



Ordinary Council

Business Paper

date of meeting: Wednesday, 18 June 2014

location: Council Chambers
17 Burrawan Street
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.



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.
- 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 Group Manager Governance & Executive Services prior to the commencement of the meeting.
- Where speakers wish to make an audio visual presentation, a copy is to be provided to the Group Manager Governance & Executive Services by 4.30pm on the day prior to 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 Mayor 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.
- 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

Wednesday, 18 June 2014

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**PORT MACQUARIE
HASTINGS**

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

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

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

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

Item: 03**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 21 May 2014 be confirmed.

PRESENT**Members:**

Councillor Peter Besseling (Mayor)
Councillor Adam Roberts (Deputy Mayor)
Councillor Lisa Intemann
Councillor Justin Levido
Councillor Geoff Hawkins
Councillor Trevor Sargeant
Councillor Sharon Griffiths

Other Attendees:

Acting General Manager (Craig Swift-McNair)
Director of Infrastructure & Asset Management (Jeffery Sharp)
Acting Director of Commercial Services & Industry Engagement (Monika Bretmaisser)
Director of Development & Environment (Matt Rogers)
Director of Community & Organisational Development (Lesley Atkinson)
Group Manager Governance & Executive Services (Stewart Todd)
Acting Communications Co-ordinator (Stuart Carless)
Governance Support Officer (Bronwyn Lyon)

The meeting opened at 5.30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

Pastor Joseph Maticic from the Seventh-day Adventist Church delivered the Local Government Prayer.

03 APOLOGIES

Nil.

Council is in receipt of requests for leave of absence from Councillor Cusato and Councillor Turner.

04 CONFIRMATION OF MINUTES

RESOLVED: Roberts/Intemann

That the Minutes of the Ordinary Council Meeting held on 16 April 2014 be confirmed.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Roberts declared a Pecuniary Interest in Item 11.02 - Tastings on Hastings, the reason being that Councillor Roberts' food business Yankee Deli is likely to be a stall holder at the event should it go ahead.

Councillor Roberts declared a Non-Pecuniary, Significant Interest in Item 13.09 - Section 94 Local Roads Contributions Plan - Areas 13 Thrumster, Area 14 Lake Cathie/Bonny Hills and Area 15 Camden Haven, the reason being that Councillor Roberts' family trust is a shareholder in a local building company who is likely to build a significant number of houses in Areas 13, 14 and 15 and although said building company is not a developer of land, one could reasonably argue that he would have at least a non-pecuniary interest if a downturn in custom occurs as a result of any resolution of Council on this matter.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.04 - DA2013 - 0300 - Retail Premises (Kmart and Specialty Shops), Signage, Carpark and Associated Infrastructure Works (Landscaping, Pedestrian Network, Road Works and Traffic Signals) Including Clause 4.6 Variation to Clause 4.3 and 4.4 of the Port Macquarie-Hastings Local Environmental Plan 2011 (PIN61923), the reason being that Councillor Levido is a partner in Donovan Oates Hannaford Lawyers who acts for two clients in the Settlement City Precinct whose properties immediately adjoin the property the subject of this development application.

Councillor Besseling declared a Pecuniary Interest in Item 13.10 - Liveable Neighbourhoods - Town Fringe: Submissions Report, the reason being that Councillor Besseling's relative has a property interest in the area.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

MOVED: Besseling

That the Mayoral Discretionary Fund allocations for the period 4 April to 8 May 2014 be noted.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

06.02 SHORT STREET CAR PARK, PORT MACQUARIE

MOVED: Besseling

That Council:

1. Provide written response to NSW Trade and Investment Crown Lands request to Council for concurrence for an in principle sale of Part Lot 701 DP 1026899 (Short St Car Park) to Woolworths for a supermarket development.
2. As the corporate manager appointed to manage the Trusts for the respective Short Street Car Park Reserve (R87283) and adjoining Kooloonbung Creek Reserve (R87617), decline to provide concurrence for the in-principle sale.
3. Request that NSW Trade and Investment Crown Lands provide details of any Public Interest Test undertaken in relation to the sale of Part Lot 701 DP 1026899, in response to the Government's commitment to the National Competition Policy.
4. Request that NSW Trade and Investment Crown Lands provide details of any Land Assessment undertaken as per the Crown Lands Act 1989, in relation to Reserves R87283 and R87617.
5. Request that NSW Trade and Investment Crown Lands undertake a competitive process for the sale of any land in relation to Reserves R87283 and R87617 through a public Expression of Interest.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Sargeant/Hawkins

That Council determine that the attachments to Item Numbers 11.02 and 13.04 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

08 PUBLIC FORUM

The Mayor advised of applications to address Council in the Public Forum from:

1. Mr George Cecato regarding the Port Macquarie Airport - Draft Lease.
2. Mr Ron Whitehead regarding a shark proof enclosure fronting Westport Park.

RESOLVED: Roberts/Griffiths

That the above requests to speak in the Public Forum be acceded to, save and except the request from Mr George Cecato due to the matter the subject of his address being current negotiations of a commercial lease between himself and Council.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

08.01 SHARK PROOF ENCLOSURE FRONTING WESTPORT PARK

Mr Whitehead addressed Council in regard to a shark proof enclosure fronting Westport Park and answered questions from Councillors.

REQUEST TO SPEAK ON AN AGENDA ITEM

The Mayor advised of requests to speak on an agenda item, as follows:

Item 11.01 - Mr Bill Vogel - failed to indicate whether or not in support or opposition of the recommendation.

Item 11.01 - Mr Andrew Crane Vogel - failed to indicate whether or not in support or opposition of the recommendation.

Item 12.04 - Mr Tony Thorne in support of the recommendation.

RESOLVED: Hawkins/Sargeant

That the requests to speak on an agenda item be acceded to.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Hawkins/Sargeant

That Standing Orders be suspended to allow Items 11.01 and 12.04 to be brought forward and considered next.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

11.01 FREE CAMPING

Mr Bill Vogel addressed Council in , supporting the recommendation.

Mr Andrew Crane addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Intemann/Hawkins

That Council:

1. Agree to implement Strategy Option 2 for the management of free camping in reserves and carparks along our coastal areas, on an 8 month trial basis;
2. Define "camping" for the purposes of the regulation of the activity "Camping in reserves, roads and road-related areas", as "Where any place is used as recreation, or on an outing or vacation, the use of that place by a person or persons lodged in a tent or any temporary structure or other means of shelter or accommodation";
3. Resolve (in accordance with Option 2) that it will not permit camping (as defined in recommendation 2 above) on reserves, roads and road-related areas in the Port Macquarie-Hastings Local Government Area; and
4. Note that further reports will be provided to Council in November 2014 as an update and May 2015 to provide advice on the effectiveness of trial measures, results of free camping research, and long-term management strategy recommendations.
5. Consider vehicle based infringement systems.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

12.04 DA2013 - 0300 - RETAIL PREMISES (KMART AND SPECIALTY SHOPS), SIGNAGE, CARPARK AND ASSOCIATED INFRASTRUCTURE WORKS (LANDSCAPING, PEDESTRIAN NETWORK, ROAD WORKS AND TRAFFIC SIGNALS) INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 AND 4.4 OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 (PIN61923)

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 06:06pm.

Mr Tony Thorne of King and Campbell Pty Ltd and representing K-Mart Australia, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Roberts/Griffiths

That DA 2013 - 0300 for a retail premises (Kmart and specialty shops), signage, car park and associated infrastructure works including clause 4.6 variation to clause 4.3 and 4.4 of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 2, DP 1163062, Part Lot 2 DP 873770, No. 23-41 Park Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

CARRIED: 6/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Roberts and Sargeant

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 06:17pm.

09.01 STATUS OF OUTSTANDING REPORTS TO COUNCIL - MAY 2014

RESOLVED: Intemann/Griffiths

That the information in the May 2014 Status of Outstanding Reports to Council be noted.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

09.02 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR TURNER

RESOLVED: Levido/Hawkins

That Councillor Turner be granted leave of absence for 21 May 2014 and 18 June 2014, which includes the Ordinary Meetings of Council scheduled for 21 May 2014 and 18 June 2014.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

09.03 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR CUSATO

RESOLVED: Levido/Hawkins

That Councillor Cusato be granted leave of absence for the period 17 May 2014 to 24 May 2014, which includes the Ordinary Meeting of Council scheduled for 21 May 2014.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

09.04 QUESTION ON NOTICE - REPORTING TO COUNCIL

RESOLVED: Roberts/Intemann

That the information on effecting greater advice and consistency in reporting to Council be noted.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

09.05 QUESTION ON NOTICE - EXHIBITION OF PROPOSALS FOR COUNCIL FACILITIES AND PROJECTS

RESOLVED: Intemann/Sargeant

That the information provided regarding the exhibition of proposals for Council facilities and projects be noted.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

09.06 REPORT ON ATTENDANCE AT PLACE LEADERS ASIA PACIFIC CONFERENCE ON "THE FUTURE OF PLACES: AUSTRALASIA AND THE ASIA PACIFIC"

RESOLVED: Hawkins/Levido

That the conference report provided by Councillor Hawkins on his attendance at the Future of Places: Australasia and the Asia Pacific Conference be noted.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

09.07 SERVICE REVIEW PROJECT

RESOLVED: Roberts/Hawkins

That Council endorse the Service Summary methodology that will be used to undertake the organisation-wide Service Review project.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

09.08 AMENDMENT OF STEERING GROUP CHARTERS

RESOLVED: Roberts/Sargeant

That Council endorse amendments to the Stingray Creek Bridge Replacement Project Steering Group Charter and the Port Macquarie Indoor Stadium Steering Group Charter.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

09.09 MONTHLY FINANCIAL REVIEW FOR APRIL 2014

RESOLVED: Hawkins/Griffiths

That Council adopt the adjustments in the "Financial Implications" section of the report for April 2014.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

09.10 INVESTMENTS - APRIL 2014

RESOLVED: Levido/Hawkins

That Council receive and note the Investment Report for the month of April 2014.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

09.11 GLASSHOUSE STRATEGIC BUSINESS PLAN 2014 - 2017

RESOLVED: Roberts/Levido

That:

1. Council note the Report and the Draft Glasshouse Strategic Business Plan 2014-2017 (the Plan).
2. Council request the Glasshouse Sub-Committee to reconsider the Plan particularly as to:
 - a) its overall balance, having regard to its currently stated key underlying principle and ultimate aim, bearing in mind the Plan's importance in achieving Council Strategic Vision for the Glasshouse; and
 - b) how the involvement of the various divisions of Council's organisation can assist in delivering the desired Key Outcomes of the Plan.
3. The matter, including the further Draft Glasshouse Strategic Business Plan 2014-2017 (the further Plan) be reported back to the August 2014 Ordinary Meeting of Council.
4. Councillors receive a briefing before the August 2014 Meeting as to the operational plan that would be implemented if the further Plan were adopted.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant
AGAINST: Nil

09.12 CROWN LANDS LEGISLATION WHITE PAPER

RESOLVED: Intemann/Sargeant

That Council:

1. Note the content of the report.
2. Make a submission to the NSW Trade & Investment - Crown Lands Management Review in line with the content of the responses to the 19 questions set out in the document "PMHC Responses to the Crown Lands Legislation White Paper" as attached to this report.
3. Write to the Member for Port Macquarie and the Member for Oxley seeking confirmation that there will be no forced transfer of Crown land to Council.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant
AGAINST: Nil

09.13 2013 - 2014 OPERATIONAL PLAN PROGRESS REPORT AS AT MARCH 2014

RESOLVED: Intemann/Levido

That Council:

1. Note the attached 2013 - 2014 Operational Plan Progress Report as at March 2014.
2. Note the Capital Works status report.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

10.01 RESOURCING FOR SWIMMING POOL COMPLIANCE FUNCTIONS

RESOLVED: Levido/Hawkins

That Council:

1. Authorise the General Manager to employ one permanent full time staff member to carry out the Swimming Pool Compliance Program.
2. Request the General Manager monitor the performance of the program over the first 12 months and reassess resource allocation effectiveness.
3. Request the General Manager assess the resource demand again in 2017/18 prior to Stage 3-4 of the Swimming Pool Compliance Program commencing.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

10.02 NSW YOUTH WEEK - EVALUATION OF PORT MACQUARIE-HASTINGS PROGRAM

RESOLVED: Levido/Roberts

That Council:

1. Note the National Youth Week Report.
2. Acknowledge and thank the Youth Advisory Council for its efforts and contribution to delivering the 2014 Youth Week Program.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

10.03 RECOMMENDATIONS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE MEETING HELD ON THURSDAY 24 APRIL 2014

RESOLVED: Besseling/Roberts

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Mayor's Sporting Fund to:

1. Mr Miles Clissold be granted \$250.00 (ex GST) to assist with the expenses he will incur travelling and competing at MX National Motocross Championships.
2. Mr Sam Lewis be granted \$350.00 (ex GST) to assist with the expenses he would have incurred travelling to and competing at the 2014 All Schools Sports Triathlon Championships held in Victoria during April 2014.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

11.02 TASTINGS ON HASTINGS

Councillor Roberts declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 07:02pm.

RESOLVED: Levido/Hawkins

That Council note:

1. The progress in planning for the 2014 Tastings on Hastings event; and
2. The draft budget for the 2014 Tastings on Hastings (confidential attachment).

CARRIED: 6/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido and Sargeant

AGAINST: Nil

Councillor Roberts returned to the meeting, the time being 07:03pm.

11.03 DESTINATION MANAGEMENT PLAN

RESOLVED: Besseling/Roberts

That Council adopt the Greater Port Macquarie Destination Management Plan 2014.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

11.04 QUESTION ON NOTICE - ACKNOWLEDGEMENT OF COUNCIL'S ASSISTANCE REPORT

RESOLVED: Intemann/Sargeant

That Council note the advice provided in response to the Question on Notice - Acknowledgement of Council's Assistance Report, and take all reasonable efforts to ensure that Council's assistance is recognised by recipients of Council funding and sponsorship.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

12.01 QUESTION ON NOTICE - ENERGY CONSUMPTION AND PORT MACQUARIE LIBRARY SOLAR

RESOLVED: Griffiths/Roberts

That:

1. The information provided in the report be noted.
2. The General Manager provide detail of the 2014/15 solar programme proposed by the Federal Government, available funding and suitability to participate by September 2014.
3. The General Manager provide advice as to whether the current installation on the library (without any additional capital expenditure on the system) has realised its full capacity?

