

# Ordinary Council

## Business Paper

**date of meeting:** Wednesday, 18 April 2012

**location:** Council Chambers, Port Macquarie

**time:** 5.30pm

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



**PORT MACQUARIE  
HASTINGS**

**Council's Vision**

A sustainable high quality of life for all.

**Council's 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.

**Council's Corporate Values**

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

**Council's Guiding Principles**

- ★ Ensuring Good Governance
- ★ Looking after our people
- ★ Helping our community prosper
- ★ Looking after our environment
- ★ Planning & providing our infrastructure



**PORT MACQUARIE  
HASTINGS**

## How Members of the Public Can Have Their Say at Council Meetings

Council has a commitment to providing members of the public with an input into Council's decision making. The Council's Code of Meeting Practice provides two (2) avenues for members of the public to address Council on issues of interest or concern at the Ordinary Council Meeting. These are:

### Addressing Council on an Agenda Item:

If the matter **is** listed in the Council Business Paper, you can request to address Council by:

- Completing the *Request to Speak on an Agenda Item at a Council Meeting*, which can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.
- Telephoning your request through to Council's Call Centre on (02) 6581 8111.
- On-line at <http://www.hastings.nsw.gov.au/www/html/2924-addressing-a-council-meeting-in-relation-to-an-agenda-item.asp?intSiteID=1>

**Your request to address Council must be received by Council no later than 4:30pm on the day prior to the Council Meeting.**

Council's Code of Meeting Practice sets out the following guidelines for addressing Council:

- Addresses will be limited to 5 minutes.
- If you wish any written information, drawings or photos to be distributed to the Council to support the address, two (2) copies should be provided to the Manager Executive Services (Governance) prior to the commencement of the meeting.
- Where speakers wish to make an audio visual presentation, a copy is to be provided to the Manager Executive Services (Governance) by 12 noon on the day of the Council Meeting.
- Council will permit only two (2) speakers "Supporting" and two (2) speakers "Opposing" the *Recommendation* contained in the Business Paper. If there are more than two speakers supporting and opposing, the Administrator will request the speakers to determine who will address Council.

### Addressing Council in the Public Forum:

If the matter **is not** listed in the Council Business Paper, you can request to address Council by:

- Completing the *Request to Speak in the Public Forum at Ordinary Council Meeting*, which can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.
- Telephoning your request through to Council's Call Centre on (02) 6581 8111.
- On-line at <http://www.hastings.nsw.gov.au/www/html/2926-addressing-council-in-the-council-meeting-public-forum.asp?intSiteID=1>

**Your request to address Council must be received by Council no later than 4:30pm on the day prior to the Council Meeting.**

A maximum of eight (8) speakers will be heard in the Public Forum. Each speaker will be limited to 5 minutes. Council may ask questions of speakers but speakers **cannot** ask questions of Council.

Council will not determine matters raised in the Public Forum session, however may resolve to call for a further report, when appropriate.

Speakers will be allowed to address Council in the Public Forum on the same issue no more than three (3) times in each calendar year. (Representatives of incorporated community groups may be exempted from this restriction).



**PORT MACQUARIE  
HASTINGS**

# Ordinary Council Meeting

18/04/2012

## Items of Business

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	Nil	



**PORT MACQUARIE  
HASTINGS**

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

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

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**Item: 02****Subject: LOCAL GOVERNMENT PRAYER**

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A Minister from the Grace Church will be invited to deliver the Local Government Prayer.

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**Item: 03****Subject: APOLOGIES**

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**RECOMMENDATION**

That the apologies received be accepted.

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**Item: 04****Subject: CONFIRMATION OF PREVIOUS MINUTES**

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**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 28 March 2012 be confirmed.

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**PRESENT**

Neil Porter (Administrator)  
Tony Hayward (General Manager)  
Jeffery Sharp (Director of Infrastructure Services)  
Craig Swift-McNair (Director of Corporate & Business Services)  
Matt Rogers (Director of Development & Environment Services)  
Lesley Atkinson (Director of Community & Cultural Development)  
Stewart Todd (Group Manager Governance & Executive Services)  
Lyndal Harper (Acting Communications Manager)  
Sue Pollard (Statutory Reporting Officer)  
Linda Kocis (Executive Assistant to the Administrator)  
Bronwyn Lyon (Governance Support Officer)  
Gordon Cameron (Waste & Environmental Services Engineer)  
Jessica Jackson (Communications Officer - Media)

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The meeting opened at 5.30pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

The Administrator opened the Meeting with an Acknowledgement of Country and welcomed all in attendance in the Chamber and on the Internet.

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**02 LOCAL GOVERNMENT PRAYER**

Pastor Carl Moses delivered the Local Government Prayer.

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**03 APOLOGIES**

There were no apologies.

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**04 CONFIRMATION OF MINUTES**

*RESOLVED: Administrator/Porter*

1. That the Minutes of the Ordinary Council Meeting held on 15 February 2012 be confirmed.
  2. That the Minutes of the Extraordinary Council Meeting held on 29 February 2012 be confirmed.
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**05 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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**08.14 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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*RESOLVED: Administrator/Porter*

That Council determine that the attachments to Item Numbers 08.06, 08.10, 08.11 and 08.13 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

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**07.01 ADMINISTRATOR MONTHLY DUTIES**

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*RESOLVED: Administrator/Porter*

That the Administrator's Duties for the period 15 February to 28 March 2012 inclusive be noted.

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**06 PUBLIC FORUM**

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The Administrator advised of applications to address Council in the Public Forum from:  
Geoff Williams regarding fluoridation.

Leon Pittard regarding fluoridation.

David Blackshaw regarding Council's Responsibility to the Community.

Caree Alexander regarding Community Safety Issues for Parents and Babies.

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**06.01 PUBLIC FORUM - FLUORIDATION**

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Geoff Williams addressed Council in relation to fluoridation of the water supply.

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**06.02 PUBLIC FORUM - FLUORIDATION**

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Leon Pittard addressed Council in relation to the fluoridation of the water supply.

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**06.03 PUBLIC FORUM – COUNCIL’S RESPONSIBILITY TO THE COMMUNITY**

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David Blackshaw addressed Council in relation to Council’s responsibility to the community with regard to the fluoridation of the water supply.

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**06.04 PUBLIC FORUM – COMMUNITY SAFETY ISSUES FOR PARENTS AND BABIES**

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Caree Alexander addressed Council in relation to the community safety for parents and babies with regard to the fluoridation of the water supply.

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**08.06 TENDER T-12-02 SUPPLY & INSTALLATION OF PHOTOVOLTAIC SYSTEM – PORT MACQUARIE LIBRARY**

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The Administrator advised of a request to address Council from:

Peter Newman (O)

Mr Newman addressed Council speaking in opposition to the recommendation.

*RESOLVED: Administrator/Porter*

That Council:

1. Accept the tender of \$224,602.73 (GST exclusive) received from Apollo Energy for the Supply & Installation of Photovoltaic System – Port Macquarie Library subject to satisfactory compliance with Essential Energy guidelines.
  2. Affix the seal of Council to the necessary documents.
- 

**11.03 RA 2006/003 - APPLICATION TO REZONE LAND AT LAKESIDE WOODS, LAKE CATHIE FROM RU1 PRIMARY PRODUCTION TO PART E2 ENVIRONMENTAL CONSERVATION AND PART E4 ENVIRONMENTAL LIVING**

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The Administrator advised of a request to address Council from:

Tony Thorne (S)  
Steve Newman (S)  
Wendy Jansson (O)  
Peter Bereicua (O)

Mrs Jansson addressed Council speaking in opposition to the recommendation.

Mr Newman addressed Council speaking in support of the recommendation.

Mr Bereicua addressed Council speaking in opposition to the recommendation.

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Mr Thorne addressed Council speaking in support of the recommendation.

