



Port Macquarie-Hastings Council
Annual Report
2012 - 2013

PART 1 - Statutory information



PORT MACQUARIE
HASTINGS



PORT MACQUARIE
HASTINGS

Phone: 02 6581 8111

Fax: 02 6581 8123

Email: council@pmhc.nsw.gov.au

Website: www.pmhc.nsw.gov.au

Address: PO Box 84, Port Macquarie NSW 2444
Cnr Lord & Burrawan Streets

Table of Contents

Message from the Mayor	4
Message from the General Manager	5
About the Port Macquarie-Hastings Region	6
Introduction	8
Council Meetings	9
Our Vision, Mission and Values	10
Councillors	11
Achievements and Awards	12
Rates and Charges Written-Off	16
Register of Overseas Travel	17
Mayor and Councillor Expenses	18
Contracts awarded greater than \$150,000	19
Legal Expenses	20
Resolutions made under Section 67	20
Grants, Financial Assistance and Contributions	21
Statement of external bodies exercising delegated function by Council	22
Statement of all corporations, partnerships, trusts, joint ventures, syndicates or other bodies in which council held a controlling interest	22
Statement of all corporations, partnerships, trusts, joint ventures, syndicates or other bodies in which the Council participated	23
Statement of activities to implement Equal Employment Opportunity (EEO) Management Plan	25
General Manager Remuneration Package	26
Senior Staff Remuneration Packages	26
Statement of Stormwater Management Services	27
Statement Detailing the Coastal Protection Services Provided	27
Particulars of any Environmental Upgrade Agreement Entered	27
Special Variations of Rating Income	28
Report on Capital Works Projects	35
Companion Animals Act 1998 and Regulation 2008	36
Government Information (Public Access) Act 2009	38
Environmental Planning & Assessment Act 1979	44
Particulars of compliance with and effect of planning agreements	44
Public Interest Disclosures Act 1994	57
Compliance with the Carers (Recognition) Act 2010	74

Message from the Mayor



The Port Macquarie-Hastings Council Annual Report for 2012 - 2013 gives an accurate account of Council's activities throughout the recent financial year but also gives an indication of the priorities for Council in delivering for our community over the next few years.

The initial term for Councillors has been quite busy, with many community members and groups taking advantage of having an elected body representing their best interests. The portfolio structure implemented by Councillors, the extensive Committee Structure, regular community meetings and individual correspondence, have all played a role in making Councillors readily accessible to residents.

This regular contact is the key to providing infrastructure and services for our community and participation by ratepayers in the decision making process is vital, if we are to build on the successes of the past.

The "Funding Future Services" engagement program, conducted to assist Council in developing the 2012 - 2013 Operational Plan and budget, saw over 2400 people complete the rating survey and express their opinion through another 80 formal submissions to Council.

This data was a central part of Council's application to the Independent Pricing and Regulatory Tribunal who were able to approve a five year Special Rate Variation (SRV) that generated an additional \$1.7 million per year to be directed into maintenance programs, specifically addressing our roads and parks. A great example of how Council and our local community can work together to achieve better results.

With diverse responsibilities, Council has concentrated on delivering more resources to maintaining our local road network, as well as providing for infrastructure that will build future capacity for our community, such as the small villages sewerage scheme and our Regional Airport. Highlights have also included 410,000 visitors to our libraries and \$170,000 of funding distributed to community groups throughout our Local Government Area.

The task of balancing expectations, future visions and limited funds depends on building clear lines of communication between the Council and our community. I encourage you to take note of the work outlined in this Annual Report and importantly to participate in future opportunities to have a say on the infrastructure and services that are so vital to our community.

Peter Besseling
Mayor, PMHC

Message from the General Manager



Council continues to focus on delivering services that reflect the community's priorities, our legislative requirements and that are within the budget constraints.

In 2012 Council received approval from IPART to apply a Special Rate Variation (SRV) from the commencement of the 2012 - 2013 financial year. Broken into two components the SRV allowed a permanent 7.3% increase above the base rate which effectively generates an additional \$2.51 million in the operational budget. The second part of the SRV allowed for a 4.43% increase for five years which results in \$1.7 million in revenue specifically marked for roads and recreation maintenance programs.

Even with these increases, a deficit of \$730,000 was forecast for the 2012 - 2013 financial year. Stringent financial management throughout the year resulted in the forecast deficit becoming a small surplus by year end.

The SRV means that Council has been able to develop and implement a road maintenance and resealing program in excess of \$1 million as well as an additional \$850,000 investment on road heavy patching and unsealed road maintenance. These priorities were identified by the community in the extensive engagement that supported the rate rise application process.

The maintenance program does not however address the significant infrastructure backlog we face through roads, bridges and other infrastructure that needs replacement or construction, an issue that is common to many regional Councils in NSW.

Capital works carried out this financial year included major upgrades to King Creek Road, Ocean Drive, Pembroke Road, replacement of Saltwater Creek Bridge and Stage 1 of the Port Macquarie Airport upgrade. The completion of drainage works on Burrawan Street Port Macquarie, installation of the southern arm water trunk main, advances in the small village sewerage scheme and construction of the All Abilities Playground in Wauchope are all projects that will provide a tangible benefit to our community.

Integrated Planning and Reporting Framework continues to be a major focus for Port Macquarie-Hastings Council and is a process that, through engagement with the community enables Council to focus on delivering projects and services that the community has identified as being a higher priority.

By working closely with our community to deliver those plans and projects and by continuing to apply stringent accountable management to improve our overall financial position, we have not only achieved positive outcomes for the year, we are in a strong position to meet the challenges of local government in the future.

Tony Hayward
General Manager

About the Port Macquarie-Hastings Region

The Port Macquarie-Hastings Local Government Area lies within the Mid North Coast region of New South Wales. Council acknowledges the Birpai Nation as the traditional owners of the lands within its local government boundaries. Under the *Land Rights Act* (1983), the area has four Aboriginal representatives' bodies being the Birpai, Bunyah, Kempsey and Taree/Purfleet Local Aboriginal Land Councils.

The population for the Local Government Area is forecast to grow to more than 104,591 by 2031. This makes it one of the fastest growing regions in NSW. The area has a number of small villages and the three main townships of Port Macquarie, Wauchope and Laurieton. The total population exceeds 75,000 with more than half living in the Port Macquarie precinct.

The township of Wauchope, 21 kilometres or approx 20 minutes by car from Port Macquarie, serves as the regional centre for the inland area, particularly for the rural communities and the associated agricultural industries.

The Camden Haven, located at the southern extremity, is a rapidly growing area and includes the towns of Kendall, Kew, North Haven, Dunbogan and West Haven, with Laurieton as the main service centre.

Smaller rural population centres and surrounding villages include: Lake Cathie, Bonny Hills, the Comboyne Plateau (Comboyne and Comboyne West) and rural villages (Beechwood, Byabarra, Ellenborough, Long Flat, Pappinbarra, Hollisdale, Upper Pappinbarra, Bellangry, Pembroke, Ballengarra, Rollands Plains, Upper Rollands Plains, Telegraph Point and North Shore).

The Hastings covers an area of 3,686.1 square kilometres and is located 420 kilometres north of Sydney and 510 kilometres south of Brisbane. The area is bisected north to south by the Pacific Highway and North Coast rail line, which are the main road and rail linkages between Sydney and Brisbane. A large proportion of the area is taken up by State Forest and the Werrikimbe National Park.

The topography is diverse ranging from sand dunes, coastal wetlands, flood plains and rugged mountain regions. The area is known for, and enjoys, one of the best climates in Australia.

Port Macquarie was proclaimed a municipality in 1887, in the Government Gazette 15 March 1887. The Council was elected on 25 May 1887 and the first Council meeting was held on 7 June 1887. The first Mayor was James McInherney. At this time the population was 900 and 118 people voted. Administration was based in the Good Templar's Hall at a cost of \$339.75. The Headquarters was moved to Hay Street in 1965 and then to Burrawan Street in 1991.

The *Local Government (Shires) Act (1905)* came into operation in NSW on 26 February 1906. A temporary Hastings Shire Council was appointed. Hastings Shire Council was constituted in June 1906 and in November 1906 the first elections were held. The first President of the Hastings Shire Council was Mr Patrick Joseph O'Neill. The first Hastings Shire Council meeting was held on 4 December 1906.

Present day - The Amalgamation of two Councils to make Port Macquarie-Hastings Council

The amalgamation of the Port Macquarie Municipal Council and the Hastings Shire Council in 1981 marked one of the most significant changes in local government in the region. The amalgamated council was called Hastings Municipal Council and Norm Matesich was Mayor.

Further changes to the structure of local government and Hastings Shire Council were made on 1 July 1993 when the *Local Government Act (1993)* took effect. This Act changed the responsibilities of the Mayor and Councillors and separated the functions more clearly from those of the General Manager. The new Act made local government more responsible and accountable. At this time, Hastings Municipal Council became known as Hastings Council. In 2005, Hastings Council became known as Port Macquarie-Hastings Council.

Our Community Profile

Estimated population 30 June 2012 (Source: ABS 3218.0)	76,017
Population growth rate 2011 - 2012 (Source: ABS 3218.0)	1.0%
Projected population growth rate pa 2011 - 2031 (Source: Forecast.id)	1.3%
Number of households (Source: Profile.id)	30,456
Population median age (years) (Source: 2011 Census)	47
Value (GRP) of the Regional economy June 2012 (Source: ABS/Remplan)	\$3.29B
Value of building approvals 2011 - 2012 (Residential)	\$87M
Value of building approvals 2011 - 2012 (Non - Residential) (Source: ABS Cat 8731.0 Building Approvals Australia June 2012)	\$39M

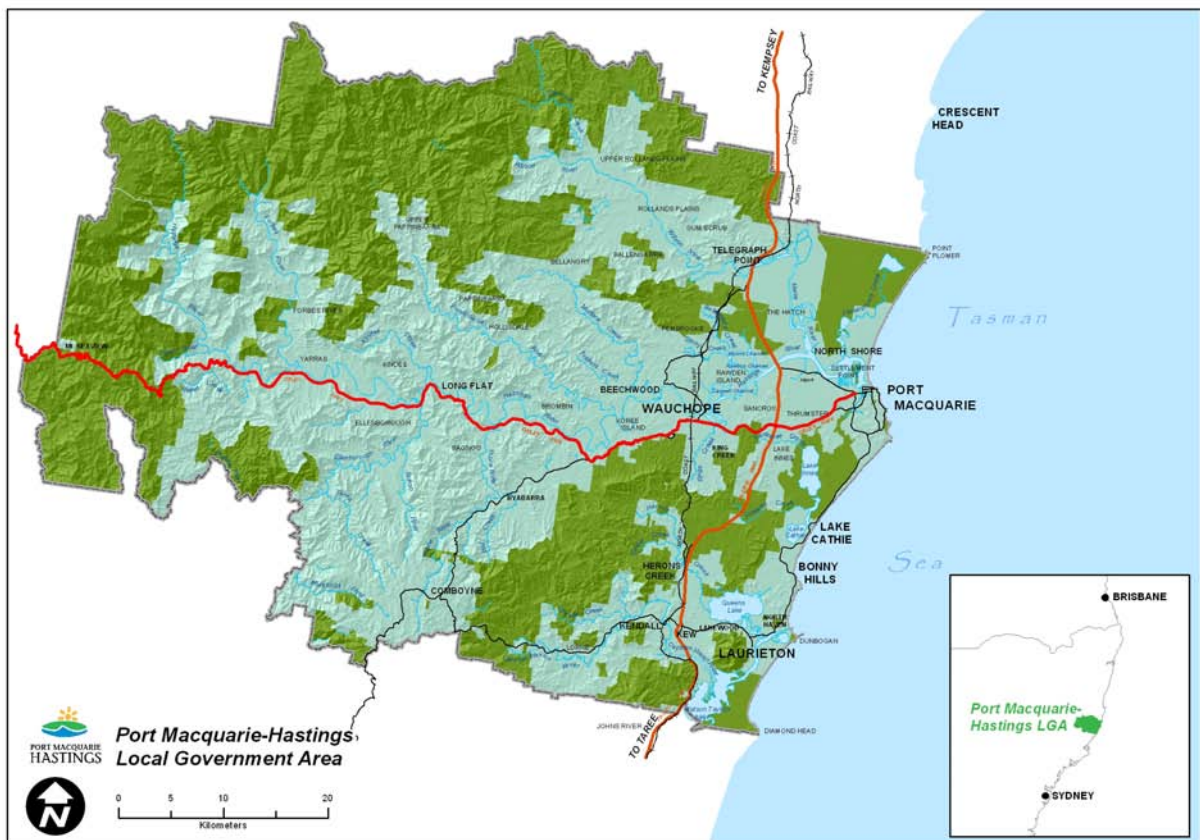
Introduction

The Port Macquarie-Hastings Annual Report highlights Council's key achievements during the year and also includes a range of statutory information that Council is required to report on under the *Local Government Act (1993)*.

Port Macquarie-Hastings Council is structured around a guiding principle of ensuring good governance and four focus areas - looking after our people, helping our community prosper, looking after our environment and planning and providing our infrastructure. These are the foundations of the Community Strategic Plan (CSP) and represent the shared vision for Council and the community and sets clear strategies to meet this vision.

Council's Four Year Delivery Program (2011 - 2015) and Annual Operational Plan (2012 - 2013) identifies the priorities, activities and actions that respond to the strategies, objectives and the outcomes in the Port Macquarie-Hastings Towards 2030 Community Strategic Plan.