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

12.02 INFRASTRUCTURE DELIVERY RESOURCING

RESOLVED: Levido/Roberts

That Council:

1. Note the current Infrastructure Delivery Section professional staff resourcing, the proposed future capital works programs to be delivered by this section and the professional project and contract management resource shortfall as detailed within this report.
2. Approve the appointment of an additional Works Engineer on a temporary basis for a period of two (2) years (as detailed in this report), to be funded directly through capital works budgets.
3. Approve the appointment of a permanent Contract Administrator (as detailed in this report), to be funded directly through capital works budgets.
4. Approve the appointment of a Junior Project Manager/Engineer (as detailed in this report), to be funded directly through capital works budgets.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

12.03 SALE OF AUSTRALIAN CARBON CREDITS

RESOLVED: Intemann/Hawkins

That Council:

1. Sell the current issuance of Australian Carbon Credit Units through a spot transaction to an intermediary.
2. Sell the further issuance due 1 September 2014 under a forward contract for delivery.
3. Consider dedication of the net revenue from the sale of credits towards renewable energy projects.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

12.05 DA2014 - 0028 ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 5 SEC K DP 25923, NO. 1506 OCEAN DRIVE, LAKE CATHIE (PIN15431)

RESOLVED: Intemann/Levido

That the determination of DA2014 - 0028 for Alterations and Additions to Dwelling Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 5 Sec K DP 25923, No. 1506 Ocean Drive, Lake Cathie be noted.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

**12.06 RECOMMENDED ITEM FROM HASTINGS LGA COAST & ESTUARIES
SUB-COMMITTEE - RESIGNATION FROM THE SUB-COMMITTEE**

RESOLVED: Intemann/Roberts

That Council:

1. Defer advertising to fill the vacancy for a community member on the Hastings LGA Coast & Estuaries Sub-Committee pending a full review of the Sub-Committee charter.
2. Formally thank Mr Jack Jones for his contribution and service to the Hastings LGA Coast & Estuaries Sub-Committee.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

**12.07 RECOMMENDED ITEM FROM HASTINGS LGA COAST & ESTUARIES
SUB-COMMITTEE - SEA LEVEL RISE MAPPING**

RESOLVED: Intemann/Sargeant

That Council:

1. Note the attached Sea Level Rise Mapping Report.
2. Hold a public information session to inform interested stakeholders about the Sea Level Rise Mapping Project.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

**12.08 DA 2013 - 0650 - BOUNDARY ADJUSTMENT AND DEMOLITION OF
DWELLING INCLUDING CLAUSE 4.6 OBJECTION TO MINIMUM LOT SIZE
- LOT 69 DP 321987 AND LOT 1 DP 1166393, 16 COMBOYNE STREET,
COMBOYNE (PIN17188, 62064)**

RESOLVED: Levido/Intemann

That DA 2013 - 0650 for a boundary adjustment and demolition of dwelling including a clause 4.6 objection to clause 4.1 (minimum lot size) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 69, DP321987 and Lot 1 DP 1166393, No. 16 Comboyne Street, Comboyne, be determined by granting consent subject to the recommended conditions.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

12.09 LAKE CATHIE REVETMENT WALL OPTIONS REPORT

RESOLVED: Sargeant/Levido

That Council:

1. Note the Lake Cathie Revetment Wall Investigation and Design, Option Assessment and Preliminary Design Report (2014).
2. Endorse a Rock Armoured type revetment wall for detailed engineering design.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

12.10 RECOMMENDED ITEM FROM HASTINGS LGA FLOODPLAIN SUB-COMMITTEE - HASTINGS FLOODPLAIN RISK MANAGEMENT PLAN

MOTION

MOVED: Griffiths/Roberts

That Council defer the Hastings River Floodplain Risk Management Plan pending further advice.

LOST: 2/5

FOR: Griffiths and Roberts

AGAINST: Besseling, Hawkins, Intemann, Levido and Sargeant

FORESHADOWED MOTION

MOVED: Intemann

1. Adopt the Hastings River Floodplain Risk Management Plan (2013).
2. Note that the implementation of each action in the Plan be subject to; funding, community engagement and where necessary, further feasibility analysis (including options).

RESOLVED: Intemann/Levido

1. Adopt the Hastings River Floodplain Risk Management Plan (2013).
2. Note that the implementation of each action in the Plan be subject to; funding, community engagement and where necessary, further feasibility analysis (including options).

CARRIED: 5/2

FOR: Besseling, Hawkins, Intemann, Levido and Sargeant

AGAINST: Griffiths and Roberts

13.01 QUESTION ON NOTICE - INTEGRATED TRANSPORT CORRIDOR

RESOLVED: Intemann/Levido

That the report be received and noted.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

13.02 LANEWAY CLOSURE NANGARA PLACE, PORT MACQUARIE

RESOLVED: Griffiths/Intemann

That Council:

1. Refer to the Local Traffic Committee (LTC) for final assessment and recommendation back to Council, feedback from the community consultation on the proposal to close the public laneway off Nangara Place, Port Macquarie to vehicle access.
2. Notify adjoining property owners of this intended course of action.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

13.03 UPDATE ON DRAFT WAUCHOPE TRAFFIC MANAGEMENT STRATEGY

RESOLVED: Intemann/Levido

That Council:

1. Note the update report relating to the Draft Wauchope Traffic Management Strategy.
2. Request the General Manager to provide a briefing to Councillors in June 2014 to discuss the issues.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

13.04 OCEAN DRIVE DUPLICATION (BETWEEN GREENMEADOWS DRIVE SOUTH AND MATTHEW FLINDERS DRIVE) PROJECT UPDATE

RESOLVED: Hawkins/Griffiths

That Council:

1. Note this status report (including the attached Detailed Project Plan) for the Ocean Drive Duplication Project.
2. Form the Ocean Drive Duplication Steering Group for the duration of the project with a Steering Group Charter as attached to this report.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

13.05 BEECHWOOD SEWERAGE SCHEME UPDATE

RESOLVED: Levido/Roberts

That the report be noted.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

13.06 PACIFIC HIGHWAY UPGRADE - OXLEY HIGHWAY TO KEMPSEY - ACQUISITION OF A COUNCIL UNFORMED PUBLIC ROAD BY NSW ROADS & MARITIME SERVICES

RESOLVED: Sargeant/Roberts

That Council:

1. Raise no objection to the compulsory acquisition by the NSW Roads & Maritime Services of Lot 2 DP591726.
2. Not seek monetary compensation for the acquisition of Lot 2 DP591726.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

13.07 ACQUISITION OF LAND FOR ROAD PURPOSES - COWAL CREEK ROAD, BELLANGRY (PIN30707)

RESOLVED: Levido/Griffiths

That Council:

1. Pay compensation in the amount of \$12,500 (GST Exclusive) to the registered proprietors of Lots 33, 44, 56 & 78 Deposited Plan 754406 for the acquisition of those parts of Lots 33, 44, 56 and 78 Deposited Plan 754406 more particularly described as Lots 1, 2, 3 and 4 in plan of acquisition Deposited Plan 1194169.
2. Pay the costs reasonably incurred by the registered proprietors arising from the acquisition of the land.
3. Affix the Common Seal to the Deed of Acquisition / Contract for Sale.
4. Pursuant to section 377 of the Local Government Act 1993, delegate to the General Manager authority to sign:
 - a. Deed of Acquisition / Contract for Sale.
 - b. Land and Property Information Transfer Form.
5. On acquisition of Lots 1, 2, 3 and 4 Deposited Plan 1194169 dedicate the land as public road pursuant to section 10 of the Roads Act 1993.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

13.08 PACIFIC DRIVE INTEGRATED HOUSING ENVIRONMENTAL MANAGEMENT LAND PLANNING AGREEMENT AND SANCROX EMPLOYMENT LAND AND QUARRY PLANNING AGREEMENT (PN 19397, 33838)

RESOLVED: Sargeant/Hawkins

That the report on the Pacific Drive Integrated Housing Environmental Management Land Planning Agreement and Sancrox Employment Land and Quarry Planning Agreement be noted.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

**13.09 SECTION 94 LOCAL ROADS CONTRIBUTIONS PLAN - AREAS 13
THURMSTER, AREA 14 LAKE CATHIE/BONNY HILLS AND AREA 15
CAMDEN HAVEN**

Councillor Roberts declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 07:57pm.

RESOLVED: Griffiths/Levido

That Council:

1. Approve the Section 94 Local Roads Contributions Plan Areas 13, 14 & 15 and make consequential amendments to the Port Macquarie Hastings Council Section 94 Major Roads Contributions Plan 2006.
2. Provide public notice of its decision to approve the Section 94 Local Roads Contributions Plan Areas 13, 14 and 15 and amend the Port Macquarie Hastings Council Section 94 Major Roads Contributions Plan 2006.
3. Write to those parties that made a submission regarding the draft contributions plan and advise of Council's decision.

CARRIED: 6/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido and Sargeant

AGAINST: Nil

Councillor Roberts returned to the meeting, the time being 08:07pm.

**13.10 LIVEABLE NEIGHBOURHOODS - TOWN FRINGE: SUBMISSIONS
REPORT**

Councillor Besseling declared a Pecuniary Interest in this matter, vacated the Chair and left the room and was out of sight during the Council's consideration, the time being 08:07pm.

The Deputy Mayor assumed the Chair.

RESOLVED: Intemann/Hawkins

That Council:

1. Note the matters raised in submissions as summarised in this report and attached and thank all those who made a submission in writing for their contribution.
 2. Prepare a draft planning proposal as described in this report, pursuant to section 55 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to changing the Land Use Zoning Map, the Height of Buildings Map and the Floor Space Ratio Map as they relate to the identified Town Fringe areas of Port Macquarie.
 3. Forward the draft planning proposal to NSW Planning and Infrastructure for a
-

-
- Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to sections 56 - 58 of the Act.
4. Request that the Director General of the Department of Planning and Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 59 of the Act in respect of the planning proposal.
 5. Prepare a draft amendment to the Port Macquarie-Hastings Development Control Plan 2013 to incorporate the changes described in this report and publicly exhibit the draft for a minimum of 28 days in accordance with clause 18 of the Environmental Planning and Assessment Regulation 2000.
 6. Be briefed on any proposed LEP amendments prior to forwarding to NSW Planning and Environment.

CARRIED: 6/0

FOR: Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

The Deputy Mayor vacated Chair.

Mayor Besseling returned to the meeting, the time being 08:10pm.

The Mayor assumed Chair.

Councillor Hawkins left the meeting, the time being 8.10pm.

13.11 NEW DEVELOPMENT SERVICING PLANS FOR WATER SUPPLY AND SEWERAGE

RESOLVED: Levido/Roberts

That Council exhibit the draft Development Servicing Plans for Water Supply and Sewerage for 30 working days (six weeks) and that a report on the outcome of the public exhibition be presented back to Council.

CARRIED: 6/0

FOR: Besseling, Griffiths, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

14 QUESTIONS FOR NEXT MEETING

14.01 WASTE SITE - MAJOR INNES PRECINCT

Question from Councillor Griffiths:

What potential benefit could be provided by capping the waste site within the Major Innes precinct and then sold as industrial sites?

What analysis has been carried out to determine alternate options and possible cost benefit return and effective utilization of land, noting Council has undertaken an investigation for landfill gas.

Comments by Councillor (if provided):

Nil.

14.02 LANDFILL GAS EXTRACTION

Question from Councillor Griffiths:

1. What is the purpose of landfill gas extraction?
2. What evidence suggests this is an option to undertake?
3. What resources are required including overheads to investigate landfill gas extraction?
4. Could those resources be more effectively utilized?
5. What is the likely cost to extract gas including information received through the waste contract process?
6. When organics or biosolids do not go to landfill how will this affect the Council's liability for carbon emissions?
7. Has organics and biosolids to compost been recognized as a positive programme to meet carbon emissions?
8. When would Council be expected to be liable for waste emissions?

Comments by Councillor (if provided):

Nil.

Councillor Hawkins returned to the meeting, the time being 08:12pm.

14.03 SECTION 94 LOCAL ROADS CONTRIBUTIONS PLAN

Question from Councillor Griffiths:

Could the General Manager provide advice to Council on the following to the July Meeting 2014 in relation to Item 13.09 May 2014 Meeting:

1. Advise whether a set standard could be applied through a matrix for local/regional roads estimates.
2. Provide comparison values with similar councils and commercial operations.
3. Provide clarity on the impact of housing cost to purchasers as a result of the local road increases.

Comments by Councillor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Roberts/Hawkins

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

Item 15.01 Tender T-14-06 Operation of the Settlement Point and Hibbard Ferries, Port Macquarie

This item is considered confidential under Sect 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 15.02 Tender T-14-15 North Haven Community Hall Upgrade (PIN60563)

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

Item 15.03 Tender T-14-14 Management and Operation of Four (4) Council Owned Swimming Pool

This item is considered confidential under Sect 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a

person with whom the Council is conducting (or proposes to conduct) business.

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

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 8.14pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 8.25pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Griffiths/ Roberts

That the undermentioned recommendations from Confidential Committee of the Whole (Closed Session) be adopted:

- Item 15.01 Tender T-14-06 Operation of the Settlement Point and Hibbard Ferries, Port Macquarie

This item is considered confidential under Sect 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION

That Council:

1. Award the Tender for Operation of the Settlement Point and Hibbard Ferries as per Option 1 of the Request for Tender to Ferrymen (Port Macquarie) Pty Limited for \$815,451.60 per annum (Ex GST) for the 3 year term commencing on 1 July 2014 with options to extend for a further two (2) one (1) year periods (at Council's sole discretion).
2. Not proceed with Option 2 of the Request for Tenders relating to the Operation and Scheduled Maintenance of the Settlement Point and Hibbard Ferries as the offer

received does not represent a value for money proposition for Council.

3. Affix the seal of Council to the necessary documents.

Item 15.02 Tender T-14-15 North Haven Community Hall Upgrade (PIN60563)

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

RECOMMENDATION

That Council:

1. In accordance with the Local Government (General) Regulations 2005, 178.1(b) decline to accept any of the tenders submitted.
2. Decline to invite fresh tenders for the reason that the Tender Evaluation Panel (TEP) considered that of the two (2) submissions received, the submission from Eames Pty Ltd represents best overall value for money; however further negotiations with Eames Pty Ltd are required to ensure what works are able to be completed under the resultant contract and within the overall project budget.
3. In accordance with the Local Government (General) Regulations 2005, 178.3(e), enter into negotiations with Eames Pty Ltd due to the favourable ranking against the overall evaluation criteria and for the reasons described above in Recommendation 2.

Item 15.03 Tender T-14-14 Management and Operation of Four (4) Council Owned Swimming Pool

This item is considered confidential under Sect 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION

1. Accept the tender of \$281,612 (excl GST) from Swimwell Pty Ltd for the Management & Operation of Kendall Swimming Pool for a period of sixty (60) months from 1 July 2014 to 30 June 2019.
2. Accept the tender of \$406,084 (excl GST) from Swimwell Pty Ltd for the Management & Operation of Laurieton Swimming Pool for a period of sixty (60) months from 1 July 2014 to 30 June 2019.
3. Accept the tender of \$165,582 (excl GST) from Swimwell Pty Ltd as payment to Council for the Management & Operation of Port Macquarie Swimming

-
- Pool for a period of sixty (60) months from 1 July 2014 to 30 June 2019.
4. Accept the tender of \$343,046 (excl GST) from Swimwell Pty Ltd for the Management & Operation of Wauchope Swimming Pool for a period of sixty (60) months from 1 July 2014 to 30 June 2019.
 5. Affix the seal of Council to the necessary documents.
-

The meeting closed at 8.26pm.