*RESOLVED: Administrator/Porter*

1. Forward the Draft LEP to the Department of Planning and Infrastructure for finalisation pursuant to Section 59 of the Environmental Planning and Assessment Act 1979, amended with a minimum lot size of 2,000 sqm for the portion of land between Lakeside Way and Osprey Close.
2. Delegate authority to the General Manager to renegotiate, enter into and execute the Lakeside Woods Planning Agreement relating to land off Lakeside Way, Lake Cathie, being Lot 128 DP1078884, subject to the amendment of the Agreement to reflect Council's decision relating to minimum lot sizes, prior to forwarding the Planning Proposal as amended to the Department of Planning & Infrastructure.

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**11.04 RECOMMENDED ITEM TO COUNCIL FROM THE HASTINGS LGA  
FLOODPLAIN SUB-COMMITTEE 29/02/12  
SETTLEMENT POINT - NORTH SHORE BRIDGE APPROVAL**

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The Administrator advised of a request to address Council from:

Dallas Laundry (O)

Mr Laundry addressed Council speaking in opposition to the recommendation.

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*RESOLVED: Administrator/Porter*

That the consent for Development Application 1989/10 for Filling of Wetlands be surrendered for the works not undertaken to date.

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**11.05 RECOMMENDED ITEM TO COUNCIL FROM THE HASTINGS LGA  
FLOODPLAIN SUB-COMMITTEE 29/02/12  
HASTINGS RIVER FLOODPLAIN RISK MANAGEMENT STUDY**

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The Administrator advised of a request to address Council from:

David Felsch (O)  
Hartmut Kiehn (O)

Mr Kiehn addressed Council speaking in opposition to the recommendation.

Mr Felsch addressed Council speaking in opposition to the recommendation.

*RESOLVED: Administrator/Porter*

That Council:

1. Adopt the Final Draft Hastings River Floodplain Risk Management Study.
  2. Proceed with the preparation of a Floodplain Management Plan and Flood Development Control Plan on the basis of the outcomes from the Hastings River Floodplain Risk Management Study.
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## **12.06 SITE SPECIFIC GROUPED AMENDMENT**

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The Administrator advised of a request to address Council from:

John Cassegrain (S) was withdrawn and that Mr Cassegrain requested John Ross to speak on his behalf.

Mr Ross addressed Council speaking in support of the recommendation.

*RESOLVED: Administrator/Porter*

That Council:

1. Prepare a draft Planning Proposal in relation to Lot 2 DP1036844 Oxley Highway, Wauchope, consistent with Section 55 of the Environmental Planning and Assessment Act, 1979 and forward the draft Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination consistent with Section 56 of the Environmental Planning and Assessment Act, 1979.
  2. Prepare a draft Planning Proposal in relation to Lot 1 DP222740, Lot 229 DP754434 and Lot 1 DP 318920 Fernbank Creek Road, consistent with Section 55 of the Environmental Planning and Assessment Act, 1979 and forward the draft Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination consistent with Section 56 of the Environmental Planning and Assessment Act, 1979.
  3. Defer considerations relating to Lot 15 DP1115953 Kingfisher Road and Part Lot 341 DP1135094 the Ruins Way, pending submission of further detailed environmental investigations.
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## **12.08 WAUCHOPE ALL ABILITIES PLAYGROUND - COMMUNITY ENGAGEMENT**

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The Administrator advised of a request to address Council from:

Peter Bowers (O)  
Jeannette Rainbow (O)  
Sharon Griffiths (S)

Mr Bowers addressed Council speaking in opposition to the recommendation.

Mrs Griffiths addressed Council speaking in support of the recommendation.

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Mrs Rainbow addressed Council speaking in opposition to the recommendation.

*RESOLVED: Administrator/Porter*

1. That Council note the submissions received during the public exhibition period.
2. That a second option for the location of the All Abilities Playground be behind the mound in the area bounded by Avondale Street, the existing pathway and the pre-school.
3. That the original option and option 2 be publicly advertised for community comment and that the results be reported to Council at an Extra-Ordinary Council meeting in early May.
4. That Council staff hold two open days in Bain Park during the exhibition period to explain both options to interested community members.

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**08.07 REVISED 2011-2015 DELIVERY PROGRAM, 2012/2013 OPERATIONAL PLAN, 2012/2013 BUDGET, 2012-2013 FEES AND CHARGES AND REVISED LONG TERM FINANCIAL PLAN**

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*RESOLVED: Administrator/Porter*

That Council:

1. Adopt the following draft documents to go on public exhibition for a period of twenty-eight (28) days from 30 March 2012.
  - Revised 2011-2015 Delivery Program
  - Draft 2012/13 Operational Plan
  - Draft 2012/13 Budget (included in the draft Operational Plan)
  - Draft 2012/13 Fees and Charges
  - Draft revised 10 year Long Term Financial Plan
2. Place the Draft Hardship Policy on public exhibition for a period of twenty-eight (28) days from the 30 March 2012.
3. Invite submissions from the public in relation to the documents on exhibition. All submissions received will be considered prior to final adoption.

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**11.06 RECOMMENDED ITEM FROM HASTINGS LGA COAST & ESTUARIES SUB-COMMITTEE MEETING HELD ON 09/03/12  
LAKE CATHIE COASTLINE MANAGEMENT STUDY - STAGE 2**

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*RESOLVED: Administrator/Porter*

That Council:

1. Place the Draft Lake Cathie Coastline Management Study - Stage 2 (2012) on public exhibition for ten (10) weeks.
2. Place the Draft Lake Cathie Emergency Action Plan (2012) on public exhibition concurrently with the Draft Lake Cathie Coastline Management Study - Stage 2 report.
3. Hold an information session during the exhibition period.

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**12.02 BONNY HILLS RESERVES MASTERPLAN**

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*RESOLVED: Administrator/Porter*

That the Bonny Hills Reserves Masterplan be publicly advertised for a further twenty-eight (28) days with any submissions to be brought back to Council.

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**12.03 PAUL SHELDON OVAL NAMING PROPOSAL**

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*RESOLVED: Administrator/Porter*

That this item be deferred to the next Ordinary Council Meeting.

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**09.01 PORT MACQUARIE CENOTAPH**

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*RESOLVED: Administrator/Porter*

That Council:

1. Note the information included within the Dilapidation survey and structural report for Port Macquarie Cenotaph.
2. Undertake removal of branches from the Norfolk Island Pines adjacent to Port Macquarie Cenotaph.
3. Work with Port Macquarie RSL Sub-branch on a design and funding for improved surrounds of Port Macquarie Cenotaph.

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**09.04 COMMUNITY HALLS USE 2011 AND COMMUNITY HALLS SECTION 355  
MANAGEMENT COMMITTEE MEMBERSHIP 2011**

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*RESOLVED: Administrator/Porter*

That Council:

1. Note the information in the Community Halls Use 2011 report.
2. Endorse the Community Halls Section 355 Management Committee Membership 2011 report.
3. Thank the outgoing committee members for their service to the community.

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**09.05 ASSISTANCE PROVIDED TO CULTURAL GROUPS**

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*RESOLVED: Administrator/Porter*

That this item be deferred to the next Ordinary Council Meeting.

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**THE FOLLOWING ITEMS WERE ADOPTED IN THE BLOCK:**

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**08.01 MARCH 2012 STATUS OF OUTSTANDING REPORTS TO COUNCIL**

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*RESOLVED: Administrator/Porter*

That the information in the March 2012 Status of Outstanding Reports to Council be noted.

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**08.02 DISCLOSURE OF INTEREST RETURN**

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*RESOLVED: Administrator/Porter*

That the Disclosure of Interest return for the Director Corporate and Business Services (Craig Swift-McNair) be noted.