Council also produces community newsletters throughout the year which detail Council's major achievements. These newsletters, together with Council's website and weekly newspaper advertisements, provide general information relating to Council's current projects and future plans.



Council Meetings

Members of the community are welcome to attend and address Council Meetings. Council Meetings are predominately held on the third Wednesday of every month.

Business Papers for these Meetings are available for inspection during office hours at Council's Offices and Libraries on the Monday prior to the Council Meeting. The Business Paper is also available on Council's website www.pmhc.nsw.gov.au on the Friday prior to the Meeting.

Council's Public Forum provides residents with the opportunity to address the Council on matters not listed on the business paper. If you wish to raise an issue at the Public Forum, a request must be submitted on the standard application form available at Council's offices, or via Council's website, by 4.30pm on the day prior to the meeting day.

Members of the public may address Council on items listed in the business paper. If you wish to address a Council Meeting on a business paper item, a request must be submitted on the standard application form available at Council's offices, or via Council's website, by 4.30pm on the day prior to the meeting day.

In instances where more than two (2) persons have requested to address Council in support of or in opposition to the recommendation on a business paper item, Council's Policy of only allowing two speakers in support and two speakers opposing the recommendation is applied.

To obtain the date and time of the next Council Meeting you may contact Port Macquarie-Hastings Council on ☎(02) 6581 8111 or visit Council's website. Regular advertisements detailing meeting venues and times are also published in local newspapers.



Our Vision, Mission and Values

Our Vision

A sustainable high quality of life for all.

Our Mission

To provide regional leadership and meet the community's needs in an equitable and inclusive way that enhances the area's environmental, social and economic qualities.

Our Values

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

Sustainability: We will be constantly mindful of the impact on future generations of our decisions and policies and strive to develop a sustainable community.

Excellence in service delivery: We will respect our customers and deliver services which provide value for money. We will continually improve the quality and efficiency of our services by being creative and innovative.

Consultation and communication: We will consult and communicate with our community and actively listen and respond to their input.

Openness and accountability: We will be transparent, accessible and fair.

Community advocacy: We will respect the interests of the community and be an advocate for the area in dealing with governments and industry.

Council's Guiding Principle and Focus Areas

- Ensuring good governance
- Looking after our people
- Helping our community prosper
- Looking after our environment
- Planning and providing our infrastructure

Ensuring good governance: A collaborative community that works together and recognises opportunities for community participation in decision making that is defined as ethically, socially and environmentally responsible.

Looking after our people: Our social infrastructure and community programs create a healthy, inclusive and vibrant community.

Helping our community prosper: The Port Macquarie-Hastings region is able to thrive through access to a range of educational, employment and business opportunities.

Looking after our environment: We understand and manage the impact that the community has on the natural environment. We protect the environment now and in the future.

Planning and providing our infrastructure: Our population growth is supported through public infrastructure and land use development strategies that create a connected, sustainable and accessible community.

Councillors

In 26 February 2008, the Governor of NSW declared all civic offices at the Council vacant and appointed an Administrator who had the responsibilities and duties of the Mayor and Councillors as set out in the *Local Government Act (1993)* up until the ordinary Local Government elections, which were held in September 2012. For the period July to September 2012, Mr Neil Porter held the position of Administrator of the Council.

The Mayor was popularly elected by the community for a four year term along with eight Councillors, from which a Deputy Mayor was elected by the Councillors and will serve a one year, six week term. In order to focus on important issues facing our community, Councillor Portfolios were developed and adopted by Council in December 2012. A Councillor chairs each portfolio, which allows a focused approach to engagement processes and information flow.



Mayor Peter Besseling

Portfolios: Communication, Government and Community Relations



Deputy Mayor, Councillor Trevor Sargeant

Portfolios: Future Planning, Commerce, Industry and Higher Education



Councillor Rob Turner

Portfolios: Commerce, Industry and Higher Education, Events and Tourism



Councillor Adam Roberts

Portfolios: Glasshouse, Major Projects



Councillor Lisa Intemann

Portfolios: Roads and Infrastructure, Future Planning



Councillor Justin Levido

Portfolios: Major Projects, Finance and Governance



Councillor Geoff Hawkins

Portfolios: Finance and Governance, Organisational Efficiency and IT



Councillor Michael Cusato

Portfolios: Events and Tourism, Roads and Infrastructure



Councillor Sharon Griffiths

Portfolios: Glasshouse, Organisational Efficiency and IT

Achievements and Awards

Awarded	Award name	Awarding authority	Description
August 2012	Performing Arts Centre of the Year - Glasshouse	Australian Performing Arts Centres Association	The Drover Award for Performing Arts Centre of the Year recognises the achievements of an outstanding presenting organisation and recognises consistent outstanding production, marketing and management services.
September 2012	2012 Countrylink North Coast Tourism Award Tourist Attraction (Gold) Glasshouse	Tourism Industry Council NSW (TICNSW)	This category recognises attractions which significantly contribute to the tourism experience within their region.
September 2012	2012 Countrylink North Coast Tourism Award Heritage and Culture Glasshouse	Tourism Industry Council NSW (TICNSW)	This category aims to recognise tourism operations that foster a greater understanding of history, heritage and/or culture. Entrants offer visitors an insight into Australia's history and heritage and its contemporary culture.
September 2012	2012 Countrylink North Coast Tourism Award / Visitor Information and Services - The Rod Murdoch Award - (Silver) Greater Port Macquarie Visitor Information Centre	Tourism Industry Council NSW (TICNSW)	Aims of the award are to: a) Encourage and celebrate creativity, professionalism and innovation, b) Provide a benchmark for best practice within the tourism industry, c) Promote business planning amongst New South Wales tourism operators, d) Encourage the continual raising of standards
November 2012	2012 NSW Tourism Awards / Heritage and Cultural Tourism (Bronze) Glasshouse	Destination NSW	This category aims to recognise tourism operations that foster a greater understanding of history, heritage and/or culture. Entrants offer visitors an insight into Australia's history and heritage and its contemporary culture.

Awarded	Award name	Awarding authority	Description
November 2012	2012 NSW Tourism Awards / Visitor Information and Services (Bronze) Greater Port Macquarie Visitor Information Centre	Destination NSW	Aims of the award are to: a) Encourage and celebrate creativity, professionalism and innovation, b) Provide a benchmark for best practice within the tourism industry, c) Promote business planning amongst New South Wales tourism operators, d) Encourage the continual raising of standards.
August 2012	2012 Countrylink North Coast Tourism Awards / Destination Marketing / (Gold) 52+Things to Do Campaign Port Macquarie	Tourism Industry Council NSW (TICNSW)	This category recognises creativity and innovation in a fully integrated destination marketing campaign, proven to be successful in the marketplace. A campaign can be a single promotional activity or a series of related promotions conducted during the course of the year. This category is open, but not limited to, Regional Tourism Organisations, Local Tourism Organisations and marketing alliances.
August 2012	2012 Countrylink North Coast Tourism Awards / Major Festivals and Events / (Silver) Urban Hotel Group Ironman Australia Port Macquarie	Tourism Industry Council NSW (TICNSW)	This category is open to festivals or events that received at least 20% of their business from International Tourist, whose primary reason to travel to the destination is to attend your event AND/OR a festival or event that receives over 60,000 visitors to the event (including major exhibitions) that a) create substantial economic impact, b) attract visitors from interstate and/or overseas, c) generate national or international media profile d) positively promote the destination. May be one-off or recurring.

Awarded	Award name	Awarding authority	Description
November 2012	2012 NSW Tourism Awards / Local Government Awards for Tourism (Gold) / Tourism and Events Port Macquarie Hastings Council	Destination NSW	This category is open to all local government authorities and recognises excellence in tourism planning, the provision of tourism facilities and services, marketing, event development and management, and the overall contribution made both locally and overall to their State's tourism industry.
August 2012	Best Local Government Youth Week Program	NSW Local Government	Won the best local Youth Week Program of 2012 in NSW.
August 2012	Most innovative Youth Week Program	NSW Local Government	Won the most innovative Youth Week Program of 2012 in NSW.
August 2012	RH Dougherty Awards for Staff Matters Campaign - Highly Commended	The Local Government and Shires Association of NSW	State based awards, recognising, Excellence in communication. Category B, Councils with 30,000 - 100,000 population.
February 2013	Best Tourism and Events Communications	Government Communications Australia	National award recognising event coordination and promotion for James Magnussen Olympic live site.



The Economic Development and Tourism Team with their North Coast Tourism Awards.



Rates and Charges Written-Off

In accordance with the Local Government (General) Regulation Clause 132

The amount of rates and charges written off during the year were as follows:

Description	Amount (\$)
Abandoned Pensioners	
General Fund Rates	1,516,127.85
Sewerage Services Annual Charges	626,901.32
Domestic Waste Annual Charges	541,938.16
Other Waste Annual Charges	1,513.63
Water Supply Usage Charges	45,561.15
Water Supply Annual Charges	<u>622,787.06</u>
	3,354,829.17
Abandoned Other	
General Fund Rates	43,137.91
Water Supply Annual Charges	-14,571.23
Sewerage Services Annual Charges	35.05
Domestic Waste Annual Charges	3,618.20
Other Waste Annual Charges	12.50
Water Supply Usage Charges	66,688.28
Sewerage Services Usage Charges	8,152.27
Stormwater Annual Charges	<u>69.50</u>
	107,142.48
Abandoned Interest	
General Fund	10,542.43
Water Supply	-2,139.26
Sewerage Services	368.31
Domestic Waste Management	0.00
Other Waste Management	0.00
	<u>8,771.48</u>
Total Rates and charges written off 2012 - 2013	3,470,743.13

Register of Overseas Travel

In accordance with the Local Government (General) Regulation Clause 217(1)(a)

Overseas visits by Councillors, Council Staff and other Council Representatives are detailed below

Councillors or other Council Representatives

Name	Name of conference	Location	Date/s	Resolved
Bruce Hardy (Chairman of the Port Macquarie Hastings Handa Sister City Sub-Committee)	Quinquennial Handa Float Festival	Handa, Japan	4 October - 8 October 2013	ORD 27/6/13

Staff

Name	Name of conference	Location	Date/s	Resolved
Danny Roberts (Water Treatment Technical Officer)	New Zealand Water Industry Conference and Treatment Plant Tours	New Zealand	24 May - 2 June 2013	ORD 6/5/13

Mayor and Councillor Expenses

In accordance with the Local Government (General) Regulation Clause 217 (1) (a1) (i)(ii)(iii)(iv)(v)(vi)(vii)(viii)

The total amount of money expended for year ended 30 June 2013 on the provision of facilities and payment of expenses is outlined in the table below:

Fees and Allowances

Details	Amount (\$)
Administrator Fees (July 2012 - Sept 2012)	19,379.90
Mayoral Allowance (Sept 2012 - June 2013)	40,717.53
Councillor Fees (Sept 2012 - June 2013)	<u>102,360.24</u>
Sub Total	162,457.67

Administrator Expenses (July 2012 - Sept 2012)

Details	Amount (\$)
Phones	181.02
Travelling	0.00
Out of pocket expenses	275.93
Sub Total	456.95

Mayor and Councillor Expenses (Sept 2012 - June 2013)

Details	Amount (\$)
Provision of dedicated office equipment allocated to councillors	358.34
Telephone calls made by councillors	5,424.86
Attendance of councillors at conferences and seminars	339.64
Training of councillors and provision of skill development	21,895.30
Interstate visits by councillors, including transport, accommodation and other out-of-pocket travelling expenses	0.00
Overseas visits by councillors, including transport, accommodation and other out-of-pocket travelling expenses	0.00
Expenses of any spouse, partner or other person who accompanied a councillor, being expenses payable in accordance with the Guidelines	0.00
Expenses involved in the provision of care for a child or an immediate family member of a councillor	0.00
Other expenses (including catering, stationery, printing, sundries)	9,926.85
Out of pocket expenses	10,422.38
Sub Total	48,367.37
Total Costs	211,281.99

Contracts awarded greater than \$150,000

**In accordance with the Local Government (General) Regulation
Clause 217(1)(a2)**

Name of Contractor	Contract for provision of	Contract Value (\$)
Subloos Pty Ltd	Management of the Wauchope Waste Transfer Station	216,410.40
CC Pines Pty Ltd	Bridge design and supply pre-cast components - Loggy Creek Bridge, Pembroke	254,500
Downer Edi Works Pty Ltd	Port Macquarie Airport upgrade -Stage 1A	17,517,104.54
Deklax Pty Ltd (t/as) Bridle Demolition Earthmoving & Recycling	Construction of flood mitigation channel - Belah road	271,656.50
Hitachi Construction Equipment Pty Ltd	Supply and delivery of one (1) John Deer 670G motor grader and one (1) John Deer 670GP motor grader including option of tilting front blade and grader blade model upgrade (14ft)	512,222.22
GCM Enviro Pty Ltd	Supply and delivery of one (1) landfill compactor including options of tilting front blade, reversing camera, extended warranty and GPS engine diagnostic system.	676,041.24
Seamless (Australia) Pty Ltd	Supply, host and support a content management system (Corporate website and intranet)	152,262
Platform Sales Australia Pty Ltd	Supply and delivery of one (1) elevated work platform & purchase of optional extras	164,980
TCM Civil Pty Ltd	Supply and delivery of sewerage reticulation and pump station - Beechwood	1,483,470
Fleetwood Urban Pty Ltd	Design and construct Kooloonbung Footbridge	774,413
Komatsu Australia Pty Ltd	Supply of one (1) 22 ton excavator	217,916.19
Complant Australia Pty Ltd	Purchase of three (3) 12.5 ton to 13.5 ton smooth drum rollers	344,360