.....
Peter Besseling
Mayor

Item: 05
Subject: DISCLOSURES OF INTEREST

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 Interest:

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

☐

Non-Pecuniary - Less than Significant Interest:

May participate in consideration and voting.

For the reason that:
.....

Signed: Date:

(Further explanation is provided on the next page)

Further Explanation

(Local Government Act and Code of Conduct)

A conflict of interest exists where a reasonable and informed person would perceive that a Council official could be influenced by a private interest when carrying out their public duty. Interests can be of two types: pecuniary or non-pecuniary.

All interests, whether pecuniary or non-pecuniary are required to be fully disclosed and in writing.

Pecuniary Interest

A pecuniary interest is an interest that a Council official has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the Council official. (section 442)

A Council official will also be taken to have a pecuniary interest in a matter if that Council official's spouse or de facto partner or a relative of the Council official or a partner or employer of the Council official, or a company or other body of which the Council official, or a nominee, partner or employer of the Council official is a member, has a pecuniary interest in the matter. (section 443)

The Council official must not take part in the consideration or voting on the matter and leave and be out of sight of the meeting. (section 451)

Non-Pecuniary

A non-pecuniary interest is an interest that is private or personal that the Council official has that does not amount to a pecuniary interest as defined in the Act.

Non-pecuniary interests commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

The political views of a Councillor do not constitute a private interest.

The management of a non-pecuniary interest will depend on whether or not it is significant.

Non Pecuniary – Significant Interest

As a general rule, a non-pecuniary conflict of interest will be significant where a matter does not raise a pecuniary interest, but it involves:

- (a) A relationship between a Council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the Council official or of the Council official's spouse, current or former spouse or partner, de facto or other person living in the same household.
- (b) Other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- (c) An affiliation between a Council official an organisation, sporting body, club, corporation or association that is particularly strong.

If a Council official declares a non-pecuniary significant interest it must be managed in one of two ways:

1. Remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official.
2. Have no involvement in the matter, by taking no part in the consideration or voting on the matter and leave and be out of sight of the meeting, as if the provisions in section 451(2) apply.

Non Pecuniary – Less than Significant Interest

If a Council official has declared a non-pecuniary less than significant interest and it does not require further action, they must provide an explanation of why they consider that the conflict does not require further action in the circumstances.

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

Councillor's Signature: Date:

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the *Local Government Act 1993*. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

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

i. Section **443** (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative^{iv} or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

ii. Section **442** of the *Local Government Act 1993* provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section **448** of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).

iii. A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section **443** (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest—see section **448** (g) (ii) of the *Local Government Act 1993*.

iv. **Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

Item: 06.01**Subject: MAYORAL MINUTE - MAYORAL DISCRETIONARY FUND
ALLOCATIONS****Mayor, Peter Besseling**

RECOMMENDATION

That the Mayoral Discretionary Fund allocations for the period 9 May to 5 June 2014 be noted.

DiscussionMayoral Discretionary Fund Allocations

The total commitment from the Mayoral Discretionary Fund from 9 May to 5 June 2014 was \$585.00.

This included the following:

Donation to St Columba Anglican School Music Department	\$120.00
Donation to Hastings Women's Business Network	\$200.00
Donation to Salvation Army Red Shield Appeal	\$250.00
Centenarian Flowers - Alice Linton	\$15.00
	<u>\$585.00</u>

Attachments

Nil

Item: 07

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

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

1.4.3 Build trust and improve Council's public reputation through transparency and accountability

Nil.

Item: 08**Subject: PUBLIC FORUM**

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.

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: 09.01

Subject: STATUS OF OUTSTANDING REPORTS TO COUNCIL - JUNE 2014

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

1.4.3 Build trust and improve Council's public reputation through transparency and accountability.

RECOMMENDATION

That the information in the June 2014 Status of Outstanding Reports to Council be noted.

Discussion

Reports requested by Council

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
QON - Waste Site - Major Innes Precinct (Item 14.01 - ORD 21/05/14)		DDE	Jun 2014	Jun 2014
QON - Landfill Gas Extraction (Item 14.02 - ORD 21/05/14)		DDE	Jun 2014	Jun 2014
Assessment on the costs and benefits associated with the potential accreditation of Wauchope and/or Kendall as an RV friendly town (Item 11.03 - ORD 19/03/14)		DCSIE	Jun 2014	Jun 2014
Propose a new strategic approach for town and village entry signage and community or event signage. (Item 11.04 - ORD 19/03/14)	Waiting further information from RMS	DCSIE	Jun 2014	Jul 2014

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Identify sites on Council owned land suitable for destination signage within the Port Macquarie-Hastings Local Government Area outlining: The highest priority sites for signage. The budget needed for such signage. Amendments to the LEP 2011 to allow destination signage on such sites. (Item 11.04 - ORD 19/03/14)	Waiting further information from RMS	DCSIE	Jun 2014	Jul 2014
Impact of Road Openings and Closures on Private Property (Item 12.03 - ORD 18/09/13)	To be included in overall review of roads policies Information still being sought.	DIAM	Mar 2014	July 2014
Vegetation & Koala Habitat Maps - report: Dealing with a more specific timeline as to the production of the series of vegetation maps and koala habitat maps for the Port Macquarie-Hastings Local Government Area that can be made readily available to the general public; and Providing a more robust and balanced view (including consultation with interested stakeholders) of competing methodologies available in determining vegetation communities (including endangered ecological communities) and koala activity for the purposes of the current biolink habitat and vegetation mapping data sets or any future/alternative data sets. (Item 12.03 - ORD 19/03/14)		DDE	Jul 2014	Sep 2014

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Maintenance of Oxley Highway - Wauchope to Port Macquarie Report on results of the discussions with the NSW Roads and Maritime Service. (Item 13.06 - ORD 16/04/14)	Meeting between RMS and Council still being scheduled	DIAM	Jul 2014	Jul 2014
Thrumster Development Control Plan: Reformatting And Inclusion Of New Provisions For South Oxley Report on review of any submissions made during the public exhibition and any necessary alterations to the draft Development Control Plan after completion of the exhibition period. (Item 13.10 - ORD 16/04/14)		DDE	Jul 2014	Jul 2014
QON - Section 94 Local Roads Contributions Plan (Item 14.03 - ORD 21/05/14)		DDE	Jul 2014	Jul 2014
Glasshouse Strategic Business Plan 2014 - 2017 - following reconsideration of the Plan. (Item 09.11 - ORD 21/05/14)		DCSIE	Aug 2014	Aug 2014
Draft Development Control Guidelines - Birdon Marine West - submissions (Item 13.08 - ORD 19/02/14)	Delayed. Public exhibition has not commenced yet due to the extended Voluntary Planning Agreement negotiations.	DES	Apr 2014	Sep 2014
Use of McInherney Park Western Man-Made Beach (Item 12.04 - ORD 16/10/13)	Report within 1 month of adoption of PMH Recreation Plan	DIAM	Sep 2014	Sep 2014
New Development Servicing Plans for Water Supply and Sewerage - post exhibition (Item 13.11 - ORD 21/05/14)		DDE	Sep 2014	Sep 2014

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Deferral of Payment of Development Contributions - Progress of Expanded Provisions (Item 10.01 - ORD 16/10/13)		DDE	Oct 2014	Oct 2014
Free Camping - Update (Item 11.01 - ORD 21/05/14)		DCSIE	Nov 2014	Nov 2014
18 John Oxley Drive, Port Macquarie - Business Rezoning (Item 10.03 - ORD 18/12/13)		DDE	2014	2014
Review of the transition or holding account (Item 08.07 - ORD 18/12/13)		DCSIE	Feb 2015	Feb 2015
LEP - Eco-Tourist Facilities the number of applications approved under the ecotourism provisions of Port Macquarie-Hastings LEP 2011. the number of proposals that cannot proceed as a result of the development standards specified by clause 7.14 of Port Macquarie-Hastings LEP 2011. (Item 13.09 - ORD 16/04/14)		DDE	Apr 2015	Apr 2015
Free Camping - Advise on effectiveness of trial measures, results of free camping research and long-term management strategy recommendations. (Item 11.01 - ORD 21/05/14)		DCSIE	May 2015	May 2015
Benefits and future options for engagement of community volunteers (Item 10.02 - ORD 21/08/13)	Report after three months of operation of volunteer arrangement	DIAM		TBA

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Stingray Creek Bridge - accurate estimate of costs to be confirmed during the finalisation of the selective construction tender process (Item 12.07 - ORD 18/12/13)		DIAM		TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle
Monthly Financial Update	DCSIE	Monthly
Investments	DCSIE	Monthly
Mayoral Discretionary Fund Allocations	GM	Monthly
Development Activity and Assessment System Performance	DDE	Quarterly (Apr, Jul, Oct, Feb)
Glasshouse Quarterly Financial Report	DCSIE	Quarterly (July, Oct, Feb, Apr)
Procurement Strategy - Progress Report (Item 08.10 - ORD 18/09/2013)	DCSIE	Quarterly (July, Oct, Feb, Apr)
Glasshouse Strategic Business Plan - Progress Report	DCSIE	Quarterly (Aug, Nov, Feb, May)
Delivery Program - Progress Report	DCOD	Biannual (Mar, Sep)
Operational Plan - Progress Report	DCOD	Biannual (May, Oct)
Economic Development Strategy - Progress Report (Item 10.03 - ORD 20/11/2013)	DCSIE	Biannual (June, Dec)
MIDROC Strategic Plan 2013-2017 Outcomes (Item 08.03 - ORD 21/08/2013)	GM	Annually (Jul)
Compliments and Complaints Annual Report	DCOD	Annually (Aug)
Annual Report of the Activities of the Mayor's Sporting Fund	DCOD	Annually (Aug)
Council Meeting Dates	GM	Annually (Sep)
Creation of Office - Deputy Mayor	GM	Annually (Sep)
Payment of Expenses and Provision of Facilities to Councillors Policy for Exhibition	GM	Annually (Sep)
Annual Disclosure of Interest Returns	GM	Annually (Oct)

Ensuring Good Governance

Report	Reporting Officer	Reporting Cycle
Payment of Expenses and Provision of Facilities to Councillors Policy for Adoption	GM	Annually (Nov)
Council's Annual Report	GM	Annually (Nov)
Annual Reporting of Contracts for Senior Staff	GM	Annually (Nov)

Attachments

Nil

Ensuring Good Governance

Item: 09.02

Subject: 2014/2015 COUNCILLOR AND MAYORAL FEES

Presented by: General Manager, Craig Swift-McNair

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 in relation to Councillor remuneration for the 2014/2015 financial year, Council:

1. Pursuant to the provisions of section 248(2) of the Local Government Act 1993, Council set the annual fee payable to a Councillor for the financial year commencing 1 July 2013 to be \$17,930.00.
2. Pursuant to the provisions of section 249(3) of the Local Government Act 1993, Council set the annual fee payable to the Mayor for the financial year commencing 1 July 2013 to be \$39,110.00 (this amount is in addition to the fee payable to a Councillor).
3. Amend the 2014/2015 budget allocation for Councillor and Mayoral Fees in accordance with the fees set for 2014/2015.
4. Note the advocacy of Local Government NSW for a professional remuneration structure for Councillors.

Executive Summary

The Local Government Remuneration Tribunal on 24 April 2014 released its determination in relation to its 2014 annual review for the payment of fees to Councillors and Mayors.

Port Macquarie-Hastings Council is classified as a Regional Rural council. The Tribunal has determined that the revised band of fees for a regional rural council be:

Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Regional Rural	\$8,130	\$17,930	\$17,310	\$39,110

* This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member.

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

Ensuring Good Governance

Discussion

On 24 April 2014, the Local Government Remuneration Tribunal made its determination in relation to its 2014 Annual Review for the payment of fees to Councillors and Mayors. The review focused on the determination of annual fees to be paid in each of the categories to councillors and mayors.

The full 2014 Report and Determination from the Local Government Remuneration Tribunal has been provided to Councillors under separate cover and is available publicly from the Office of Local Government website, www.dlg.nsw.gov.au.

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

On 27 June 2011, the NSW Parliament passed amendments to the Act to apply the same government public sector wages cap that binds the Industrial Relations Commission to the determination of the minimum and maximum fees for councillors and mayors. Therefore no increase beyond 2.5 percent may be applied by the Tribunal to the minimum and maximum amounts of fees to be paid to councillors and mayors. The effect of the amendments to the Act was to remove the Tribunal's discretion to determine any increase beyond 2.5 percent.

On 20 January 2014 the Tribunal wrote to all council mayors advising of the commencement of the 2014 Annual Review and that it would encompass a review of the minimum and maximum fee levels for each category of council.

The Local Government Remuneration Tribunal acknowledged that the final reports of the Independent Local Government Review Panel and the Local Government Acts Taskforce were released on 8 January 2014. These reports make a series of recommendations for reform, some of which address remuneration for councillors and mayors.

At the time of commencing the annual review, the Tribunal did not expect that a decision on, or implementation of, any proposed reforms would be finalised prior to making its determination on or before 30 April 2014. For that reason the Tribunal, as it did in 2013, did not call for general submissions from individual councils for the 2014 review.

However, the Tribunal received two (2) submissions addressing the following matters:

- The Tribunal to determine the maximum statutory increase of 2.5 percent as permitted by the legislation.
- The Tribunal to benchmark mayoral and councillor fees with that of a State Member of Parliament.
- The Tribunal to introduce a professional remuneration structure for councillors to improve accountability and performance.

In addition to the two (2) submissions above, the Tribunal also received a submission and met with representatives of Local Government NSW (LGNSW).

Ensuring Good Governance

LGNSW requested that councillor and mayoral remuneration should be increased by the full 2.5 percent for 2013/2014 and has also sought a professional remuneration structure to ensure that local government attracts appropriately qualified people.

LGNSW continues to advocate that elected representatives face increasing challenges, associated with managing council workload, family responsibilities and paid work, and that the significant time involvement is not appropriately recompensed through the current remuneration levels.

The Tribunal reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and found that the full increase of 2.5 percent available to it is warranted and appropriate.

Port Macquarie-Hastings Council is classified as a Regional Rural council. The revised table of fees are shown below:

Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Principal City	\$24,430	\$35,820	\$149,460	\$196,660
Major City	\$16,280	\$26,880	\$34,600	\$78,300
Metropolitan Major	\$16,280	\$26,880	\$34,600	\$78,300
Metropolitan Centre	\$12,210	\$22,800	\$25,950	\$60,580
Metropolitan	\$8,130	\$17,930	\$17,310	\$39,110
Regional Rural	\$8,130	\$17,930	\$17,310	\$39,110
Rural	\$8,130	\$10,740	\$8,640	\$23,440
County Council – Water	\$1,620	\$8,960	\$3,460	\$14,710
County Council – Other	\$1,620	\$5,360	\$3,460	\$9,780

* This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member.

