering into a contract in relation to the subject matter of the Request for Proposal, in accordance with clause 178 (3)(e) of the *Local Government (General) Regulation 2021*.

At the Ordinary Council Meeting held on 21 April 2022, Council resolved the following:

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.*

This report addresses resolution 3 of the above.

Discussion

BACKGROUND AND CONTEXT

The intent of the Request for Proposal is to engage an organisation to prepare a strategic planning document "The Blueprint". The document is owned by Council and the community and will set out a pathway to help us achieve our Vision to be the most liveable, sustainable and innovative place in Australia.

The Blueprint is seen as being a living document, one that sets a firm foundation for future generations but also acts as a catalyst for strategically aligned and coordinated change, now.

As part of this process, Council wishes to consult with and work with the community to create a Blueprint for the Port Macquarie-Hastings region, which will build clarity to support better prioritisation and allocation of resources, as well as help the community to understand what the Blueprint is collectively aiming for. The Blueprint aims to build on existing ambitions, but also challenge any current strategies that are misaligned with community needs.

PROJECT SCOPE

The Blueprint will help shape our next chapter and address some of the key priorities:

- A consistent, equitable and transparent cross organisational and co-designed approach to strategic planning to ensure that adequate infrastructure and asset management is being provided to meet community demands and funds are allocated accordingly.
- Closer integration and alignment between the community, service planning, the capital works program and asset management.
- Process driven approach that ensures we are making data driven and evidence-based decisions consistently.

The Blueprint is to be developed in the following two phases:

Phase 1 - Blueprint development

- Review current situation, developing a current state report
- Produce a future state report
- Facilitate a co-designed consultative approach
- Collate and document feedback and submissions received
- Prepare and finalise Blueprint
- Produce detailed Blueprint and Blueprint strategy and roadmap; and
- Produce implementation plan highlighting strategic initiatives to implement the Blueprint.

Phase 2 – A support model on the Implementation of the Blueprint

- Work with key staff allocated to the Implementation of the Blueprint within PMHC
- Produce a comprehensive implementation plan, with detailed approach and methodology
- Produce a comprehensive communication plan
- Produce a cohesive engagement plan
- Provide advice and support on the implementation of the Blueprint; and
- Produce appropriate support products and a sounding board.

PROCUREMENT

In accordance with the provisions of the Local Government Act 1993, a public procurement process has been conducted to identify a suitably qualified and experienced organisation to develop Port Macquarie Hastings Blueprint 2022.

An open public process was undertaken to identify the preferred respondent to develop, deliver and implement the Blueprint, in accordance with Council's requirements, and Council's procurement policy and the approved Procurement and Evaluation Plan.

Prior to the procurement process commencing, a Procurement and Evaluation Plan was developed to establish and suitable procurement pathway, mandatory participation requirements, evaluation criteria, evaluation criteria and weighting assessments for Council's approach to market, as well as establish the proposed Evaluation Panel.

The Evaluation Panel concluded that based on all assessable criteria, that the recommendation is to:

- decline to accept any of the proposals, enter into negotiations with University of Newcastle or any other person whether or not they submitted a proposal for Port Macquarie Hastings Blueprint 2022, with a view to entering into a contract in relation to the subject matter of the Request for Proposal.

The Evaluation Report is attached to this report.

Options

Council's options when considering tenders is limited to the *Local Government (General) Regulation 2005* - Clause 178(1), in that Council must either -

- (a) *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
- (b) *decline to accept any of the tenders.*

Should Council decline to accept the recommendation, Council must do one of the following by resolution, in accordance with clause 178(3) of the *Local Government (General) Regulation 2021*:

- (a) postpone or cancel the proposal for the contract,
- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
- (f) carry out the requirements of the proposed contract itself.

Community Engagement and Internal Consultation

Internal consultation was undertaken with the following Council staff in the development and assessment of this Request for Proposal:

- Chief Executive Officer
- Director, Community Planning Environment and Management
- Executive Manager, Transformation
- Executive Manager, Strategy
- Group Manager, Community; and
- Group Manager, Procurement.

Planning and Policy Implications

The impact on planning and policy implications may be uncertain at this point in time, until such time as a determination of such options are understood. We will then obtain clarity on as many of the outcomes/impacts and be transparent on those which are uncertain.

Financial and Economic Implications

At the Ordinary Council Meeting held 21 April 2022, Council allocated sufficient funds for this project.

Attachments

1. CONFIDENTIAL - T-22-23 Port Macquarie Hastings Blueprint 2022 (Confidential)
2. CONFIDENTIAL - T-22-23 RFP Evaluation Report (Confidential)

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: REQUEST FOR FEE WAIVER - WILLING AND ABLE FOUNDATION****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 review and consider Willing and Able Foundation's request to waive the total fee's payable for quotation no 35177.

Executive Summary

The General Manager of Willing and Able Foundation, Penny Poulton has written to Council's CEO, requesting a fee waiver for quotation no: 35177. (Refer attachment 1)

The quotation relates to a new Driveway Crossover at the Willing and Able premises at 39-41 Jindalee Road, Port Macquarie.

Discussion

Council have provided a quotation to Willing and Able Foundation for the total of \$9,428.00 (breakdown of fee structure can be found at attachment 2) for the construction of a new driveway at the Willing and Able Premise's on Jindalee Road.

The purpose of the additional driveway at the premise is to improve safety for staff, supported employees and the general public by providing a one-way entry and exit to and from the car park. Prior to lodgement of a Development Application, Willing and Able Foundation would like this request reviewed.

It is noted that the quotation mentioned in the Willing and Able request does not match the quotation number in the Council quotation. This is due to an updated quotation being provided to Willing and Able following their initial request to have the fees waived.

Options

Council have the option to review and approve this fee waiver request or deny the request and seek payment from the applicant to proceed with the Development Application assessment.



Planning and Policy Implications

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

Financial and Economic Implications

The loss of revenue to Council if this request was approved would be \$1,428.00 as the bond is refundable on completion of satisfactory works.

Attachments

1.  Request for fee waiver
2.  Quotation no: 35177

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: KOALA RECOVERY ACTION PLAN UPDATE

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.8.3 Promote biodiversity programs.

RECOMMENDATION

That Council note the report on the Koala Recovery Action Plan and endorse deferral of the Koala Recovery Action Plan Workshop until further information regarding the Private Native Forestry Code and mapping can be included.

Executive Summary

At the Ordinary Council Meeting on 17 March 2022 Council resolved as follows;

That Council:

- 1. Note the Koala Recovery Strategy Review outcomes.*
- 2. Endorse the development of an updated Draft Koala Recovery Action Plan to be presented to the June 2022 Ordinary Meeting of Council.*
- 3. Request the Chief Executive Officer to provide a Workshop to Councillors prior to the June 2022 Ordinary Meeting of Council.*

Staff have continued to develop the Koala Recovery Action Plan and were on track to deliver the Workshop noted in point 3 above however on 14 April 2022, the NSW Koala Strategy ([the Strategy](#)) was released and on 2 May 2022, the Private Native Forestry (PNF) Code ([the Code](#)) came into force.

These two documents have considerable impact on the management of Koalas and their habitat as the Strategy includes key funding streams available to Council across the next four years. The codes will allow clearing of Koala habitat, unless the land is identified within the Koala Prescription Map. In addition, the release of the Code is the starting point of unlinking rural land from State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapters 3 and 4 Koala Habitat Protection.

At the request of Council staff, Department of Planning and Environment (DPE) are in the process of providing up to date information regarding the Code, decoupling and the PNF Koala Prescription Map and have advised as follows:

1. The removal of Council consents for PNF (currently required by PMHC Local Environmental Plan) and repeal of State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapters 3 (Koala SEPP 2020) will not occur until after both the PNF Code and Land Management Code are revised.

2. Although the PNF code has recently be finalised, the preparation of the Land Management Code is still someway off and they don't anticipate an imminent change to the Koala SEPPs.
3. Information on 'who' has ownership and will maintain the PNF Koala Prescription Map remains unclear.

As noted above, data and the release of the PNF Koala Prescription Map has yet to eventuate. This information is critical as PMHC does not have an adopted and ratified Comprehensive Koala Plan of Management (KPoM) for the LGA, yet has 21,000 hectares of PNF entitlement mapped as Potential Koala Habitat.

Once this information has been obtained, the implications will be incorporated into the Koala Recovery Action Plan, and be presented to Councillors in a Workshop as soon as practicable.

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: 14.02

Subject: UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS - BI-ANNUAL REPORT

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the current status of site specific Planning Proposal requests as described in this report.**
- 2. Receive a further update report in December 2022 regarding the progress of site specific Planning Proposal requests.**

Executive Summary

The purpose of this information report is to provide Council with an update on the status of the current site specific Planning Proposal (PP) requests.

Since the November 2021 Council report, there has been progress made on a number of site specific PPs as outlined in this report.

It is recommended that Council note the status of the site-specific PP requests to amend the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP).

Council will receive individual reports on each of these PP requests at key stages of the process, and a further update report will be presented to Council in December 2022.

Background

Council, at its meeting on 3 November 2021, considered a report on the status of eight site specific PP requests (Item 12.06) and resolved:

That Council:

- 1. Note the current status of site specific Planning Proposal requests as described in this report.*
- 2. Receive a further update report in June 2022 regarding the progress of site specific Planning Proposal requests.*

Discussion1. Status of Site Specific PPs - June 2022

Since the November 2021 Council report progress has been made in the following PP's:

- the Crestwood Planning Proposal (PP2017 - 4.1) was made on 5 November 2021 when it was published on the NSW Legislation website;
- at Council's Ordinary meeting 21 April 2021 the Planning proposal for The Chimneys, Homedale Road Kew (PP2017 - 11.1) was not supported and the PP was not to be referred to the Department of Planning and Environment (DPE) for Gateway Determination. The Proponent is to submit a new PP when all the issues raised can be addressed adequately and the Kew / Kendall Sewage Treatment Plant has been upgraded;
- the Ruins Way PP (PP2011-9.3) has received Gateway determination from the DPE and is to be exhibited in June / July 2022;
- the Mumford Street PP (PP2014-11.1) has received Gateway determination and amended information is required from the Proponent; and
- a new PP for Ocean Drive Bonny Hills (PP2022-2.1) has been received.

Below in Table 1 is an update on all of the current Site Specific PP requests.

Table 1: Status of Site Specific PP Requests (June 2022)

PP Ref.	Property	Summary of amendment to LEP	Fees Paid	Status Nov 2021	Status June 2022
PP2011-9.3 <i>"The Ruins Way PP"</i> Lodged: In 2011 the Proponent wrote to Council. 290121 Council received an amended PP	Part Lot 499 DP 1258597 Ruins Way, Port Macquarie	Rezone land from RU1 Primary Production to part R1 General Residential and part E2 Environmental Conservation	Yes Stage 1 & Stage 2	Sent to DPE for Gateway Determination	Gateway Determination received on 15/12/21 Requires amended information. To be exhibited June / July 2022
PP2014-10.1 <i>"Mumford Street PP"</i> DA2021-257 Lodged: 16/02/18	Nos 11 & 33 Mumford Street, Port Macquarie	Rezone land from R1 General Residential and part E2 Environmental Conservation to Business Zone	Yes Stage 1	No change to status Under assessment.	Gateway Determination received and amended information required prior to exhibition.
PP2017-3.1 Lodged:	Lot 37 & Part Lot 39 DP 1191701, Frogs	Rezone land from RU1 Primary	Yes Stage 1	No change to status.	Ecological issues with Koala habitat.