Legal Expenses

In accordance with the Local Government (General) Regulation Clause 217 (1) (a3)

Expenses incurred as at year ended 30 June 2013 in relation to legal proceedings were as follows

Matter	Nature of proceeding	Status/Outcome	Costs (\$)
PMHC ats Notley	Prosecution for unauthorised development	Ongoing	36,133.71
PMHC ats Lehmann Brothers	Financial Matter	This matter is still being assessed	1,008.87
PMHC ats Kelly	Property Acquisition	This matter was resolved during 2012 - 2013	9,537.55
PMHC ats Fabcot Pty Ltd	Property Matter	Applicants appeal was dismissed in 2011 - 2012; with the costs assessment process finalised during 2012 - 2013	19,598.72

Resolutions made under Section 67 concerning work carried out on private land

In accordance with the Local Government (General) Regulation Clause 217(1)(a4)

Description/detail of work	Cost	Council subsidised
Nil	n/a	n/a

Grants, Financial Assistance and Contributions

In accordance with the Local Government (General) Regulation Clause 217(1)(a5)

Council made contributions and grants totalling \$589,240.43

Recipient	Amount (\$)
Arts Mid North Coast	12,669.00
BBRC Affordable Housing Contributions	210,000.00
Bonny Hills Progress Association	800.00
Bonny Hills Surf Life Saving Club	10,000.00
Camden Haven Concert Band	7,224.00
Camden Haven Surf Life Saving Club	10,000.00
Donation of Rates	25,660.73
Donation of Waste Depot Tipping Fees	4,058.82
Donations - Other Community Grants Program	142,389.27
Donations to Educational Institutions	1,900.00
Donations for DA/BA fees	10,852.00
Federation of Parents & Citizens	740.00
Glasshouse Community Grants	8,806.84
Hastings District Pipe Band	7,224.00
In Phase Productions	181.82
Koala Orchestra	5,676.00
Lake Cathie/Bonny Hills Lions Club	1,500.00
Lorne Recreation Centre	500.00
Maritime Museum - Rates	26,059.14
National Koala Conference	5,000.00
North Coast Academy of Sport	9,010.00
PMHC Sporting Fund	21,903.53
Port Macquarie City Church	4,100.00
Port Macquarie Football Club	11,881.60
Port Macquarie Ministers Association	5,000.00
Port Macquarie Neighbourhood Centre	2,500.00
Port Saints Soccer Club	11,203.68
Port Macquarie Surf Life Saving Club	10,000.00
Port Macquarie Town Band	10,000.00
Tacking Point Surf Life Saving Club	10,000.00
Wauchope Info & Neighbourhood Centre	<u>2,400.00</u>
	589,240.43

Mayoral Discretionary Fund

Pursuant to the reporting requirements of Council's Mayoral Discretionary Fund Policy, a total of \$10,231 was discretionally allocated by the Mayor for the 2012 - 2013 period. The Administrator discretionally allocated \$6,338 for the July 2012 - September 2012 period.

Statement of external bodies exercising delegated function by Council

In accordance with the Local Government (General) Regulation

Clause 217(1)(a6)

No external bodies exercised functions delegated by Council in the period 1 July 2012 to 30 June 2013.

Statement of all corporations, partnerships, trusts, joint ventures, syndicates or other bodies in which council held a controlling interest

In accordance with the Local Government (General) Regulation

Clause 217(1)(a7)

There are no companies which Council held a controlling interest in the period 1 July 2012 to 30 June 2013.

Statement of all corporations, partnerships, trusts, joint ventures, syndicates or other bodies in which the Council participated

**In accordance with the Local Government (General) Regulation
Clause 217(1)(a8)**

Arts Mid North Coast (AMNC)

Arts Mid North Coast is a regional non profit, incorporated organisation and is the peak body for Arts and Cultural Development across the Mid North Coast region. Arts Mid North Coast works within the following seven Local Government Areas: Great Lakes, Greater Taree, Port Macquarie-Hastings, Kempsey, Nambucca, Bellingen and Coffs Harbour.

The organisation has been in existence for over eleven years and is part of a state network of 13 Regional Arts Boards that provide the framework for Arts and Cultural Development across regional and rural NSW. Each Council contributes financially to the running of the organisation according to a per capita formula applied to all LGA's, and has a representative member on the Board.

The Executive Officer works across all seven Local Government Areas, and aims to engage with all relevant sectors of the regional community to promote, facilitate and advocate for excellence in arts and cultural development across the Mid North Coast region. This is achieved by assisting with grant applications, project plans, implementation and support to Cultural Development in the areas through strengthening local cultural groups.

Mid North Coast Library Cooperative

Council is a part of the Mid North Coast Cooperative Library Service which enables joint purchasing of resources which are then shared with all residents. All branch libraries are on line so that readers can reserve or request items from any location.

Mid North Coast Strategic Alliance

Council is a member of the Mid North Coast Strategic Alliance and has continued to actively participate in the strategic alliance with Great Lakes, Taree, Gloucester, Kempsey, Nambucca, Bellingen and Coffs Harbour Councils. The Alliance was formed with the objective of achieving cost savings and/or improved service delivery of identified functions, within the participating organisations. There are a number of groups actively working together to achieve both direct and indirect benefits. These benefits range from the sharing of information, networking, shared tenders and benchmarking information.

The Open House Project, Glasshouse

At the beginning of 2012, Council signed a three year Memorandum of Understanding with the Sydney Opera House to establish the "Open House Project" partnership. This project has the objective of enhancing cultural, educational and entertainment experiences for the local community by enabling access to a range of cultural and educational experiences from the Sydney Opera House. The first of its kind in Australia, this partnership highlights the professional standard and value of the

Glasshouse Performing Arts program as the Glasshouse aligns with one of the world's leading cultural institutions. The partnership is valid until 31 December 2014.

Council Art Collection

The Gallery Advisory Board continued to develop the Council Art Collection Donation Drive through the Cultural Gift Fund tax incentive scheme. During 2012 - 2013 the board accepted 24 donations of art works from the artists, thereby increasing the value of the Collection by \$98,150. The art donations are by highly regarded artists and many of the works are exhibited regularly in the Gallery, the Glasshouse foyers and also conference and meeting rooms.

Headspace

Port Macquarie-Hastings Council continues to work in collaboration with the "Each" led consortium to support the operation of Headspace in Port Macquarie.

Headspace commenced delivering services to young people in January 2013 and has been very successful in increasing young people's mental health awareness in the community.



Statement of activities to implement Equal Employment Opportunity (EEO) Management Plan

In accordance with the Local Government (General) Regulation Clause 217(1)(a9)

Council's Equal Employment Opportunity (EEO) Management Plan seeks to create a positive work culture within the organisation, by ensuring all employees adopt fair practices and demonstrate ethical behaviour while respecting the social, personal and cultural attributes of those they interact with.

Key achievements during 2012 - 2013 have been:

- Working with NSW Health to recruit a candidate to the Aboriginal Environmental Health Officer traineeship program, in which the appointee undertakes a combination of work and study, attaining high level on-the-job skills and a degree level qualification.
- Successfully applying for funding of one cadetship role and two school based trainee roles under the Elsa Dixon Aboriginal Employment Program.
- Developing a Breastfeeding Friendly Workplace Policy, including a dedicated onsite facility, to assist women to balance work and breastfeeding responsibilities.
- Working towards attainment of a Bronze Award under the 50:50 Vision - Councils for Gender Equity program.
- Promoting Local Government as a desirable career choice for young people through various Council delivered training and guest speaker activities within local schools.
- EEO training and Aboriginal Awareness training included in Council's two day staff induction programs for new starters.
- Implementing a Transition to Retirement Policy to help ease the transition from working life to retirement for our staff, while assisting the organisation in knowledge transfer and reducing the impact of skills shortage.
- Providing work placement opportunities for People with a Disability to assist in developing their work skills.
- Continuing to offer flexible work practices including working from home, revised hours of work and part-time work to accommodate carers' responsibilities.

General Manager Remuneration Package

In accordance with the Local Government (General) Regulation Clause 217(1)(b) (i)(ii)(iii)(iv)(v)

The remuneration for the General Manager for the year ended 30 June 2013 was \$294,885. The statement of total remuneration for the General Manager includes the following:

Description	Costs (\$)
Salary component	259,103
Total amount of any bonus payments, performance payments or other payments made to the General Manager that do not form part of the salary component	Nil
Total amount payable by the council by way of the employer's contribution or salary sacrifice to any superannuation scheme to which the General Manager may be a contributor	24,693
Total value of any non-cash benefits for which the General Manager may elect under the package	9,000
Total amount payable by the council by way of fringe benefits tax for any such non-cash benefits	2,089

Senior Staff Remuneration Packages

In accordance with the Local Government (General) Regulation Clause 217(1)(c) (i)(ii)(iii)(iv)(v)

In addition to the General Manager, Council has classified four Director positions as senior staff positions.

The following positions are classified as senior staff:

- Director Commercial Services and Industry Engagement
- Director Infrastructure and Asset Management
- Director Development and Environmental Services
- Director Community and Organisational Development

The total combined remuneration packages for the four senior staff was \$848,491.

The statement of the total remuneration comprised in remuneration packages of all senior staff members is to be expressed as the total (not of the individual members) and includes the following:

Description	Costs (\$)
Salary components	679,480
Total amount of any bonus payments, performance payments or other payments made that do not form part of the salary components	Nil
Total amount payable by the council by way of the employer's contribution or salary sacrifice to any superannuation scheme	114,765
Total value of any non-cash benefits	36,000
Total amount payable by way of fringe benefits tax	18,246

Statement of Stormwater Management Services

In accordance with the Local Government (General) Regulation Clause 217(1)(e)

Annual charges for stormwater management service were used to fund operational stormwater maintenance, design, investigation and capital works across all urban areas of the Port Macquarie-Hastings region in accordance with Council's intention.

A dedicated stormwater works crew provides a specific focus on the delivery of stormwater maintenance services to the community, to improve actual stormwater service levels, environmental health and customer response times.

Below is a summary of key works/investigations undertaken during the 2012 - 2013 financial year:

- Kendall Stormwater Management Plan.
- Lighthouse Road Port Macquarie stormwater pipeline extension (mitigate flooding of Endeavour Close).
- Stormwater remedial works corner Hibbard Drive and Hastings River Drive Port Macquarie (eliminate street flooding).
- 30 Callwalla Crescent remedial works survey, design and construction of interim protection works.
- 30 Flynn Street remedial works survey, design and construction of remedial works.
- 98 Kennedy Drive survey and remedial works design (90% complete - construction pending review of preliminary designs).
- Burrawan Street drainage upgrade design and construction.
- Stormwater drainage surveys including:
 - Mountain View Road, Kew
 - Hart Street, Port Macquarie
 - Albert Circuit, Port Macquarie
 - Gordon/Bridge Street, Port Macquarie
 - Orara Street, Kendall

Statement Detailing the Coastal Protection Services Provided

In accordance with the Local Government (General) Regulation Clause 217 (1)(e1)

Council did not levy services for coastal protection in the period 1 July 2012 to 30 June 2013.

Particulars of any Environmental Upgrade Agreement Entered Into

In accordance with any requirements imposed under Section 406. s54P

Council have not entered into any arrangements during the period July 2012 to June 2013.

Special Variations of Rating Income

In accordance with the Local Government Act Section 508(2) and Section 508(a)

In the last ten years Port Macquarie-Hastings Council has received the following special rating variations. Each year Council has allocated the approved rate pegging limit to give a total amount received from each special variation. The table below outlines how the total amount of the rating increases have been expended to 30 June 2013.