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**08.03 WAYNE RICHARDS SPORTING TALENT GRANT 2012**

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*RESOLVED: Administrator/Porter*

That Council award:

1. Miss Madi Roberts \$2,500.00 (ex GST), as the recipient of the Wayne Richards Sporting Talent Grant for 2012.
  2. Mr Luke Travers \$500.00 (ex GST), as one of two runners up in the Wayne Richards Sporting Talent Grant for 2012.
  3. Mr Billy Sewell \$500.00 (ex GST), as one of two runners up in the Wayne Richards Sporting Talent Grant for 2012.
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**08.04 RECOMMENDED ITEMS TO COUNCIL FROM THE PMH SPORTING FUND SUB-COMMITTEE MEETING HELD 1 MARCH 2012**

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*RESOLVED: Administrator/Porter*

That Council grant:

1. Mr Michael Bishop \$250.00 (ex GST) to assist with expenses he will incur competing in the Vikings Futsal Team to tour China from 9 November – 23 November 2012.
  2. Mr Jeremy Robinson \$250.00 (ex GST) to assist with expenses he will incur competing in the Vikings Futsal Team to tour China from 16 April – 30 April 2012.
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**08.05 PORT MACQUARIE-HASTINGS SPORTING FUND ACTIVITIES 2010/2011**

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*RESOLVED: Administrator/Porter*

That the information in the Port Macquarie-Hastings Sporting Fund Activities 2010/2011 Report be noted.

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**08.08 INVESTMENTS - JANUARY 2012**

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*RESOLVED: Administrator/Porter*

That the investment report for January 2012 be received and noted.

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**08.09 MONTHLY REVIEW OF FINANCIAL POSITION - FEBRUARY 2012**

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*RESOLVED: Administrator/Porter*

That the adjustments in the "Financial Implications" section of the report for February 2012 be adopted.

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**08.10 TENDER T91112MNC (T-12-04) TRAFFIC CONTROL SERVICES**

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*RESOLVED: Administrator/Porter*

That Council:

1. Appoint the below list of tenderers to a panel of suppliers for the provision of Traffic Control Services for the period 1 April 2012 to 31 March 2014 with an option for a further twelve (12) months.
    - Newada Pty Ltd (t/as Men at Work Traffic Services)
    - Site Group Pty Ltd
    - Mid Coast Traffic Services
  2. Affix the seal of Council to the necessary documents.
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**08.11 TENDER FOR ONE (1) ROAD MAINTENANCE PATCHING MACHINE AND ONE (1) CAB/CHASSIS TRUCK**

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*RESOLVED: Administrator/Porter*

That Council:

1. Accept the tender from Ausroads System Pty Ltd for the supply, fitting and delivery of one (1) Jetmaster Road Maintenance Unit for \$211,214.00 Ex. GST.
  2. Accept the tender from Mid Coast Trucks for the supply and delivery of one (1) Isuzu FVZ 1400 Cab/Chassis Truck for \$134,900.00 Ex. GST.
  3. Affix the seal of Council to the necessary document.
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**08.12 INVESTMENTS - FEBRUARY 2012**

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*RESOLVED: Administrator/Porter*

That the investment report for February 2012 be received and noted.

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**08.13 TENDER T-12-03 PROVISION AND INSTALLATION OF SYNTHETIC TURF AND SHOCK PAD, PORT MACQUARIE HOCKEY FACILITY**

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*RESOLVED: Administrator/Porter*

That Council:

1. Accept the tender of \$338,600.00 (GST Exclusive) received from Sports Technology International Pty Ltd for the Provision & Installation of Synthetic Turf and Shock Pad – Port Macquarie Hockey Facility.
2. Affix the seal of Council to the necessary documents.

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**09.02 ENDORSEMENT OF CRIME PREVENTION STRATEGY 2010-2015**

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*RESOLVED: Administrator/Porter*

That Council:

1. Adopt the Crime Prevention Strategy 2010 – 2015.
2. Provide information on Council's decision to those who made submissions.

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**09.03 DEVELOPMENT OF A HEADSPACE CENTRE IN PORT MACQUARIE**

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*RESOLVED: Administrator/Porter*

That Council note that a letter of support has been provided to Rural and Metropolitan Health (Port Macquarie) Pty Ltd in their application to operate a Headspace facility in Port Macquarie.

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**11.01 DA 2011/639 - STAGED CONSOLIDATION OF 8 LOTS AND RESUBDIVISION INTO 4 RURAL LOTS INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.1 & 4.2A OF PMH LEP 2011**

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*RESOLVED: Administrator/Porter*

That the approval of DA 2011/639 for a Staged consolidation of 8 lots and resubdivision into 4 rural lots including clause 4.6 variation to clause 4.1 & 4.2A of PMH LEP 2011 at Lot: 105 DP: 754406, Lot: 82 DP: 754406, Lot: 84 DP: 754406, Lot: 41 DP: 665465, Lot: 52 DP: 754406, Lot: 53 DP: 754406, Lot: 40 DP: 754406, Lot: 39 DP: 754406, Bellangry Road, 1657-1658 Bellangry Road, Cowal Creek Road Bellangry, be noted.



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**11.02 JOHN OXLEY DRIVE PRECINCT - DRAFT STRUCTURE PLAN**

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*RESOLVED: Administrator/Porter*

That Council publicly exhibit the draft John Oxley Drive Precinct Structure Plan for a period of twenty-eight (28) days.

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**11.07 LINDFIELD PARK ROAD PLANNING AGREEMENTS**

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*RESOLVED: Administrator/Porter*

That Council delegate authority to the General Manager to consider any submissions made in relation to the Lindfield Park Road Planning Agreements and to enter into and execute the Lindfield Park Road Agreements relating to land off Lindfield Park Road, Port Macquarie being Lot 2 DP 244442 and Lot 35 DP 1157283 provided that no significant issues have arisen as a result of the exhibition of the Planning Agreements.

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**12.01 TACKING POINT LIGHTHOUSE RESERVE DRAFT MASTERPLAN**

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*RESOLVED: Administrator/Porter*

That Council adopt the Tacking Point Lighthouse Reserve Masterplan and priority list of projects as presented.

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**12.04 LOANS TO INCORPORATED SPORTING BODIES AND INCORPORATED COMMUNITY GROUPS POLICY**

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*RESOLVED: Administrator/Porter*

That Council:

1. Endorse the draft Loans to Incorporated Sporting Bodies and Incorporated Community Groups Policy.
  2. Place the draft Loans to Incorporated Sporting Bodies and Incorporated Community Groups Policy on public exhibition for twenty-eight (28) days.
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**12.05 LORD STREET PARKING PLANNING AGREEMENT**

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*RESOLVED: Administrator/Porter*

That Council delegate authority to the General Manager to consider any submissions made in relation to the Lord Street Parking Planning Agreement and to enter into and execute the Lord Street Parking Planning Agreement relating to land at 63-65 Lord Street, Port Macquarie being Lot 13 DP 624504 and Lot 1 DP 780770 provided that no significant issues have arisen as a result of the exhibition of the Planning Agreement.

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**12.07 PLANNING PROPOSAL 2007/0011 - TO REZONE LOT 69 DP1103700 OCEAN DRIVE KEW AND LOT 100 DP1107348 TATHRA ROAD, KEW FROM ZONE RU1 PRIMARY PRODUCTION TO PART ZONE IN2 LIGHT INDUSTRIAL AND PART ZONE R1 GENERAL RESIDENTIAL**

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*RESOLVED: Administrator/Porter*

That Council forward the Draft LEP relating to Lot 69 DP1103700 Ocean Drive, Kew and Lot 100 DP1107348 Tathra Road, Kew to the Department of Planning and Infrastructure for finalisation pursuant to Section 59 of the Environmental Planning and Assessment Act, 1979 with a request that the Minister make the Plan.

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The meeting closed at 7.54pm.

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Item: 05  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

**That Disclosures of Interest be presented**

**DISCLOSURE OF INTEREST DECLARATION**

**Name of Meeting:** .....

**Meeting Date:** .....

**Item Number:** .....

**Subject:** .....  
.....

I, ..... declare the following interest:

**Pecuniary:**

Take no part in the consideration and voting and be out of sight of the meeting.