PP Ref.	Property	Summary of amendment to LEP	Fees Paid	Status Nov 2021	Status June 2022
21/12/18	Road and Benjamin Close, Sancrox	Production to IN1 General Industrial for employment purposes		Council requested submission of an updated PP & information in Jan 2021. Proponent yet to submit despite being provided with a number of extensions.	Council report to be prepared for future Council meeting.
PP2019-2.1 <i>"Le Clos Sancrox PP"</i> Lodged: 11/12/19	Lots 1-52 DP 776681, Sancrox	Rezone land from RU1 to R1, R3, B2, E2, E3, E4 and RE1 and amend the applicable minimum lot size, floor space ratio and height of buildings provisions that apply.	Yes Stage 1	Council Staff had provided initial feedback to the proponent in relation to a suite of draft planning proposal documents.	PP was placed on public exhibition for a period of 50 days from 24/11/21-12/01/22. Formal consultation with public authorities / organisations has also been undertaken. Council Staff are working with the proponent to progress the development of draft infrastructure contributions & finance documentation to support the proposal & to address matters raised within submissions received from public authorities / organisations as a result of

PP Ref.	Property	Summary of amendment to LEP	Fees Paid	Status Nov 2021	Status June 2022
					the above consultation. To facilitate the continuation of this process, a 6-month extension to the Gateway Determination associated with this proposal has recently been issued by the DPE. The associated LEP amendment is now due to be completed by 13/11/22.
PP2020-3.1 <i>"HEP PP"</i> Lodged: 25/05/20	8 Highfields Circuit, 3-5 Kulai Place and 9-11 Kingfisher Road, Port Macquarie	Mixed-use health and education precinct Rezone land from part R1 General Residential and part R2 Low Density Residential to B4 Mixed Use and associated changes to building height and FSR	Yes Stage 1	At its Ordinary Meeting of 21/10/20, it was resolved that Council should undertake Council initiated health and education precinct strategic planning investigations prior to any subsequent referral of this PP to the NSW Government seeking Gateway Determination.	No change to status. Subject to further progression of Council initiated health and education precinct strategic planning investigations
PP2020-4.1 DA2020-851.1 -	Lot 1 DP 250402 & Lot 2 DP 234501, No 4 Major Innes	Proposed Service Station and	Yes Stage 1	No change to status Council requested	Discussions with Proponent in relation to issues

PP Ref.	Property	Summary of amendment to LEP	Fees Paid	Status Nov 2021	Status June 2022
Lodged: 19/10/20	Road (cnr Oxley Drive), Port Macquarie	Drive through take away Rezone land from R1 General Residential to B4 Mixed Use and retain current R1 building height and FSR		additional information January 2021. Proponent yet to submit despite being provided with a number of reminders.	associated with land acquisition, road widening, traffic, bushfire, ecological and State agency concerns are being undertaken.
PP2021-4.1 Lodged: 5/08/2021	Lot 11 DP 1226839 Seaside Drive, Lake Cathie (Rainbow Beach)	Rezone land from B4 Mixed Use to R1 General Residential	Yes Stage 1	New	No information received since meeting with Proponent 061021. Issues with Part 3A modification currently with DPE, impacting progress of this PP. Follow up report to be provided to Council.
PP2022-2.1 Lodged: 21/04/22	Lot 6 DP 594793, Lots 6 & 7 DP 594792, 1175 and 1191 Ocean Drive Bonny Hills	Rezone land from RU1 Primary Production to part SP2 Infrastructure (school) and part C2 Environmental Conservation to enable an education establishment,	Yes Stage 1	-	Issues with sewer capacity to service future development. Follow up report to be provided to Council.

Council will receive individual reports on each of these PP requests at key stages of the process, and a further update report will be presented to Council in December 2022.

Options

The update on the site specific PPs is for information only.

Community Engagement and Internal Consultation

Depending upon the stage of the PP, consultation may have been undertaken between Council staff, proponents, State agencies and the public.

Further community consultation consistent with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), DPE's Local Environmental Plan Making Guideline (which came into effect 15 December 2021) and Council's adopted Community Participation Plan (2019) will occur where a PP is supported by Council and a Gateway determination is received.

Planning and Policy Implications

Council's consideration of requests for PPs is governed by the EP&A Act, Environmental Planning and Assessment Regulations, various state policies, DPE guidelines and Council Policy.

A report for Council's consideration will be required for each PP as to whether or not to support an amendment being made to the LEP. If supported, the PP will be forwarded to DPE for a Gateway determination.

Financial and Economic Implications

Council fees consistent with current adopted Fees and Charges (Stage 1 and Stage 2 fees) will apply to each of the PP requests to amend the LEP.

Attachments

Nil

Item: 14.03

Subject: MEMORANDUM OF UNDERSTANDING - PUBLIC DRINKING
WATER SUPPLY - MID NORTH COAST LOCAL HEALTH DISTRICT
AND PORT MACQUARIE-HASTINGS COUNCIL

Presented by: Community Utilities, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the intention of the Chief Executive Office to enter into a new three-year Memorandum of Understanding - Public Drinking Water Supply 2022 - 2025 between the North Coast Local Health District and Port Macquarie-Hastings Council.

Executive Summary

Port Macquarie-Hastings Council and the North Coast Public Health Unit (previously the Mid North Coast Local Health District) currently have a Memorandum of Understanding (MOU) which sets out the mutual commitment and support in achieving a cooperative approach to supplying water that is safe to drink and ensuring the protection of public health for the Port Macquarie Hastings community who have access to drinking water within the reticulation network.

This MOU formalises the existing working relationship in regard to public drinking water supply and encourages an effective link between the North Coast Public Health Unit (NCPHU) and PMHC.

This report is to recommend that the attached MOU replaces the Memorandum of Understanding Public Drinking Water Supply between Mid North Coast Local Health District and Port Macquarie-Hastings Council dated January 2019 December 2021.

Only minor administrative changes have been made to the document such as updates to names, job titles, contact details, dates and the change of name as previously mentioned from the Mid North Coast Local Area Health District to the North Coast Public Health Unit.

Discussion

The Memorandum of Understanding (MOU) between North Coast Local Health District (MNCLHD) and Port Macquarie-Hastings Council (PMHC) sets out the mutual commitment and support in achieving a cooperative approach to supplying water that is safe to drink and ensuring the protection of public health for the Port Macquarie

Hastings community who have access to drinking water within the reticulation network.

The MOU formalises the agreement to work cooperatively to:

- Consider the long-term strategic issues and emerging public health issues relating to the drinking water supply
- Maintain and enhance water quality data collection and data sharing programs
- Participate in programs of research and development, and sharing of program results as appropriate. eg: disinfection by products, pesticide sampling, total organic carbon testing, managing risks associated with chlorine resistant pathogens
- Define and implement effective processes for communication and reporting
- Annually review the implementation of this MOU

The objectives of the MOU are:

- To ensure the provision of adequate, safe drinking water to the consumers of PMHC Local Government area
- To strengthen communication and reporting processes between PMHC and NCPHU
- To support and enhance data sharing arrangements
- To enhance drinking water quality through collaborating on Drinking Water Management Systems (DWMS) and other quality improvement programs

PMHC is responsible for the collection, storage and treatment of water for a consumer population of >85,000. This population potentially increases to above 100,000 during the holiday seasons. PMHC is responsible for maintaining the quality of the public drinking water, as well as ensuring a sufficient quantity of drinking water is available for the consumers.

The NSW Minister of Health and the Secretary of Health have certain responsibilities in relation to the protection of public health under the Public Health Act 2010 and the Fluoridation of Public Water Supplies Act 1957. The NSW Government has endorsed the NHMRC, NRMHC (2011) Australian Drinking Water Guidelines as a model for best practice. PMHC is to have regard for the Australian Drinking Water Guidelines (2011) and any subsequent updates when conducting its water supply activities.

This MOU formalises the existing working relationship in regard to public drinking water supply and encourages an effective link between the North Coast Public Health Unit (NCPHU) and PMHC and defines the roles and responsibilities of both the North Coast Public Health Unit and Port Macquarie-Hastings Council.

This MOU replaces the Memorandum of Understanding Public Drinking Water Supply between North Coast Local Health District (previously the Mid North Coast Local Health District) and Port Macquarie-Hastings Council dated January 2019 December 2021. Only minor administrative changes have been made to the document such as names, job titles, contact details and dates and the change of name as previously mentioned from the Mid North Coast Local Area Health District to the North Coast Public Health Unit. The MOU will be effective when it is signed and

dated by both parties and shall remain in place for a three-year period or until terminated by either party giving the other party three (3) months' notice in writing.

Options

Council has the option to choose to adopt the MOU, decide not to adopt the updated MOU or seek further information.

Community Engagement and Internal Consultation

External community engagement has been undertaken with:

- North Coast Public Health Unit

Internal consultation has taken place with the following:

- Director Community Utilities
- Group Manager Utilities Operations
- Water and Sewer Operations Manager
- Laboratory Manager

Planning and Policy Implications

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

Financial and Economic Implications

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

Attachments

1.  Draft Memorandum of Understanding - Public Drinking Water Supply - North Coast Public Health Unit and Port Macquarie-Hastings Council

Item: 14.04

Subject: WATER SECURITY PLAN UPDATE

Presented by: Community Utilities, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the planning work for the Port Macquarie Hastings Water Security Plan is now complete with the information ready to be incorporated into the Blueprint and presented to the community for feedback.**
- 2. Note the construction of a bulk water treatment plant is a critical water security project, with planning and design work currently underway, and it will provide water security out to 2052 even with a growing population.**
- 3. Note drought response planning needs to be undertaken now before the next drought to ensure actions are ready to be enacted to prevent an emergency situation.**
- 4. Commence investigations and feasibility studies into rainfall independent water sources to inform the drought response actions.**

Executive Summary

Water is an essential part of our daily lives and is integral to the environment that surrounds us. To ensure our community continues to flourish, a secure water supply is needed, one that can cater for the continued growth of the community and that can be resilient to a drier climate in the future.

Investigations have now been completed for securing our future water supply with information ready to form a Water Security Plan.

The Port Macquarie Hastings Water Security Plan is Council's approach to ensuring the region has a resilient and sustainable water supply for future generations, that contributes to regional liveability and prosperity and is delivered in collaboration with the community. The Plan aims to ensure water security for the Port Macquarie-Hastings Region for at least the next 30 years. The plan also includes actions that have the potential to secure the region's water supply beyond 2052.

The plan is aligned to the Community Strategic Plan, Imagine2050, and response to community concerns around water security and having stable infrastructure ensuring we have the most liveable, sustainable and innovative place in Australia.

Across 2017 to 2019, the region experienced the worst drought on record with rainfall and river flows in 2019 being the lowest in recorded history. Many lessons and insights have been gained from this drought allowing them to be incorporated into the Water Security Plan to ensure even with a growing population, our water supply can continue to be secure. The recent drought has also highlighted the important need of planning for the next extreme event now, and putting in place measures to ensure that a timely response can be enacted to guarantee continued water supply for the community. It is always possible the next drought could be worse than the last.

With the lessons and insights of the 2019 drought, future population predictions and modelling of future climate, actions have been identified to achieve the objectives set out in the Water Security Plan ensuring the region has a resilient and sustainable water supply for future generations.

Council resolved at the Ordinary Council Meeting held on 16 February 2022 to develop a draft Blueprint to give consideration of the key strategic priorities for the Port Macquarie-Hastings area, including water planning and delivery. The draft Water Security Plan is ready to be incorporated into this Blueprint and presented to the community for feedback.

Discussion

Strategic planning is a core function of Council and as a Local Water Utility, planning to ensure a secure water supply for the community is essential. The outcome of this strategic planning for a secure water supply is the Port Macquarie-Hastings Water Security Plan.

The Port Macquarie-Hastings Water Security Plan is Council's approach to ensuring the region has a resilient and sustainable water supply for future generations, that contributes to regional liveability and prosperity and is delivered in collaboration with the community. The Plan aims to ensure water security for the Port Macquarie-Hastings Region for at least the next 30 years.

The plan is aligned to the Community Strategic Plan, Imagine2050, and response to community concerns around water security and having stable infrastructure ensuring we have the most liveable, sustainable and innovative place in Australia.

In order to achieve the aim of having a resilient and sustainable water supply for future generations, the Water Security Plan outlines the following four objectives:

- Providing safe and reliable drinking water for a growing community
- Enhancing the existing system to ensure we make the most of what we have
- Improving the resilience of the system
- Supporting a liveable region through water

Council supplies water to approximately 78,200 connected customers across the Local Government area, being around 90% of a total population of approximately 86,400¹. Council also supplies water to many business and industrial customers as well as community facilities such as parks, gardens and sporting grounds.

¹ NSW Government population projection for the Port Macquarie Hastings LGA, 2021 estimated population of 86,406 updated 2022
(<https://pp.planningportal.nsw.gov.au/populations>, accessed June 2022)

To deliver this water Council operates several water supply schemes, being:

- Port Macquarie - Camden Haven
- Wauchope
- Telegraph Point
- Comboyne
- Long Flat

The Port Macquarie - Camden Haven and Wauchope water supply schemes are the largest schemes sourcing water from the Hastings River at Koree Island. Water is also stored in Cowarra and Port Macquarie Dams, which allows for continued supply even when water cannot be extracted from the river. Together the two dams have a total combined storage of 12,500 mega litres (12.5 billion litres or 5000 Olympic Size Swimming Pools). The Telegraph, Comboyne and Long Flat schemes are small localised schemes servicing the individual townships, Telegraph Point via extraction from the Wilson River, Comboyne via extraction from the Thone River and Long Flat via extraction from the Hastings River. All schemes supply filtered water through ultra-filtration membranes, except the Port Macquarie - Camden Haven scheme, which is currently unfiltered.

The Port Macquarie - Camden Haven water supply scheme has been able to continue as an unfiltered supply due to the high quality of the Hastings River catchment and because Cowarra and Port Macquarie Dams are both off-river storages, meaning the quality of water extracted from the river can be selected, only taking water when the river is flowing clear. Having an unfiltered water supply does have increased risks around water quality and longer term supply quantities due to limitation on river extraction.