Options

Council must determine the Councillor Fee for the 2014/2015 financial year within the relevant band of the 2014 Local Government Remuneration Tribunal determination.

Councillor Fee \$8,130 - \$17,930

Council must determine the Mayoral Fee for the 2014/2015 financial year within the relevant band of the 2014 Local Government Remuneration Tribunal determination.

Mayoral Fee \$17,310 - \$39,110

Community Engagement & Internal Consultation

Internal Consultation

Group Manager Governance and Executive Services
Acting General Manager

Ensuring Good Governance

Planning & Policy Implications

As per Council's current Payment of Expenses and Provision of Facilities to Councillors Policy, Council will set the Councillor and Mayoral annual fees payable for the financial year commencing 1 July, prior to 30 June.

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

Financial & Economic Implications

The draft 2014/2015 budget currently has allocations for Councillor and Mayoral fees totalling \$200,468.

Draft 2014/2015 Budget Allocations:

Total (Annual) Councillor Fees	Total (Annual) Mayoral Fee	Total
\$143,418	\$57,050	\$200,468

If Council was to resolve to adopt the maximum amount payable to Councillors and the Mayor it would require an additional \$12.00 to be allocated to Councillor and Mayoral fees.

Tribunal Determination (Regional Rural - Maximum):

Councillor Fee	Mayoral Fee	Total
\$161,370 (Individual Cllr \$17,930)	\$39,110	\$200,480

Attachments

Nil

Ensuring Good Governance

Item: 09.03

Subject: MONTHLY FINANCIAL REVIEW FOR MAY 2014

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

Alignment with Delivery Program

1.4.2 Manage Council's financial assets, and provide accurate, timely and reliable financial information for management purposes and provide plain English community reporting.

RECOMMENDATION

That Council adopt the adjustments in the "Financial Implications" section of the report for May 2014.

Summary of Report

This report will detail the monthly budget adjustments as at 31 May 2014.

At a glance:

- There have been several adjustments that have resulted in no change to the current surplus.
- The current adjusted 2013-14 result has now improved from an original budget deficit of \$806,143 to a surplus of \$3,203.

Monthly Budget Adjustments as at 31 May 2014

Each month, Council's budgets are reviewed by Managers and Directors and any required adjustments are reported. The purpose of this report is to provide Council with an up to date view of the current actual financial position in comparison to the adopted 2013-14 budget along with proposed movement of funds to accommodate any changes.

Summary

Original Budget as at 1 July 2013	Deficit	(\$806,143)
Plus adjustments:		
July Review	Surplus	31,477
August Review	Deficit	(\$10,613)
September Review	Deficit	(\$81,870)
October Review	Balanced	\$0
November Review	Balanced	\$0

Ensuring Good Governance

January Review	Surplus	\$337,689
February Review	Surplus	\$43,150
March Review	Surplus	\$255,176
April Review	Surplus	\$234,337
May Review	Balanced	\$0
Forecast budget position for 30 June 2014	Surplus	\$3,203

May Adjustments

The following adjustments reflect the additional unbudgeted items included in this report that have no net impact on Council's surplus position.

Adjustments	Surplus/ Deficit	Amount \$	Comment
Norrie Reserve Kendall - Playground Replacement	Deficit	(443)	Minor overspend
Jack Dwyer Reserve - Exercise Station	Deficit	(280)	Minor overspend
Parks Plans of Management	Deficit	(972)	Minor overspend
Lank Bain Sportsfield - Replace Electrical Infrastructure	Deficit	(5,700)	Minor overspend.
Lank Bain Sportsfield - Replace Public Address System	Surplus	3,395	Funds not spent
Termination Payments	Deficit	(85,960)	This is to go towards previously approved termination payments
Engineering Development	Deficit	(64,100)	To cover consultants and additional staff costs from increased activity
Environmental Services	Deficit	(18,900)	Additional expenditure in department
Lifeguards	Deficit	(8,985)	Additional revenue in parks has been applied to additional expenditure on lifeguards.
Building Certification Revenue	Surplus	31,100	Building activity is greater than anticipated
Development Assessment Income	Surplus	18,900	Development application fees have been greater than anticipated.
Construction Certificate Revenue	Surplus	21,000	Building activity is greater than anticipated
Subdivision Certificate Income	Surplus	12,000	Subdivision activity is greater than anticipated.
Grants Operating - Parks & Gardens	Surplus	4,000	Council has received an unbudgeted employment/training grant
Financial Services - Sundry	Surplus	38,160	Increased S160 Certificates

Ensuring Good Governance

Income			due to increased property sales activity
Building Services Income	Surplus	5,925	Increased usage of Council buildings
Tree Maintenance/Recycling Income	Surplus	2,200	Increased activity
Parks - Rental of Reserves	Surplus	8,985	Increased rental of Council facilities
Private works revenue	Surplus	39,675	Increased private works activity
	Balanced	0	

In addition, the following adjustments reflect grant and contribution receipts, transfers between accounts and reserve movements.

It should be noted that the following adjustments have no impact on the surplus position (for example grant receipts have an associated expenditure budget).

Description	Notes	Funding Source	Amount
Grants and Contributions Received	3	Grants	\$55,813
Transfers between projects		Revenue	\$51,185
S94 funded works	1	S94	\$116,000
Increased TCMP maintenance allocation	2	Reserves	\$105,000
Land Sales	4	Reserve	\$379,900
Over-expenditure reviews	5	Grant/Revenue	\$30,000

With reference to the April adjustments, the following is noted:

1. Council has paid out additional funds under the BBRC Affordable housing rebate scheme. These payments have been funded from S94.
2. The TCMP committee resolved to increase the amount applied to footpath cleaning. This has been transferred from the TCMP reserve.
3. A grant from the Rural Fire Service has been received this month for bushfire mitigation works.
4. Council has sold a parcel of land and the proceeds have been transferred to the property reserve. This reserve will be used for future capital expenditure that will provide Council with a permanent revenue source.
5. Executive have approved an over-expenditure review for Kooloonbung Creek Nature Park shared Walkway/cycleway, the funds have been transferred from other projects.

It should also be noted that:

- All overspends greater than 2% of budget and over \$50,000 (along with proposed funding source) have been reviewed and approved by the Executive Group, being their function to oversee operational activities and approve operational actions.
- There has been no change to council's expected result for 2013-14.
- Any gains in interest income have not been taken into consideration into these calculations.

Ensuring Good Governance

Options

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

Planning & Policy Implications

Nil.

Financial & Economic Implications

Attached to the report for information is each individual budget adjustment by Division and Section. The net budget movements for the month maintain the current surplus.

Responsible Accounting Officer Statement

The approved budget surplus for 2013-14 following the April monthly financial review was \$3,203. The adjustments included in this report will maintain this position which is considered a satisfactory result for the year.

Attachments

1. 2013-14 May Budget Review

Ensuring Good Governance

Item: 09.04

Subject: INVESTMENTS - MAY 2014

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

Alignment with Delivery Program

1.4.2 Manage Council's financial assets, and provide accurate, timely and reliable financial information for management purposes and provide plain English community reporting.

RECOMMENDATION

That Council receive and note the Investment Report for the month of May 2014.

Summary of Report

- Total restricted funds invested as at 31 May 2014 equals \$151,174,816
- Year to date investment income of \$5,952,287 has reached 143.08% of the total annual budget
- In line with Council's Investment Policy, the total portfolio is performing above benchmark levels

Discussion

This report provides details of all funds that Council has invested under Section 625 of the Local Government Act, as at 31 May 2014. All investments were made in accordance with the Act, Regulations and Council's Investment Policy.

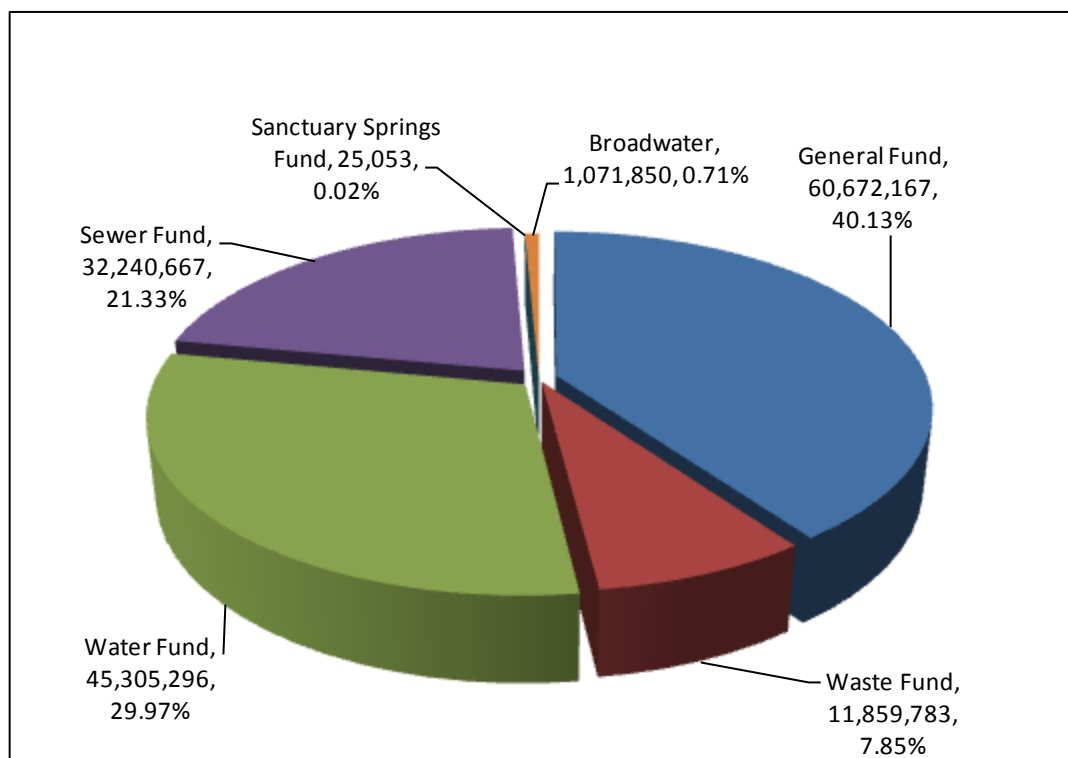
As at 31 May 2014, the investments held by Council totalled \$151,174,186 and is attributed to the following funds:

General Fund	60,672,167
Waste Fund	11,859,783
Water Fund	45,305,296
Sewer Fund	32,240,667
Sanctuary Springs Fund	25,053
Broadwater	<u>1,071,850</u>
	<u>151,174,816</u>

These are all restricted funds from loans, s94 contributions and other avenues which are committed for future works. The total quantum of unrestricted funds cannot be accurately determined until year end.

Ensuring Good Governance

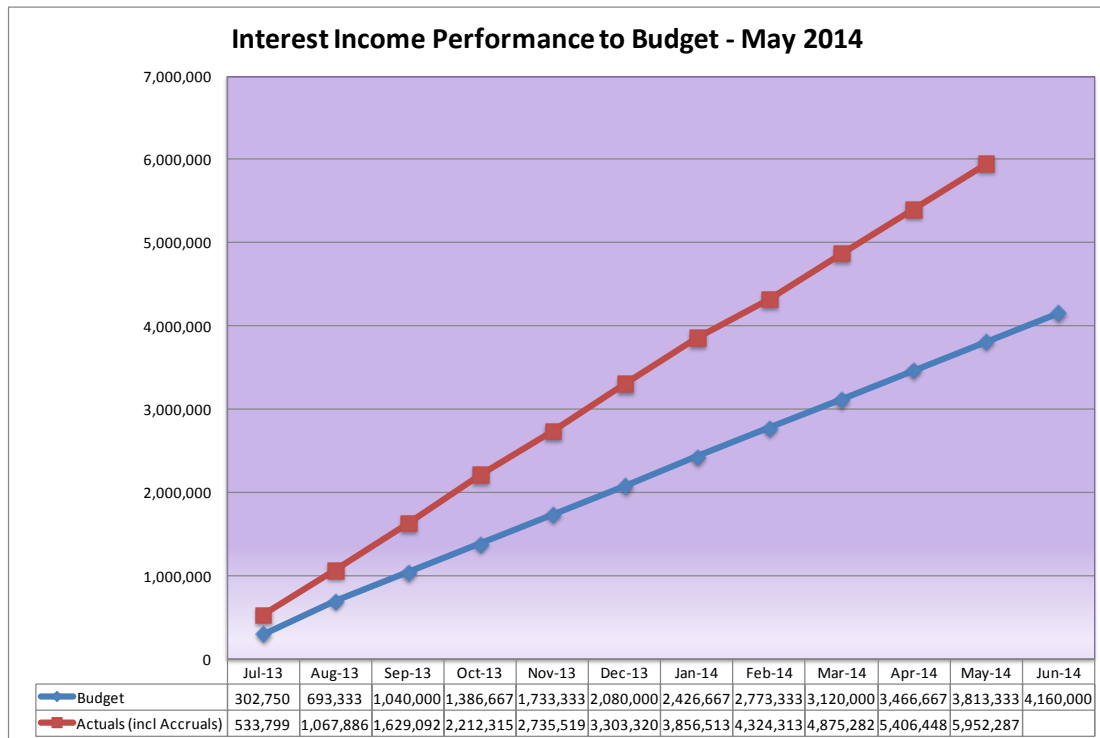
Investments by Fund - as at 31 May 2014



Portfolio Performance

- Council's total investment portfolio performance for May 2014 was 1.74% above the benchmark (4.33% against 2.59%)
- The total year to date investment income of \$5,952,287 has reached 143.08% of the total annual budget of \$4,160,000

Ensuring Good Governance



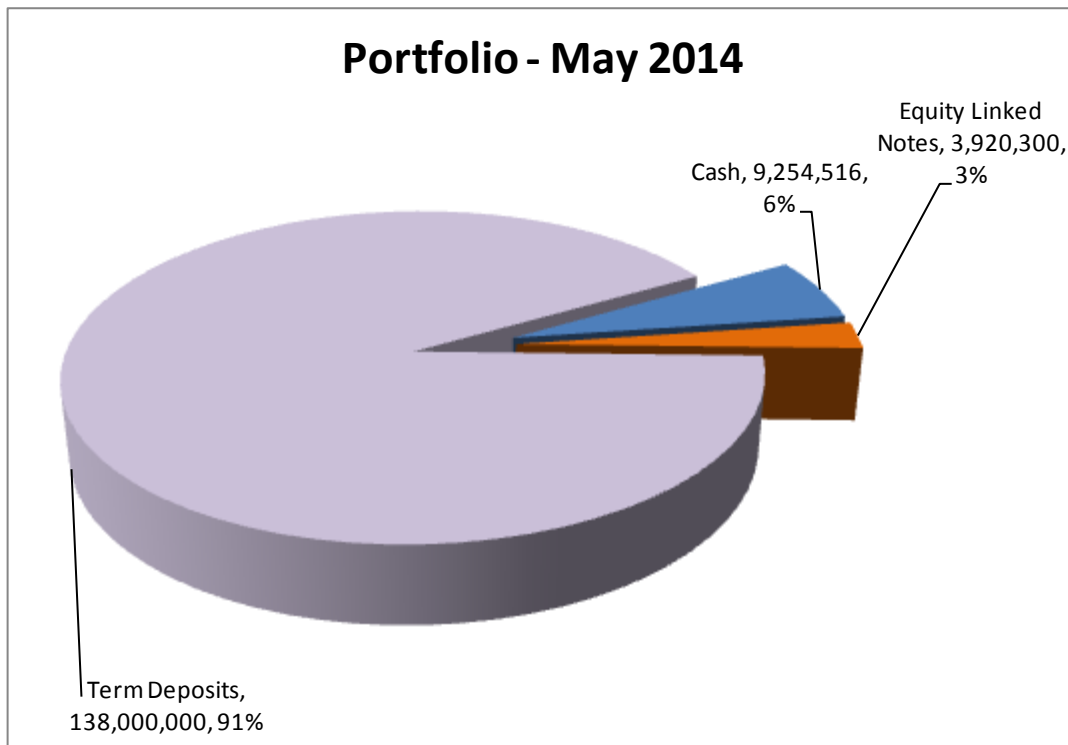
It should be noted that these year to date budget and actual totals are not a cash only position, but rather reflect cash and interest accruals at month end.