**Non-Pecuniary - Significant Conflict:**

Take no part in the consideration and voting and be out of sight of the meeting.

**Non-Pecuniary - Insignificant Conflict:**

May participate in consideration and voting.

**For the reason that:** .....  
.....

**Signed:** ..... **Date:** .....

*(definitions are provided on the next page)*

**Definitions**

(Local Government Act and Code of Conduct)

**Pecuniary**

An interest that a person has in a matter because of a reasonable likelihood or expectation or appreciable financial gain or loss to the person or another person with whom the person is associated. (*LG Act s442 and s443*).

A Councillor or member of a Council Committee who is present at a meeting and has a pecuniary interest in any matter which is being considered must disclose the nature of that interest to the meeting as soon as practicable.

The Councillor or member of a Council Committee must not take part in the consideration and voting on the matter and be out of sight of the meeting. (*LG Act s451*)

**Non-Pecuniary**

An interest that is private or personal that the Councillor or member of a Council Committee has that does not amount to a pecuniary interest as defined in the LG Act.

If you have declared a non-pecuniary interest you have a number of options for managing the conflict. The option you choose will depend on an assessment of the circumstances of the matter, the nature and significance of your interest. You must deal with a non-pecuniary interest in one of the following ways.

**Non Pecuniary – Significant Interest**

(For example; family, a close friendship, membership of an association, sporting club, corporation, society or trade union).

- Have no involvement by absenting yourself from and not taking part in any consideration or voting on the issue as if the provisions in the LG Act s451(2) apply.
- A future alternative is to remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer).

**Non Pecuniary – Less than Significant Interest**

- It may be appropriate that no action is taken. However, you must provide an explanation of why you consider that the conflict does not require further action.

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**Item: 06****Subject: PUBLIC FORUM**

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Residents are able to address Council in the Public Forum of the Ordinary Council Meeting on any Council-related matter not listed on the agenda.

A maximum of eight speakers can address any one Council Meeting Public Forum and each speaker will be given a maximum of five minutes to address Council. Council may wish to ask questions following an address, but a speaker cannot ask questions of Council.

Once an address in the Public Forum has been completed, the speaker is free to leave the chambers quietly.

If you wish to address Council in the Public Forum, you must apply to address that meeting **no later than 4.30pm on the day prior to the meeting** by completing the 'Request to Speak in Public Forum at Ordinary Council Meeting Form'. This form is available at Council's offices or online at [www.pmhc.nsw.gov.au](http://www.pmhc.nsw.gov.au).

## Ensuring Good Governance

### What are we trying to achieve?

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

### What will the result be?

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

### How do we get there?

- 1.1 Engage the community in decision making by using varied communication channels that are relevant to residents.
- 1.2 Create professional development opportunities and networks to support future community leaders.
- 1.3 Create strong partnerships between all levels of government and their agencies so that they are effective advocates for the community.
- 1.4 Demonstrate conscientious and receptive civic leadership.
- 1.5 Implement innovative, fact based business practices.

## Ensuring Good Governance

**Item: 08.01**

**Subject: APRIL 2012 STATUS OF OUTSTANDING REPORTS TO COUNCIL**

**Presented by: Executive Services, Anthony Hayward**

### Alignment with Delivery Program

1.4.1 Comply with Local Government legislation, policies and agreed standards and communicate the impacts of this to the community.

### RECOMMENDATION

**That the information in the April 2012 Status of Outstanding Reports to Council be noted.**

### Discussion

Report	Status	Reporting Officer	Current Anticipated Date for Report
Wall Reserve, North Haven - Management of Parkland (Item 13 - ORD 26/08/09)	LPMA updating cadastre for reserve lots and Council still awaiting advice.	INFRA	2012
North Shore Public Amenities Community Consultation Results (Item 08 - ORD 24/11/10)	Meeting conducted on North Shore on 29/03/11 Grant money being sought through the State community building fund.	INFRA	May '12
Rotary Park traffic issues community consultation results (Item 11 - ORD 24/11/10)	Subject to completion of current works being undertaken and future funding.	INFRA	2012
Timber Bridges (Item 13 - ORD 26/10/11)		INFRA	May '12
Report on operational efficiency improvements that will enable Council to address the infrastructure backlog. (Item 34 - ORD 15/02/12)		GM	May '12
Wauchope All Abilities Playground – publicly advertise both options and report back to Ex-Ord in early May 2012. (Item 12.08 – ORD 28/03/12)			May '12

### Attachments

Nil

## Ensuring Good Governance

GOVERNANCE





## Ensuring Good Governance

**Item: 08.02**

**Subject: RECOMMENDED ITEMS TO COUNCIL FROM THE PMH SPORTING FUND SUB-COMMITTEE MEETING HELD 5 APRIL 2012**

**Presented by: Executive Services, Anthony Hayward**

### Alignment with Delivery Program

2.9.1 Provide a range of sporting and recreational opportunities.

### RECOMMENDATION

**That Council grant:**

- 1. Ms Jordin Sheaves \$500.00 (ex GST) to assist with expenses she would have incurred competing at the National Junior Youth Championships held in Homebush in March 2012.**
- 2. Mr Liam Wright \$350.00 (ex GST) to assist with expenses he would have incurred competing at the NSW Life Saving State Titles held at Kingscliffe and Australian Surf Life Saving Titles held at Kurrawa Beach, Queensland in March 2012.**
- 3. Ms Mekayla Everingham \$350.00 (ex GST) to assist with expenses she will incur competing at the 2012 Australian Age Swimming Championships to be held in Brisbane, Qld during April 2012.**
- 4. Sean Badewitz \$350.00 (ex GST) to assist with expenses he will incur competing as part of the Under 18's National Basketball Team to compete at the National Basketball Championships to be held in Perth during April 2012.**
- 5. Jess Sewastenko \$500.00 (ex GST) to assist with expenses she will incur competing at the 2012 Junior Olympic Karate Championships and the 2012 USA Open Karate Championships to be held during April 2012.**

### Executive Summary

The Port Macquarie-Hastings has a fine tradition of outstanding talent when it comes to sporting ability and sports achievements at all levels. With this tradition comes awareness for the community to recognise and nurture our young local sporting talents. A major problem associated with developing our local sporting talent has been the lack of financial assistance available to athletes in order that they may pursue their sporting goals.

## Ensuring Good Governance

Pursuing sporting dreams, in reality, is an expensive exercise. Athletes must travel extensively in order to face competitors, attend training camps and source new opportunities within their chosen sport. Increasingly, sports people turn to the local community and businesses for financial assistance. It is from these requests that in 1999 the Port Macquarie-Hastings Sporting Fund (formerly known as the Mayor's Sporting Fund) was established.

In 1999 the then Mayor, Wayne Richards, recognised the need for such a fund after receiving numerous requests for financial assistance from young local athletes or their parents to assist their child to compete at an elite level. The Mayor acknowledged that young athletes selected to compete in State; National or International competitions incur considerable costs, as Council had no specific fund to help out, and the Mayor was only able to pass on their requests to local businesses. The formation of the Port Macquarie-Hastings Sporting Fund provided the opportunity for young local athletes to make application to Council for assistance to help ease this financial strain placed on these families by the sporting success of their children.

The Port Macquarie-Hastings Sporting Fund holds two major fund raising events each year. The Coca Cola Sporting Fund Golf Day Challenge and the Coca Cola Sporting Fund Golden Thong Bowls Day Challenge. Since the Fund's formation over \$210,000 has been distributed to young local athletes selected to compete at State, National and International competitions to assist them in meeting the costs they will incur travelling and competing at such an elite level.