Extracting water from the environment, such as from rivers, is regulated by the NSW State Government via the Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019, which is State legislation under the Water Management Act 2000. This regulation is overseen by the Natural Resources Access Regulator (NRAR). Extraction entitlements are outlined in water access licences, which specify the annual allocation and any specific extraction rules or conditions. Council pays for all water extracted from rivers to the State Government through WaterNSW, with Council holding five access licences for the Hastings River, one for the Thone River, one for the Wilson River and one for the Camden Haven River.

Supporting a growing population

The Port Macquarie-Hastings Community is growing. Over the next 30 years the population of customers connected to the water supply (supplied population) is predicted to reach approximately 111,800 people, an increase of approximately 33,800 or 43%, as shown in Figure 1 below.

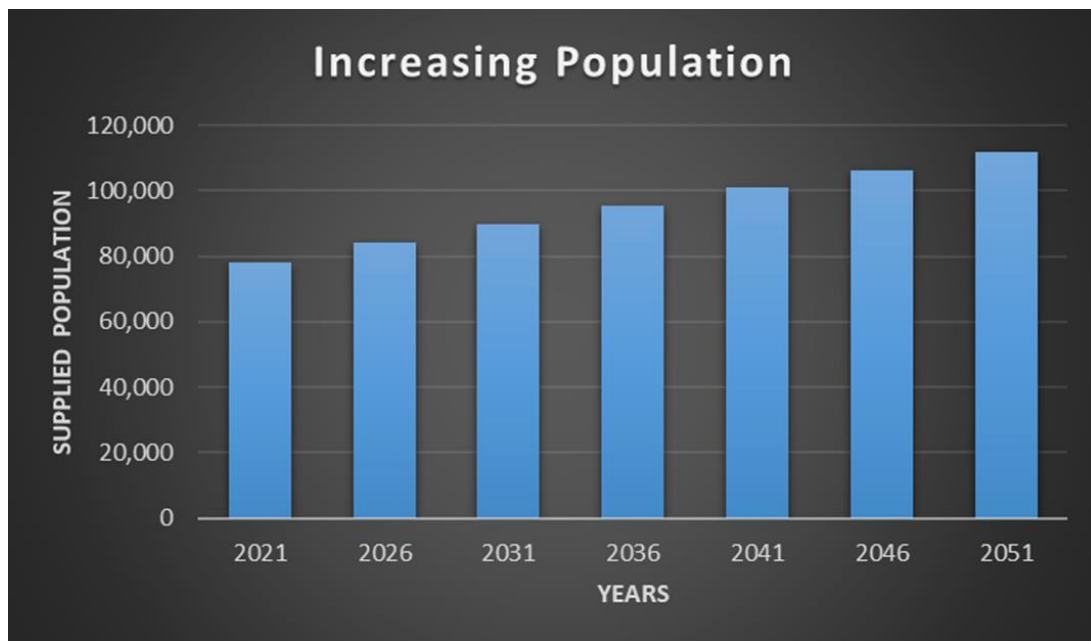


Figure 1: A high growth assessment showing an increase of 43% over the next 30 years, increasing the population supplied with water from 78,200 to 111,800.

When Council's population growth projections are compared with the NSW Government's Department of Planning's for our local government area, as shown in Figure 2, it can be seen that Council's predictions are for a higher growth, 43% compared to the NSW Government's 24% growth to 2051.

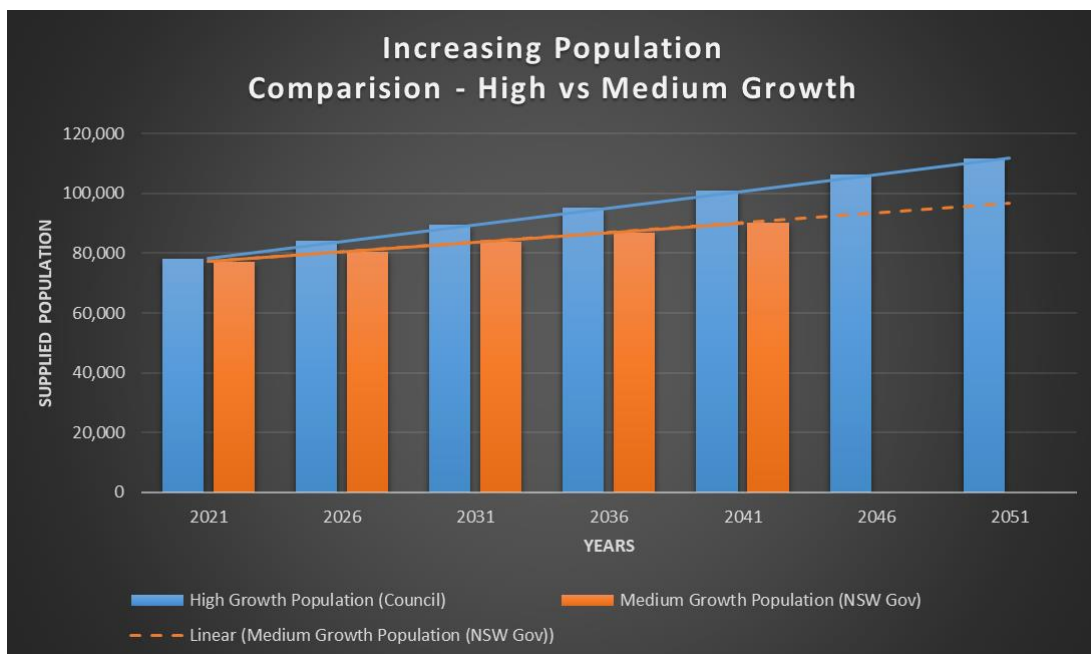


Figure 2: A comparison of the NSW Department of Planning population predications, showing 24% growth across 30 years, against the high growth assessment undertaken by Council at 43% growth. The State Government total population predications have been adjusted to indicate the approximate 90% of the population connected to the water supply system.

To ensure the water supply network is robust and to cater for an uncertain future, the higher growth rate assessment has been adopted to estimate the predicted demand on the water supply system.

Using the higher growth rate and taking into account other water users, an assessment of the dry year water supply demand has been undertaken. An assessment of a dry year demand takes into account the fact that urban rainwater tanks are likely to be empty and that other water users will be drawing on the system, for example water carters taking water for filling rural rainwater tanks.

This assessment highlighted a 7,225 mega litre (ML) annual dry year demand for 2021 increasing to 9,895ML in 2051, as outlined in Figure 3.

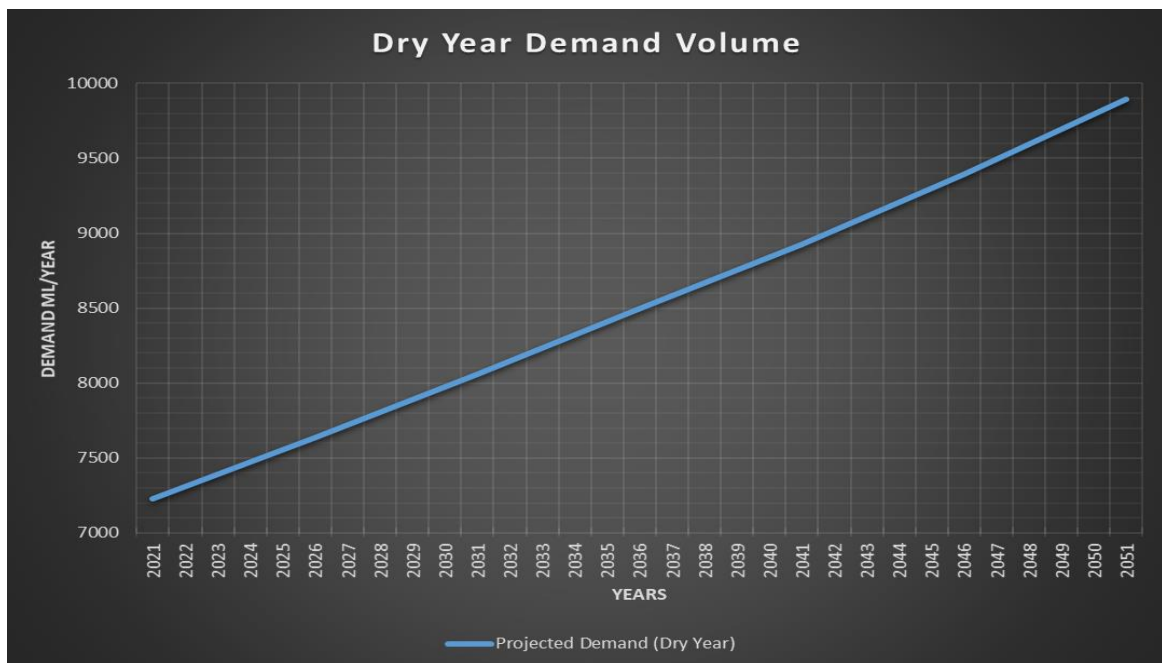


Figure 3: The projected increase in dry year demand as the population increases.

In order to determine the annual amount of water the existing system could supply, a hydrologic model of the system was produced to estimate streamflow, including water quality parameters, and to model the system behaviour including pumping constraints based on pump and pipe sizes and extraction licence conditions, evaporation from dams and the like. As the Port Macquarie - Camden Haven supply scheme is unfiltered, water quality limits are built into the model, limiting both extraction from the river and the amount of usable water stored within the dams.

As the water level within the dams reduces, it exposes unvegetated banks which increase turbidity of the dam following localised rain events. Turbidity can also increase due to wind impacts. With increased turbidity, higher nutrient loads (nitrogen and phosphorous) within the water are also likely. If nutrients are combined with other factors such as high temperatures and sunlight, algae can increase to excessive levels and form visible 'blooms' which can lead to poor water quality and the potential for toxicity (e.g. blue green algae). This combination of factors increases as the dam levels reduce and the lower levels of the dam are increasingly exposed to sunlight, causing the water temperature to rise.

For these reasons, within the system supply hydrologic model, the available water stored in the dams has been reduced by 32%, 30% for Cowarra Dam and 40% for Port Macquarie Dam, reducing the total combined storage from 12,500ML to 8,500ML.

With all these constraints modelled to replicate historical stream from 1890 up to February 2020, the available annual system supply volume was 7,280ML.

Following the procedure outlined in the draft 2013 NSW State Government guidelines - NSW Department of Primary Industries, Office of Water, "Assuring future urban water security, Assessment and adaption guidelines for NSW local water utilities", a reduction factor was determined using several climate models to predict impacts from a drier future climate. The reduction factor that was determined was just over 11%. Therefore, the annual supply volume is likely to decrease to 6,470ML. This existing annual system supply volume is shown against the predicted system demand in Figure 4. While the reduction of existing supply volume due to climate change is not going to be linear as illustrated, it is predicted to progressively reduce.

As can be clearly seen, there is a significant growing difference between the predicted demand from 2022 to 2051 versus the predicted supply from 2022 to 2051, equating to a maximum of 3,425ML by 2051.

Noting the water quality restrictions due to having an unfiltered supply across the Port Macquarie - Camden Haven supply scheme, the introduction of a bulk water treatment plant was modelled in the supply system. The bulk water treatment plant would allow the full storage volumes within the Cowarra and Port Macquarie Dams to be counted towards supply as well as allowing the quality restrictions for extracting water from the Hastings River to be eased. When modelled, these changes increased the supply volume by approximately 3,500ML per year, as shown in Figure 5. This increase is enough to ensure a secure water supply out to 2052 even with a high population growth increasing demand and a reducing supply volume due to climate change. The construction of a bulk water treatment plant at Cowarra Dam with associated supply trunk water mains is a critical project for Council, with the plant planned to be commissioned in 2026. Planning and design work is currently underway.

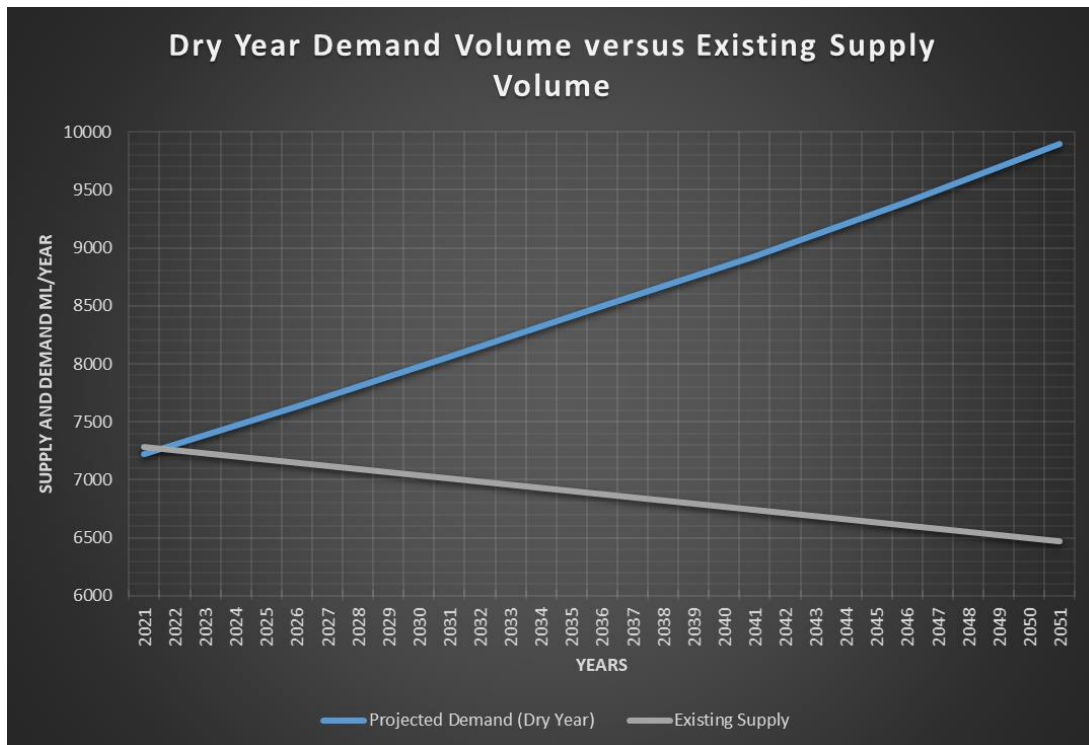


Figure 4: The projected increase in dry year demand as the population increases shown against the existing supply volume which is likely to decrease due to climate change.