Summary of Special Rate Variation for the period 2004 - 2013			
Year	Special Rate Variation	Amount(\$)	Detail
2004-05	19.16%	3,902,058	Road works, parks, environmental management and increased community expectations
2005-06	4.00%	1,034,823	Road works, parks, environmental management and increased community expectations
2010-11	7.36%	2,441,953	Infrastructure maintenance/renewal (1 year only)
2011-12	7.30%	2,510,328	Infrastructure maintenance/renewal (1 year only)
2012-13	7.30%	2,510,328	Infrastructure maintenance/renewal (Permanent)
2012-13	4.43%	500,000	Additional Unsealed Road Maintenance (5 years only)
2012-13		800,000	High Traffic Road Resurfacing (5 years only)
2012-13		200,000	Pavement rejuvenation (5 years only)
2012-13		180,000	Road Construction (5 years only)

Current Value of Special Variation Approvals						
	Rate Peg Limit	2004/05 Approval	2005/06 Approval	2010/11 Approval	2011/12 Approval	2012//13 Approval
		\$	\$	\$	\$	\$
Amount of original approval		3,902,058	1,034,823	2,441,953	2,510,328	4,190,328
2004-05	3.5%	3,902,058				
2005-06	3.5%	4,038,630	1,034,823			
2006-07	3.6%	4,184,021	1,072,077			
2007-08	3.4%	4,326,277	1,108,527			
2008-09	3.2%	4,464,718	1,144,000			
2009/10	3.5%	4,620,983	1,184,040			
2010-11	2.6%	4,741,129	1,214,825	2,441,953		
2011-12	2.8%	4,873,881	1,248,840		2,510,328	
2012-13	3.6%	5,049,340	1,293,799			4,190,328
Total		40,201,038	9,300,931	2,441,953	2,510,328	4,190,328

2004 - 2005 Approval	Amount (\$)
Maintenance Items	
Increase in road maintenance	5,670,508
Increase in parks maintenance	5,362,463
Increase in library operations	1,227,030
Increase in community services funding	4,087,010
Works Program Items	0
Acid sulphate soil remediation	58,546
Riverbank protection works	91,435
Regional stadium - cover grandstand	237,400
Upgrade Aquatic Facilities	69,229
Urban bushland reserve projects	87,437
Upgrade regional indoor stadium	69,510
Provide athletics facilities	18,885
Provide new major regional facilities	374,715
Ring Road construction	3,291,099
Provide for social and cultural infrastructure	6,763
Loan Repayments	
Provide new major regional facilities (Wayne Richards Park)	92,646
- Loan Repayments - \$209,890	
Provide new major regional facilities (Wayne Richards Park)	196,806
- Loan Repayments - \$205,000	
Regional Stadium - Covered Grandstand	1,089,284
- Loan Repayments - \$904,675	
Ring road construction - Loan Repayments - \$1,630,000	1,731,408
Ring road construction - Loan Repayments - \$4,705,280	4,194,021
The Glasshouse - Loan Repayments	<u>12,244,843</u>
	40,201,038

2005 - 2006 Approval	Amount (\$)
Maintenance Items	
Increase in road maintenance	3,047,753
Increase in parks maintenance	2,438,429
Increase in library operations	951,661
Increase in lifeguard funding	716,652
Operational budget for The Glasshouse	1,997,692
Works Program Items	0
Acid sulphate soil remediation	3,873
Riverbank protection works	9,548
Upgrade aquatic facilities	52,783
Urban bushland reserve projects	54,750
Provide new major regional facilities	<u>27,789</u>
	9,300,930

2010 - 2011 Approval	Amount (\$)
Beach safety	9,768
Bushfire management	19,535
Parks, reserves & sporting field maintenance	410,245
Tree maintenance	48,839
Road maintenance - heavy patching	488,387
Road maintenance - resealing program	1,123,309
Unsealed road maintenance program	341,870
	2,441,953

2012 - 2013 Approval - 7.3%	Amount (\$)
Beach safety	10,042
Bushfire management	20,082
Parks, reserves & sporting field maintenance	421,732
Tree maintenance	50,206
Road maintenance - heavy patching	502,062
Road maintenance - resealing program	1,154,762
Unsealed road maintenance program	351,442
	2,510,328
2012 - 2013 Approval - 4.43%	
Additional unsealed roads maintenance	500,000
Continuation of high traffic road resurfacing	800,000
Pavement rejuvenation	200,000
Road construction	180,000
	1,680,000

Outcomes

The following projects and outcomes have been achieved or will be achieved in the future using funding from the special rating increases in addition to other applicable funding. It is a requirement that this information be included in the annual report for 10 years from receipt of funding. Hence, some projects are finalised and others are embedded in ongoing budgets.

2004 - 2006 Approvals

Estuary Management

Council produced estuary education resources in the form of community posters and postcards that highlight important environmental aspects of the estuaries in the LGA. These resources were provided to residents in mail outs as well as being used as educational aids at community events and during presentations to school groups.

Henry Kendall Reserve - Riverbank Protection

Council carried out river bank restoration works at Henry Kendall Reserve to manage extensive erosion in Stingray Creek. The project involved the reshaping and rock armouring of around 300m of riverbank. The project has prevented further erosion and secured an important community asset in the Camden Haven.

Acid Sulphate Soils

Funding has been used to implement acid sulphate soil remediation works in the Hastings and Camden Haven River floodplains. Works included the installation of weirs within artificial drainage systems to prevent exposure of acid sulphate soils and contain acid groundwater and the recreation of significant areas of wet pasture/wetland. Additional information on this work can be found in Council's State of the Environment Report.

Urban Bushland Projects

Council has worked in co-operation with local Landcare Groups to implement a number of urban bushland restoration projects. Specific examples include Blair Reserve, Lighthouse Beach dunes and Middle Rock littoral rainforest. Restoration works include removal of noxious and environmental weeds, replanting with native local species and formalising access to prevent damage to vegetation.

Lifeguard Funding

The additional funding was used to adequately train and implement lifeguard service.

Parks Maintenance

The funding allocated to parks maintenance was allocated to the following items:

- Improved plant & equipment
- The standard of the Central Business District and roundabout landscaping has been elevated
- Additional areas of open space in new development areas
- Additional maintenance of our new parks assets, for example Wayne Richards Park
- Replacement of playgrounds
- An additional tree inspection officer due to the number of tree requests.
- Elevation of standard of Council's sports grounds by increased watering/fertilising regime

Wayne Richards Park

Planning for a new Port Macquarie sporting complex began in 1996 when Council identified five areas as potential recreational sites. The Koala Street Playing Fields were selected as the preferred site for the future development of a new Port Macquarie sporting complex.

The project is made up of the following stages.

Stage 1: Two soccer fields & cricket pitch, car park and amenities and road upgrade

Stage 2: Additional parking and combined AFL oval, cricket oval and grassed athletics track with an additional soccer field

Stage 3: Two additional multi-use fields and cricket pitch

Stage 4: Provision of further multi-use sporting facilities

Stage 5: Hockey field

Stage 1 of Wayne Richards Park is totally complete. Stage 2 works are also complete with the exception of sub-surface drainage and the cricket pitch installation which are to be undertaken as soon as weather permits.

Regional Sports Stadium/Grandstand

The Port Macquarie Regional Sports Stadium is the premier sports facility in the Hastings. Constructed in 1992 with funding assistance from NSW Sport & Recreation, NSW Country Rugby League and Council, it became the home of rugby league in Port Macquarie.

The playing surface is considered by many to be the number one rugby league facility on the NSW North Coast. It boasts a 1,000 seat grandstand which has transformed the area from a playing field to a genuine high-quality sports stadium.

Underground irrigation and drainage make the site available on a year round basis which have been used for NRL pre-season matches as well as representative fixtures.

Rugby league is the predominant sport played at this location, however, rugby union and soccer fixtures, at the elite level, have been played there.

The principal users of the facility are the Port Macquarie Sharks Rugby League Football Club playing in the Country Rugby League Group 2 competition and the Port Macquarie City Breakers Rugby League Football Club associated with the Country Rugby League Group 3 competition.

A second field has been constructed on the western side of the main field. Car parking adjacent to Boundary Street has been completed as part of stage 2 works. A future car park on the western extremities of the site is proposed in the future.

Aquatic Facilities

Port Macquarie-Hastings Council has been developing strategies for the construction of an aquatic facility in the Hastings. Location options of the proposed facility have been on public exhibition, however site selection is still underway.

It is proposed that the aquatic facility will cater for local, district and regional requirements and facilities within in the proposed complex and may include:

- Outdoor 10 lane 50 metre pool diving pool
- Indoor heated 25 metre pool
- Program pool
- Recreation pool/children's play area
- Foyer/reception area
- Retail space
- Food outlet/coffee shop
- Car parking

Performing Arts Facility - The Glasshouse

The Glasshouse is an integrated multi-purpose facility which is used for a wide range of functions including events, performances, conferences, exhibitions and shows.

The centre hosts arts, sports, entertainment, family, leisure and civic functions. Projections indicate that more people, both local and visiting, will use this facility more than any other Council provided facility in the LGA.

Library Operations

The special rate funding was used to employ an additional librarian. The role was originally responsible for running Port Macquarie Library, which included rostering staff, organising displays and exhibitions and actively promoting our services.

This position was changed in April 2007 to a Branch Coordinator and is ongoing. The responsibilities have increased to include the other two branch libraries.

Road Maintenance

The additional road maintenance funding has been used on a number of maintenance activities including:

- Additional resealing and gravel resheeting of Council's roads. This increase was based on a strategy to reduce the frequency of resealing and resheeting to once every ten years. Prior to these funds being applied the resealing and resheeting cycle was much longer.
- Increases in heavy patching, jetpatching, rural roadside slashing of sealed roads, maintenance grading of unsealed roads.
- The appointment of an inspection officer to allow the conditional assessment of defects to be made so that maintenance works can be appropriately prioritised.

2010 - 2013 Approvals

Parks & Reserves

During 2010 - 2011 additional funding has allowed Council to increase maintenance levels of parks and reserves, particularly mowing maintenance, which has resulted in a significant reduction in the number of customer requests that have been generated this financial year. High use areas such as Bain Park and Port Macquarie's Town Green have been particularly targeted for higher levels of service.

The continuation of funding in 2012 - 2013 allowed for increased levels of parks and reserves mowing improving usability of public open space across the LGA.

Lifeguard Funding

The funding provided school education programs as follows:

- 2010 - 2011 delivered on 22 occasions to over 1,250 children across the LGA.
- 2011 - 2012 delivered on 20 occasions to over 2,674 children across the LGA.
- 2012 - 2013 delivered on 21 occasions to over 3,500 children across the LGA.

Tree Management

- 2010 - 2011 The additional funding provided for tree management significantly improved Council's position in relation to management of high risk trees. The number of jobs included in Council's Tree Works list reduced from 701 in June 2009 to 520 in June 2011. 180 new jobs were however added to the list following the significant storm event of 17 March 2011.
- 2011 - 2012 The number of jobs included in Council's Tree Works list increased from 559 in July 1 2011 to 657 in June 2012. This increase in the number of listed tree works resulted from high wind storm events in January and February 2012 combined with periods of extreme wet weather.
- 2012 - 2013 A significant number of storm events in first half of 2013 has seen a dramatic increase in tree related customer requests during this period. As a result the total number of listed tree works has not improved from previous financial year.

Bushfire Management

The additional funding provided for Bushfire Management has allowed Council to construct additional Asset Protection Zones in the local government area which has reduced Council's risk in this area and provided improved bushfire protection for people and properties adjacent to these areas.

Road Funding

Council has allocated \$1.95 million from the 2010 - 2011 Special Rate Variation to improving the condition of our roads. \$2.01m has been allocated from the 2011 - 2012 Special Variation. Prior to the Special Rate Variations for these years there was community discussion on the state of the road network, the levels of maintenance expected and the difference between the community's expectations and the maintenance levels actually being delivered.

As part of Council's "back to basics" program, a plan was adopted to attempt to bring local roads back to an appropriate standard for both sealed and unsealed roads. In the Port Macquarie-Hastings Local Government Area, there is 850 kilometres of sealed roads and 450 kilometres of unsealed roads.

- The 2010 - 2011 Special Rate Variation funding for **roads maintenance** including heavy patching and rehabilitation works on several high traffic roads including Hastings River Drive, Ocean Drive, Bago Road, King Creek Road, Blackbutt Road and Belah Road.
- In 2011 - 2012 the Special Rate Variation funding was allocated to **roads maintenance** including heavy patching and rehabilitation works on high traffic roads including William Street, Pacific Drive and Jindalee Road in Port Macquarie, Ocean Drive at Lake Cathie, and Production Drive in Wauchope.
- In 2012 - 2013, the Special Rate Variation funding has continued to be allocated to **roads maintenance** including heavy patching and rehabilitation works on high traffic roads including sections of Pacific Drive (between Flynn Street and Ocean Drive) and Gordon Street in Port Macquarie, Ocean Drive south of Lake Cathie, and Panorama Drive in Bonny Hills. Council has continued its focus on improving the condition of the unsealed road network through the ongoing utilisation of the fourth maintenance grading crew.

- In 2012 - 2013 works to address the sealed **road repairs maintenance** backlog continued in accordance with Council's risk based prioritisation system and additional roads repair works (including heavy patching and road drainage repairs) were implemented.

A revised resealing program has been delivered.

- In 2010 - 2011 **resealing works** were undertaken for high traffic arterial roads and the industrial area of Port Macquarie, including Ocean Drive, Hastings River Drive and Jindalee Road.
- In 2011 - 2012 further **resealing works** were undertaken on high traffic arterial roads and the industrial area in Port Macquarie along with Ocean Drive between Bonny Hills and North Haven, and between Laurieton and Kew.

Productivity Savings

Financial sustainability is a key issue for all councils in Australia and Port Macquarie-Hastings is no different. As part of its approach to achieving productivity savings, Council has implemented an ongoing program of reviewing its budgets. Each quarter all Divisions of Council are required to consider their budgets and identify savings to be re-invested in other areas of Council's operational budget and/or reduce the deficit.

A separate initiative invited all staff to put forward ideas that they thought could achieve savings or lead to productivity improvements. Staff submitted over 500 ideas that were then assessed by a cross functional working party and prioritised for further assessment and action. Over 100 ideas of these have already been actioned and while some of these are only delivering minor savings, the cultural shift of encouraging staff to be conscious of where every dollar is spent is of itself leading to savings. Some examples of the ideas submitted by staff include reducing the number of colour brochures, moving to more online communications, reducing hours of opening and changing modes of service delivery.

As an extension to this, Council commenced a further productivity improvement initiative focusing on business improvement reviews. The Business Improvement Team known as TARDIIS (Targeting Activities Realising Direct Improvements in Services) launched during 2012 - 2013 and supports the whole organisation in improving our business. While in the commencement phase, this initiative will embed a productivity and business improvement philosophy in relation to how services are delivered to the community

Report on Capital Works Projects

Capital Expenditure Guidelines

Council's capital projects for infrastructure facilities, including renovations and extensions have not exceeded 10% of Council's annual rate revenue.

Companion Animals Act 1998 and Regulation 2008

Statement on activities relating to enforcing and ensuring compliance

In accordance with the Local Government (General) Regulation Clause 217(1)(f)

Companion animal fund monies are utilised to provide effective education programs throughout the schools in the Hastings together with discounted microchipping days to assist low income earners in compliance of the *Companion Animals Act 1998*.