The Port Macquarie-Hastings Sporting Fund Sub Committee at its meeting held on 5 April 2012 considered the following applications for assistance:-

- 1 Ms Jordin Sheaves selected to compete at the National Junior Youth Championships held in Homebush in March 2012.
- 2 Mr Liam Wright selected to compete at the NSW Life Saving State Titles held at Kingscliffe and Australian Surf Life Saving Titles held at Kurrawa Beach, Queensland in March 2012.
- 3 Ms Mekayla Everingham selected to compete at the 2012 Australian Age Swimming Championships to be held in Brisbane, Qld during April 2012.
- 4 Sean Badewitz selected to compete as part of the Under 18's National Basketball Team to compete at the National Basketball Championships to be held in Perth during April 2012.
- 5 Jess Sewastenko selected to compete at the 2012 Junior Olympic Karate Championships and the 2012 USA Open Karate Championships to be held during April 2012.

### Attachments

Nil

## Ensuring Good Governance

**Item: 08.03**

**Subject: QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2012**

**Presented by: Corporate & Business Services, Craig Swift-McNair**

### Alignment with Delivery Program

1.4.2 Manage Council's financial assets & to provide accurate, timely and reliable financial information for management purposes. Strategic financial planning & reporting and operational financial services - including payroll, accounts payable, investments, debt recovery, revenue and rates billing, asset accounting, grant administration, taxation compliance (FBT, GST, PAYG), budget preparation, general accounting.

### RECOMMENDATION

**That Council adopt the adjustments in the "Financial Implications" section of the report for March 2012.**

### Executive Summary

Each month Council's budgets are reviewed by Managers and Directors and any required adjustments are reported.

### Discussion

The Division of Local Government requires all NSW Council's to prepare a quarterly budget review statement. Council currently prepares a monthly review of financial position, this will continue but each quarter will be incorporated into the quarterly budget review statement.

The March budget review forecasts a surplus for the 2011/12 financial year of \$2,229. This is an improvement of \$406,094 over the February result and is an improvement of \$974,250 over the original budget.

### Commentary of Key Variance Items

1. The improvement in this month's results is due to increased revenue from rates and investment interest. The rate increase is the result of conservative growth estimates at the time the original budget was adopted. The increase in interest on investments is also due to conservative estimates in the original budget.
2. Numerous projects have been either fully or partially deferred until 2012/13 in this review. The total amount deferred in this review is \$1.029m. These projects will be included in the final budget for 2012/13.
3. Council has received various grants and contributions that have had a budget included for both the income and expenditure.
4. Executive has given approval to transfer \$100,000 surplus funding in the workers compensation allocation to training.

## Ensuring Good Governance

### Quarterly Budget Review Statement

The quarterly budget review statement (QBRS) presents a summary of council's financial position at the end of each quarter. It is a mechanism whereby the Administrator and the community are informed of council's progress against the Operational Plan (original budget) and the last revised budget, along with recommended changes and reasons for major variances. Included in the QBRS are the following budget review components.

- Statement by the Responsible Accounting Officer on Council's financial position at the end of the year based on the information in the QBRS;
- Budget review of Income and Expenditure in a consolidated format (including performance indicators)
- Budget review of the Capital budget (including performance indicators)
- Budget review of the Cash and Investments position
- Budget review of Contracts and other expenses

Attached are the quarterly budget review reports for the March 2012 quarter for Council's information.

### Options

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

### Consultation/Submissions

Consultation in this matter has occurred across each division and section with input from Directors and Managers

### Planning & Policy Implications

Nil

### Financial & Economic Implications

Attached for information is each individual budget adjustment for March 2012 by division and section.

### Responsible Accounting Officer Statement

The budget surplus at the end of March stands at \$2,229. This surplus is considered satisfactory. Executive is currently undergoing a sustainability review, with the results of this review to be included in a report to Council in May 2012. A portion of any further savings will need to be put into reserves to cover any future investment losses.

### Attachments

1. March 2012 Quarterly Budget Review Statement
2. March 2012 Budget Review Adjustments

## Ensuring Good Governance

**Item: 08.04**

**Subject: RECOGNITION OF COMPLIMENTS TO COUNCIL STAFF**

**Presented by: Community & Cultural Development, Lesley Atkinson**

### Alignment with Delivery Program

1.5.3 Ensure ratepayer value for money through continual improvement in quality and efficiency of Council services

### RECOMMENDATION

**That Council note the information in this report.**

### Executive Summary

A total of 55 compliments for Council staff were received in the third quarter of this reporting year. This report is a summary of the compliments received and contains an attachment which provides statistics on the number of compliments received per Division. The attachment also highlights the reason for the staff compliment and drills down into individual business units. The compliments noted in this report are those received in writing from customers through a variety of channels including letters, emails and comments from customers who have completed feedback forms.

### Discussion

Written compliments and favourable comments about Council staff members for the period January, February and March 2012 have been received and are attached below.

The "Compliment statistics 2011-2012" summarises compliments received by division, includes the reason for the compliment, and the specific work area for the staff member/s who received that compliment. A total of 55 compliments were received in this quarter which is an increase of 17 from the previous quarter. For the corresponding period last year a total of 23 compliments were received.

In this quarter there was an increase in compliments for exceptional service delivery from staff across many sections including building and development, roads, waste services, water services, community development, customer services and the Glasshouse. The initiative to provide residents with an additional recycling garbage bin in the week of the Christmas to New Year period was very successful with 4 individual compliments from residents who were extremely happy with this additional service.

### Options

Council seeks additional information on the compliments received.

### Consultation/Submissions

Nil

## Ensuring Good Governance

### Planning & Policy Implications

There are no planning and policy impacts.

### Financial & Economic Implications

There are no financial or economic impacts.

### Attachments

1. Compliment Statistics 2011 - 2012

## Ensuring Good Governance

**Item: 08.05**

**Subject: COMPLAINTS HANDLING REPORT JAN - MARCH 2012**

**Presented by: Community & Cultural Development, Lesley Atkinson**

### Alignment with Delivery Program

1.5.3 Ensure ratepayer value for money through continual improvement in quality and efficiency of Council services

### RECOMMENDATION

**That the complaints handling report be noted.**

### Executive Summary

PMHC adopted a complaints management process in 1998 and all complaints received and resolved within the reporting period are tabled in a quarterly report to Council in January, April, July and October each year. This report lists all complaints received in the third quarter of the reporting year 2011- 2012. There are two attachments with this report. The complaints statistics report 2011-2012 provides a summary of the complaint numbers received and resolved in the period January to March 2012. The second attachment provides details on the actual complaint and the action taken by Council staff to resolve the complaint. All complaints are recorded in the CRM system in Authority.

### Discussion

Council last considered the Complaints handling report and statistics at the February 2012 Council meeting. It is the practice to report the complaint statistics on a quarterly basis for Council's consideration. The following two reports relate to complaints received in the period January to March 2012.

Complaints are defined by Council policy as "an expression of dissatisfaction with Council's Policies, Procedures, Charges, Agents, or Quality of Service", and is aligned with guidelines on "Complaint Management in Councils" published by the NSW Ombudsman and the Division of Local Government. This policy was adopted in 1998 and last updated in 2007. Complaints are differentiated from action requests (referrals) which are defined as the request for provision of a Council service.

The first report "Complaint Statistics Quarter 3 2011-2012" summarises the complaints received and finalised by category and indicates that a total of 26 complaints have been received and resolved in the third quarter of this reporting year. There were 4 active complaints at the end of March 2012. Of the 26 complaints received in this quarter all but 1 complaint was finalised within 28 days. In the corresponding quarter last year 20 complaints were received in this period and 20 complaints were resolved.

The second report provides brief details of each of the finalised complaints, that action taken by Council in response to the complaints, and whether the customer

## Ensuring Good Governance

was satisfied with Council's handling of the complaint. This report covers the reporting period 1 January to 31 March 2012.

### Options

Council has the option of making its own determination in this matter.

### Consultation/Submissions

Nil.

### Planning & Policy Implications

None as a result of this report.

### Financial & Economic Implications

None as a result of this report.