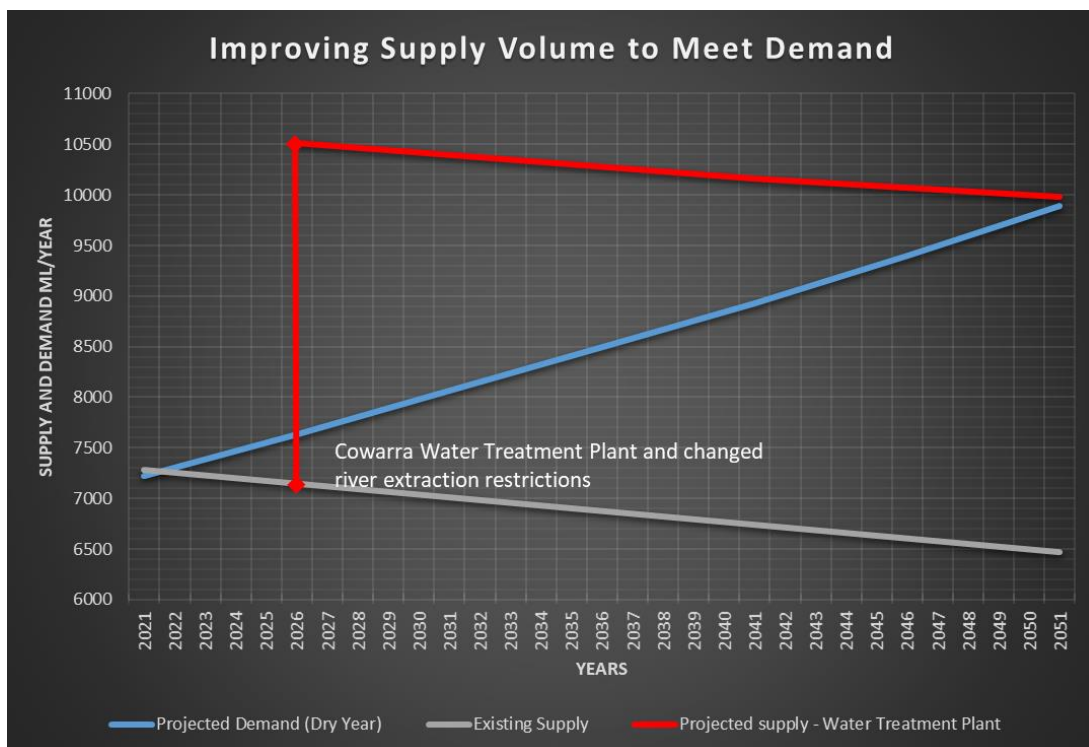


Figure 5: Increased supply volume compared to demand due to the construction of the Cowarra Water Treatment Plant and subsequent relaxing of river water quality restrictions.

As the increased supply intersects with the predicted demand in 2052, detailed planning and design work for an additional water supply option needs to commence by 2045 to ensure that option is constructed and commissioned by 2051.

The construction of the bulk water treatment plant at Cowarra Dam, along with construction and upgrading of the bulk supply trunk water mains. will ensure the community has a safe and reliable water supply that can cater for a growing population.

Review of 2017 - 2019 Drought

Due to the Intense Drought across 2017 to 2019, the total combined storage (TCS) levels in the dams dropped to just below 38%, the lowest they have been since Cowarra Dam was first commissioned. This occurred over a period of more than 12 months, with levels dropping from around 98% in September 2018 to 38% at the end of January 2020, as shown in Figure 6 below. Water restrictions were progressively introduced at or near the respective trigger levels as the TCS level dropped. 2019 was the driest year on record for the Hastings valley with river flows the lowest they have ever been. The Hastings River stopped flowing for 60 days from November 2019 to January 2020, which was not previously predicted.

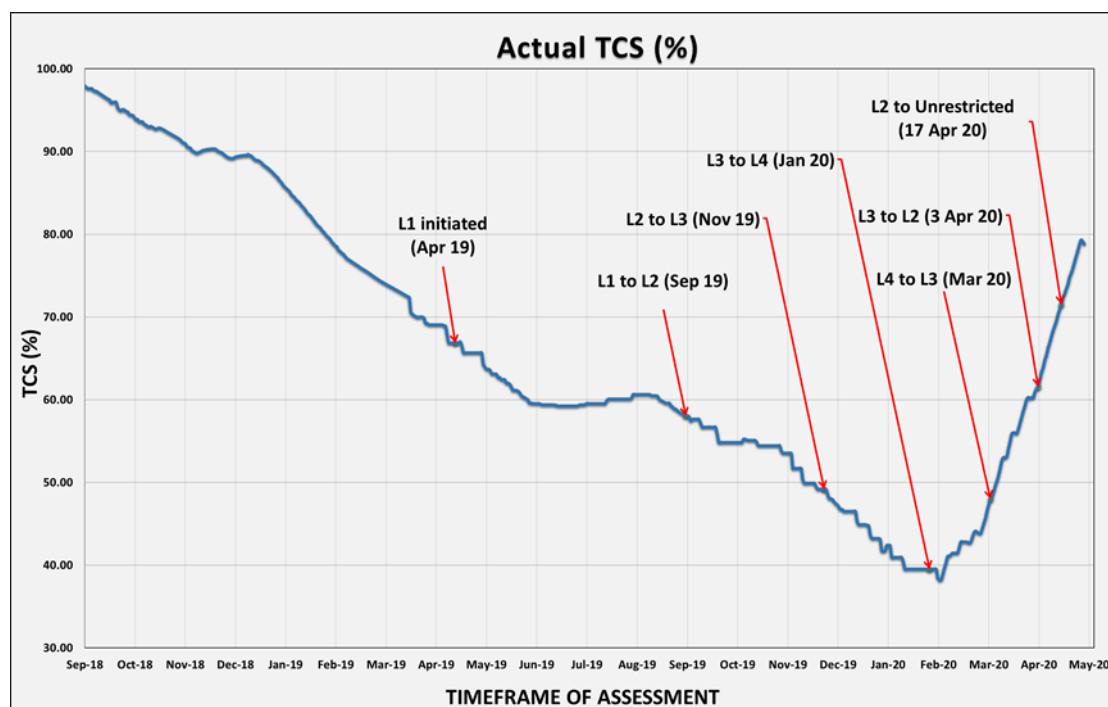


Figure 6: Actual TCS dam level percentages from September 2018 to May 2020 with water restriction introduction dates indicated (L1 = Level 1 etc.).

With significant rainfall occurring in February 2020 and above average rainfall continuing for much of 2020, the TCS level recovered, reaching 100% at the end of June 2020.

In May 2019 Council sought clarification from the NRAR, as the State Government authority responsible for regulating access to water, regarding water extraction licence conditions and the then draft Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources.

Council was able to gain clarity on the application of the Water Sharing Plan and the 'cease to pump' rules applicable to the relevant Water Access Licences held by Council at the beginning of June 2019. This allowed Council to increase pumping from the river to generally meet daily demand, which slowed the rate of decline of the TCS levels until the river stopped flowing and the physical water level at the pump station site restricted further pumping, which occurred in November 2019. This is shown in Figure 6 above where only approximately 7% to 9% of TCS level was used over 5 months (June 2019 to November 2019). Prior to this, the TCS level dropped by approximately 30% in six months (December 2018 to May 2019). River flows did not return until mid-January 2020.

Theoretically, had the Water Sharing Plan been adopted at the end of 2018, giving clarity to water extraction licence conditions and cease to pump rules, then the TCS levels may not have started to rapidly decline until September/October 2019, as shown in Figure 7 by the pink line. Therefore, it was likely that only the Level 2 Water Restriction Trigger Level of 60% would have been reached at the beginning of February 2020 just as the river flows returned and not Level 4 water restrictions.

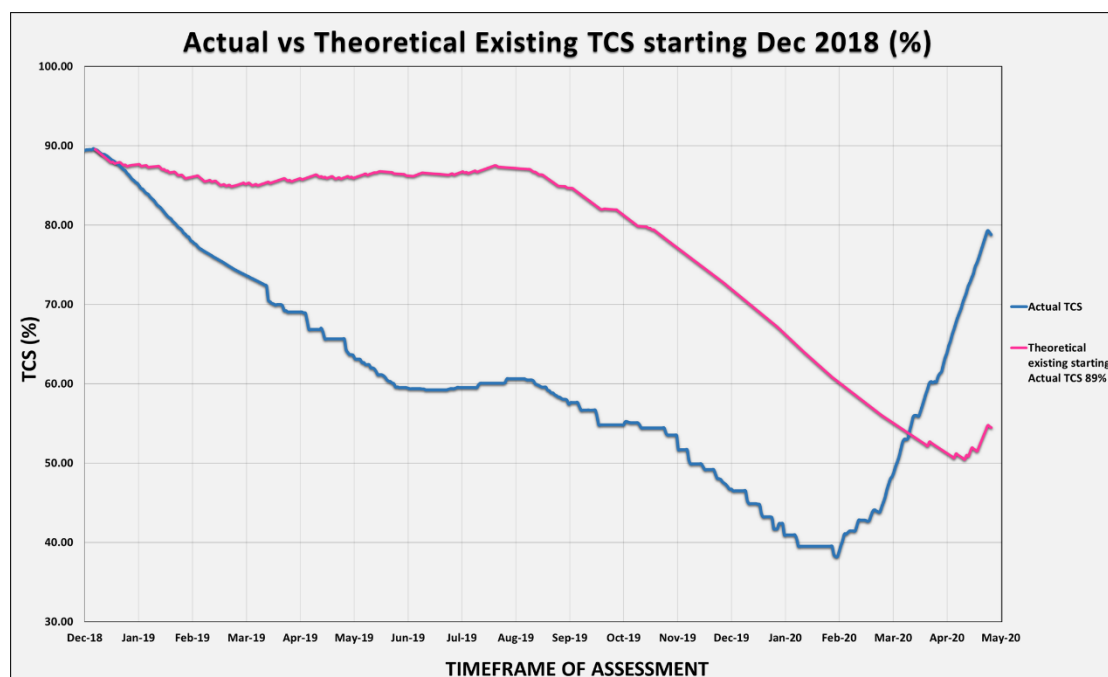


Figure 7: A theoretical scenario showing dam total combined storage levels with clarified water extraction licence conditions and cease to pump rules compared to actual levels during the drought. It shows the only Level 2 Water Restrictions would have likely been enacted had more pumping occurred as allowed.

With the Water Sharing Plan now adopted, the set extraction licence conditions will be applied to water extraction operations moving forward, meaning water extraction can occur more often in accordance with the set licence conditions, resulting in increased river extraction opportunities. These extraction licence conditions have also been included in the secure yield water supply modelling described in the previous section.

Another key lesson from the drought is the importance of planning and implementing actions before a drought occurs. Further analysis was undertaken to see the impact

had on the river flow conditions of 2019 continued, with 2019 rainfall occurring at the beginning of 2020 and then repeating each year with the duration of no flows in the river getting worse each year. This analysis determined that with increased demand at 2051 levels, dam storages can only last 4 to 5 years before emptying should we experience a prolonged intense drought with 2019 conditions. If such a drought were to occur, 4 to 5 years is unlikely enough time to investigate, design and build an alternative water source to respond to ensure water supply continues. Therefore, a drought response measure needs to be selected, investigated, designed and approved now before the next drought with the construction occurring when the storage levels begin to drop.

As the current supply systems all rely on river extraction, they are rainfall dependent. Any drought response actions for additional water sources should be rainfall independent such as purified recycled water or seawater desalination. Having approximately a third of the daily demand supplied from a rainfall independent source (around 10ML per day) when dam storage levels reach 50% is likely to extend the water supply indefinitely with a prolonged drought (replicating 2019 river flow conditions).