Investment Portfolio Mix

Council's current portfolio is represented by term deposits and two Capital Protected Equity Linked Notes. The total term deposits represent 91% of the total investment portfolio.

As at May month end the total investment portfolio was \$151,174,816 up from \$147,567,145 as at the end of April 2014.

Ensuring Good Governance

**Term Deposits**

Council's Investment Policy identifies the maximum amounts that can be invested in term deposits within the various maturity constraints and the amounts which can be held with various institutions based on their respective credit ratings.

Council's current term deposit portfolio mix is as follows:-

Table 1 - Term to Maturity

This table shows the amounts invested within the following maturity terms in accordance with limits as established by Council's Policy.


Term to Maturity		Balance \$	% Held	Policy Min	Policy Max
0 - 12 months		\$88,000,000	63.77%	40.00%	100.00%
1 - 3 years		\$44,000,000	31.88%	0.00%	60.00%
3 - 5 years		\$6,000,000	4.35%	0.00%	30.00%
5+ years			0.00%	0.00%	15.00%
Grand Total		\$138,000,000	100.00%		

Table 2 - Overall Portfolio Credit Framework

This table shows the amounts held with various institutions based on their respective credit ratings against the maximum limits set for each credit rating category. Setting limits precludes over exposure in any category held in comparison to the maximum allowed are shown in the table below.

Ensuring Good Governance

Rating Framework	Total	% Held	Maximum % Policy	Variance	Comments
A	42,000,000	30.43%	60.00%	29.57%	OK
AA	90,000,000	65.22%	80.00%	14.78%	OK
BBB	4,000,000	2.90%	20.00%	17.10%	OK
Below BBB		0.00%	0.00%	0.00%	OK
Unrated/ADI	2,000,000	1.45%	0.00%	-1.45%	Unrated
Grand Total	138,000,000	100.00%			

These tables show the total amount held for Council's term deposits and do not include the Equity Linked Notes.

Credit Unions are regarded as ADI's (Authorised Debt Taking Institutions) and generally do not have ratings. Under the regulation of APRA all ADI's have to meet the same requirements in terms of capital adequacy (how much capital they are required to hold), ensuring they don't take on too much leverage and become insolvent. In addition, ADI's are an eligible investment under the Minister's Order.

Council has one investment with the Holiday Coast Credit Union (HCCU) which is an ADI. This investment is shown in table 2 under "Unrated/ADI" and represents only 1.45% of the total investment, being \$2m.

Capital Protected Equity Linked Notes - Emu & Longreach

Council currently holds two capital protected products (CCPI) notes, Emu and Longreach, with a total face value of \$4m. These are due to mature in November 2014 and October 2015.

Whilst originally these products had the potential to be risky investments, with the correction in the financial markets during the GFC, these deals experienced a 100% shift out of any risky asset to a less risky situation to protect the Investor's principal.

At this stage we have been advised by Denison, (Council's financial advisors) that these funds on deposit will be growing at a rate that should return 100 cents in the dollar of the original funds invested.

Cash - Westpac Business Cash Reserve Account

This is not available unrestricted cash.

This is a maxi account which the Council uses as a cash flowing tool only. Funds are transferred in and out of this account daily prior to investment, given its higher rate of interest than the general payment account. Levels in this account vary dependent on the time of month and rate payer/creditor cycle.

Investment Portfolio by Maturity Date

The investment portfolio as at 31 May 2014, sorted by maturity date, is as follows:-

Ensuring Good Governance

Inv Name	Type	Purchase Date	Maturity Date	Yield	Face Value		
Bank of Queensland	TD	6-Sep-13	6-Jun-14	3.9000%	\$4,000,000		
AMP Bank Ltd	TD	11-Dec-13	11-Jun-14	3.9000%	\$2,000,000		
National Australia Bank	TD	12-Dec-12	12-Jun-14	4.5700%	\$3,000,000		
AMP Bank Ltd	TD	23-Dec-13	23-Jun-14	3.9000%	\$2,000,000		
Westpac Bank	TD	7-Mar-14	7-Jul-14	3.7500%	\$5,000,000		
National Australia Bank	TD	8-Apr-14	7-Jul-14	3.6900%	\$2,000,000		
ING Bank (Australia) Ltd	TD	26-Nov-13	24-Jul-14	3.8500%	\$3,000,000		
Bendigo Bank	TD	30-Apr-14	29-Jul-14	3.6500%	\$1,000,000		
Westpac Bank	TD	22-May-14	20-Aug-14	3.6800%	\$3,000,000		
Westpac Bank	TD	29-May-14	27-Aug-14	3.6700%	\$4,000,000		
National Australia Bank	TD	29-Aug-13	29-Aug-14	3.9500%	\$6,000,000		
National Australia Bank	TD	6-Sep-13	6-Sep-14	3.9700%	\$4,000,000		
Rabobank	TD	9-Sep-13	9-Sep-14	3.9500%	\$2,000,000		
Bank of Queensland	TD	10-Oct-13	10-Oct-14	3.8500%	\$5,000,000		
Westpac Bank	TD	11-Nov-11	11-Nov-14	5.9200%	\$3,000,000		
ING Bank (Australia) Ltd	TD	26-Nov-13	26-Nov-14	3.8500%	\$4,000,000		
Bendigo Bank	TD	11-Dec-13	11-Dec-14	3.9000%	\$3,000,000		
Commonwealth Bank	TD	20-Dec-11	18-Dec-14	5.7600%	\$2,000,000		
National Australia Bank	TD	20-Dec-11	20-Dec-14	5.7500%	\$5,000,000		
St George Bank	TD	3-Feb-14	31-Jan-15	3.8200%	\$6,000,000		
National Australia Bank	TD	18-Feb-14	18-Feb-15	3.8500%	\$4,000,000		
Bendigo Bank	TD	6-Sep-13	6-Mar-15	4.0500%	\$4,000,000		
National Australia Bank	TD	6-Sep-13	6-Mar-15	4.0400%	\$4,000,000		
Holiday Coast Credit Union	TD	10-Oct-13	10-Apr-15	4.1500%	\$2,000,000		
St George Bank	TD	10-Oct-13	14-Apr-15	3.9200%	\$5,000,000		
Westpac Bank	TD	20-Jun-13	22-Jun-15	4.3000%	\$3,000,000		
Westpac Bank	TD	28-Mar-14	28-Jun-15	3.8900%	\$2,000,000		
Bank of Queensland	TD	6-Sep-13	6-Sep-15	4.2000%	\$4,000,000		
Investec Bank (Austalia) Ltd	TD	13-Sep-13	14-Sep-15	4.2900%	\$4,000,000		
ANZ Bank	TD	13-Nov-12	13-Nov-15	4.7000%	\$2,000,000		
National Australia Bank	TD	28-Mar-14	28-Mar-16	4.2000%	\$2,000,000		
Commonwealth Bank	TD	10-May-13	9-May-16	4.5000%	\$1,000,000		
Commonwealth Bank	TD	13-May-13	13-May-16	4.5000%	\$1,000,000		
Commonwealth Bank	TD	27-May-13	27-May-16	4.5500%	\$1,000,000		
Westpac Bank	TD	20-Jun-13	20-Jun-16	4.5100%	\$3,000,000		
Bank of Queensland	TD	13-Sep-13	13-Sep-16	4.5500%	\$3,000,000		
Westpac Bank	TD	14-Sep-11	14-Sep-16	6.0500%	\$7,000,000		
Rabobank	TD	11-Nov-11	11-Nov-16	6.3000%	\$2,000,000		
Westpac Bank	TD	11-Nov-11	11-Nov-16	6.2200%	\$3,000,000		
ING Bank (Australia) Ltd	TD	20-Dec-11	20-Dec-16	6.1600%	\$3,000,000		
Westpac Bank	TD	12-Mar-14	12-Mar-17	4.3800%	\$3,000,000		
ANZ Bank	TD	13-Nov-12	13-Nov-17	4.8700%	\$2,000,000		
Bank of Queensland	TD	20-Jun-13	20-Jun-18	5.0000%	\$4,000,000		
Total TD's					\$138,000,000		
Cash Fund							
Westpac Business Cash Reserve Account							
	CASH			3.20%	\$9,254,516		
Capital Protected Equity Linked Notes	Rating	Purchase Date	Maturity Date	Valuation	Face Value	\$ Value	Comment / Protection
Emu Note	A-	26-Oct-05	30-Oct-15	95.990	\$1,000,000	\$959,900	Commerzbank
L'reach S32 Partnership	A+	30-Nov-07	23-Nov-14	98.680	\$3,000,000	\$2,960,400	Delevered - UBS
Total Cap Protected Notes					\$4,000,000	\$3,920,300	
Total Portfolio					\$151,254,516	\$151,174,816	

Ensuring Good Governance

Note:

- The amount within "\$ value" in the table above is the estimate of current realisable value for the investment as provided by FIIG Securities Limited and Longreach Global Capital Pty Limited and is not necessarily the amount that is to be received upon maturity.

Denison Advisory

Denison Advisory currently provides Council with independent advice for all investment decisions.

Below is their update regarding the Council's current investment portfolio performance.

The portfolio continues to retain a very high level of overall liquidity. The cash component total \$9.3m (up compared to last month of \$6.7m) and the Capital Protected investments can be liquidated - the TD portfolio has a spread of maturities providing the portfolio additional liquidity if required.

The largest sector of the portfolio is the term deposit allocation of \$138m (last month \$137m) or just in excess of 91% of the total.

The deposit portfolio has an average term of 405 days and yields 4.18% (a drop from last month which was 4.43%). This is a comfortable margin over the most commonly used benchmark of the UBS Bank Bill Index which returned an estimated 2.65% in May.

The bulk of the outperformance is driven by the longer term deposits accessed to deliver higher yields. Note that the UBS BB Index has an average term of 45 days.

Market News - Interest Rates

The RBA left the cash rate at 2.50% again in early May (and also in June).

The RBA have maintained their stance based upon the fact that it is expecting a 'period of stability'. The neutral outlook was reinforced again as cash rate expectations remain steady and the outlook for rates going forward is 'lower for longer'.

Bank bill yields were again marginally lower particularly for the longer dated ones as they moved lower in sympathy with bond yields dropping.

The bond yield drops were driven globally with European rates dropping across the region as the ECB drifts towards a new stimulus package with the possibility of another round of Quantitative Easing.

The average yield for the 12 bank bill futures contracts (a 3yr period) is currently at 2.98% another large monthly drop from April's end of month level of 3.15%. It is just above the level this time last year at 2.94% but remains well below the 3.65% seen back at the same time in 2012.

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Forward expectations for short term rates in Australia were again of a similar shape but at lower levels than the previous month with reduced expectations in years 2 and 3.

The Australian Dollar

The Australian dollar was stable on a month on month basis although it did stage an early month rally only to give back the gains later in May.

Early strength in the currency (a high against the USD in excess of \$0.94c) was due to USD weakness and some good domestic data as well as supportive trade releases from China.

The late month fall was triggered by large drops in the price of iron ore (largely cyclical in nature) and the rebounding USD. Our currency finished marginally higher on a trade weighted basis across the month.

Options

This is an information report.

Community Engagement & Internal Consultation

Council uses the services of Denison Financial Advisory in relation to the investment portfolio, including the advice on the placement of investments, assistance with policy development and general advice.

Planning & Policy Implications

Not applicable.

Financial & Economic Implications

Council's total investment portfolio performance for May 2014 was 1.74% above the benchmark (4.33% against 2.59%) and year to date income has reached 143.08% of the total annual budget.

Attachments

Nil

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Item: 09.05

Subject: ONE YEAR OPERATIONAL PLAN 2014-2015, REVENUE POLICY AND FEES AND CHARGES 2014-2015

Presented by: Community & Organisational Development, Lesley Atkinson

Alignment with Delivery Program

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

RECOMMENDATION

That Council;

- 1. Adopt the One Year Operational Plan 2014-2015, as attached which reflects the changes outlined in the report.**
- 2. Adopt the Revenue Policy 2014-2015 as attached.**
- 3. Adopt the Schedule of Fees and Charges 2014-2015, including the rates and annual charges as attached.**
- 4. Set the interest rate on overdue rates and charges at 8.5% from July 1, 2014 in accordance with the Office of Local Government directive.**
- 5. Enter into total borrowings of \$16.1 million as outlined in the Financial Implications section of the report.**
- 6. Adopt the 2014-2015 Rating Maps as attached.**

Executive Summary

On 19 June 2013 Council adopted the Delivery Program (DP) 2013-2017, which details the priorities of the Council during their term of office in accordance with the legislative requirements of the Integrated Planning and Reporting Framework.

For each year of the Four Year Delivery Program, Council is required to develop a One Year Operational Plan which outlines the actions Council will undertake during the financial year and the budget required in order to meet the Delivery Program objectives.

The draft One Year Operational Plan 2014-2015, Draft Fees and Charges 2014-2015, Draft 2014-2015 Rating Maps and Draft 2014 - 2015 Revenue Policy were endorsed by Council to be placed on public exhibition from 21 March to 2 May 2014.

The purpose of this report is to consider the community feedback received during the public exhibition and evaluate the changes and alterations proposed by staff in order to finalise the planning documents prior to the start of the new financial year.

The public exhibition resulted in moderate levels of community participation, consistent with that experienced in previous years. Community feedback was

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received on a number of key themes including provision of significant footpath infrastructure in the Camden Haven, maintenance of beach safety assets and road maintenance. Feedback was also received on the submissions process and the document readability.