### Attachments

1. Complaint statistics Q3 2011-2012
2. Complaints Handling Report Q3 2011-2012



## Looking After Our People

### What are we trying to achieve?

Our social infrastructure and community programs create a healthy, inclusive and vibrant community.

### What will the result be?

- Community hubs which provide access to services and social connections.
- Services that support an ageing community to live in a way that they desire.
- Available and accessible preventative health and medical services.
- A safe, caring and connected community.
- A healthy and active community that is supported by recreational infrastructure
- A strong community that is able to identify and address social issues.
- Community participation in events, programs, festivals and activities.

### How do we get there?

- 2.1 Create an environment and culture that allows the Port Macquarie-Hastings community to feel safe.
- 2.2 Provide young people with a range of leisure activities and opportunities for personal development.
- 2.3 Provide medical and social services for all members of the community.
- 2.4 Develop partnerships within the community to build on existing strengths and improve areas of social disadvantage.
- 2.5 Create events and activities that promote interaction and education.
- 2.6 Provide social and community infrastructure and services.
- 2.7 Empower the community to be active and involved in community life.
- 2.8 Promote cultural and artistic expression.
- 2.9 Promote a healthy lifestyle through education, support networks and facilities.



## Looking After Our People

**Item: 09.01**

**Subject: COMMUNITY FACILITIES OPERATIONS MANUAL AND SECTION 355  
COMMUNITY HALL COMMITTEE UPDATE**

**Presented by: Community & Cultural Development, Lesley Atkinson**

### Alignment with Delivery Program

2.6.2 Create access to community facilities that allow a range of social, health and wellbeing activities.

### RECOMMENDATION

#### That Council:

1. Adopt the “Community Facilities Operations Manual”.
2. Adopt the “Community Facilities Operations Manual” to replace the “Community Halls Operations Manual” adopted 8 May 2006.
3. Endorse the guidelines included in appendix 5.1 to allow the waiving of hire fees in certain circumstances.
4. Note the status of the section 355 Community Halls Management Committees in implementing the modified financial arrangements.

### Executive Summary

One of the Council’s resolutions of the “Streamlining Financial Operating Procedures – Community Halls Section 355 Management Committees” report to Council on 28 September 2011 was “that the section 355 Management Committee Operating Manual be modified to reflect the changed financial arrangements”. This revised manual addresses the changed financial arrangements, including new procedures for paying hire income to Council and for applying for and acquitting an annual operating grant for each section 355 management committee.

The manual has also been reviewed to enable its use by Council’s Customer Service Centre staff in dealing with the halls that are directly managed by Council, as well as by the section 355 management committees and lessees/sub-lessees who manage halls on Council’s behalf. It has been enhanced by the use of plain English and up to date Council operating procedures to make it easier to follow.

An update has been provided in relation to the changed financial arrangements for section 355 community hall management committees.

## Looking After Our People

### Discussion

At the Ordinary Council meeting of 28 September 2011, Council adopted seven recommendations;

1. That the following seven community halls Section 355 committees deposit all accumulated hall hire income into Port Macquarie Hastings Council no later than 31 October 2011 - Bonny Hills Community Hall, Lake Cathie Community Hall, Lorne Recreation Centre, Pappinbarra Recreation Reserve, Port Macquarie Seniors Facility, Wauchope Rotary Youth Hall and Wauchope School of Art Hall.
2. That the above mentioned s355 committees deposit hall hire income directly into Council from 1 October 2011.
3. That s355 committees associated with facilities who have already remitted their accumulated funds to Council and who already directly deposit into Council continue with this arrangement.
4. That an operational grant be allocated to each s355 committee to administer the committee and fund agreed operating activities.
5. That the operational grant be negotiated with Council staff based on the demonstrated needs of the committee.
6. That the grant be acquitted at the end of each financial year together with any required reporting associated with s355 arrangements.
7. That the s355 Management Committee Operating Manual be modified to reflect the changed financial arrangements.

The format of the operations manual has been modified to allow its use as a general information tool rather than only for use by section 355 committees. With this in mind, the first three sections provide general information applicable to all community halls. More specific information for section 355 committees has then been incorporated together with appropriate forms.

This manual details the changed financial arrangement including new procedures for paying hire income to Council and for applying for and acquitting an annual operating grant for each section 355 management committee.

The manual has also been reviewed to enable its use by Council's Customer Service Centre staff in dealing with the halls that are directly managed by Council, as well as by the section 355 management committees and lessees/sub-lessees who manage halls on Council's behalf. It has been enhanced by the use of plain English and up to date Council operating procedures to make it easier to follow.

The development of the operations manual has been done in consultation with the nine functional community hall section 355 management committees, a number of whom have suggested useful changes to the earlier draft of this manual. Suggestions have also been included from Council's Customer Service Centre staff.

At times community groups approach Council staff seeking a waiving of the hire fees when holding community functions. A procedure has been developed and is incorporated in this manual for Council's consideration (see appendix 5.1). Given that these requests are usually for amounts of less than \$50, it is proposed that the General Manager be the decision maker for such requests, given his existing delegation for waiving of fees and charges.

## Looking After Our People

All seven community halls section 355 management committees named in the report have deposited their accumulated funds into Council, Lake Cathie community hall section 355 committee advised in February 2012 that they had disbanded due to low numbers. While they had been paying the hall hire income into Council since 1 October 2011, they had not applied for an operating grant. Interim management is being provided by Council's Community Facilities Officer until the process of advertising for and appointing a new committee is finalised. The intent is that the new committee will be guided in its functions by the revised manual.

Five of the remaining six committees named in the report are paying hall hire income into Council and have received operating grants for the period 1 November 2011 to 30 June 2012. They are: Bonny Hills Community Hall, Lorne Recreation Centre, Pappinbarra Recreation Centre, Port Macquarie Seniors Facility, and Wauchope Rotary Youth Hall. One committee, which is Wauchope Community Hall (Arts Council Hall) has yet to commence paying hire income into Council. This is being pursued by the Community Facilities Officer.

### Options

That Council seek further changes to the operations manual.

That Council require requests for the waiving of hire fees to be submitted to Council.

### Consultation/Submissions

Consultation has occurred with the nine functioning Community Hall section 355 Management Committees, Council's Customer Service Centre, Group Manager Recreation and Buildings, Building Services Team, Group Manager Governance and Executive Services, Finance Team Management Accountant and Group Manager Community Development.

### Planning & Policy Implications

Nil change required to the 2011-2015 Delivery Program or the 2011/2012 Operational Plan.

### Financial & Economic Implications

Minor financial costs associated with printing and distributing the manual. A copy will also be placed on Council's website.

### Attachments

1. Community Facilities Operations Manual.

## Helping Our Community Prosper

### What are we trying to achieve?

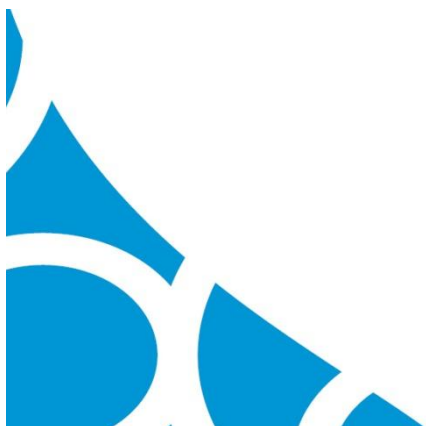
The Port Macquarie-Hastings region is able to thrive through access to a range of educational, employment and business opportunities.

### What will the result be?

- Greater availability of educational opportunities.
- Key business sectors are able to benefit from our natural and existing attributes.
- Business and industry, training and education facilities sustain our population growth.
- Increased employment opportunities.
- An environmentally harmonious and prosperous tourism industry.
- Widely available communications technology.