It is recommended that investigations and feasibility studies commence for rainfall independent water sources with designs and approval being completed for the most feasible solution within the next two to three years. This drought response action response plan will be outlined within the Water Security Plan.

Council has a current project to improve the existing extraction system for times of low flow with in-river works at Koree Island. The Koree Island rock ramp project will repair an eroded bank of the river downstream from the extraction pumps, which will move the flow back to the middle of the river and in turn lift the height of the extraction pool. This pool height increase will extend the pumping times during low flows.

Other actions that will be outlined in the Water Security Plan include:

- Implement a leak detection and rectification program using Artificial Intelligence and machine learning technology
- Continue our education and collaboration with the community around water conservation
- Support new innovations to enable households reduce their demand on drinking water. One such innovation is the 'Hydraloop in home water recycling unit', currently being trialled by Sydney Water.
- Continued use of recycled water for non-drinking purposes

Together these actions aim to enhance the existing system to ensure we make the most of what we have, with a target to reduce our drinking water demand by 10%.

The Plan will also outline improving the integration of land use and water planning to contribute to liveable communities. This will support green spaces, healthy waterways and a more sustainable lifestyle for the whole Port Macquarie-Hastings community.

Options

Council has the following options:

- Adopt the recommendations as presented
- Place the Water Security Plan on public exhibition to gain feedback and comments prior to incorporating the information into the Blueprint
- Request further information prior to commencing investigations and feasibility studies into rainfall independent water sources that will form a drought response.

Community Engagement and Internal Consultation

Community consultation on water security was undertaken as part of the consultation for the Community Strategic Plan. The feedback received during that engagement session has helped inform the drafting of the Water Security Plan.

This information is ready to be incorporated in the future Blueprint and put to the community for consultation with the Blueprint.

Internal consultation has taken place with the following:

- Director Community Utilities
- Group Manager Utilities Planning and Design

Initial consultation has also occurred with the Department of Planning and Environment - Water Group. As the regulator of Local Water Utilities, the Department of Planning and Environment - Water Group will review our Water Security Plan along with other strategic planning to ensure we are meeting our obligations.

Councillors were briefed in relation to the Water Security Plan development on 26 May 2022 including the session being recorded which was made available to the Mayor and all Councillors.

Planning and Policy Implications

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

The continued use of water restrictions in time of drought to manage demand are outlined in the Water Supply Policy, with the lessons from the drought having already been incorporated.

The feasibility studies into additional rainfall independent water sources will identify any planning implications that need to be addressed.

Financial and Economic Implications

There are no direct financial implications in relation to this report. The actions identified in the Water Security Plan can be fully funded from existing water fund

reserves, therefore there is no need to increase water access and usage charges outside yearly inflation increases.

Further investigations are required to determine the cost of a rainfall independent drought response action. Should a new facility need to be constructed in response to a drought, there may need to be a review of water access and usage chargers to recover its costs and cover continued costs into the future.

Getting water planning right will have positive economic implications for the region.

Attachments

Nil

Item: 14.05

**Subject: KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT
PLAN UPDATE**

Presented by: Community, Planning and Environment, Melissa Watkins

Alignment with Delivery Program

4.8.2 Increase community awareness and enable access to the natural environment.

RECOMMENDATION:

That Council note the information presented in the Kooloonbung Creek Flying Fox Camp Management Plan update report.

Executive Summary

The Kooloonbung Creek Flying-Fox Camp Management Plan (CMP) was adopted by Council at the June 2019 ordinary meeting. The CMP follows the Department of Planning Industry and Environment (DPIE) template and state legislative guidelines and contains recommendations, specific to Kooloonbung Creek, for action based on feedback from the community and in particular, the local residents.

Since adoption in June 2019 staff have been implementing the Level 1 and 2 management actions identified in Table 8 on page 48 of the CMP (Attachment 1).

This report provides an update of the progress of implementing those Level 1 and 2 management actions including education and awareness programs, property modification/service subsidies, as well as canopy mounted sprinklers.

In addition, Council successfully received a grant of \$10,000 from the NSW State Government to assist with the flying fox subsidy program to be delivered in 2021-2022.

Discussion

The Kooloonbung Creek Flying-Fox Camp Management Plan (CMP) was developed following a resolution by Council in August 2018 as follows:

That Council:

1. *Note the information contained in the Management of the Flying-fox Camp in Kooloonbung Creek Nature Reserve report;*
2. *Establish a Consultative Committee for Flying-fox Management in Kooloonbung Creek;*
3. *Invite nominations for membership on the Committee from the following:*

- Affected residents;
 - Representatives from the Office of Environment and Heritage (OEH);
 - Representatives of the Friends of Kooloonbung;
 - Expert ecologists; and
 - Other interested community representatives.
4. Prepare a Project Plan for delivery of a Camp Management Plan and associated community consultation/engagement/education program;
 5. Formally seek OEH and Local Government NSW funding for the development of a Camp Management Plan and future implementation of the Camp Management Plan;
 6. Engage a suitably qualified consultant to assist in the preparation of a new Flying-fox Camp Management Plan for Kooloonbung Creek, which takes account of new camp management options and legislation and to undertake associated community consultation (including formalised attitudinal surveys, etc.).
 7. Ensure that the Kooloonbung Creek Management Plan fully explores all other options and outlines the legislative obligations, pros, cons, and costs for management options including but not limited to:
 - a) Noise barriers (e.g. Perspex sheeting);
 - b) Buffer landscaping using non-roost trees;
 - c) Specific rebates to residents to assist with air-conditioning etc.;
 - d) (Voluntary) acquisition of properties for affected residents with these residences leased back by Council with agreements in place;
 - e) Other novel options.
 8. Further considers the draft Camp Management Plan and the options outlined therein at a future meeting of Council, with further Actions to be based on this work.
 9. Request the General Manager provide quarterly reports to Council on progress in these matters.

The Kooloonbung Creek Flying-Fox Camp Management Plan (CMP) was then adopted by Council at the June 2019 Council meeting.

That Council:

1. Adopt the Kooloonbung Creek Flying-fox Camp Management Plan (Attachment 1).
2. Acknowledge the submissions made during the exhibition period and advise people who made submissions of the outcome of Council consideration of this matter.
3. Acknowledge the contribution of the Kooloonbung Creek Flying-fox Camp Management Plan Consultative Committee in the development of the Management Plan and thank the members of the committee for their input.

The Kooloonbung Creek Camp Management Plan (*the Plan*) provides Council with a framework for managing community impacts associated with flying foxes roosting along Kooloonbung Creek, whilst ensuring flying foxes and their ecological services are conserved.

Level 1 and 2 management actions have commenced and continue. Table 1 outlines the works that have been completed from June 2021 to June 2022.

Table 1: Progress Report

<u>Actions</u>	<u>Expected timeline</u>	<u>Progress to date</u>
Level 1 Management Actions		
Education and awareness programs	June 2020	<p>The Education Team is delivering ongoing educational activities including with school groups community groups and educational activities to the community to raise awareness about flying foxes. These include:</p> <ol style="list-style-type: none"> 1. Kooloonbung Creek Interactive 360 degree map of the camp <ol style="list-style-type: none"> 3. The interactive map can be access via the Council Website. It provides an opportunity for Community members to explore the local Kooloonbung creek camp, with the opportunity to click through to see images, videos and listen to information about flying foxes 4. 2. Kooloonbung creek 360 video of camp with sound <ol style="list-style-type: none"> 5. This 34 second video show the bats in the camp, moving and making noise - As a 360 degree video, the viewer can move the screen to see the camp from various angles 6. 3. Community update on the Flying Fox Camp Management Plan <ol style="list-style-type: none"> 7. The video presentation discusses the unique attributes and contribution of flying foxes and discusses our need to live and work beside them in the community. The presentation takes viewers through the 360 degree interactive map resource (above) to demonstrate how to use it and what you can learn. It was designed to share as part of an update with the local community in regard to the Kooloonbung creek flying fox camp management plan. 8. 4. Social Media posts promoting positive impacts of Flying Foxes <ol style="list-style-type: none"> 9. In conjunction with the communication team, a series of Flying fox posts have been shared to promote the positive attributes and contribution of the flying fox. 10. 11. 5. Connect Ed Schools Website - links to flying fox resources (1 and 2 above). <ol style="list-style-type: none"> 12. 13. Promotion of the flying fox resources on our school Education hub - for students and

		<p>teachers to access for interest or to support their learning.</p> <p>14.</p> <p>6. Creation of a Flying Fox box as a resource for schools</p> <p>15.</p> <p>16. A Flying fox box is a resource that will be available for loan by schools and families from our 3 libraries and from the education team. The box will include a flying fox soft toy, 2 books - one factual and one fictional story, a template to make your own flying fox, lesson plan ideas to stimulate discussion, learning and engagement with flying foxes, why they are important and how we can live in harmony with them. The boxes are almost complete and should be ready for loan in the second half of 2022. The resource will also be promoted on the Connect Ed schools and library websites when completed.</p> <p>Ongoing community information sessions are scheduled at six monthly intervals to inform the community of the progress of implementing the CMP.</p> <p>The next community information session is scheduled for 28 June 2022 in the Function Room at 17 Burrawan Street Port Macquarie.</p> <p>Due to COVID 19 Restrictions, the last community information session was held on 10 December 2021 via a live Zoom Presentation.</p> <p>In addition to the community information session Council provided a brief update via letter box drop to 168 residents living in close proximity to the camp in November 2021. This update is also available on Councils website, titled Kooloonbung Creek Camp Management Plan November 2021 Report.</p> <p>Council's website is continuously updated and provides a range of information about flying-fox's and management. The last update was the February 2022.</p> <p>Interpretative Signage has been installed at strategic locations in Kooloonbung Creek.</p> <p>Customer service staff have been provided guidance on how to respond to frequently asked questions (FAQ's).</p> <p>Port Macquarie Library presented a Wildlife Educational Display Sept- Dec 2020 which included:</p> <ul style="list-style-type: none"> Educational resources about the importance of wildlife and their habitats
--	--	--

		<ul style="list-style-type: none"> New Book Life Upside Down. Explore the upside down world of Australia's Grey-Head Flying Fox. Learn about their habitat, behaviours and how to protect the species. <p>In 2018 Port Macquarie-Hastings Council developed and IZI Interactive Audio Educational Walk of Kooloonbung Creek - which includes:</p> <ul style="list-style-type: none"> 27 points of interest with audio interpretations via GPS Audio Number 5 talks about the importance of Flying Foxes <p>Regular contact with residents living in proximity to the camp and Friends of Kooloonbung Creek.</p>
Property modification /service subsidies	June 2020	<p>The 2021-2022 subsidy package is being finalised using the \$10,000 grant received from NSW Government.</p> <p>The 2021-2022 subsidy was offered to 36 residents in proximity to the flying fox camp ensuring a targeted mitigation strategy with long term benefits.</p> <p>Noise Monitoring undertaking in February 2021 guided the subsidy in respect to making recommendations for suitable mitigation measures available to mitigate noise impacts to residents.</p> <p>Summary of 2021-2022 subsidy package:</p> <ul style="list-style-type: none"> Offered to 36 eligible residents. Tier 1 (0-20m from camp) \$775 Tier 2 (20-40m from camp) \$500 Tier 3 (40-60m from camp) \$400 11 residents participated 21 residents were unable to be contacted and therefore did not participate. 4 resident declined to participate <p>Total cost of 2021-2022 subsidy \$4125</p> <p>Summary of 2020-2021 subsidy package:</p> <ul style="list-style-type: none"> Offered to 36 eligible residents. Tier 1 (0-20m from camp) \$2000 Tier 2 (20-40m from camp) \$1200 Tier 3 (40-60m from camp) \$820 20 residents participated in the 2021 Delivery being finalised prior to 17 June 2021.