Council's implementation of the Integrated Planning and Reporting Framework has involved development of the guiding principle "We Asked, You Said, We Delivered." Commitment to the link between 'asking the community' and 'delivering the plan' resulted in a workshop with Councillors and senior staff after the exhibition had closed. The exhibition process and all submissions were reviewed at the workshop, with a view to assessing the impact of the feedback on the draft plans.

Changes recommended to the documents are outlined in detail in the body of the report.

There was very little comment from the community in regard to the Revenue Policy and Fees and Charges that were exhibited. A balanced budget has been forecast for 2014-2015 which includes an additional \$1.5 million expenditure on roads and footpaths compared to 2013-2014.

Documents to be endorsed are;

- One Year Operational Plan 2014-2015
- Revenue Policy 2014-2015
- Schedule of Fees and Charges 2014-2015
- Rating Maps 2014-2015

Discussion

At the ordinary Council meeting on 19 March 2014 Council resolved to place the suite of Integrated Planning and Reporting documents for 2014-2015, listed above on public exhibition.

Also endorsed at this meeting was the community engagement plan that outlined Council's proactive communication that would encourage community feedback on the documents.

The Integrated Planning and Reporting framework, adopted by NSW Government in 2009, outlines the important relationship between Council's funding priorities, service levels and community expectations.

The Delivery Program 2013-2017 (adopted in June 2013) and the Resourcing Strategy 2013-2017 including the Long Term Financial Plan (adopted in June 2013) outline the strategic objectives that this Council will operate under to meet the objectives of the Towards 2030 Community Strategic Plan.

The Operational Plan, Revenue Policy and Fees and Charges are all elements of the framework that require annual review, updating and approval. This review and adjustment process ensures that the specific operations of Council within the financial year successfully contribute to achieving the overall objectives of the Delivery Program.

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2014-2015 One Year Operational Plan

The One Year Operational Plan 2014-2015 incorporates the capital works program within each focus area to improve community understanding and the ability to monitor these projects within the overall reporting arrangements.

Post Exhibition Amendments to Operational Plan

During the exhibition period Executive, Group Managers and Integrated Planning and Reporting staff reviewed the draft One Year Operational Plan 2014-2015 in detail to ensure that the actions were accurate and the performance measures aligned with the criteria of using SMART performance indicators, i.e specific, measurable, achievable, realistic and timely.

This process has resulted in a number of alterations throughout the document which have not changed the intent of the action but will allow performance measures to be more meaningful, capturing available data at appropriate times.

Detailed proof reading of the document has also resulted in a number of changes throughout such as removal of acronyms, consistent use of tense and grammatical corrections. All of these changes contribute positively to the document readability and addresses a general theme identified from community feedback.

A change in the structure and naming of the Compliance section has resulted in the lead responsibility being changed from Compliance to Regulatory Services where relevant throughout the document. Similarly, confirmation of the change of focus for Community Development has resulted in the name of the section changing to Place Making throughout the document.

Amendments of significance made since the exhibition period due to this internal review are referenced in the table below;

Focus Area	Ref No.	Section	Change
Ensuring Good Governance	1.1.1.8	General Manager	Grammatical alteration to action, change of lead responsibility, additional measures added
	1.4.3.2	Governance	Measure timing extended
	1.4.3.4	Governance	Measure timing altered for legislative accuracy
	1.5.1.8	General Managers Office	Grammatical alteration to action, Measure altered for accuracy against action
	1.5.3.4	Business Improvement	Measure altered to reflect adopted program
Looking After Our People	2.1.1.1	Place Making	Measure altered for accuracy
	2.1.1.5	Place Making	Action altered to accurately reflect cycle

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	2.1.3.1	Reg. Services	Revised performance targets
	2.1.3.1	Reg. Services	Revised performance targets
	2.1.3.3	Reg. Services	Revised performance targets
	2.1.3.4	Reg. Services	Revised performance targets
	2.1.3.5	Reg. Services	Rewrite action as two separate points to allow more accurate reporting
	2.2.1.3	Place Making	Measure altered for accuracy
	2.4.1.2	Place Making	Measure altered reflecting Place Making planning
	2.4.1.3	Place Making	Measure altered for accuracy
	2.4.1.7	Place Making	Measure altered for accuracy
	2.4.1.8	Place Making	Measure altered for accuracy
	2.5.1.4	Place Making	Measure altered for accuracy
	2.5.1.8	Place Making	Grammatical change to measure
	2.5.1.9	Place Making	Grammatical change to action
	2.5.2.2	Place Making	Grammatical change to action
	2.5.2.5	Place Making	Grammatical change to action
	2.6.2.6	Place Making	Grammatical change to action and measure
	2.6.2.8	Place Making	Grammatical change to measure
	2.6.2.9	Place Making	Change to action to reflect Place Making
	2.7.1.6	Place Making	Grammatical change to measure
	2.9.1.2	Place Making	Grammatical change to measure
	2.9.2.1	Place Making	Grammatical change to measure
Helping Our Community Prosper	3.2.3.1	Strategic Land Use Planning	Action deleted, deferred pending Council review
	3.2.3.2	Strategic Land Use Planning	Action from 2013-2014 reinstated
	3.2.3.3	Strategic Land Use Planning	Action from 2013-2014 reinstated
	3.2.3.6	Strategic Land Use Planning	Action from 2013-2014 reinstated
	3.2.3.8	Strategic Land Use Planning	Action from 2013-2014 reinstated

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	3.2.3.9	Strategic Land Use Planning	Performance measure altered to factor in landowner input
	3.2.6.1	Strategic Land Use Planning	Grammatical changes and implementation timing change to reflect RMS role
	3.3.2.1	Economic Dev.	Measure amended to align with adopted strategy.
Looking After Our Environment	4.7.1.1	Strategic Land Use Planning	Delayed due to ongoing Council consideration of data
	4.8.1.2	Environmental Services	Community partners altered for accuracy
Planning and Providing Our Infrastructure	5.1.1.3	Infrastructure Delivery	Action altered replace capital works project
	5.4.1.1	Strategic Land Use Planning;	Timing altered to align with NSW Dept Planning and Environment
	5.4.1.2	Strategic Land Use Planning	Language of action and timing altered to fit NSW Govt reporting requirements.
	5.4.1.3	Strategic Land Use Planning	Timing extended to factor multiple stakeholders
	5.4.1.4	Strategic Land Use Planning	Timing extended to factor multiple stakeholders
	5.4.1.5	Strategic Land Use Planning	Timing extended to factor multiple stakeholders
	5.4.1.6	Strategic Land Use Planning	Delayed pending landowner submission
	5.4.2.1	Strategic Land Use Planning	Action altered for accuracy, measures amended to reflect more accurate output timing
	5.4.2.2	Strategic Land Use Planning	Action altered for accuracy, measures amended to reflect more accurate output timing
	5.4.2.4	Strategic Land Use Planning	Measure amended to reflect more accurate output timing
	5.4.3.1	Strategic Land Use Planning	Measure amended to reflect more accurate output timing
	5.4.3.2	Strategic Land Use Planning	Action description varied for accuracy, measure amended to reflect more accurate output timing
	5.4.3.3	Strategic Land Use Planning	Measure amended to reflect more accurate output timing
	5.4.3.4	Strategic Land Use Planning	Action deleted due to delayed planning reforms

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	5.4.3.5	Strategic Land Use Planning	Measure amended to reflect more accurate output timing
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Post Exhibition Amendments to the Capital Works Program

The capital works program incorporated in the One Year Operational Plan 2014-2015 that was placed on public exhibition was valued at \$80 million.

In the intervening weeks there have been a number of additions to the Capital Works program as a result of grant funding applications to state and federal governments being ratified, master plans being finalised, for example the Town Centre Master Plan Committee (TCMP), operational direction being confirmed, for example the implementation of a Place Making model in Community Development and project completions being revised from the existing 2013-2014 Operational Plan.

Resulting additions to the Capital Works program are listed below;

Project	Budget \$
High voltage sub-station at Seymour Street, Laurieton	49,830
Wheelchair accessible toilet Bonny Hills Reserve	8,400
Senior Citizens Hall Upgrade, Port Macquarie	3,520
Restoration School of Arts Hall Laurieton	6,750
Refurbishment School of Arts Beechwood	11,000
Accessible Fishing Platform, Camden Haven	100,000
Roof plumbing replacement Wauchope Youth Hall	5,000
Cyclist Friendly actions, Town Centre Master Plan (TCMP)	50,000
Place Making activation, TCMP	75,000
Entertainment Precinct, TCMP	50,000
Town Square, TCMP	710,000
Footpath replacements, TCMP	75,000
Landscaping upgrades, TCMP	100,000
Rehabilitation works, TCMP	150,000
Lighting option study, TCMP	100,000
Lighting and Banner poles, TCMP	250,000
Signage installation, TCMP	100,000
Foreshore walkway, TCMP	100,000
Kooloonbung Foreshore, TCMP	30,000
William Street upgrade, TCMP	600,000
Footpath replacement Short Street, TCMP	50,000
Crossing Horton Street, TCMP	130,000
Intersection upgrade Clarence and Murray St, TCMP	1,060,000
Overpass, Pacific Highway and Sancrox Intersection	4,000,000
Airport Biocertification	220,000
Camden Haven Sewerage Scheme upgrades	600,000
North South Link Road investigations	150,000

Note: The TCMP capital works projects listed above are funded from the Town Centre Master Plan Reserve Fund, administered by the Town Centre Master Plan

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sub-committee and endorsed by Council's resolution at the Ordinary Council meeting of 19 March 2014;

Include the TCMP operational and capital projects as identified in the Project Implementation Planning Grid into the Draft Operational Plan for 2014/15, with immediate priorities to include Town Green, Town Square, lighting and street furniture, landscaping upgrades, Short Street south western precinct, completion of paver repair program, Clarence/Murray Street intersection preconstruction and Horton Street mid town crossing.

Options

It is a statutory requirement to adopt the Operational Plan (including the budget) and Fees and Charges by 30 June 2014. Not adopting the documents cited in the resolution would jeopardise compliance with this legislation and therefore require explanation to the Office of Local Government.

Council could seek additional information.

Community Engagement & Internal Consultation

The draft documents were placed on public exhibition from 21 March to 2 May 2014. During this time the actions outlined in the endorsed community engagement plan were carried out in order to generate widespread community feedback.

Exhibition Promotion

- Advertised in Council Matters (newspaper), posters in all offices and libraries and rural notice boards
- Fliers to Council facilities, Councillors and community groups
- Editorial media exposure through print articles, TV news
- Mayoral promotion through radio, video message and Mayors Column
- Article in Community Connect (quarterly newsletter) mailed to all households
- Enews blast sent to community groups database twice, PMHC Listening database and Hastings Business Enterprise Network database
- Copies direct mailed to all MP's and Chambers of Commerce
- Documents displayed and discussed at the Lunchtime Conversations community engagement stand in Port Macquarie on 3 April 2014
- Community Reference Group (CRG) workshop promoted to all members.

Levels of Participation

- 12 CRG members attended workshop
- 11 Community members attended the Community Information Drop-In Sessions between Wauchope, Port Macquarie and Laurieton.
- PMHC Listening website data
 - 785 people visited the site
 - From that 219 were informed - they took some action to learn more, such as downloaded a document, read a news article
 - From that 11 people engaged and contributed with submissions
- 47 Submissions received in total.

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Outcomes of Engagement

Briefings on the level of community participation and emerging themes were provided to the Executive throughout the public exhibition period. A workshop was held with senior staff and Councillors on 15 May 2014, to individually consider all the submissions.

Agreement was reached at this workshop on a number of overarching objectives and specific actions that address issues raised in the submissions;

- It is important for the community to understand the submissions process and the level of attention given to each submission and Council will endeavour to further educate about this commitment in upcoming communications.
- Councillors reaffirmed their philosophy of supporting community groups and organisations that are willing to contribute to overall outcomes and in that light requested ongoing liaison and consideration of the Schools to School and Beach to Beach projects raised in submissions as part of the Place Making approach being implemented.
- While recognising the level of complaint in regard to specific roads apparent in submissions, Councillors reaffirmed commitment to the road hierarchy and priorities allocation that determines the maintenance funding priorities for roads throughout the LGA.
- In light of this hierarchy and issues raised in submissions, construction of Beechwood Road from Bains Bridge to Rosewood Road has been added to the capital works program. This work will replace a previously listed project for segment 40 of Houston Mitchell Drive.
- In acknowledging feedback on the document presentation and particularly financial information, additional commentary and explanation has been added to the Operational Plan budget overview pages and a page has been added that summarises the capital works program and the overall sources of funding for these works.
- Maintenance action or funding has been confirmed to address a number of specific issues raised in the submissions, primarily lifeguard tower maintenance and footpath maintenance.

Submissions Received and Response Summary

A full hard copy of all submissions received was provided to the Councillors as part of the review workshop. Due to the volume of submissions and supporting documentation received it is impractical to include hardcopies with the attachments to this report, the table below instead summarises the submissions and Council's response.

No.	Submitters Name	Issue (Summary of Submission)
1.	Andrew McCoubrie	Beach to Beach: Background to the project, referencing 16 general Operational Plan actions that are supported by the project. Specifically targeting 5.1.1.4 (d) \$500,000 allocation for footpaths/ cycleways and 5.3.1.4 Replacement of pathways/ park furniture at Pilot Beach. Request that funding be allocated to the project to meet these objectives and deliver long term benefits for Camden Haven Community.