Council funding (expenditure) for companion animal management was approximately \$550,000. Fund money also assists Council in promoting companion animal ownership and compliance.

Port Macquarie-Hastings Council conducted a School Education Program targeting Year 3, 4 & 5 students. This program was run in term three with visits to twelve schools within the Local Government Area which included 705 students.

In addition to the Council's School Education Program, Council is working closely with the Division of Local Government to conduct joint education programs. This program is funded by the NSW State Government and conducted by Victorian Department of Primary Industries.

Council conducted two discounted microchipping days which allowed companion animal owners to have their pets microchipped at a reduced rate. This program is primarily targeted toward low income and disadvantaged families throughout the Local Government Area.

Council also had a education stall at the Town Green in Port Macquarie during Local Government Week, a stall at the Port Panther Club during Seniors Week and a stall at the RSPCA million paws walk at the Port Macquarie racecourse.

In addition to these education programs and initiatives, Rangers were also in attendance at both Port Macquarie and Laurieton Libraries to conduct story time talks with preschool children as part of Local Government Week.

Port Macquarie-Hastings Council continued to work closely with the local branch of the RSPCA in nominating low income earners for discounted pet desexings. This program is primarily run and funded by the RSPCA.

Port Macquarie-Hastings Council impounding facility is run under contract by the state branch of the RSPCA, which allows for all unclaimed animals to be released to the RSPCA for assessment and suitability for re-housing. This allows for all suitable unclaimed dogs and cats to be placed on the state wide rehousing network and keeps euthanasia rates for Council animals to a minimum. See Table 1 - Council Animal Care Facility.

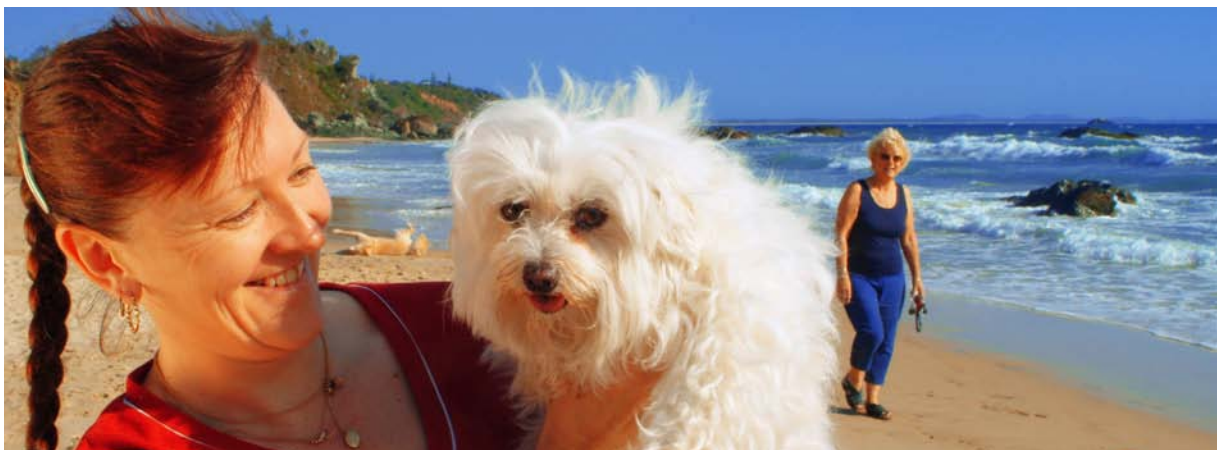
Council has a number of off-leash areas including beaches throughout the Local Government Area as listed in the "Dogs in Public Open Spaces" Council Policy. As part of the policy in 2012 - 2013, Council identified three additional public reserves for the establishment of dog leash-free areas. (Grant funding is now being sought to establish the three areas).

In 2012 - 2013, Council staff also worked with community groups to identify a suitable site where joint funding can be used effectively to establish and maintain dog exercise and agility parks.

During 2012 - 2013, twenty eight reported dog attacks took place in the Port Macquarie-Hastings Local Government Area.

Table 1

Council Animal Care Facility				
	Transferred to Council's facility	In Council's facility - start of month	Animals leaving Council's facility	Remaining in Council's facility end of month
July	55	8	59	4
August	66	4	67	5
September	61	5	64	2
October	57	2	56	4
November	35	4	35	7
December	59	7	60	8
January	65	8	70	5
February	63	5	61	7
March	49	7	50	6
April	58	6	54	10
May	60	10	69	4
June	52	4	51	6
Total	680		696	



Government Information (Public Access) Act 2009

In accordance with the Government Information (Public Access) Act 2009 Section 125(1) Clause (13) Schedule (1)

The Government Information (Public Access) Act (GIPA Act) replaced the Freedom of Information Act 1989 on 1 July 2010. The GIPA Act provided widespread reform for the public sector in the way community members access Government Information.

Port Macquarie-Hastings Council holds information, in various formats, in respect of the wide range of functions undertaken by it and information which is pertinent to different issues relating to the Port Macquarie-Hastings local government area. Under the provisions of the GIPA Act there is a right of access to certain information held by Council unless there is an overriding public interest against its disclosure.

Mandatory Proactive Release

Council must make information classified as *open access information*, under the GIPA Act, publicly available unless there is an overriding public interest against disclosure.

Open access information is required to be published on Council's website (unless to do so would impose an unreasonable additional cost on Council). In instances where unreasonable additional cost would be incurred, Council's website will indicate where and how the information can be obtained.

Open Access Information

- Publication Guide (this document)
- Documents tabled in Parliament by or on behalf of Council
- Council's Policy Documents
- Disclosure Log of Access Applications
- Register of Government Contracts
- Council's Record of open access information that it has not made publicly due to an overriding public interest against disclosure

Other information can be prescribed under the Government Information (Public Access) Regulation as open access information. Currently Schedule 1 of the regulation prescribes the following documents as open access:

Information about Council

- Model Code of Conduct (Local Government Act 1993, s440(1))
- Council's Code of Conduct (Local Government Act 1993, s440(3))
- Council's Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- Integrated Planning Documents
- EEO Management Plan
- Annual Reports of bodies exercising functions delegated by Council (for example Section 355 Committees)
- Any Codes referred to in the Local Government Act 1993
- Returns of the Interests of Councillors, Designated Persons and Delegates

- Business Papers, agendas and minutes of Council/Committee meetings (except meetings that are closed to the public)
- Departmental representative reports presented at a meeting of Council (Local Government Act 1993, s433)
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti Removal Works (Graffiti Control Act 2008, s13)
- Register of current Declarations of Disclosures of political donations (Local Government Act 1993, s328A)
- Register of Voting on Planning Matters (Local Government Act 1993, s375A)

Plans and Policies

- Local policies adopted by the Council concerning approvals and orders
- Plans of management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contributions Plans

Information about Development Applications

- Development applications (within the meaning of the Environmental Planning and Assessment Act 1979) and associated documents
- Records of decisions on Development Applications including decisions of appeals
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications/configurations and commercially sensitive information.

Approvals, Orders and Other Documents

- Applications for approvals under Part 7 of the Local Government Act 1993
- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 2 of the Local Government Act 1993, and any reasons given under Section 136 of the Local Government Act 1993
- Orders given under the Authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land

Authorised Proactive Release

Council is authorised to make any information held publicly available unless there is an overriding public interest against disclosure.

Every 12 months Council will review the current release of information and endeavour to identify the kinds of information we hold that should, in the public interest, be made publicly available and that can be released without imposing unreasonable additional costs on Council.

Informal Release

Access to information which is not available as Mandatory Proactive Release or Authorised Proactive Release information may be provided through Informal Release. Applicants can request informal release of information by submitting an informal access application to Council.

Under informal release, again, Council is authorised to release information unless there is an overriding public interest against disclosure. To enable the release of as much information as possible, Council is also authorised to redact content from a copy of information to be released, if inclusion of the redacted information would otherwise result in an overriding public interest against disclosure.

Under informal release, Council has the right to decide by what means information is to be released and can release information subject to any reasonable conditions deemed fit.

Council in response to an informal access application cannot be required to disclose the information requested or cannot be required to consider the application.

Formal Access Applications

Initially, a person seeking information from Council should check if the information being sought is already available or could easily be made available by Council.

If the information:

- is not made available through mandatory, proactive or informal release, or
- is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure, or
- contains personal or confidential information about a third party that requires consultation, or
- would involve an unreasonable amount of time and resources to produce a formal access application will need to be made.

Applicants can request formal access by submitting a formal access application along with the formal access application fee. Please note that additional costs may also be incurred for formal applications, where processing time exceeds the allocated uncharged allowance. For further detail please refer to Councils adopted Schedule of Fees and Charges.

An applicant making a formal access application has a legally enforceable right to be provided with access to the information, unless there is an overriding public interest against disclosure.

Copies of documents provided are given for information purposes only and are provided by Council to meet its requirements under relevant legislation. Copyright laws still apply to each document. The copyright-owner's consent is required if any part of the document is used for any other purpose.

Where information is released to an applicant under a formal access application and Council considers that it will be of interest to other members of the public, Council will provide details of the information in a disclosure log for inspection by the public.

Port Macquarie-Hastings Council Government Information (Public Access) Obligations

Port Macquarie-Hastings Council has completed a desktop review of the current information available and has determined the release to be sufficient at this time.

Council has replaced its electronic document management system with the TRIM electronic document management system. Compliance with the GIPA Act was identified and is being progressively addressed through the implementation plan.

Throughout the implementation, access to Council Business Papers and Policies has been available from the Council's website.

In addition to the advancement in the electronic document management, Council has purchased a new module for its applications and property IT system that will allow the direct publishing of development application information to the website. This initiative is planned for installation in the near future and will significantly improve the level of information proactively released to the community. It is proposed that plans, reports, application details and notification information will all be available online for community access.

A thorough review, under Section 7(3) will commence once implementation is finalised. The total number of access applications received by Council during the reporting year (including withdrawn applications but not including invalid applications) was 37. The total number of access applications received by Council during the reporting year that Council refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act was two.

Table A: Number of applications by type of applicant and outcome*								
	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	1	0	0	0	0	0	0
Private sector business	0	0	0	0	0	0	0	0
Not for profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representative)	0	4	0	0	0	1	0	1
Members of the public (other)	5	20	1	0	2	1	0	1

** More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.*

Table B: Number of applications by type of application and outcome								
	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications#	0	7	0	0	0	0	0	0
Access applications (other than personal information applications)	5	19	1	0	2	2	0	1
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0

* A **personal information application** is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

Table C: Invalid applications	
Reason for invalidity	No of applications
Application does not comply with formal requirements (section 41 of the Act)	0
Application is for excluded information of the agency (section 43 of the Act)	0
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	0
Invalid applications that subsequently became valid applications	0

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act	
	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	2
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0

** More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.*

Table E: Other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of occasions when application not successful
Responsible and effective government	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	26
Business interests of agencies and other persons	4
Environment, culture, economy and general matters	0
Secrecy provisions	1
Exempt documents under interstate Freedom of Information legislation	0

Table F: Timeliness

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	31
Decided after 35 days (by agreement with applicant)	1
Not decided within time (deemed refusal)	4
Total	37

Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total
Internal review	0	3	3
Review by Information Commissioner*	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0
Review by ADT	0	0	0
Total	0	3	3

** The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.*

Table H: Applications for review under Part 5 of the Act (by type of applicant)

	Number of applications for review
Applications by access applicants	3
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0

Environmental Planning & Assessment Act 1979

Particulars of compliance with and effect of planning agreements

In accordance with the Environmental Planning and Assessment Act
Section 93G(5)

Title	Date Entered Into	Land to which agreement applies	Description of Agreement	Parties	Status
Sovereign Hills Estate Highway Works Planning Agreement	13 April 2007	Parts of Lot 2 Deposited Plan 1065263, Lot 4 Deposited Plan 588214, Lot 52 Deposited Plan 776844, Lot 2 Deposited Plan 603648 and the Oxley Highway Road Reserve, Thrumster	The planning agreement will allow the early provision of an upgraded section of the Oxley Highway and the provision of a major intersection to serve a proposed new Town Centre identified in the Area 13 Urban Investigation Area Structure Plan Urban Design Guidelines. The developer will bare the full cost of the proposed works with offsets to development contributions being received overtime as development within the structure plan area proceeds.	Port Macquarie Hastings Council Sovereign Hills Project Pty Ltd NT Australia Pty Ltd Taisei Oncho Australia Pty Ltd, MMTR Pty Ltd Almaty Pty Ltd	The highway upgrading was completed during the previous financial year.
Sovereign Hills Estate Planning Agreement	18 June 2008	Lot 1 DP 603648, Lot 32 DP 792453, Lot 4 DP 588214, Lot 101 DP 843811, Lot 5 DP 809815, Lot 102 DP 1106752,	The planning agreement relates to the early provision of infrastructure, including roads open space and community facilities, required to serve a proposed new Town Centre and	Port Macquarie Hastings Council Sovereign Hills Project Pty Ltd (Developer) NT Australia Pty Ltd, Taisei Oncho Australia Pty Ltd, MMTR Pty Ltd, Almaty Pty Ltd, The Gateway (Port Macquarie) Pty	Development commenced during the financial year. Part contributions received.