		<ul style="list-style-type: none"> 10 residents were unable to be contacted and therefore did not participate. 5 residents applied but later declined to participate. 1 resident declined to participate <p>Total cost of 2020-2021 subsidy \$15,614</p> <p>A survey of subsidy participants June/July 2021 provided results to guide future subsidies with positive feedback.</p> <ul style="list-style-type: none"> Results of the subsidy identified the most used item 2020-2021 was subsidised water and electricity bills Second most used items was professional cleaning services and sound proofing glass treatments Least used item was Air-conditioning <p>The first subsidy program was run as a trial and developed in 2019 with Executive endorsement on 30 October 2019.</p> <p>14 residents were provided the subsidy information package and 8 residents took advantage of the package.</p> <p>Items selected include clothes dryers, high pressure cleaners, air conditioners, sound proofing windows, subsidised water and electricity bills, clothes line cover and car port.</p> <p>The program commenced November 2019 with completion end of March 2020. A condition of acceptance of the subsidy was to complete a survey to gauge effectiveness. Council received 7 survey responses.</p> <p>The surveys for the trial subsidy indicated good results with all items selected and very good feedback about the sound proofing of windows to reduce the noise levels. This informed the 2021 subsidy program.</p>
Routine Camp Management	Ongoing	<p>Friends of Kooloonbung Creek with support from Council's NRM team continue to work in the Kooloonbung Creek reserve maintaining the bushland ecosystem and flying fox camp area.</p> <p>The planting of 150 Broadleaf paperbark trees (<i>Melaleuca quinquenervia</i>), supplied by the Port Macquarie Land Care nursery has assisted with the regeneration of the defoliated trees in the camp area.</p>

		<p>The work was undertaken in April 2020 by the Friends of Kooloonbung Creek.</p> <p>An additional 100 native trees including Broadleaf paperbark trees (<i>Melaleuca quinquenervia</i>), Sandpaper fig (<i>Ficus coronata</i>) and Red ash (<i>Alphitonia excelsa</i>) supplied by the Port Macquarie Land Care nursery.</p> <p>Additional works by Council within the camp area to remove broken and discarded sections of boardwalk that was under the canopy for several years was carried in April/May 2021.</p> <p>Additional weed managed was be undertaken by council to support the works of Friends of Kooloonbung Creek in June 2021, July 2021 and May 2022 to ensure ongoing weed control within the camp area.</p>
Alternative habitat creation	June 2020	<p>Investigations into alternative habitat locations are ongoing however;</p> <ul style="list-style-type: none"> • Alternative habitat exists all throughout Port Macquarie-Hastings LGA • Many areas are within proximity to residents • Areas within Conservation Estates, State Forests, Crown Lands and Private Property exist • Any patch of forest is potentially suitable for a flying fox camp • Little Red Flying Fox often camp in Mangroves <p>Rehabilitation of potential habitat is also an option where a suitable location may exist and could be revegetated.</p> <p>Local Government NSW commissioned the preparation of a report titled Flying-fox Habitat Restoration Program - Camp Mapping Final Report 2019. This report identifies potential restoration in the centre of the Kooloonbung Creek Nature Reserve at the area of defoliation in the current camp location.</p> <p>The works undertaken by Friends of Kooloonbung Creek and Council are assisting in regeneration of this area.</p>
Protocols to manage incidents	June 2021	<p>The Department of Planning, Industry and Environment (DPIE) are working with a range of stakeholders to develop protocols, suggested roles and responsibilities, and supporting resources for all involved in managing heat stress events in flying-fox camps.</p> <p>In the interim the Department has provided fact sheets developed by Armidale Regional Council on correct disposal of deceased bats.</p>

		<p>The correct procedure for disposal of deceased Bats has been included in the information about living near flying foxes and is available on Councils website.</p>
Research	Ongoing (long term)	<p>The quarterly flying-fox counts continue to be undertaken for the national census.</p> <p>PMHC staff counted the flying-fox camp for the National census in May 2022 using the area density methodology over an area of 1.47 hectares was:</p> <ul style="list-style-type: none"> • 8475 Grey-headed flying fox • 1179 Black flying-fox • 0 Little red flying-fox <p>The May 2022 census is depicted in picture 1 below).</p> <p>For comparison, the census undertaken in February 2022 which normally represents peak camp occupancy over the camp area of 1.16 hectares was using the area density methodology was:</p> <ul style="list-style-type: none"> • 5808 Grey-headed flying fox • 968 Black flying-fox • 322 Little red flying-fox <p>The total camp occupancy for peak period in 2022 was significantly less than in 2021 due to the relative absence of the Little Red Flying Fox.</p> <p>The February 2022 census is shown in Picture 2 below).</p> <p>For comparison, the census undertaken in February 2021 over the camp area of 7.74 hectares was using the area density methodology was:</p> <ul style="list-style-type: none"> • 5803 Grey-headed flying fox • 309 Black flying-fox • 50996 Little red flying-fox <p>Friends of Kooloonbung Creek and staff continued to monitor the camp during this peak period in February/March and identified a camp area of approximately 13.64 hectares in March 2021 immediately following the floods. The estimated numbers for each species was calculated using the density obtained during the February 2021 census (Picture 3) as follows:</p> <ul style="list-style-type: none"> • 10230 Grey-headed flying fox • 545 Black flying-fox • 89887 Little red flying-fox

		<p>This represents peak camp numbers with over 100,000 flying foxes in total Attached Map to show area of occupancy and estimated numbers of the large camp.</p> <p>Continued monitoring during this peak time identified the numbers of Little Red flying fox quickly declined in April with few left in early May. This decline in numbers is seasonal and expected after heavy flood rains had damaged the remaining Melaleuca flowers.</p> <p>The next National Census is scheduled to occur in August 2022.</p> <p>Other research activities include:</p> <ul style="list-style-type: none"> • Working with other government agencies and to build protocols around managing incidents • Alternative habitat identification • Monitoring the effectiveness of irrigation System • Monitoring the effectiveness of subsidy program items <p>Noise Monitoring:</p> <ul style="list-style-type: none"> • Residences greater than 50m from the camp have expressed concern about the noise. • The 2019-2020 trial subsidy package was based on proximity to the camp. • Noise monitoring will help to determine impacts to surrounding residences up to 100m through modelling. • Acoustic consultant engaged to undertake noise monitoring and modelling and prepare a report with recommendations for mitigation measures to assist residents with noise impacts. • Monitoring brochure Summary Report attached (Attachment 2). <p><u>New Research - discover flying foxes are much more nomadic than first thought</u></p> <ul style="list-style-type: none"> • A new study reveals unprecedented detail on the movement of three flying fox species • Flying foxes are profoundly nomadic and travel up to 6,000 kilometres a year • 17% turnover per night for Grey-headed flying fox at any given camp
Appropriate land-use planning	June 2022	<p>Project planned for 2022-2023 Operational Year working with land use planners to address this action including scope to address:</p>

		<ul style="list-style-type: none"> • What is the effective minimum buffer between a flying fox camp and places of residences to reduce impacts from noise, droppings and smell? • Potential habitat is everywhere that is vegetated and flying fox camps can establish anywhere, therefore can land use planning tools be used to minimise this risk? • Develop appropriate land use planning tools
Level 2 Management Actions		
Canopy mounted sprinklers	June 2022	<p>After formal adoption of the CMP, staff implemented the Level 1 and 2 management actions identified in the CMP. In respect of the canopy mounted sprinklers, these were installed and operated from 10 March 2020 up until March 2022.</p> <p>Monitoring over 20 months and community survey results indicate the sprinkler system has a negligible effect at alleviating impacts.</p> <p>The results indicate:</p> <ul style="list-style-type: none"> • No reduction in noise from the roosting flying fox and in fact could increase noise during operation. We have received noise complaints when roosting more than 50 m away since operation began this indicates that 15 meters is not effective at reducing the noise impacts. • No reduction in smell as smell spreads more than 15 meters and some residents have stated the water increases the smell. We are aware that when it rains the smell is more noticeable so the sprinklers may have the same effect. • No reduction in droppings as the flying foxes drop their faeces when flying out or in to roost each morning. <p>In consideration of the monitoring and community survey, we have ceased operation of the canopy mounted sprinklers.</p> <p>The system is scheduled for removal and recycling for other council projects in July 2022.</p>
Buffers through vegetation trimming and removal	June 2024	<p>If it is determined that canopy mounted sprinklers and the subsidy program have not managed the impact adequately then this management action will be investigated.</p> <p>However, impacting on an Endangered Ecosystem mapped as Coastal Wetlands, included the Biodiversity Values Mapping, habitat for threatened species including State and Commonwealth listed Koala and Flying Fox would be very difficult to secure the required</p>

		<p>approvals and any impact would require substantial cost for biodiversity offsets if approved.</p> <p>Therefore, the investigation would likely conclude this is not a feasible option.</p>
--	--	---

Extent of Flying Fox Camp

The maps below show the extent of the Flying Fox Camp in Kooloonbung Creek, comparing May 2022, February 2022 and February 2021.

Pictue 1 - Colony May 2022



Picture 2: Colony February 2022



Picture 3 - Colony February 2021



Options

This report is for notation only.

Community Engagement and Internal Consultation

The next community information session is scheduled to occur on 28 June 2022 from 2:00-3:00pm in the Council Function Room at 17 Burrawan Street, Port Macquarie.

Regular contact with the Customer Experience and Communications Team has been undertaken to discuss the progress of implementing the camp management plan and work through any communications actions. Community engagement has included social media posts and use of local media to keep the community informed.

The Education Team is delivering ongoing educational activities to the community to raise awareness about flying foxes.

Planning and Policy Implications

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

Financial and Economic Implications

Funding for the Flying Fox Camp Management Plan (detailed action plan is in Table 8 of the CMP - **Attachment 1**) is incorporated in the 2021-2022 Operational Plan. Council also successfully applied for an additional Grant of \$10,000 with Department of Planning Industry and Environment to assist with the subsidy program.

The Operational Plan actions from the Flying Fox Camp Management Plan were delivered through the 2021-2022 operational budget and grant totalling \$45,000.

The 2022-2023 proposed funding for the Flying Fox Camp Management Plan actions are presented in the Draft Operational Plan as \$63,000.

These costs included camp management activities, operational costs, education and awareness costs and the subsidy program.

Attachments

1.  Kooloonbung Creek Flying Fox Camp Management Plan 2019
2.  Kooloonbung Creek Flying Fox Camp Noise Assessment Information Brochure 2021 - Summary Report

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 (CMP) that have occurred since the report presented to the April 2022 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. Northern Beaches Council Consultation
5. Sensitive Receptors - Catchment Management: Bushfire Affected Coastal Waterways Project
6. Dredging Lower Cathie Creek
7. Coastal Recreational User Needs Analysis
8. Review of the Opening Strategy
9. Development of other CMP Chapters
10. NSW Coastal Conference

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, this monthly report advises Council of the progress undertaken to address the items identified in the abovementioned resolution, the progression of the CMP and address other subsequent Council Resolutions concerning the management of the Lake Cathie / Lake Innes / Cathie Creek waterway.

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 have been undertaking fieldwork in the system including:

- 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 the first round of Co-design workshops on 24 and 25 May 2022. The purpose of this first round of workshops were to:

- Confirm the aims for the co-design process
- Confirm the guiding principles for coastal management at Illaroo Road, which were developed based on the community values survey.
- Identify a management pathway that identifies short, medium and long-term objectives for managing erosion risk at Illaroo Road.
- Discuss likely “triggers” for implementation of actions based on an unacceptable level of risk being reached at Illaroo Road (i.e. going to the next stage of the agreed management pathway).
- Identify a range of possible actions aligned with the agreed pathway

The outcomes of the workshops have been distributed to participants. The second round of workshops will be held on 15 and 16 June 2022 at the Lake Cathie Bowling Club. The purpose of the second round of workshops is to:

- Agree on criteria based on the guiding principles.
- Evaluate the range of management actions identified in workshop 1, using the agreed criteria.
- Collaboratively develop design inputs and refinements to inform the preferred management actions
- Discuss funding options for the different stages of the management pathway and associated actions

The findings of the community workshops will be presented in both a Community Co-Design Workshop Outcomes Report and will be included in the Final Report due in August 2022.

3. Illaroo Road Stormwater Redirection Project

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.*

The following actions have been undertaken in response to the above items:

- A geotechnical investigation into the stability of Illaroo Road was undertaken by Regional Geotechnical Solutions (RGS) on 4 May 2022. The purpose of the assessment was to provide comments and recommendations on the following:
 - a geotechnical model of the site that includes general foundation conditions and the depth of the soil profiles; and subsurface conditions including the presence of fill, depth to coffee rock and presence of groundwater.

Three boreholes were advanced in the Illaroo Road Reserve near the corner of Kywong Street to depths of between 5.1 and 6m. Standard Penetrometer Tests (SPTs) were undertaken at regular intervals to assist in assessing the strength of the materials. Material encountered during the advancement of the bores included fill/topsoil (0 - 0.1m), pavement gravel (0 - 0.3m), fill/sand (0.3 - 0.6m), marine sand (0.4 - 4.2m) and indurated marine sand (3.3 - ≥6.0m). Groundwater was encountered from 2.9m.

The RGS report was reviewed by Council's Engineers. It was determined that the report provides a good level of confidence in the existing embankment at this point in time. There is no loose or very loose density of sandy gravelly materials at depth under the embankment nor heavily saturated/free running water that would cause concern. Based on the findings of the Geotechnical Report, emergency works are not justified at this time. Council will continue to pursue sand nourishment from dredged material from lower Cathie Creek to address short term erosion around the southern stormwater outlet. A summary of the geotechnical report is being prepared for distribution to affected residents for information.