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	Council Response	<p>Acknowledge; Council supports the concept behind this initiative and has actively been involved in planning discussions. The Group Manager of Community Development has been designated as the point of contact within Council for continuing discussion on this project. 5.1.1.4 (d) footpath and cycleway construction - This allocation of \$500,000 will be used to construct missing links in currently existing infrastructure therefore maximising the benefit of the assets already existing. This project may receive some degree of assistance through this allocation but that won't be determined till July / Aug when the footpath works program is finalised and presented to Council in a further report.</p> <p>5.3.1.4 Furniture at Pilot Beach requires replacement as it is at an end of useful life and therefore funds will not be diverted. Other assistance to this community led project may be provided through the Place Making approach being taken to community grants and Access Committee liaison. Council will advise the Beach to Beach Committee as these opportunities arise.</p>
2.	Port Macquarie Chamber of Commerce Lisa McPherson	<p>Document Assessment: Applauds business interaction as per Economic Development Strategy; specifically 1.5.1.6 / 7 / 8 . Supports commitment to 1.5.3.1 increasing accountability and transparency in relation to DA's, 1.5.3.4 Business Process Improvement and services review and 1.5.3.5 financial accountability. Supports objectives of Looking After Our People; Supports objectives of Helping Our Community Prosper and in particular new actions associated with Economic Development Strategy and encourage information dissemination on 3.5.4.3 / 4. Acknowledgement and support for major capital works projects Hastings River Drive, Houston Mitchell Drive, Stingray Creek Bridge and Ocean Drive. Highlight traffic congestion at Wrights Rd roundabout and Lake Rd. Concern that some members had trouble finding document to review and comment on.</p>
	Council Response	<p>Acknowledge; Council acknowledge the importance of implementing the adopted Economic Development Strategy and continuing to monitor this implementation alongside the Steering Group and stakeholders. Progress on major capital works as outlined in the Operational Plan will be reported against as part of the wider Operational Plan reporting. Council is currently working with the RMS on a solution for Wrights Road Roundabout. The public exhibition was one of the first major documents available after the new website launch. All public exhibition documents will continue to appear on PMHC Listening and be linked to the Have Your Say section of the website, which will build increasing familiarisation.</p>
3.	Wauchope Chamber of Commerce Lisa McPherson	<p>Document Assessment: Believe there is little in the draft plan for Wauchope and surrounds; Wauchope Town Centre works should be carried out in consultation with community and chamber. Attached brief previously circulated referencing Wauchope Town Centre Framework 2009; supports Wauchope Skate Park project; supports Structure Plan for proposed Future Urban release Area; 5.1.1.4 (d) Request further detail on footpath / cycleway projects and relevance to Western section of LGA. Plan omits issues from Chambers agenda including draft Wauchope Traffic Management Plan, roadworks for Beechwood Rd and Sarah's Crescent, signage for Town Centres and villages, stage 2 of electrical upgrade for</p>

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		Bain Pk. Requests allocation and grant support in 2015-16 for a working wharf on Hastings River.
	Council Response	Acknowledge; Council prepared a fact sheet for the Wauchope Community Information Session showing the specific items related to this part of the LGA. \$2.3 million has been allocated to road rehabilitation and footpath programs 5.1.1.4 (a) 5.1.2.1 (a) and 5.1.1.4 (d) and Council undertakes to inform the community of the projects that will be included in these programs once finalised. A project to construct Beechwood Road from Bains Bridge to Rosewood Road has been added to the Capital works program. See response to submission 28 in relation to Sarah's Crescent. Item 5.3.1.4 (r) refers to \$50,000 project for Wauchope Town Centre works and further engagement will be carried out to determine signage opportunities as part of this project. 2.6.2.7 will see Council work with communities to identify place making priorities and funding opportunities and a wharf can be considered further under this activity.
4.	Bonny Hills Progress Association Phil Hafey	Document Assessment: Believes document improvement on previous year. 1.5.1.3 Performance Measure annual monitoring of correspondence is not acceptable. 2.1.2.2 / 3 Bushfire mitigation plans should be widely communicated. 3.2.3.9 Concerns over rezoning Houston Mitchell Drive. 4.1.1.4 Support offered for Bush Regeneration Program. 4.7.1.1 Support making detailed submission on KPoM 5.1.1.3 (b&c) Support funding for Houston Mitchell Drive 5.1.1.4 (d) request funding for footpath on Ocean Dr Between Rodley St and Beach St 5.2.1.3 Street Lights request for Ocean Dr and Bonny View Dr 5.3.1.1 (a) Support playing fields and request timely delivery 5.3.1.2 (a) Support for better reserves signage 5.3.1.4 (b) Support action; request add and associated works to allow for greater flexibility 5.3.1.4 (o) Actively support Rainbow Beach playground replacement and is seeking grant funding 5.3.1.4 (p) Welcome funding for drainage issue at Rainbow Beach 5.5.1.2 (b) Request investigation for a cycleway along the trunk main. Disappointment that no funding has been allocated to investigate proposed Bonny Hills bypass.
	Council Response	Agree; 1.5.1.3 the service standard associated with ensuring correspondence is dealt with in a timely manner is challenging. Experience in attempting to measure that all staff respond to written correspondence within 10 working days has demonstrated it is not possible within the current administrative systems. Accordingly it was determined that a process of randomly checking correspondence response times would be implemented and reported against. 5.1.1.4 (d) outlines Council's planned expenditure on footpath infrastructure. Works carried out in the \$500,000 program will prioritise footpath sections that complete linkages and achieve the greatest benefit available for the funds by maximising use of the existing footpath infrastructure. Further information about specific inclusions for this program will be provided when the works program goes before Council in July / August. 5.5.1.2 (b) The idea has merit but further investigation regarding land usage conditions associated with trunk main needs to be carried out. Action 2.6.2.8 will see Council work with communities to identify Place Making priorities and funding opportunities and this concept may be further evaluated at that point.

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5.	Ron Bray	Document Assessment: Doesn't believe the document supplied ratepayers with adequate information on the capital works projects, expect completion timing or sources of funding. Referenced submission made last year and noted this years document has gone backwards, despite indication changes would be worked towards. Noted balanced budget as positive. Referenced Hastings River Drive (Park to Aston Streets) as example of changed detail. Project wasn't completed 2013/14 due to unavailability of grant funding and project listed in 2014/15 with description of being dependant on LIRS funding but no detail on budget from reserves, timing or commitment to priority ranking. Disapproves of numbering system and referencing activities conducted in last financial year as insufficient detail.
	Council Response	Acknowledge; Inclusion of the capital works projects within the Operational Plan body will enable more regular reporting on progress, which will include completion timeframes and funding. To limit document complexity sources of funds were not specifically included within the tables but this issue has been addressed with the inclusion of an overall summary of the capital works program including funding sources. The intent of the numbering system is to enable the four separate Operational Plans that make up the Delivery Program to be reported on, which requires an individual number for each new action. The numbering convention also captures those action that are only going to be delivered once in any four year cycle to be shown.
6.	Greater Port Macquarie Tourism Association Janette Hyde	Ec Development: Questions relating to Tourism Levy, Business Rate and Tourism Levy in relation to Destination Marketing and Economic Development, inclusion of staff costs. Request Council prioritise the maintenance and presentation of the two gateways to Port Macquarie. Comments that the document while detailed was difficult to interpret and would appreciate feedback relating to Economic Development.
	Council Response	Acknowledge; The Economic Development Steering Group continues to meet monthly with business papers and minutes publicly available. A report will be presented to Council every six months on the implementation of the Economic Development Strategy. New actions have been included in the Operational Plan relating to the strategy. The general questions asked in this submission will be responded to by the appropriate Group Manager. Comments on interpreting the document have been noted for future development.
7.	Stephen Friederich	Environment: disappointed with focus on roads and footpaths. Intensive and ongoing maintenance is required on our koala colonies and urban rainforest as priceless assets.
	Council Response	Acknowledge; Community surveys and engagement since the commencement of Integrated Planning and Reporting in 2010 have consistently shown roads and footpaths to be top priorities of the community. Action 4.7.1.1 will result in the public exhibition of a Koala Plan of Management for the LGA by June 2015.
8.	Joy Walker	Facilities: Request that funding be made available in the forthcoming budget to allow the progression of additional tennis courts and clubhouse at Kendall Tennis Club

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	Council Response	Acknowledge; NSW Sport & Recreation have requested funding information to progress this project. Council has an existing grant fund allocation of \$100K for this project. Council has had extensive correspondence and liaison with the Kendall Tennis Club regarding progressing this project including submission process for a Development Application.
9.	Ian Ferguson	Fluoridation: It is untenable that Council would spend up to \$300,000 a year on fluoridation. Council should turn off fluoridation immediately, disputes health claims. Concludes that if Council ignore ratepayers other appropriate action will be required which will have implications for Council, Councillors and certain senior staff.
	Council Response	Acknowledge; The NSW Ministry of Health directed Port Macquarie-Hastings Council to commence fluoridation of the district's water supply from Tuesday 21st February 2012. Council costs are associated with implementation and monitoring required in order to carry out this directive.
10.	Ian Wilbore	Footpath: Request Council to review footpath budget citing footpath between Oxley Beach and Old Mill lookout is needing upgrade and maintenance primarily handrails and path surface.
	Council Response	Agree; The specific piece of path referred to in the submission is not adjacent to a road but part of recreation facilities, with maintenance funded under action 5.3.2.1 Undertake maintenance program for parks, reserves, sporting fields and beaches. An inspection has been requested in regard to this issue in order to ensure it is on the maintenance program.
11.	Margaret McDonell	Footpath: Request for Council to consider completing the footpath from Kooloonbung Close through Hollingworth St. Elderly residents have concern for their safety and accessibility due to mobility aids required.
	Council Response	Agree; This section of footpath is scheduled for completion during 2014-2015 and is detailed in the Draft One Year Plan: 5.3.1.3 (a) Cycleway Construction - Kooloonbung Creek shared Walkway/Cycleway Stage 2 - \$220,000
12	Gary Randall	Footpath: Request that the footpath on the eastern end of Watonga St Port Macquarie be extended to Lighthouse beach. Existing footpath stops which poses a serious public safety hazard particularly in wet conditions
	Council Response	Considered;. 5.1.1.4 (d) of the Operational Plan outlines Council's planned expenditure on footpath infrastructure. Works carried out in the \$500,000 program will prioritise footpath sections that complete linkages and achieve the greatest benefit available for the funds by maximising use of the existing footpath infrastructure. Under this premise the Watonga Street footpath will be considered for inclusion in the works program, due to be finalised in July / August.
13.	Beverly Sharpe	Footpath; Request for footpath construction Koala Street from Kennedy Drive to Ocean Drive. Safety of children getting to Wayne

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		Richards Park and mothers pushing strollers. Also request footpath along Kennedy Dr and Lord St for community safety.
	Council Response	Considered; 5.1.1.4 (d) of the Operational Plan outlines Council's planned expenditure on footpath infrastructure. Works carried out in the \$500,000 program will prioritise footpath sections that complete linkages and achieve the greatest benefit available for the funds by maximising use of the existing footpath infrastructure. Within this framework the footpaths referred to in this submission is a large scale project that would require significant amounts of the available budget. Opportunities to improve links within footpath sections in this area will be considered at part of the footpath program finalisation.
14.	Joy Walker	Footpath: Request Council to prioritise section of footpath at Comboyne Street and Graham Street Kendall, as discussed at Kendall meeting in April.
	Council Response	Considered; 5.1.1.4 (d) of the Operational Plan outlines Council's planned expenditure on footpath infrastructure. Works carried out in the \$500,000 program will prioritise footpath sections that complete linkages and achieve the greatest benefit available for the funds by maximising use of the existing footpath infrastructure. Under this premise the Comboyne Street footpath will be considered for inclusion in the works program, due to be finalised in July / August.
15.	Greg Bell	Funding priorities: Council does not have enough money to do what it has to do or what it is promising to do. Suggested changes include: <ul style="list-style-type: none"> - No more new roads - No more sewerage, parks or anything else that will incur maintenance costs in the future - Sewerage infrastructure should be scaled back and grey water systems and composting toilets used in households - Reduce road costs by using proper engineering and materials - Halt weed inspection (helicopter, car or foot) and treatment - Any gap should be made up by the community in effort and funding. It is time for radical changes to ensure a balanced budget where costs match income.
	Council Response	Acknowledge; Community surveys and engagement since the commencement of Integrated Planning and Reporting in 2010 have consistently shown that roads, footpaths and parks and recreation facilities to be top ranked priorities of the broad community. Council's delivery of sewerage infrastructure is consistent with a number of objectives in the Council's Delivery Program particularly 5.5.5 Deliver water and sewerage supply services to ensure public health and safety and environmental protection. The 2013 independent ARRB audit of Council's road maintenance activities specifically noted Council's highly experienced technical staff. Monitoring and evaluation of the legislated weed inspection regime indicates this operation is being carried out in an efficient and effective manner.
16.	John Hanlon	Libraries: Comment on the regions libraries, their new equipment and technology. Believes that main problem with libraries is

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		restricted short opening hours. I challenge all Councillors to visit the facility on a Saturday morning to see how many users there are and to see how many are forced to leave at 12noon. Believes Port should be open longer than other branches. Suggest library open till 5pm Saturday, briefly Sunday and till 9pm one weekday evening. Build on a successful activity and meet performance targets of circulation and visitation through greater access.
	Council Response	Acknowledge; Whilst aware of budget constraints and staffing implications, Council considered increasing library opening hours as part of a service review conducted in February / March 2012. Of 180 current library members who responded to the survey only 47 (26%) indicated they were unhappy with the current opening hours. Only 30 of the respondents suggested alternate opening hours for Saturdays and weeknights. Of the 39 non library user survey respondents only 7 (18%) identified library opening hours as a reason preventing them from using the service. Resource constraints would preclude changes to library opening hours at this point.
17.	Terry Crossley	Lifesaver Towers: Budget requested to cover the corrosion treatment of the five lifesaving towers installed by Rotary. Lighthouse Beach tower is already showing signs of corrosion and needs to be addressed urgently.
	Council Response	Acknowledge; Council has recently commissioned an investigation report into the condition of the Lifeguard Towers. The level of work identified in this report, predominantly rust removal and stabilisation will be carried out as part of the Recreation and Buildings Maintenance program as currently budgeted for 2014-2015. Council will enter into further discussions with Rotary in regard to this maintenance.
18.	Barry Hacker	Lifesaver Towers; commenting as former Rotary Governor and head of 'Towers of Strength' Committee, reference former Mayor Wayne Richards attending a handover function with Rotary accepting the keys and responsibility for the Towers on behalf of Council. Towers and Council were recognised as ahead of its time. Comments on disappointment in Council not maintaining towers, removing Council signage from joint project and that work now required needs professional skills to cut rust out. Suggest Rotary may be able to assist with some funding for this work.
	Council Response	As per response to No. 17
19.	John Channon	Lifesaver Towers; Commenting on behalf of Rotary Clubs in the Area as Assistant Governor Cluster 3, spoken previously to Mayor and GM, disappointed to see no funds allocated for urgent repairs to towers particularly Lighthouse Beach. Funds for repairs and annual inspections need to be allocated.
	Council Response	As per response to No. 17
20.	Peter Gray	Lifesaver Towers; Lighthouse Beach tower is in bad repair, Council undertook to maintain towers and no funds are allocated. Were Council's promises to Rotary political lies? Funding now will save much more later.