### How do we get there?

- 3.1 Create opportunities for lifelong learning and skill enhancement with the availability of a broad range of education and training facilities.
- 3.2 Promote and support an increase in business capacity in order to generate ongoing economic growth.
- 3.3 Expand tourism business opportunities and benefits through collaborative planning and promotion.
- 3.4 Maximise innovation and economic competitiveness by providing high quality communication technology throughout the Port Macquarie-Hastings region.
- 3.5 Target and encourage business enterprise by providing favourable business conditions including infrastructure and transport options.



## Helping Our Community Prosper

**Item:** 10.01

**Subject:** APPLICATION FOR THE CLOSURE OF PART WRIGHTS ROAD,  
PORT MACQUARIE

**Presented by:** Corporate & Business Services, Craig Swift-McNair

### Alignment with Delivery Program

2.3.1 Advocate for health and social services in accordance with the Social Strategy.

### RECOMMENDATION

**That Council:**

1. **Make application to the Department of Primary Industries (Crown Lands Division) (DPI) for the closure of that part of Wrights Road having dimensions of (approximately) 90 metres by 20 metres as shown in the plan included in this report.**
2. **Request the DPI vest the land comprising the closed road in Council as 'operational' land.**
3. **On notification from the DPI of approval of the application, obtain a valuation of the land comprised in the road to be closed; and upon receipt of this valuation present a report back to Council for the purpose of determining compensation.**

### Executive Summary

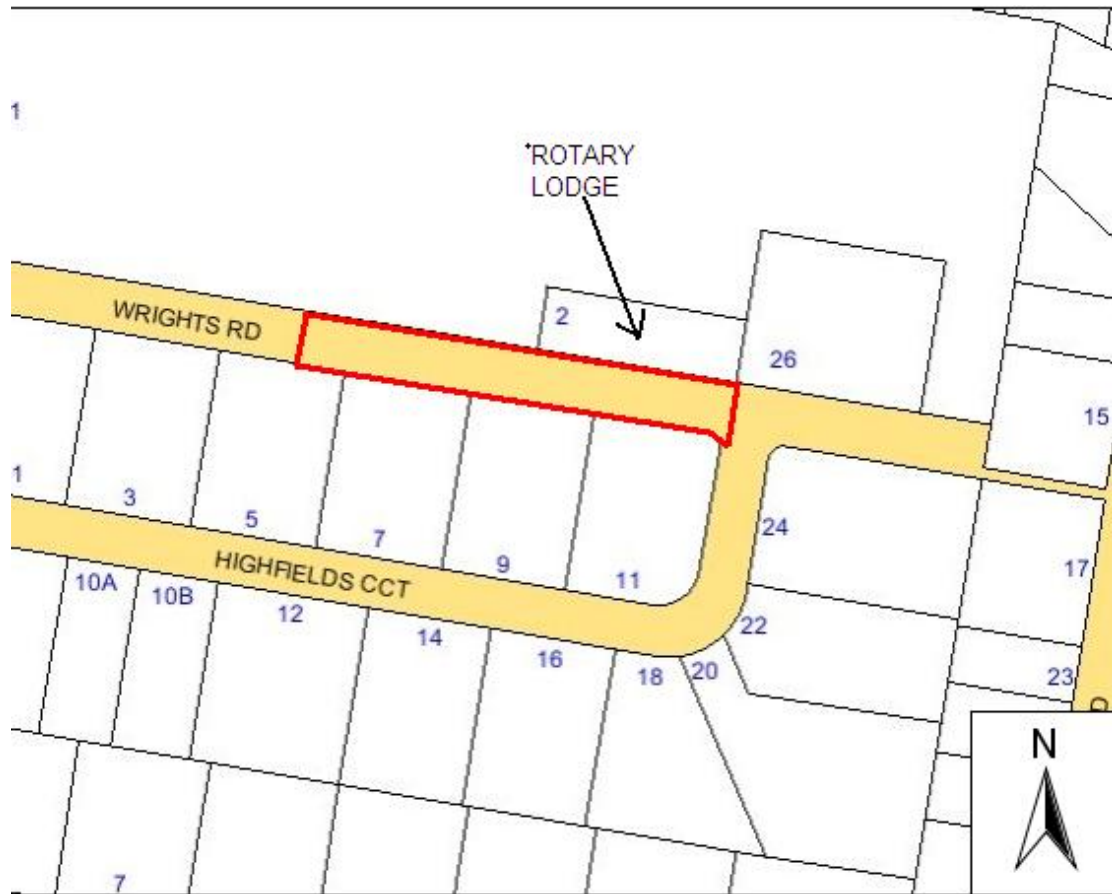
A report to consider an application for the closure and purchase of a section of Wrights Road, Port Macquarie that adjoins the Rotary Lodge.

### Discussion

In May 2005, an application was received from the Rotary Lodge to close and purchase a section of the unformed component of Wrights Road, Port Macquarie. If approved and finalised, the Rotary Lodge plan to use the land to expand their existing facility. The road closure is required so that the land upon which the expanded facility will exist, falls in the ownership of the Rotary Lodge. The road closure therefore precedes the lodging of a Development Application for the proposed expansion.

The segment of road sought for closure in the May 2005 was approximately 160 metres in length and is shown in the plan below.

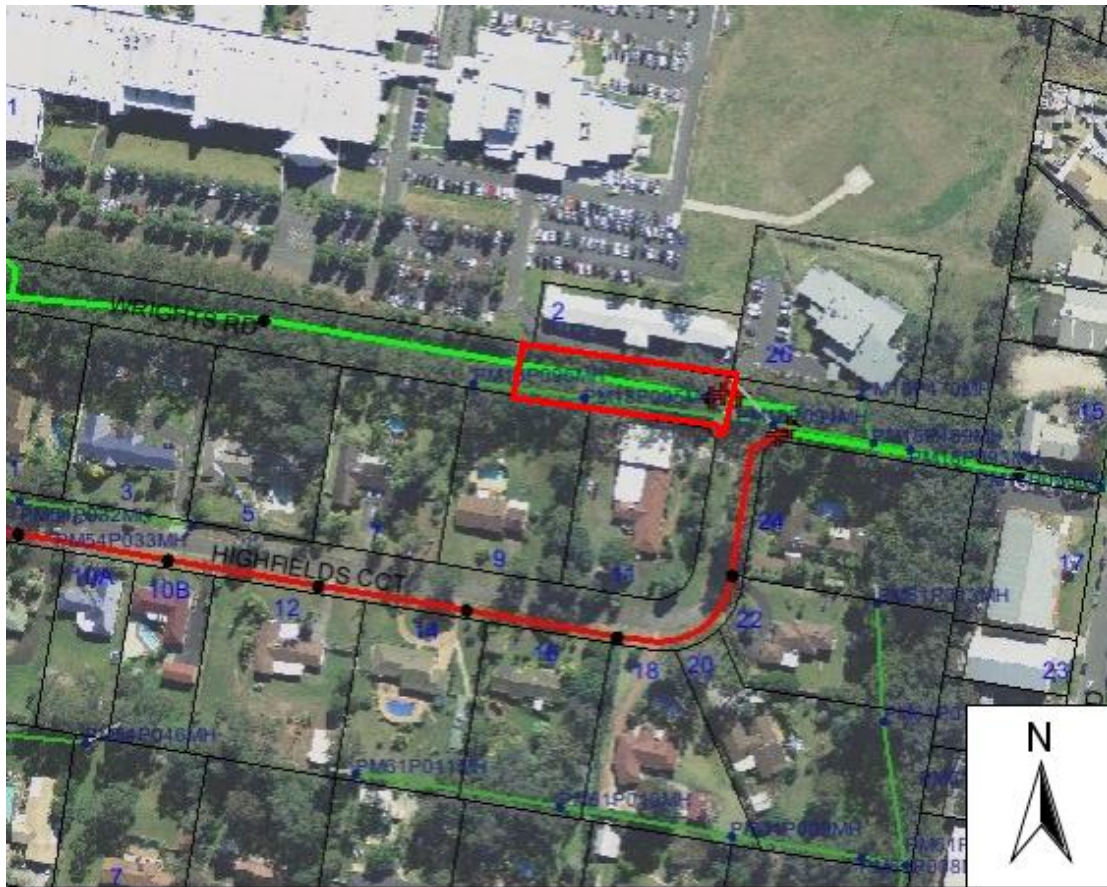
Helping Our Community Prosper



Following the receipt of submissions on the proposal from adjoining landowners, and in-particular the submission from the North Coast Area Health Service (NCAHS), the application was held in abeyance pending the finalisation of the Plan of Management of the Port Macquarie Base Hospital Precinct. The plan has been finalised and the NCAHS has now withdrawn its submission. As such, the applicant (Rotary Lodge) has requested that its application be reactivated. The extent of the road sought for closure has been reduced from a length of 160 metres to 90 metres as shown in the plan below. Also shown in the plan below is the presence of Council’s water and sewer infrastructure.