- Council staff have been in discussion for many months with DPE - Crown Lands regarding a licence to dredge material from lower Cathie Creek. A 5 year licence was offered to Council on 4 May 2022. Council accepted the licence offer and returned a signed acceptance to DPE - Crown Lands on 9 May 2022. Council is currently waiting on notification from DPE - Crown Lands of the formal execution of the licence on behalf of the Minister. Once received, Council will commence the tender process which will allow dredged

material to nourish the shoreline adjacent to Illaroo Road, including the area around the southern stormwater outlet.

- Council staff are in correspondence with coastal engineering consultants to determine potential short term erosion mitigation measures that could be implemented around the southern stormwater outlet in addition to the proposed sand nourishment. Council staff are also in consultation with DPE staff to identify potential funding opportunities to implement such mitigation works.
- Council staff are preparing correspondence with DPE Grants Unit requesting additional funding to cover the current shortfall from the latest cost estimate and confirm the proposed asbestos remediation works.

4. Northern Beaches Council Consultation

Council resolved in the Council meeting held on the 16 February 22 via a Notice of Motion 12.02 to:

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*

Staff spoke with the Northern Beaches Council, Manager of Coast & Catchments on 19 May 2022 and subsequently to their Acting Team Leader, Floodplain Planning and Response on 26 May 2022. The various plans that guide management of Narrabeen Lagoon were discussed. The Narrabeen Lagoon Plan of Management (2011) is the overarching document that establishes key values and activities for management of the lagoon, and this has been generally successful, however ongoing issues around entrance management had been identified. Development of a similar Lake Cathie Plan of Management taking into account all of the overarching issues currently under assessment is an item that could be included in Stages 3-5 of the CMP to govern Council's management of the lake system.

The Narrabeen lagoon entrance management strategy was also discussed. The strategy is currently open for public feedback ([Narrabeen Lagoon Entrance Management Strategy | Your Say Northern Beaches \(nsw.gov.au\)](https://www.nsw.gov.au/narrabeen-lagoon-entrance-management-strategy-your-say-northern-beaches)) until 19 June 2022. A detailed review of potential entrance management options and decision pathways found that the current opening methodology was the most technically and financially feasible in the long term and no change was proposed by the consultant.

The Narrabeen Lagoon State Park Advisory Committee acts in an advisory role to the Narrabeen Lagoon State Park Trust (NLSPT) which is managed by Northern Beaches Council. Membership of the Committee includes representatives from Council, NSW Crown Lands, NSW Office of Environment and Heritage (National Parks), NSW Dept Primary Industries (Fisheries) and the Metropolitan Aboriginal Land Council. There are also four community members, representing environment, recreation, business and the general community. The Committee meets approximately every 6 months, however the last meeting was almost 12 months ago in July 2022. The committee discusses projects of local significance and occasionally

puts forward a position to Council for consideration. The function is similar to PMHC's previous Coast, Estuary & Floodplain Advisory Subcommittee. The level of detail provided in meetings is broadly similar to the updates for Lake Cathie provided in this report to Council.

The discussions with Northern Beaches staff were useful and Council's NRM staff will continue to share knowledge with those contacts as the issues being managed by both Councils are broadly similar, with opportunities for knowledge sharing in both directions.

5. 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 and Southern Cross University (SCU) are currently in the final stages of analyses all the data collected over the last 18 months.

Preliminary results taken after the last opening event indicate a spatially extensive iron floc event of the scale / intensity following the previous two artificial opening events has not occurred, with accumulations of floc confined mainly to fringing embayments. However, there is still an additional amount of Fe²⁺ in surface water + porewaters following the last opening event. Further analysis was undertaken by SCU, comparing pyrite levels (oxidation risk) at various depths in sediment samples collected in Lake Innes from 2019-2021 against levels found in Cathie Creek in September 2021. The analysis found a significant oxidation risk in Lake Innes following the next drought event. A final report is expected in September.

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 months.

6. Dredging Lower Cathie Creek

As discussed in item 3 above, Council staff have been in discussion for many months with DPE - Crown Lands regarding a licence to dredge material from lower Cathie Creek. A 5 year licence was offered to Council on 4 May 2022. Council accepted the licence offer and returned a signed acceptance to DPE - Crown Lands on 9 May 2022. Council is currently waiting on notification from DPE - Crown Lands of the formal execution of the licence on behalf of the Minister.

Recent shoreline conditions adjacent to Illaroo Road have met the coastal hazard risk trigger of Councils recently modified dredging DA (2013/151.2). Budget for dredging activity at Lake Cathie has been included in the 2022/2023 draft Operational Plan. The procurement process for dredging can commence once formal execution from the Minister has occurred.

7. Coastal Recreational User Needs Analysis

As described in last month's update, Council staff submitted a funding application on 22 April 2022 to DPE to undertake a Local Government Area (LGA) wide Coastal Recreational User Needs Analysis. A grant application of \$66,667 was made. This grant requires 2:1 funding and requires Council to commit an additional \$33,333. Council is currently waiting for a determination of the grant application before proceeding to procurement.

8. 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.

Item 07.02 Lake Cathie of the Council meeting held on the 16 February 22, Council resolved in part to:

- 7. Note the overwhelming positive benefits for the Lake Cathie/Lake Innes estuarine systems should the Lake Cathie lagoon interface to be permanently opened to the Ocean.*
- 8. Subsequent to the meeting with both Ministers, request the Chief Executive Officer to bring a report to Council on a potential pathway or otherwise in regard to permanently opening the lake entrance to the Lake Cathie estuarine system.*

The hydrodynamic model being developed by Royal HaskoningDHV will assess various management options for the Lake Innes/Lake Cathie/Cathie Creek waterway, including the permanent opening. If the model shows a permanent opening is feasible and selected by Council, a DA and supporting Environmental Impact Statement (EIS) will need to be completed as part of the CMP given the scale and location of the works. The purpose of the EIS is to assess the potential economic, environmental and social impacts of the project. The EIS will go on formal exhibition so the community, government agencies and consent authorities can make informed submissions on the project.

9. Development of other CMP Chapters

Although the following 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 are currently undertaking a bank and riparian assessment of Hastings River Estuary to inform future management actions to be incorporated into the Hastings River Estuary CMP. Over the last month, Fruition Environmental staff have been on the Hastings River Estuary, including Limeburners Creek, Maria River

and the Wilson River completing this assessment. The initial assessment of the system has been completed. Fruition Environmental are currently analysing the collected data to identify priority areas suitable for restoration works under the CMP.

DPI Fisheries have agreed to contribute an additional \$33,000 towards the Hastings River Estuary Bank and Riparian Assessment. The additional funding will be used to undertake a comparison between May 2012 LiDAR data and May 2022 LiDAR data (10 year record) to determine gross volumes of erosion within priority reaches of the estuary and then quantify the tonnes of fine sediment being released into the estuary from sites within those reaches. This will allow a quantitative analysis of erosion sites for known areas of accelerated erosion concentration which will allow a more rigorous assessment of remediation priorities for addressing bank erosion.

By collecting soil samples at each site within the capture area we are able to accurately determine the proportion of fine and suspended sediments attributable to estuarine bank erosion in those reaches. From analysing sites using this method we will have a robust method for comparing the relative rates of erosion over the last 10 years at different sites which will allow us to have an additional and quantitative method of determining priorities for remediation in the estuary.

It is expected that this will show that some sites which look particularly bad and which may be deemed a priority during a snapshot survey of condition, may in fact be less active and important than other sites which through analysis are deemed to be far more active in terms of erosion rate and sediment production.

Once captured it is repeatable in the future to gain a better understanding of estuary bank stability and has many additional uses. This includes being a very useful dataset for any future design of erosion mitigation programs and is often used as the base dataset for design, for estimating materials quantities, and for quality control of construction to design specifications.

- ***Hydrographic Dilution Study Kooloonbung Creek***

The purpose of this study 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 and it is expected that this project will commence July 2022.

10. NSW Coastal Conference

Two Council staff attended the NSW Coastal Conference held at Kingscliff from 30 May 2022 to 2 June 2022. The theme of this year's conference was 'living with uncertainty'. The conference allowed Council staff to learn about current industry best practices in coastal management and the latest scientific findings in the coastal space. The information presented at the conference will assist Council in the development of its CMP.

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 and Hastings River Estuary Chapter of the Coastal Management Program.

Financial and Economic Implications

As mentioned above, Council staff submitted a funding application on 22 April 2022 to DPE to undertake a LGA wide Coastal Recreational User Needs Analysis. A grant application of \$66,667 was made. This grant requires 2:1 funding and requires Council to commit an additional \$33,333. Council is currently waiting for determination of the grant application before proceeding to procurement.

Also mentioned above, DPI Fisheries have agreed to contribute an additional \$33,000 towards the Hastings River Estuary Bank and Riparian Assessment. This additional funding did not require Council to contribute any additional funds.

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 (DPE) 33,000 (DPI-Fisheries)	38,477	148,431
Hydrographic Dilution Study Kooloonbung Creek	70,001	35,000	105,001
SUB TOTAL	179,955	73,477	220,432
TOTAL	1,282,280	750,552	2,032,832

* 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

Item: 14.07

Subject: EXTENSION OF FLOOD WASTE DISPOSAL COSTS WAIVER

Presented by: Community Utilities, Jeffery Sharp

Alignment with Delivery Program

4.1.7 Develop and implement effective waste management strategies.

RECOMMENDATION

That Council:

1. **Make application to the NSW Environment Protection Authority (EPA) for an extension of the existing Waste Levy Exemption EX000878 until 31 December 2022.**
2. **Subject to an extension of the Waste Levy Exemption being approved by the NSW EPA, waive Council tipping fees (not including State Government levies unless waived by the State Government) for Local Government area residents and businesses' flood damaged waste, including building materials, furniture, fittings and personal items at Council's waste transfer stations until 31 December 2022.**
3. **Waive Council fees (not including State Government levies unless waived by the State Government) for bulk kerbside collection of flood damaged waste for Local Government area residents until 31 December 2022.**
4. **Continue the application process for determination of eligibility of waivers against acceptance criteria.**
5. **Note if a waiver extension is granted, Council will absorb ongoing costs.**

Executive Summary

The March 2021 floods have resulted in approximately 36,500 tonnes of flood waste from 19 March 2021 to 31 May 2022 in the Port Macquarie-Hastings Local Government Area (LGA). Approximately 16,000 tonnes were disposed of at the temporary transfer station set up in the initial recovery phase while the remainder (approximately 20,500 tonnes) has been accepted at Council's waste transfer stations.

In the Ordinary Council Meeting on 17 March 2022, Council resolved to continue to waive Council fees for bulk kerbside collection of flood damaged waste and tipping fees at Council's waste transfer stations until 30 June 2022. Council has waived these fees since the initial March 2021 event as well as implementing other flood relief measures.

Since 1 April 2022, the waivers have been subject to an application to Council for determination of eligibility. Prior to 1 April 2022, residents could drop off flood affected waste at Council's waste transfer stations without first contacting Council.

Council's existing waiver on flood waste disposal costs at waste facilities expires 30 June 2022 in line with the expiry of the Waste Levy Exemption EX000878 expiry date. Council has previously requested two extensions to this exemption which were granted by the NSW EPA.

Between 1 April 2022 and 31 May 2022, 19 applications for tipping fee waivers and requests for collection of bulky kerbside flood-affected waste have been received, 13 and 6 respectively. Of these 19, nine have been assessed and approved, eight are awaiting further information for assessment and two were assessed and declined.

Between 1 April 2022 and 31 May 2022, 4.66 tonnes of flood affected waste has been disposed of at Council's waste facilities. This compares to 687.51 tonnes in the two prior months.

While quantities of flood waste received at Council's waste facilities has significantly declined since the initial event and has remained consistently low in recent months, other than those residents who have made enquiries, it is unknown how many flood-affected properties have outstanding works that require waste disposal at Council's waste facilities. It is known that there are at least two properties that will require demolition and the timeframes for these works will not be before 30 June 2022.

At the end of FY2021/22, it is proposed that Council submits an application to the NSW State Government for reimbursement of tipping and related flood waste costs since the initial flood event in March 2021. It is proposed that Council absorbs these costs beyond 30 June 2022.