Title	Date Entered Into	Land to which agreement applies	Description of Agreement	Parties	Status
		Lot 2 DP 1108055, Lots 1, 2 & 3 DP 1112929 Oxley Highway Thrumster.	urban expansion proposed by the Area 13 LEP. The developer will bare the full cost of the proposed works with offsets to development contributions being received overtime as development within the LEP area proceeds.	Ltd, K M Gleeson and C A Gleeson, MEL Properties Pty Ltd (Owners)	
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 1 DP 603648, Lot 32 DP 792453, Lot 4 DP 588214, Lot 101 DP 843811, Lot 5 DP 809815, Lot 102 DP 1106752, Lot 2 DP 1108055, Lots 1, 2 & 3 DP 1112929 Oxley Highway Thrumster.	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council Sovereign Hills Project Pty Ltd (Developer) NT Australia Pty Ltd, Taisei Oncho Australia Pty Ltd, MMTR Pty Ltd, Almaty Pty Ltd, The Gateway (Port Macquarie) Pty Ltd, K M Gleeson and C A Gleeson, MEL Properties Pty Ltd (Owners)	Development commenced during the financial year. Part contributions received.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 4 DP 613304 Oxley Highway Thrumster	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council Chewton Glen Pty Ltd	The development had not commenced during the financial year.
Area 13 Environmental Land	18 June 2008	Lot 1 DP 1102031 Oxley	The planning agreement provides for	Port Macquarie Hastings Council Christian	The development had not

Title	Date Entered Into	Land to which agreement applies	Description of Agreement	Parties	Status
Management Planning Agreement		Highway Thrumster	payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Outreach Centre	commenced during the financial year.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 3 DP 565437 & Lot 206 DP 754434 Oxley Highway Port Macquarie	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council J C L'Estrange	The development had not commenced during the financial year.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 35 DP 1157283, Lindfield Park Road Port Macquarie	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council D L Fanning	The development had not commenced during the financial year.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 2 DP 701760 Thrumster St Thrumster	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council P J & R L Gray	The development had not commenced during the financial year.
Area 13 Environmental Land Management Planning	18 June 2008	Lot 1 DP 565437 Thrumster St Thrumster	The planning agreement provides for payment of a contribution for	Port Macquarie Hastings Council P J & R L Gray	The development had not commenced during the

Title	Date Entered Into	Land to which agreement applies	Description of Agreement	Parties	Status
Agreement			management of environmental areas following establishment, dedication and initial maintenance.		financial year.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lots 8 & 9 DP 22692 Oxley Highway Port Macquarie	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council T O & N J Hamilton & L & A M Stokman	The development had not commenced during the financial year.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 147 DP 754434 Oxley Highway Port Macquarie.	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council Lankester Investments Pty Ltd	The development had not commenced during the financial year.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 5 DP 809161 Oxley Highway Port Macquarie	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council R L Maloney	The development had not commenced during the financial year.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 6 DP 809161 Thrumster St Thrumster	The planning agreement provides for payment of a contribution for management of environmental	Port Macquarie Hastings Council G R & M P Murcott	The development had not commenced during the financial year.

Title	Date Entered Into	Land to which agreement applies	Description of Agreement	Parties	Status
			areas following establishment, dedication and initial maintenance.		
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 1 DP 505954 Oxley Highway Port Macquarie	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council W & B J Muras	The development had not commenced during the financial year.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 1 DP 619643 Oxley Highway Port Macquarie	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council New Pacific Australia Co Pty Ltd	The development had not commenced during the financial year.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 1 DP 119272, Oxley Highway Port Macquarie	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council N Panos	The development had not commenced during the financial year.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot G DP 400213 & Lots 22, 23 & 24 DP 1089272 Oxley Highway Port Macquarie	The planning agreement provides for payment of a contribution for management of environmental areas following establishment,	Port Macquarie Hastings Council C H & E J Pilcher	The development had not commenced during the financial year.

Title	Date Entered Into	Land to which agreement applies	Description of Agreement	Parties	Status
			dedication and initial maintenance.		
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 1 DP 552051 Oxley Highway Port Macquarie	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council N L Ramm	The development had not commenced during the financial year.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 2 DP 244442, Lindfield Park Road Port Macquarie	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council A M & C K Smith	The development had not commenced during the financial year.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lots 10,11 & 12 DP 22692 Oxley Highway Port Macquarie	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council K F & D Y Tanswell	The development had not commenced during the financial year.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 2 DP 613304 Bestglen Pl Thrumster	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial	Port Macquarie Hastings Council G R & G J Teasdell	The development had not commenced during the financial year.

Title	Date Entered Into	Land to which agreement applies	Description of Agreement	Parties	Status
			maintenance.		
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 1 DP 574816 Oxley Highway Thrumster	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council P J & A J Willoughby	The development had not commenced during the financial year.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 3 DP 619643 Oxley Highway Port Macquarie	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council A D Witchard	The development had not commenced during the financial year.
Area 13 Environmental Land Management Planning Agreement	18 June 2008	Lot 2 DP 619643, Oxley Highway Port Macquarie	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council E C & D Witchard	The development had not commenced during the financial year.
Macquarie Park Planning Agreement	18 June 2008 Amended 31 March 2009	Lot 2 DP 1112365, Grant St Port Macquarie	The planning agreement provides for payment of a contribution for the provision of new or upgraded public parking facilities within a designated area.	Port Macquarie Hastings Council Macquarie Park Developments Pty Ltd	Development completed. Contribution received.
Area 13 Environmental Land	24 Sept 2008	Lot 71 DP 1061516 Oxley	The planning agreement provides for	Port Macquarie Hastings Council Sovereign Hills	The development had not

Title	Date Entered Into	Land to which agreement applies	Description of Agreement	Parties	Status
Management Planning Agreement		Highway Thrumster	payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Project Pty Ltd (Developer)	commenced during the financial year.
Area 13 Environmental Land Management Planning Agreement	24 Sept 2008	Lot 1 DP 6133304 Oxley Highway Thrumster	The planning agreement provides for payment of a contribution for management of environmental areas following establishment, dedication and initial maintenance.	Port Macquarie Hastings Council G E & S J Vaughan	The development had not commenced during the financial year.
Lake Cathie Residential Community Planning Agreement	12 June 2009	Lot 5 DP 594793, Lot 4 DP 255923 and Crown Road subject to Road Closure Application No. W401951 07/4356, Ocean Drive Lake Cathie	The planning agreement provides for payment of contributions for local sewerage services and major roads, construction of an intersection with Ocean Drive, construction of a watermain with contribution offsets, dedication of a link road to adjoining property and establishment, dedication and maintenance of environmental open space.	Port Macquarie Hastings Council Gwynvill Trading Pty Ltd	The development commenced during the financial year. Draft Ocean Club Residential Community Planning Agreement exhibited will revoke this planning agreement.
Timber Town Estate Planning Agreement	16 Feb 2010	Lot 21 DP 245751, Part Lot 328 and	The planning agreement provides for payment of	Port Macquarie Hastings Council Tebran Pty Ltd	Development commenced during the financial year.

Title	Date Entered Into	Land to which agreement applies	Description of Agreement	Parties	Status
		Lots 329 and 330 DP 1120104 and Lot 319 DP 1065651, Colonial Circuit and Bullock Drive Wauchope	contributions for local roads and open space, construction of a watermain with contribution offsets, dedication and construction of link roads to adjoining property, construction of footpaths and cycleways and establishment, dedication and maintenance of environmental open space.		
Maxwell Residential Subdivision Planning Agreement	16 Feb 2010	Lot 12 DP 812134 and Lot 1 DP 1125021, Beechwood Road Wauchope	The planning agreement provides for payment of contributions for local roads and open space, construction of an intersection with Beechwood road, construction of a watermain with contribution offsets,dedication and construction of a link road to adjoining property, construction of footpaths and cycleways and establishment, dedication and maintenance of environmental open space.	Port Macquarie Hastings Council Cheryn Annette Maxwell and C A Maxwell as Executor of the Estate of the Late J M Maxwell	The development had not commenced during the financial year.
Beechwood Water Supply, Sewerage	16 Feb 2010	Lot 3 DP 800211, Beechwood	The planning agreement provides for	Port Macquarie Hastings Council Robert G Willcox	The development had not

Title	Date Entered Into	Land to which agreement applies	Description of Agreement	Parties	Status
Services and Roadworks Planning Agreement		Road Beechwood	payment of contributions for local water supply and local roads, construction of intersections with Beechwood Road, construction of a watermain with contribution offsets and dedication of a link road to adjoining property.		commenced during the financial year.
Beechwood Water Supply, Sewerage Services and Roadworks Planning Agreement	16 Feb 2010	Lot 1 DP 789484, Beechwood Road Beechwood	The planning agreement provides for payment of contributions for local water supply and local roads, construction of intersections with Beechwood Road, construction of a watermain with contribution offsets and dedication of a link road to adjoining property.	Port Macquarie Hastings Council Kayjay Superannuation Pty Ltd	The development had not commenced during the financial year.
Beechwood Water Supply, Sewerage Services and Roadworks Planning Agreement	16 Feb 2010	Lot A DP 382960, Beechwood Road Beechwood	The planning agreement provides for payment of contributions for local water supply and local roads, construction of intersections with Beechwood Road, construction of a watermain with contribution offsets and dedication of a link road to adjoining property.	Port Macquarie Hastings Council Midco Holdings Pty Ltd	The development had not commenced during the financial year.

Title	Date Entered Into	Land to which agreement applies	Description of Agreement	Parties	Status
Beechwood Water Supply, Sewerage Services and Roadworks Planning Agreement	16 Feb 2010	Lot 4 DP 831325, Beechwood Road Beechwood	The planning agreement provides for payment of contributions for local water supply and local roads, construction of intersections with Beechwood Road, construction of a water main with contribution offsets and dedication of a link road to adjoining property.	Port Macquarie Hastings Council W T & D C Bowen	The development had not commenced during the financial year.
King Creek Road Planning Agreement	18 August 2010	Lot 65 DP 250978	The planning agreement provides for payment of a contribution towards the cost of constructing an intersection on King Creek Road to serve the development	Port Macquarie Hastings Council PL & LA Dever	The development commenced during the financial year.
King Creek Road Planning Agreement	18 August 2010	Lot 23 DP 248284 & Crown Road	The planning agreement provides for payment of a contribution towards the cost of constructing an intersection on King Creek Road to serve the development	Port Macquarie Hastings Council DJ & C Liddle	The development had not commenced during the financial year.

Title	Date Entered Into	Land to which agreement applies	Description of Agreement	Parties	Status
King Creek Road Planning Agreement	18 August 2010	Lot 22 DP 248284	The planning agreement provides for payment of a contribution towards the cost of constructing an intersection on King Creek Road to serve the development	Port Macquarie Hastings Council PJ & BA Kemp	The development had not commenced during the financial year.
King Creek Road Planning Agreement	18 August 2010	Lot 64 DP 250978	The planning agreement provides for payment of a contribution towards the cost of constructing an intersection on King Creek Road to serve the development	Port Macquarie Hastings Council T & B Sinclair	The development had not commenced during the financial year.
Beechwood Residential Development Planning Agreement	18 August 2010	Lot 3 DP 831325	The planning agreement provides for payment of a contribution for local water supply and local roads, construction of intersections with Beechwood Road and construction of a watermain with contribution offsets.	Port Macquarie Hastings Council WL & RM Lane	The development had not commenced during the financial year.
Beechwood Residential Development Planning Agreement	18 August 2010	Lot 5 DP 21925	The planning agreement provides for payment of a contribution for local water supply and local roads, construction of intersections with Beechwood Road and construction of a watermain with contribution offsets.	Port Macquarie Hastings Council ANR Investments Pty Ltd	The development had not commenced during the financial year.

Title	Date Entered Into	Land to which agreement applies	Description of Agreement	Parties	Status
Walters Street Planning Agreement	21 Feb 2011	Lot 108 DP 1083464	The planning agreement provides for restrictions on retail floor space. Refer to Clauses 6.1 & 6.2 of the Agreement.	Port Macquarie Hastings Council The Trustees of the Roman Catholic Church of the Diocese of Lismore	The development had not commenced during the financial year.
Newport Resort Park Planning Agreement	21 Feb 2011	Lot 2 DP 1095632, Lots 11 & 12 DP 792325	The planning agreement provides for payment of a contribution for local sewerage services.	Port Macquarie Hastings Council Papuka Holdings Pty Ltd and Trevnor Pty Ltd	The contribution has not been paid.

Public Interest Disclosures Act 1994

In accordance with the Public Interest Disclosures Act Section 31 Clause 4

As at 1 January 2012, all public authorities are required to collect certain information in relation to their handling of public interest disclosures. Under section 31 of the *Public Interest Disclosures Act 1994*, public authorities are to provide the NSW Ombudsman with this statistical information every six months and complete an annual report in line with legislation. This is the first full year for the annual report which includes statistical information for the period 1 July 2012 to 30 June 2013.

Report to the Ombudsman Reporting period July 2012 - June 2013	
Number of public officials who made public interest disclosures to your public authority	0
Number of public interest disclosure received by your public authority	0
Of public interest disclosures received, how many were primarily about: • Corrupt conduct • Maladministration • Serious and substantial waste • Government information contravention • Local government pecuniary interest contravention	0 0 0 0 0
Number of public interest disclosures that have been finalised in this reporting period	0
Have you established an internal reporting policy?	Yes
Has the head of your public authority taken action to meet their staff awareness obligations? How staff have been made aware? • Staff undertaking that they have read and understood your organisation's internal reporting policy, • Training previously provided by the Ombudsman, • Training provided to new staff during induction, • E-mail message to all staff, • Posters located in common areas throughout Council buildings.	Yes

Public interest disclosure Internal reporting policy

1. Port Macquarie Hastings Council will not tolerate corrupt conduct, maladministration, the serious and substantial waste of public money or contravention of the Government Information (Public Access) Act 2009 (“GIPA Act”) and is committed to the aims and objectives of the Public Interest Disclosures Act 1994 (“PID Act”).