## Helping Our Community Prosper



### Options

There is the option to:

1. Make application to the Department of Primary Industries (Crown Lands Division) for the closure of the road.
2. Not make the application.

### Consultation/Submissions

On receipt of the application on 2005, adjoining landowners were notified and relevant section of Council referenced for comment.

Given the period that has elapsed from the original May 2005 application, adjoining landowners were notified in March 2012 that the application has been reactivated. At the close of the period in which submissions could be lodged, one submission has been received.

Statutory notification (public advertising) of the road closing proposal is conducted by the Department of Primary Industries as required by Section 35 of the Roads Act 1993.



Helping Our Community Prosper

Submission		Issue
1.	Adjoining landowner	<p>Need for adequate screen fencing to reduce impact of proposal.</p> <p>Lighting or buildings would be highly intrusive.</p> <p>No development to be permitted other than for passive recreation.</p> <p>Restriction of pedestrian access currently enjoyed.</p> <p>Effect of restricting natural flow of stormwater.</p> <p>Removal of buffer zone.</p>
	<b>Response/Comment:</b>	The matter presently before Council is that of a road closure. Apart from a loss of pedestrian access, the other matters raised fall within the ambit of consideration as part of the development application process. The applicant (Rotary Lodge) has verbally indicated that it is prepared to allow pedestrian access to continue by the adjoining owners.
2.	Council Infrastructure Services Division	<p>Notes the existence of a drainage berm and questions who shall maintain this should the road be closed.</p> <p>A sewer line and inspection covers are located within the road sought to be closed.</p> <p>There is an identified need to construct a water main along the corridor (Wrights Road) to service the hospital in the future.</p> <p>A number of stop valves and fire hydrant are either in or very close to the area sought for closure.</p> <p>The existing main provides water supply security to properties in Highfields Circuit, water supply to the Lodge and the University and is part of an emergency backup and alternative water supply for the hospital.</p>
	<b>Response/Comment:</b>	There is potential, upon further detailed investigation, for the water and sewer infrastructure to be relocated. As acknowledged by the applicant on the completed road closure form when lodged in 2005, all applicants are required to meet the full cost of the relocation of any services required as part of their application. Irrespective of if the infrastructure is relocated, a 5 metre wide easement is required to be granted, at no cost to Council, by the applicant.



## Helping Our Community Prosper

### Planning & Policy Implications

There are no planning & policy implications.

### Financial & Economic Implications

All applicants for the closure and purchase of a Council public road are required to meet all costs associated with the application. A guide to these costs such as survey fees, plan lodgement fees, relocation of infrastructure and other costs is provided in the road closure application form. All applicants are required to acknowledge, that they have considered these costs when making their application. The purpose of this is to ensure that the road closure is at nil financial cost to Council.

An analysis of old aerial photography indicates that the section of Wrights Road sought for closure was once a formed track. As such, pursuant to Section 38(2)(b) of the Roads Act 1993, the land should vest in Council as 'operational' land on the publication of the Notice of road closure in the NSW Government Gazette. Council would then be in a position to dispose of the land to Rotary Lodge.

### Attachments

Nil

## Looking After Our Environment

### What are we trying to achieve?

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

### What will the result be?

- Accessible and protected waterways, foreshores, beaches and bushlands.
- Renewable energy options.
- Clean waterways.
- An environment that is protected and conserved for future generations.
- Development outcomes that are ecologically sustainable and complement our natural environment.
- Residents that are environmentally aware.
- A community that is prepared for natural events and climate change.

### How do we get there?

- 4.1 Protect and restore natural areas.
- 4.2 Ensure service infrastructure maximises efficiency and limits environmental impact.
- 4.3 Implement total water cycle management practices.
- 4.4 Continue to improve waste collection and recycling practices.
- 4.5 Provide community access and opportunities to enjoy our natural environment.
- 4.6 Create a culture that supports and invests in renewable energy.
- 4.7 Increase awareness of and plan for the preservation of local flora and fauna.
- 4.8 Plan and take action to minimise impact of natural events and climate change.
- 4.9 Manager development outcomes to minimise the impact on the natural environment.



## Looking After Our Environment

**Item:** 11.01

**Subject:** DA 2011/631-TWO STOREY COMMERCIAL BUILDING AND CLAUSE 4.6 VARIATION UNDER PMHC LEP 2011- LOT 13 DP 624504 & LOT 1 DP 780770, NO 63 LORD ST, PORT MACQUARIE

**Presented by:** Development & Environment Services, Matt Rogers

### Alignment with Delivery Program

4.9.2 Undertake development assessment in accordance with relevant legislation.

### RECOMMENDATION

**That DA 2011/631 for a two storey commercial building and carpark (including Clause 4.6 variation to Floor Space Ratio under Port Macquarie-Hastings Local Environmental Plan 2011) at Lot 13, DP 624504 & Lot 1, DP 780770 No. 63-65 Lord Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

### Executive Summary

This report considers a Development Application for a two storey office building and carpark at the subject site. The attached report provides an assessment of the application in accordance with the requirements of the Environmental Planning and assessment Act 1979. The application was recommended for conditional consent at Council's Development Assessment Panel (DAP) meeting on 11 April 2012. This matter is required to be determined at an Ordinary meeting of full Council in accordance with the NSW Department of Planning and Infrastructure's Circular PS 08-014.

### Discussion

#### 1. BACKGROUND

##### Existing sites features and Surrounding development

The site has an area of 1714.4m<sup>2</sup>.

The site is zoned B4-Mixed Use in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:

## Looking After Our Environment



The site is located within a previously zoned residential area that has been identified as suitable for business and mixed use development. Over time existing residential dwellings have been reconfigured for business uses or demolished and larger developments built. Numerous medical and allied health professionals are currently located in this precinct as well as larger office buildings and community facilities. Two existing residential dwellings have been demolished as a precursor to this development application.

The site is centrally located within walking distance of the town centre and public transport facilities are regularly scheduled along this route.

The existing subdivision pattern and location of existing development within the immediate locality is shown in the following aerial photo:

## Looking After Our Environment



### 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the application proposal include the following:

- Two storey office premises
- At ground carparking
- Voluntary Planning Agreement for 3 space parking short fall
- Clause 4.6 variation under PMHLEP 2011

Refer to attachments at the end of this report.

#### Application Chronology

- 1 November 2011- DA lodged
- 18 November – 2 December 2011-Notification of Development Proposal
- 2-30 March 2012-Public Notification of VPA and Development Proposal
- 28 March 2012-Voluntary Planning Proposal endorsed by Council authorising General Manager to enter into agreement.

## Looking After Our Environment

### 3. STATUTORY ASSESSMENT

The assessment report undertaken by Council staff is attached below.

The application was considered at Council's Development Assessment Panel (DAP) meeting on 7 December 2011 where the panel resolved by way of consensus to recommend to Council that the application be determined by granting consent subject to conditions, as amended.

#### Attachments

1. DAP Report - 11 April 2012
2. Revised Conditions