Discussion

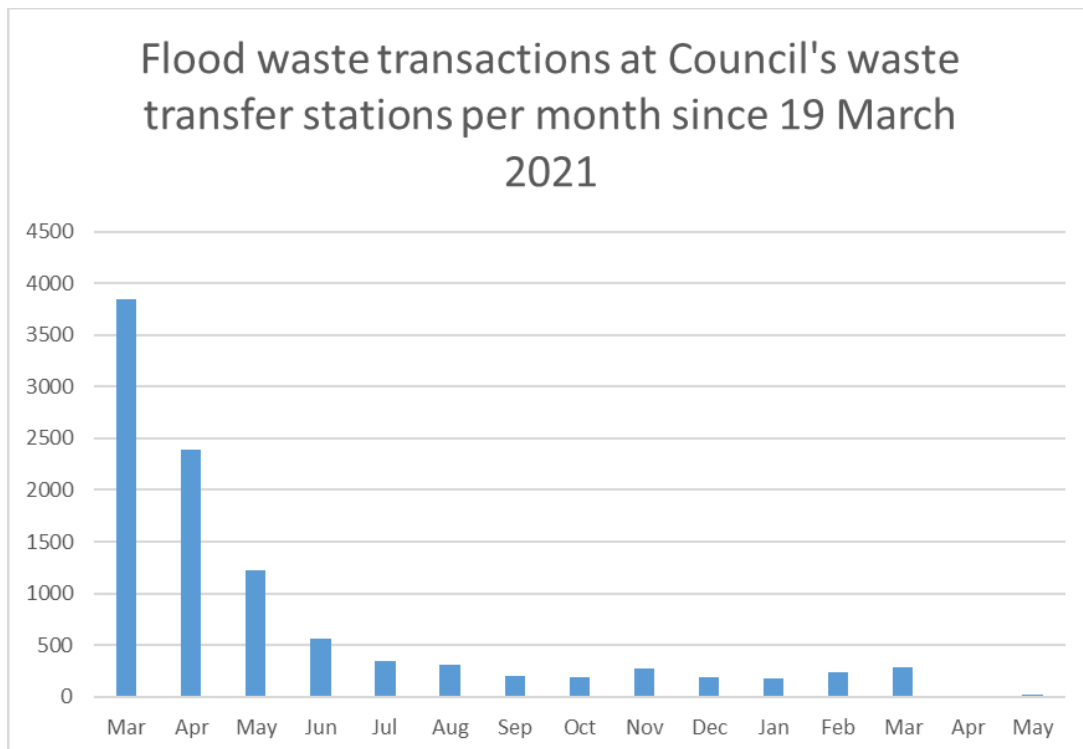
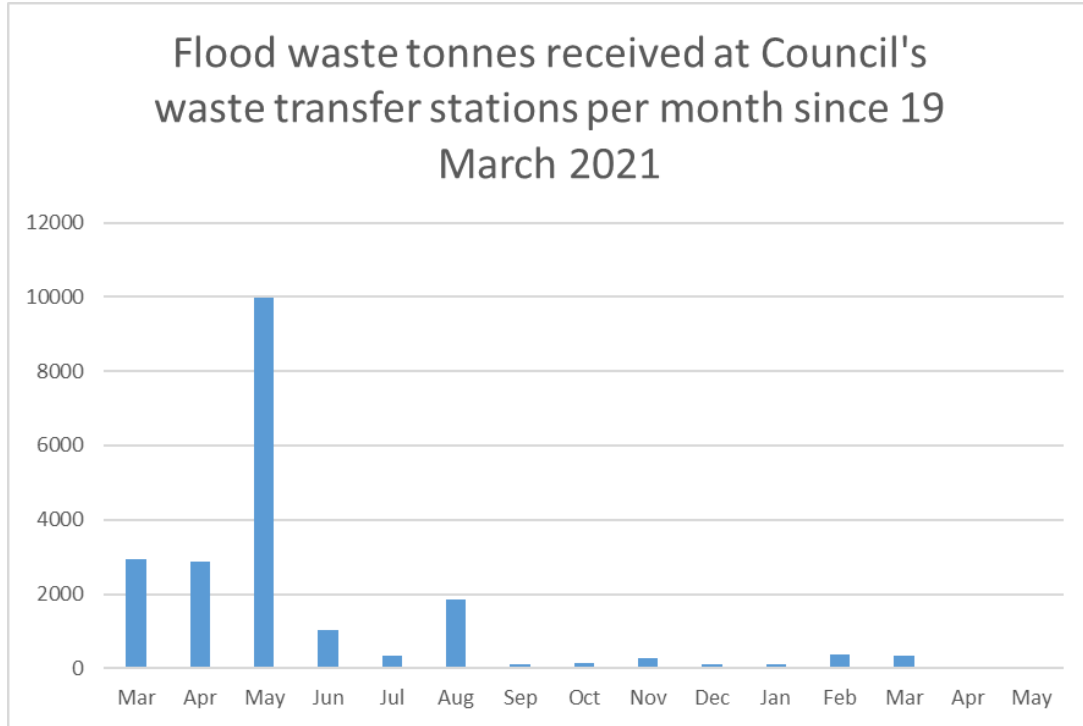
In March 2021, the Port Macquarie-Hastings LGA and surrounding regions were subject to unprecedented flood and storm activity, with large scale damage and a significant number of people forced to evacuate. The Port Macquarie-Hastings Council LGA suffered the greatest amount of damage from the floods and storm activity when compared to surrounding areas.

The March 2021 floods have resulted in approximately 36,500 tonnes of flood waste from 19 March 2021 to 31 May 2022 in the Port Macquarie-Hastings LGA. Approximately 16,000 tonnes were disposed of at the temporary transfer station set up in the initial recovery phase while the remainder (approximately 20,500 tonnes) has been accepted at Council's waste transfer stations.

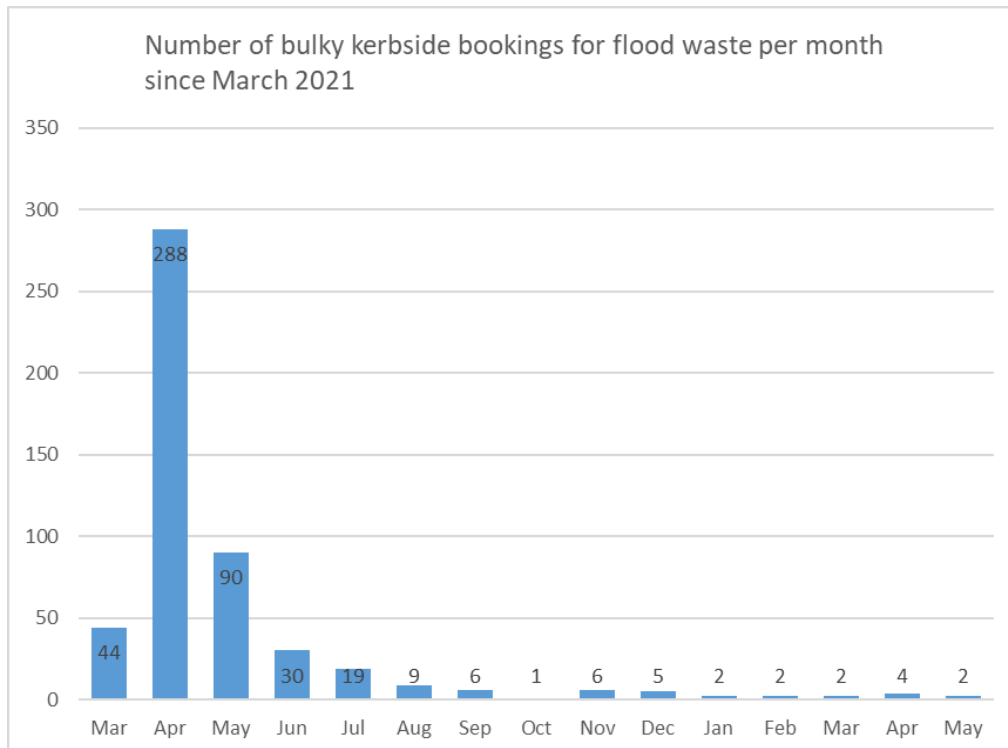
The quantity of flood waste being received at Council's waste transfer stations has declined significantly since the initial months following the March 2021 flood. During the months of March, April and May 2021, Council's waste facilities received 2,946, 2,882 and 9,972 tonnes of flood waste respectively. This compares to an average of 187 tonnes per month (1,125 tonnes combined total) being received between September 2021 and February 2022.

The number of flood waste transactions has also significantly declined. During the months of March, April and May 2021, Council's waste facilities received 3,840, 2,386 and 1,223 flood waste transactions respectively. This compares to an average of 211 transactions per month (1,264 transactions combined total) being received between September 2021 and February 2022.

Since 1 April 2022, when the on-application process for waivers has been in place, only 20 transactions for flood waste and 4.66 tonnes has been received at Council's waste transfer stations.



Bulky kerbside collections bookings for flood waste remain to be very low with six being recorded between April and May 2022. This booking process is being fully managed in-house and clean ups are being undertaken by available contractors when required.



Public Works Advisory and the State Emergency Service were involved in an initial impact assessment for flood-affected properties in the weeks following the March 2021 event. This assessment provided an extensive amount of data and as such only parts deemed relevant for the purposes of this Council report have been included below. The results of this assessment identified 1006 buildings that were either damaged or severely impacted (50-75% damage). It is unknown how many flood-affected buildings are still waiting for recovery works to be done and it's difficult to determine how much more flood waste is expected after 30 June 2022.

In the Ordinary Council Meeting dated 17 March 2021, Council resolved to:

4. *Subject to an extension of the Waste Levy Exemption being approved by the NSW EPA, waive Council tipping fees (not including State Government levies unless waived by the State Government) for Local Government area residents and businesses' flood damaged waste, including building materials, furniture, fittings and personal items at Council's waste transfer stations until 30 June 2022.*
5. *Waive Council fees (not including State Government levies unless waived by the State Government) for bulk kerbside collection of flood damaged waste for Local Government area residents until 30 June 2022.*

6. *Note that the waivers granted under recommendations four and five will be subject to an application to Council for determination of eligibility with suitable acceptance criteria to be established.*

The NSW EPA has approved an extension of the Waste Levy Exemption EX000878 until 30 June 2022. If more flood waste is anticipated after June 2022, Council may be able to apply for an extension to this exemption, however given this exemption has been extended numerous times it is unknown if it will be granted.

Two enquiries have been received since April 2022 which are properties that are going to be voluntarily demolished due to the flood damaged caused. The timeframe on these demolitions will likely surpass 30 June 2022 and therefore the existing waiver on tipping fees would not apply.

If a property is found to be insured for the disposal of flood waste, Council has applied normal disposal costs minus the Waste Levy component. If a continued waiver to tipping costs is granted, it is recommended that this principal remain.

By 31 May 2022, Council will have provided flood recovery assistance by way of waiving tipping fees and Council fees for bulky kerbside collections for over 14 months.

To ensure that any remaining flood-affected properties that still require flood waste disposal after 30 June 2022 are not overlooked, it is recommended that the on-application process continue until 31 December 2022 whereby residents would need to contact Council for assessment of eligibility of the tipping fee waiver or for a bulky kerbside collection waiver.

The continuation of waivers would be subject to the NSW EPA granting an extension to the Waste Levy Exemption. It is proposed to apply for an extension of this until 31 December 2022 and any waiver should align with the date of this exemption.

Options

1. Adopt the recommendation as presented.
2. Cease all flood waste waivers at 30 June 2022 as is currently in place and implement full disposal and bulky kerbside collection costs after that date.
3. Extend the existing tipping fee waiver period despite the NSW EPA not granting an extension to the Waste Levy Exemption.
4. Council makes application to the NSW State Government for reimbursement of flood waste costs after 30 June 2022.

Community Engagement and Internal Consultation

Internal consultation was undertaken with the following staff:

- Director Community Utilities
- Acting Waste Manager
- Waste Administration Officer

Planning and Policy Implications

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

Financial and Economic Implications

Tipping fees waived from April to May 2022 total \$789. Using the monthly average of these months, if a tipping fee waiver is extended for six months until 31 December 2022, additional tipping fees waived may total \$2,367. These costs would increase should more homes be demolished in this timeframe. For comparative purposes, Council has waived almost \$3M in tipping fees since the March 2021 event.

Costs waived for bulky kerbside collection costs total \$17,880 for FY 2021/2022 (until end of May). These costs are comprised of engagement of contractors with machinery to remove bulky items. Should a waiver extension be granted, it's expected that these ongoing costs will be minimal.

The draft 2022/2023 tipping fee for General Waste at the Cairncross Waste Management Facility is \$257 per tonne (Inc. GST) of which the Waste Levy component is \$87.30. This should be noted if considering alternative options as detailed in this report.

Council is still collating data and supporting documents to make an application to the NSW State Government for the reimbursement of waived tipping fees and other waste-related flood recovery costs. It was proposed to make this application at the cessation of the tipping fee waiver to allow for all records to be effectively and accurately compiled. However, given that over 12 months has passed since the initial flood event, waivers have been extended a number of times and expected ongoing costs are assumed to be relatively low, it is proposed to make the application to the State Government at the end of FY 2021/2022 and Council absorb costs beyond this date.

Attachments

Nil

Subject: CONFIDENTIAL SESSION

RECOMMENDATION

- 1. That Council move into Confidential Session to receive and consider the following items:**

Item 16.01 Payment of Part of Untaken Sick Leave on Termination

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

Item 16.02 Contract for the provision of Environmental Assessments in response to Flood Recovery Works

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

Item 16.03 T-22-11 Vince Inmon Sporting Fields - Grandstand

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

- 2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Confidential Session of Council on the basis that the items to be considered are of a confidential nature.**
- 3. That the resolutions made by Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.**