Council wishes to foster an ethical and accountable culture that encourages the disclosure of wrongdoing.

Council recognises the value and importance of contributions of staff, Councillors and other Council engaged persons to enhance administrative and management practices and strongly supports disclosures being made by those individuals.

The Council will take all reasonable steps to provide protection to staff, Councillors and Council engaged persons who make such disclosures from any detrimental action in reprisal for the making of a disclosure.

2. **POLICY OBJECTIVE**

The Policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or the serious and substantial waste of public money or contravention of the GIPA Act by Council, its staff and Councillors.

The system enables such disclosures to be made to a nominated Disclosure Officer, the Disclosure Coordinator, the General Manager or the Mayor.

3. **POLICY SCOPE**

This Policy applies to all Councillors, all permanent, temporary and casual employees and other persons engaged by Council.

This Policy does not cover complaints regarding breaches of Council’s Code of Conduct unless they involve corrupt conduct, maladministration, serious and substantial waste of public money or contravention of the GIPA Act.

4. **DEFINITIONS:**

Councillors:	Elected Council representatives, including the Mayor.
Persons engaged by Council:	Include consultants, individual contractors working for Council and volunteers.
Disclosure:	Informing, exposing, revealing known or suspected acts of corrupt conduct, maladministration, serious and substantial waste or contravention of the GIPA Act.

Public Official: Refers to all employees (whether permanent, part-time, temporary and casual) work experience persons, volunteers, elected Councillors and other persons engaged by Council (including consultants and individual contractors).

5. LEGAL & POLICY FRAMEWORK

The PID Act has the purpose of ensuring that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that the matters raised in the disclosures are properly investigated.

The PID Act aims to encourage and facilitate the disclosure (in the public interest) of corrupt conduct, maladministration and serious and substantial waste and contravention of the GIPA Act in the public sector.

- Public Interest Disclosures Act 1994
- Government Information (Public Access) Act 2009
- Local Government Act 1993
- Independent Commission Against Corruption Act 1998
- Ombudsman Act 1974

6. POLICY STATEMENT

Please refer to Policy section.

7. IMPLEMENTATION

7.1 Roles and Responsibilities

7.1.1 Staff, Councillors and Council engaged persons

Staff, Councillors and Council engaged persons are encouraged to report known or suspected incidences of corrupt conduct, maladministration, serious and substantial waste or contravention of the GIPA Act in accordance with this Policy.

All staff, Councillors and Council engaged persons have an important role to play in supporting those who have made legitimate disclosures. They must abstain from any activity that is or could be perceived to be victimisation or harassment of a person who has made a disclosure. Further, they should protect and maintain the confidentiality of any person they know or suspect to have made disclosures.

7.1.1.1 The responsibilities for staff, Councillors and Council engaged persons include:

- Reporting known and suspected wrongdoing within Council.
- Not making false or misleading reports of wrongdoing.
- Keeping the identity of internal reporters and anyone who is the subject of a report confidential.
- Assisting those dealing with a report, including supplying any information on request.

- Supporting staff who report wrongdoing.
- Not taking reprisals against individuals that they suspect have reported wrongdoing.
- Notifying their manager or supervisor immediately of any suspicions they have that reprisal to an internal reporter is occurring or has been threatened.

7.1.1.2 The responsibilities of those who report wrongdoing:

- Only discussing the matter with authorised people and not alerting anyone who is the subject of a disclosure that has been made.
- When they report, raising any concerns that they have about reprisals or workplace conflict with the person assessing their report or the Disclosure Coordinator.
- Assisting those assessing and dealing with the report, including supplying any information on request.
- If needed, seeking support from their support officer, manager or supervisor, the Disclosure Coordinator or any external organisations and services.
- At any time after they have reported, notifying their manager or supervisor, the Disclosure Coordinator or General Manager immediately of any suspicions they have that reprisal is occurring or has been threatened.

7.1.1.3 The responsibilities of those who are the subject of a report:

- Only discussing the matter with authorised people.
- Not seeking to identify the internal reporter.
- Assisting those dealing with the report, including supplying any information on request.
- Not taking reprisals against another staff member or individual whom they know or suspect has reported wrongdoing.
- If necessary, seeking support from their manager or supervisor or any available external organisations and services.

7.1.1.4 The responsibilities of Managers and Supervisors who are aware that one of their staff has made a report:

- Keeping the identity of the internal reporter and anyone who is the subject of a report confidential, if this is possible and appropriate.
- Providing support to the internal reporter, including ensuring that they have access to any necessary professional support.
- Ensuring that appropriate systems and strategies are established to minimise any risk of reprisal that the internal reporter faces.
- Notifying the Disclosure Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing.
- Effectively managing the workplace situation if reprisal is threatened or does take place.
- Taking appropriate action against any person who threatens or takes reprisal against a person for reporting wrongdoing.

7.1.1.5 The responsibilities of those who are designated to receive and forward disclosures, will:

- Keeping the identity of the internal reporter and anyone who is the subject of a report confidential, if this is possible and appropriate.
- When requested by a person wishing to report wrongdoing, arranging to meet with them privately and discreetly – if necessary away from the workplace.
- Assisting the person to put their report in writing or ensuring that any reports received orally are documented, dated and signed by the person.
- Forwarding reports to the Disclosure Coordinator or General Manager for assessment (or Mayor when the disclosure concerns the General Manager or a Councillor).
- Advising the internal reporter to only discuss the matter with authorised people and not alert anyone who is the subject of a report, that a disclosure has been made about them.
- Explaining to the internal reporter what will happen in relation to the information received.
- Advising the internal reporter to notify the Disclosure Coordinator or General Manager (or Mayor when the disclosure concerns the General Manager or a Councillor) immediately of any suspicions they have that reprisal is occurring or has been threatened against them.
- Helping the internal reporter to communicate with the Disclosure Coordinator or General Manager (or Mayor when the disclosure concerns the General Manager or a Councillor) or their support person if they are having difficulty doing this directly.

7.1.1.6 The responsibilities of those who assess disclosures will:

- Determine whether or not the report is a disclosure within the meaning of the PID Act.
- Assess whether the disclosure covers another agency and should therefore be referred to the principle officer of that agency.
- Deciding how the disclosure should be progressed:
 - No action/decline.
 - The appropriate person to take responsibility for dealing with the disclosure.
 - Preliminary or informal investigations.
 - Formal investigation.
 - Prosecution or disciplinary action.
 - Referral to an investigating authority for investigation or other appropriate action.
 - Referral to the Police (if criminal matter) or the ICAC (if the matter concerns corrupt conduct).
- Ensuring that a written acknowledgement, including a copy of this Policy, is given to the internal reporter as soon as possible, but at least within forty five days of the disclosure being made.
- In consultation with the internal reporter, assessing the likelihood of their identity remaining confidential in the workplace if the report is investigated.
- Keeping the identity of the internal reporter and anyone who is the subject of a report confidential, if this is possible and appropriate.

- If it is not possible to maintain confidentiality, developing a strategy for supporting the internal reporter and preventing reprisals – and giving the internal reporter an opportunity to discuss this proposal.
- In consultation with the internal reporter, assessing the likelihood of them being exposed to reprisal or workplace conflict.
- In consultation with the internal reporter, appointing a support person to assist them – someone who is not an investigator or someone with management responsibility for deciding the response to the disclosure.
- Providing advice to the internal reporter's manager or the General Manager on the systems and strategies that should be established to minimise any risk of reprisal that the internal reporter faces.
- Reminding all managers that they have an obligation to notify the Disclosure Coordinator or General Manager immediately of any suspicions they have or allegations they receive that reprisal to an internal reporter is occurring or has been threatened.

7.1.2 Disclosure Officers

Disclosure Officers are responsible for receiving, forwarding and/or acting upon disclosures in accordance with this Policy. They have responsibilities as outlined in section 7.1.1.5 of this Policy.

All Disclosure Officers should be accessible to staff and appropriately trained in their responsibilities.

Refer to Council's List of Disclosure Officers (Associated Document).

7.1.3 Disclosure Coordinator

The Disclosure Coordinator has a pivotal position in the internal reporting system and acts as a clearing house for disclosures. Council's Disclosure Coordinator is the Manager Executive Services (Governance). The Disclosure Coordinator will:

- Provide an alternative internal reporting channel to nominated Disclosure Officers, the General Manager and the Mayor.

When the Disclosure Coordinator receives or assesses a disclosure they have responsibilities as outlined in section 7.1.1.5 and 7.1.1.6 of this Policy. As well as the following:

- Being responsible for either carrying out or coordinating any internal investigation arising out of a disclosure, subject to the direction of the General Manager.
- Providing the General Manager with written advice about the initial assessment and the decision about how the disclosure is to be progressed, other than where a disclosure concerns the General Manager.
- Reporting to the General Manager on the findings of any investigation and recommend remedial action.
- Reporting actual or suspected corrupt conduct to the General Manager in a timely manner to enable them to comply with the ICAC Act.
- Continually assess the likelihood of the internal reporter being exposed to reprisal or workplace conflict.

- Ensuring that appropriate systems and strategies are established to minimise any risk of reprisals that the internal reporter faces.
- Ensuring that the internal reporter is kept regularly informed about the progress of the matter.
- Ensuring that the time frames promised in the acknowledgement letter are adhered to.

If the Disclosure Coordinator becomes aware that reprisal against an internal reporter is threatened or is taking place or has taken place, their responsibilities include:

- Taking all steps to enable the internal reporter to continue working without being subjected to reprisal, or changing the workplace so that their exposure to the detriment is minimised (for example, moving staff to a different location).
- Ensuring a senior and experienced staff member, who has not been involved in dealing with the initial report, investigates the suspected reprisal.
- Ensuring that the results of that investigation and any arising recommendations – including that appropriate disciplinary action be taken against anyone proven to have taken any reprisal – are provided to the General Manager (or Mayor where appropriate) for a decision.
- Referring any evidence of reprisals to the police or ICAC (depending on the subject matter of the allegation) to see if there are sufficient lines of inquiry to establish that a criminal offence has taken place.

The Disclosure Coordinator is also responsible for ensuring Council meets its broader obligations under the PID Act, including:

- Implementing an internal reporting procedure for receiving, assessing and dealing with disclosures.
- Reporting annually on the incidence and management of disclosures within Council and providing a copy of this report to the NSW Ombudsman.

7.1.4 General Manager

The General Manager is responsible for:

- Establishing and maintaining a working environment that encourages staff to report wrongdoing.
- Establishing an effective internal reporting system to appropriately deal with reports of wrongdoing, supporting staff who report, and ensuring reprisals are not taken against them.
- Ensuring adequate resources, both financial and human, are dedicated towards achieving these outcomes.

Disclosures may be made direct to the General Manager. When the General Manager receives or assesses a disclosure they have responsibilities as outlined in section 7.1.1.5 and 7.1.1.6 of this Policy.

Irrespective of whether the General Manager received or assessed a disclosure, their responsibilities include:

- Ensuring that they are advised when an assessment decision has been made about a report and, if further action is recommended, given regular progress updates and a report of the outcome.

- Providing adequate resources to any support person appointed to assist an internal reporter.
- Providing adequate resources to any person appointed to investigate a report.
- Ensuring that appropriate systems and strategies are established to minimise any risk of reprisal that the internal reporter faces.
- Effectively managing the workplace situation, or ensuring that the workplace situation is effectively managed, if reprisal is threatened or does take place.
- Taking appropriate action against anyone who threatens or takes reprisal against a person for reporting wrongdoing.
- Taking appropriate remedial action in response to any findings that substantiate the allegations in the disclosure.

In addition to the above, the General Manager is also responsible for:

- Ensuring that all staff are aware of this Policy and the protections of the PID Act.
- Receiving reports from the Disclosure Coordinator on the findings of any investigation and any recommendations for remedial action, and determine what action should be taken.
- Having primary responsibility for protecting staff who make disclosures, or provide information to any internal or external investigation of a disclosure, from victimisation, harassment or any other form of reprisal.
- Implementing organisational reform identified as necessary following investigation of a disclosure, and
- Report criminal offence to the Police and actual or suspected corrupt conduct to ICAC.

7.1.5 The Mayor

The Mayor may receive disclosures from any member of staff or any Councillor concerning the General Manager or a Councillor. When the Mayor receives or assesses a disclosure of this nature they have responsibilities as outlined in section 7.1.1.5 and 7.1.1.6 of this Policy.

In making an assessment as to whether the disclosure falls within the meaning of the PID Act the Mayor may seek guidance from the Disclosure Coordinator, the General Manager (if appropriate) or an investigating authority (i.e. the Ombudsman, ICAC or the Director-General of the Department of Local Government).

Additionally the Mayor will:

- Refer disclosures to the General Manager for appropriate action if they concern the Council's administration, within the day to day responsibilities of the General Manager.

7.2 Support and Advice

The following Council officers may provide support and advice on this Policy:

- General Manager
- Manager Executive Services (Governance) [Council's Disclosure Coordinator]

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
02 8281 5999 or toll free 1800 463 909
icac@icac.nsw.gov.au
www.icac.nsw.gov.au
Level 21, 133 Castlereagh Street
Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
02 9286 1000
Toll free (outside Sydney metro) 1800 451 524
nswombo@ombo.nsw.gov.au
www.ombo.nsw.gov.au
Level 24, 580 George Street, Sydney NSW 2000

For disclosures about serious and substantial waste:

Division of Local Government in the Department of Premier and Cabinet
02 4428 4100
dlg@dlg.nsw.gov.au
www.dlg.nsw.gov.au
5 O'Keefe Avenue, Nowra, NSW 2541

For disclosures about breaches of the GIPA Act:

Information Commissioner
1800 463 626
oicinfo@oic.nsw.gov.au
www.oic.nsw.gov.au
Level 11, 1 Castlereagh Street, Sydney NSW 2000

7.3 Communication

This Policy will be communicated utilising the Port Macquarie-Hastings Council Policy Development Process.

This Policy will also be discussed and communicated during:

- MANEX meeting.
- Staff Induction sessions.
- Biennial Code of Conduct training.

As detailed under section 7.1.4, the General Manager has the responsibility to ensure all staff are aware of this Policy and the protections under the PID Act.

7.4 Procedures and Forms

Refer to Internal Reporting System Flowchart (Associated Document).

7.5 Guidelines

Numerous guidelines and other resources are available from the NSW Ombudsman website.

8. Review

Review of this Policy will incorporate relevant legislation, documentation released from relevant agencies and best practice guidelines.

The Manager Executive Services (Governance) is responsible for the review of this Policy.

POLICY

You should report any wrongdoing you see within Council. Reports about the four categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, and GIPA Act contravention – will be dealt with under the PID Act as public interest disclosures and according to this policy.

What should be reported?

Corrupt Conduct

Corrupt conduct is defined in Sections 8 and 9 of the ICAC Act 1988. The definition provided in these sections is intentionally broad.

Corrupt conduct includes the dishonest or partial exercise of official functions by a public official.

The conduct of a person, who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.

Some examples are:

- The improper use of knowledge, power or position for personal gain or the advantage of others
- Acting dishonestly or unfairly, or breaching public trust
- A member of the public influencing or trying to influence staff to use their position in a way that is dishonest, biased or breaches public trust.

Maladministration

Maladministration is defined in Section 11 of the PID Act as conduct that involves action or inaction of a serious nature that is either:

- Contrary to law.
- Unreasonable, unjust, oppressive or improperly discriminatory.
- Based wholly or partly on improper motives.

Some examples are:

- Awarding contracts and tenders to private parties that are related by family, friendship or association.
- Failing to make a decision in accordance with official policy for no appropriate reason.
- Refusing to grant a person a licence for reasons that do not relate to the merits of their application.
- Issuing an order against a person without giving them procedural fairness.

Serious and Substantial Waste in Local Government

A serious and substantial waste of public money is any uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss of public funds or resources.

Serious and substantial waste can be:

- Absolute – where the waste is regarded as significant.
- Systemic – where the waste indicates a pattern that results from a weakness within an organisation's systems.
- Material – where the waste is about the organisation's expenditure or a particular item of expenditure, or is to such an extent that it affects an organisation's capacity to perform its primary functions.

Some examples are:

- Misappropriation or misuse of public property.
- The purchase of unnecessary or inadequate goods and services.
- Overstaffing in particular areas.
- Staff being remunerated for skills that they do not have, but are required to have under the terms or conditions of their employment.
- Programs not achieving their objectives and therefore the program's costs being clearly ineffective and inefficient.

Waste can result from such things as:

- Insufficient safeguards to prevent the theft or misuse of public property
- Purchasing practices that do not ensure goods and services are necessary and adequate for their intended purpose
- Poor recruiting practices.

Government Information (Public Access) Contravention

A government information (public access) contravention is a failure to properly fulfil functions under the GIPA Act.

For example, this could include:

- Knowingly making decisions that are contrary to the legislation.
- Intentionally overlooking documents that are clearly covered by an access application.
- Destroying, concealing or altering records to prevent them from being released.
- Directing another person to make a decision that is contrary to the legislation.

Reporting

When will a report be protected?

Council will support any staff who report wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
 - Honest belief: A belief is more than a suspicion. This means that you are more likely to accept the idea that wrongdoing occurred than reject it. An honest belief is a belief that is genuinely held. The PID Act provides that a belief is presumed to be honest unless there is evidence it is not.

- Reasonable grounds: The test applied here is whether, from an objective viewpoint, the basis for the person's belief is reasonable. That is, would a reasonable person in the circumstances believe that wrongdoing had occurred? The belief cannot be based on personal animosity or prejudice.
- Shows or tends to show: This means there must be sufficient information to indicate that the wrongdoing has happened or is happening. This may include:
 - Direct observation of the wrongdoing.
 - Corroborative observation by others.
 - Evidence such as unbalanced accounts, missing items of value or contradictory records.

There should be no alternative explanations for the conduct or activities observed that can be easily thought of.

Taken together, an 'honest belief on reasonable grounds that information shows or tends to show' means that a public interest disclosure cannot be based on a mere allegation or suspicion that is unsupported by any facts, circumstances or evidence.

- The report has to be made to one or more of the following:
 - A nominated Disclosure Officer
 - Disclosure Coordinator
 - The General Manager
 - One of the investigating authorities nominated in the PID Act.

Reports by staff and Councillors will not be considered to be public interest disclosures if they:

- Mostly question the merits of government policy, including the policy of the governing body of the council.
- Are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

How to make a Disclosure

Staff and Councillors can report wrongdoing in writing or verbally. Council encourages disclosures to be in writing as this can help to avoid any confusion or misinterpretation.

If a disclosure is made verbally, the person receiving the disclosure must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. Both parties should keep a copy of this record.

If you are concerned about being seen making a disclosure, you can request to meet in a discreet location away from the workplace.

Can a Report be Anonymous?

Yes.

There will be some situations where staff may not want to identify themselves when they make a report. Although these reports will still be dealt with by Council, it is best if the staff member identifies themselves. This allows Council to provide the staff

member with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent a staff member from being identified. If Council does not know who made the report, it is very difficult for it to prevent any reprisal action.

Maintaining Confidentiality

Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against a staff member for reporting wrongdoing.

Council is committed to keeping the staff member's identity, and the fact they have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. Council will discuss with the staff member whether it is possible to keep their report confidential.

Section 22 of the PID Act requires investigating authorities, councils and council officers to whom public interest disclosures are made or referred, not to disclose information that might identify or tend to identify the person who made the disclosures. The exceptions to the confidential requirement are where:

- The person consents in writing to the disclosure of that information or it is generally known that the person has made the disclosure as a result of the person having voluntarily identified themselves, or
- It is essential, having regard to the principles of natural justice that the identifying information be disclosed to a person whom the information provided by the disclosure may concern, or
- The investigating authority, council, or council officer is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively, or
- Disclosure is otherwise in the public interest.

Decisions about natural justice, effective investigation and public interest will be made by the General Manager. In all cases the person who made the disclosure will be consulted before such a decision is made.

If confidentiality cannot be maintained, Council will develop a plan to support and protect the staff member from risks of reprisal. The relevant staff member will be involved in developing this plan and will also be told if their report will be dealt with under Council's Code of Conduct, as this may mean certain information will have to be tabled at a council meeting.

A staff member or Councillor reporting wrongdoing, should only discuss their report with those dealing with it. This will include the Disclosure Coordinator and the General Manager. If the relevant staff member or Councillor discusses their report more broadly, it may affect the outcome of any investigation.

Who can receive a report within Council?

Staff are encouraged to report general wrongdoing to their supervisor. However the PID Act requires that for a report to be a public interest disclosure it must be made to a public official in accordance with Council's disclosure Policy and any associated procedures.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the staff member making the report to one of the following:

- General Manager
- Mayor (where the disclosure involves the General Manager or Councillor)
- Disclosure Coordinator
- Disclosure Officers

If your disclosure involves a Councillor, your disclosure should be made to the General Manager or the Mayor.

If you are a Councillor and your disclosure is about another Councillor, your disclosure should be made to the General Manager, the Mayor, or alternatively to an investigating authority.

Who can receive a report outside of Council?

Staff are encouraged to report wrongdoing within Council, but internal reporting is not their only option. Staff can elect to make their disclosure to an investigating authority. This can be done first, or at any stage after their initial report to Council. If the report is about the General Manager or the Mayor, the staff member should consider making it to an investigating authority.

Staff can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances. Disclosures made to investigating authorities, Members of Parliament or a journalist can still be treated as a public interest disclosure, under certain circumstances.

Investigating authorities

The PID Act lists a number of investigating authorities in NSW that you can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to Council, these authorities are:

- ICAC — for corrupt conduct
- The Ombudsman — for maladministration
- The Division of Local Government, Department of Premier and Cabinet — for serious and substantial waste in local government
- The Information Commissioner — for disclosures about a government information contravention.

Staff should contact the relevant authority for advice about how to make a disclosure to them. Staff should be aware that it is very likely the investigating authority will discuss the case with Council. Council will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. Council will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament or a journalist must have already made substantially the same report to one of the following:

- The General Manager.
- A person nominated in this Policy.
- An investigating authority in accordance with the PID Act.

Also, Council or the investigating authority that received the report must have either:

- Decided not to investigate the matter.
- Decided to investigate the matter, but not completed the investigation within six months of the original report.
- Investigated the matter but not recommended any action as a result.
- Not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

MOST IMPORTANTLY – to be protected under the PID Act – if you report wrongdoing to a Member of Parliament or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

Feedback to staff who report wrongdoing

Staff or Councillors who report wrongdoing will be told what is happening in response to their disclosure. When a staff member or Councillor makes a disclosure, they will be given:

- An acknowledgement that their disclosure has been received.
- A copy of this (“Public Interest Disclosure Internal Reporting”) Policy.
- The timeframe for when they will receive further updates.
- The name and contact details of the people who can tell them what is happening.

This information will be given to the relevant staff member or Councillor within four (4) weeks of the disclosure being made.

After a decision is made about how the disclosure will be dealt with, the relevant staff member will be given:

- Information about the action that will be taken in response to their report.
- Likely timeframes for any investigation.
- Information about the resources available within Council to handle any concerns they may have.
- Information about external agencies and services they can access for support.

This information will be given to the relevant staff member or Councillor within 10 working days from the date the decision is made.

During any investigation, the reporting staff member or Councillor will be given:

- Information on the ongoing nature of the investigation.
- Information about the progress of the investigation and reasons for any delay.
- Advice if their identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, the reporting staff member will be given:

- Enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to their disclosure and any problem that was identified.
- Advice about whether they will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

Protection against reprisals

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure.

Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- Injury, damage or loss.
- Intimidation or harassment.
- Discrimination, disadvantage or adverse treatment in relation to employment.
- Dismissal from, or prejudice in, employment.
- Disciplinary proceedings.

Responding to reprisals

Council will act to protect staff or Councillors who report wrongdoing from reprisals. When a disclosure is received, Council will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If a reporting staff member or Councillor believes that detrimental action has been or is being taken against them or someone else who has reported wrongdoing in reprisal for making a report, they should inform the Disclosure Coordinator or the General Manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the Disclosure Coordinator or the General Manager.

If the Disclosure Coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- Ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal.
- Give the results of that investigation to the General Manager (or Mayor where appropriate) for a decision.
- If it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure.
- Take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If a staff member or Councillor reports reprisal action, they will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals. If the allegation of reprisal action is about the General Manager, the Mayor may issue similar directions.

These may include:

- Issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure.
- Relocating the member of staff who made the disclosure or the subject officer within the current workplace.
- Transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified.
- Granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosure agrees to it. The Disclosure Coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If a staff member or Councillor has reported wrongdoing and feel that any reprisal action is not being dealt with effectively, they can contact the NSW Ombudsman or ICAC – depending on the type of wrongdoing that was reported.

Protection against legal action

If a disclosure is made in accordance with the PID Act, the reporting staff member or Councillor will not be subject to any liability and no action, claim or demand can be taken against them for making the disclosure.

A reporting staff member or Councillor will not have breached any confidentiality or secrecy obligations and they will have the defence of absolute privilege in defamation.

Support for those reporting wrongdoing

Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process, such as the Employee Assistance Program.

Council also has staff who will support those who report wrongdoing.

They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

These support staff are:

- Director Infrastructure Services.
- Director Development & Environmental Services.
- Director Corporate & Business Services.
- Director Community & Cultural Services.
- Manager Organisational Development.

All supervisors must notify the Disclosure Coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

Sanctions for making false or misleading disclosures

It is important that staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

Support for the subject of a disclosure

Council is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If a staff member is the subject of a report, they will be:

- Treated fairly and impartially.
- Told their rights and obligations under Council's Policies and procedures.
- Kept informed during any investigation.
- Given the opportunity to respond to any allegation made against them.
- Entitled to bring a support person or legal adviser to any interview (that person will act in an advisory and support role to the person affected. They will not speak on behalf of the subject person).
- Told the result of any investigation.
- Provided with access to Council's Employee Assistance Program.

Compliance with the Carers (Recognition) Act 2010

In accordance with the Carers Recognition Act Section 8 (2)

There were no compliance matters relating to the Carers Recognition Act to report on for the period 1 June 2012 to 30 June 2013.



PORT MACQUARIE HASTINGS

Port Macquarie

Corner of Lord &
Burrawan Streets
(02) 6581 8111

Wauchope

High Street
(02) 6589 6500

Laurieton

Laurie Street
(02) 6559 9958

council@pmhc.nsw.gov.au

www.pmhc.nsw.gov.au