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	Council Response	As per response to No. 17
21.	Ted Giblin	Lifesaver Towers; urge Council's commitment to maintenance of towers on our iconic beaches. These towers are recognised in all tourist information and material and Council's neglect means they look shabby and deteriorating.
	Council Response	As per response to No. 17
22.	Paul Dirago	Lighthouse Road :(East) David Crescent to Lighthouse. This section of the road remains unsafe for pedestrians, cyclists and other users. Submissions advised that Council approved in June 2013 to seek grant funding but no application has been made. Indicates that Council approved in March 2014 funds were approved for preconstruction work to be completed in June 2014 and public commitments made about future priority works. Now advised no funds allocated in 2014/ 15. Propose Council; approve construction and safety work to be carried out on Lighthouse Road in 2014/15 and grant applications are made and Council receive a report on progress by December 2014.
	Council Response	Acknowledge; This issue has been the subject of ongoing correspondence between Council and Mr Dirago for a number of years. Lighthouse Road east of Davis Cres. forms part of the area designated to the approved Master Plan. Detailed design work of Lighthouse Rd east from Davis Crescent is under development which when complete will allow detailed costs to be identified and delivery planned. Action item 1.5.1.7 has been added to the Operational Plan to ensure that actively seeking grant opportunities has become part of the reportable business of Council. Action item 5.3.1.3 (c) implementing the Lighthouse reserve Master Plan will also be reported against as part of Council's ongoing performance measurement process.
23.	Maureen and Norbert Greg	Include funding for: Improvements to Lighthouse Road (East), Davis Crescent to the Lighthouse - road in poor condition and unsafe, well used tourist attraction. Implementation of the Council's approved Master Plan for the Lighthouse precinct with particular attention to the ramp allowing access for the disabled.
	Council Response	Acknowledge; Lighthouse Road east of Davis Cres. forms part of the area designated to the approved Master Plan. Detailed design work of Lighthouse Rd east from Davis Crescent is under development which when complete will allow detailed costs to be identified and delivery planned. The access ramp has been identified as a low priority and will not be constructed using the proposed budgetary allocation of \$70,000. It should be noted that current work underway will improve access for persons with a disability.
24.	Cec and Christine Newey	Tacking Point Master Plan; lost confidence in Council; Proposed that Council approve: Construction of the approved ramp for disabled people in 2014/15; Construction of the approved pedestrian walkway in 2014/15; Report to Council to clearly decide which Master Plan elements Council is responsible for and which Rotary Sunrise will seek funding and implement; A Director being responsible for effective coordination of Council's Master Plan.

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	Council Response	Acknowledge; The access ramp has been identified as a low priority and will not be constructed using the proposed budgetary allocation. It should be noted that current work underway will improve access for persons with a disability. Council is working closely with Sunrise Rotary developing interpretive signage and supporting their ongoing applications for grant funding to delivery on various stages of the master plan. Action item 5.3.1.3 (c) Implementation of the Lighthouse Reserve Masterplan sits under the Infrastructure Directorship and is regularly reported on, which will continue as part of Council's performance measurement processes.
25.	Paul Dirago	Tacking Point Master Plan; A minor allocation towards implementing Master Plan is included in the draft budget; Project lacks a 'champion' to drive the coordination; Rotary Sunrise cannot be expected to assume responsibility for all elements; Safe roads and pedestrian welfare are clearly Council's responsibility; Proposed that Council approve of: Construction of the approved ramp for disabled people in 2014/15; Construction of the approved pedestrian walkway in 2014/15; Report to Council to clearly decide which Master Plan elements Council is responsible for and which Rotary Sunrise will seek funding and implement; A Director being responsible for effective coordination of Council's Master Plan.
	Council Response	Acknowledge; Council has had a very positive relationship with Sunrise Rotary and this project reflects the Place Making approach that has potential to be expanded upon under action item 2.6.2.8. The access ramp has been identified as a low priority and will not be constructed using the proposed budgetary allocation. It should be noted that current work underway will improve access for persons with a disability. Action item 5.3.1.3 (c) Implementation of the Lighthouse Reserve Masterplan sits under the Infrastructure Directorship and is regularly reported on, which will continue as part of Council's performance measurement processes. Council is working closely with Sunrise Rotary developing interpretive signage and supporting their ongoing applications for grant funding to delivery on various stages of the master plan
26.	Peter Balodis	Outdoor Dining; Objection to methodology employed in determining the PMHC Outdoor Dining rent review 2012/13. Request that CBD be divided into areas reflecting relative commercial value; Initial dining rates/m2 set in consultation with the lessees; future rate adjustments are based on adopted Outdoor Dining Policy objectives.
	Council Response	Acknowledge; This issue has been the subject of ongoing correspondence between Council and Mr Balodis for a number of years where the methodology for the Outdoor Dining Rent Review has been evaluated. In this correspondence the independent valuer advised that the rental for outdoor dining areas within the CBD is heavily discounted in comparison to market commercial rates. A review of the rental to market values is conducted every five years with that process scheduled to commence later this financial year ahead of the 2015-2016 period. Further engagement will be carried out with Mr Balodis as part of this process.
27.	Geoff Shelton	Reserves: Support for the inclusion of 5.3.1.4 (s) Westport Reserve - Boatramp Upgrade Stage 2 - \$150,000. Thank you

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	Council Response	Agree; This project is scheduled to be completed during 2014-2015 and is itemised in the Draft One Year Plan
28.	Matt and Danyelle Taylor	Sarah's Crescent: Disappointed that Sarah's Crescent isn't on the road hierarchy for 2014/15. Believe it is one of the worst tar roads in NSW. How can concerned residents ensure their road is fixed as soon as possible?
	Council Response	Acknowledged; Council has maintained regular liaison and correspondence with residents of Sarah's Crescent regarding the road condition. This correspondence has aimed at increasing awareness of the road maintenance priority process and hierarchy. A significant investment has been made in recent years on the primary connector roads in this area, in line with traffic volumes and level of impact on maximum number of road users. Sarah's Crescent remains a lower priority on the rolling works program and in context of the needs of the entire LGA it is not possible to estimate a timeframe for any works on Sarah's Crescent.
29.	Kerry Hodgson	Sarah's Crescent: Funding for the continued upgrade of Sarahs Crescent to be a priority as condition is disgusting and needs to be fixed asap.
	Council Response	As per response to No. 28
30.	Debbie Finnegan	Sarah's Crescent: Questions why Sarah's Crescent from Manuka Parkway has not been resurfaced for 16 years of living in the area. Advises it is the worst stretch in a regularly travelled 600km journey from home to Dubbo. Invites Councillors to inspect the road.
	Council Response	As per response to No. 28
31.	Janette Gray	Sarah's Crescent: Relocated to King Creek 1 year ago. Observed work at beginning of Sarahs Cres stop at Cadaga, due to dam? Questioned Council liability for damage to residents cars. Where is the funding received due to new subdivisions? Stand up and be counted Council. Invitation extended to come for drive and meet residents.
	Council Response	As per response to No. 28
32.	Kim Hoare	Sarah's Crescent: Request for Sarahs Crescent to be resurfaced this year. In unacceptable state and is dangerous to motor bike riders and vehicles. Increased use due to adjoining roads. Previous complaint lodged with delayed response.
	Council Response	As per response to No. 28
33.	Emmanuel and Sandra Kafantaris	Sarah's Crescent: Safety issues with the state of the road particularly from Cadaga Ridge on. Appreciate the work done in reseal but believes the road is now well overdue for widening, repairing and resealing properly.
	Council	As per response to No. 28

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	Response	
34.	Stephen Cross	Sarah's Crescent: should be put as number one on roads priority list. Information and photos previously submitted so not willing to repeat it.
	Council Response	As per response to No. 28
35.	June Elford	Sarah's Crescent: Would like Council to provide funding to continue road upgrade works of Sarah's Crescent.
	Council Response	As per response to No. 28
36.	Lyn Meager	Schools to Schools: Letter of support for Camden Haven Schools to Schools Shared Pathway to be considered for inclusion in future works. School children who live close to the High School are at risk as Bus services do not stop within this area and they have to negotiate uneven, unmowed shoulders of a very busy road. Visitors at the Motel (which include Distant Education Students) would benefit from being able to walk safely to school but also into Kew for dinner or Lakewood shops. The pathway would also allow elderly residents to maintain their independence by being able to access shops and services in Lakewood. Invitation extended to decision makers to attend the area and experience it for themselves to understand the urgency of this project.
	Council Response	Acknowledge; Council supports the concept behind this initiative and has been involved in initial discussions with key project representatives. The Group Manager of Community Development has been designated as the point of contact within Council for continuing discussion on this project. In the long term context of this project, Council appreciates the role that it can provide is through advice, design services and grant funding assistance. This role can be formalised under Action item 2.6.2.8 which will see Council engaging with the community to identify place making opportunities and develop master plans for high priority precincts. The funds allocated to item 5.1.1.4 (d) footpath and cycleway construction are to allow the construction of 'missing links' of footpath in order to increase the overall benefit of the footpath infrastructure that already exists. Staff will compile a detailed footpath works program to be presented to Council in July / August and will recommend that the 231 metre footpath in Comboyne Street Kendall be included in that program.
37.	Alan Hudson	Schools to Schools: Letter of support for the Camden Haven School to School Shared Pathway project. This would be beneficial in the Kendall area particularly Graham St where school children and parents are at risk when walking to and from school due to the lack of footpaths in this section. Safety of children should be a priority. The patrons of the Services Club would also benefit by providing safe access for mobility impaired patrons and will alleviate traffic around the club. This initiative would benefit not just school children, the residents and our patrons but also the development of this valley.
	Council Response	As per response to No. 36
38.	Karen Pini	Schools to Schools: Letter of support for the Camden Haven Schools to Schools Shared Pathway from the Queens Lake

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		Village. Residents from the village would benefit through safe and accessible pathways which would allow them to access the Laurieton shopping centre and Lakewood shopping center as well as provide them with greater independence and social interaction opportunities.
	Council Response	As per response to No. 36
39.	Rob Dwyer LUSC	Schools to Schools: Letter of support for the Camden Haven Schools to Schools Shared Pathway project. LUSC and KCC have many patrons who would benefit from alternative access which also supports the responsible service of alcohol requirements whereby alternative access must be considered for patrons. The high number of elderly people who access the clubs daily and for special events would alleviate traffic congestion. New residential developments at 'Laurieton Resort' and 'The Links Estate' will also increase demand for access and this infrastructure which could be funded from Section 68 developer contributions.
	Council Response	As per response to No. 36
40.	Rev Nathan Kilpatrick	Schools to Schools: Letter of support for the Camden Haven Schools to Schools Shared Pathway. Church location is halfway between Laurieton PS and Camden Haven HS on Mission Terrace. Points raised include: <ul style="list-style-type: none"> - 500 people use church facilities weekly with most relying on cars to access - This pathway would encourage an environmentally friendly option to access the church, reducing carbon emissions and road wear and tear - Recognises and solves the imminent tragedy and serious safety hazard - Encourages a healthy option for community members - creates a valid transport option for children, youth and adults, young and elderly - a pedestrian refuge at each housing estate would be beneficial
	Council Response	As per response to No. 36
41.	Therese Debenham	Schools to Schools: Letter of support for the Camden Haven Schools to Schools Shared Pathway. Kendall public school children would greatly benefit from this project. Points raised include: <ul style="list-style-type: none"> - high concern for children who live within 2.4km radius who are not eligible for bus pass and are required to be dropped to school due to unsafe access - high traffic congestion cause risks to children - "Bike safety day" held where 96% of students bought bikes to school yet on average only 4 student ride to school daily - Number one priority is to get students to school safely but this will allow health of students to be addressed as well.
	Council Response	As per response to No. 36
42.	Fr Michael Roohan	Schools to Schools: Letter of support for the Camden Haven Schools to Schools Shared Pathway. The Catholic Parish of Camden Haven includes the St Peter the Fisherman Church and

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		<p>St Joseph's Primary School located on Ocean Drive and St John the Evangelist Church in Kendall. Points raised include:</p> <ul style="list-style-type: none"> - 200 students attend the school with many that live within 2.3km of the school and are ineligible for bus pass. - No safe pathway to school - Increase traffic congestion due to car drop off required - Parishioners to churches include aged residents who rely on lifts to services as unable to walk or ride due to lack of pathways
	Council Response	As per response to No. 36
43.	Joy Walker	Schools to Schools: Request that funds be allocated to assist with stage 1 of the Beach to Beach Riverwalk and the School to School footpath program. Further the funding balance could be put into the rolling works program for the next five years.
	Council Response	As per response to No. 36 and response to No. 1
44.	Caseylea Parker	Schools to Schools: Request that the construction of a pathway between Laurieton and Kendall be considered. As a business owner and mother concern is expressed over the safety of pedestrians (majority youth) who walk/ride along the road daily. The Camden Haven Schools to Schools Shared Pathway Proposal will provide health, fitness and well-being benefits to the Camden Haven Community.
	Council Response	As per response to No. 36
45.	Wendy Hitchen	<p>Schools to Schools: Strongly supports the Camden Haven Schools to Schools Shared Pathway. Points raised include:</p> <ul style="list-style-type: none"> - Safety of community. Experienced a near miss personally - Camden Haven HS would be able to access swim facility - Provide extra fitness opportunity - Customers would be able to walk or ride to facility alleviating traffic congestion
	Council Response	As per response to No. 36
46.	Simon Hancox	Schools to Schools: Urge Council to give consideration to Camden Haven Shared Schools Pathway. Urban Growth strategy and rezoning of rural land in Area 15 will increase population and therefore need for pathway in future to link new and existing residential developments.
	Council Response	As per response to No. 36
47.	John Cooke	Schools To Schools; reference previous meetings and discussions with Council on footpath project and grateful for consultation process and support already communicated for project. Request additional actions to the Operational Plan 5.1.1.6 Design and engineer Schools to Schools pathway ready for implementation when funding is secured. Details benefits achieved from pathway and belief that design/ engineering component can only be delivered through Council expertise. 5.1.1.6 (a) Construct 231 metre footpath on Comboyne St Kendall, description that community wants to see some part completed in 2014/15 and

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		community is willing to contribute financially and physically. This section would complete existing footpath. Request that funds allocated under 5.3.1.4 for recreational asset replacement at end of useful life be redirected into footpath project. Supporting documents include full maps of schools to schools pathway, photos of existing roadways.
	Council Response	As per response to No. 36

Internal Consultation

The following levels of staff have reviewed, assessed and considered the draft documents throughout the public exhibition period;

- Executive
- Group Managers
- Integrated Planning and Reporting Development Officer

Planning & Policy Implications

This report is aligned with Council's legislative obligations under the requirements of the NSW Integrated Planning and Reporting Framework.

Financial & Economic Implications

The 2014 - 2015 Budget

The 2014 - 2015 budget is provided in detail in the attached Revenue Policy and Fees and Charges document. Within the One Year Operational Plan is an overview of how the proposed activities will be funded, including the budget statement and capital works program.

The 2014-2015 budget forecasts a balanced position (excluding depreciation and loss on disposal of assets). This compares with a deficit of \$806,143 in the previous (2013-2014) original budget.

The budget summary is as follows:

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	2014 - 2015 Budget \$'000
Operating Budget	
Operating Revenue	175,392
Operating Expenses	(102,422)
Net Operating Revenue	72,970
Capital Items	
Net transfer from reserves	22,485
New Loans	7,500
Purchase of Assets	(93,605)
Loan Principal Repayments	(9,350)
Net Capital Result	(72,970)
Budget Result surplus/(deficit)	0

The total expenditure in 2014-2015 will be \$205.3m which includes the following breakdown;

- \$96.2m on the ongoing operational costs (excluding depreciation, interest on loans and asset write offs)
- \$93.6m for capital works projects
- \$15.5m for the costs in servicing debts

An overview of the expenditure per service for each focus area is provided in the One Year Operational Plan.

Council's projected income for 2014-2015 is forecast at \$175.4m, which will come from:

- rates and annual charges (\$80.5m or about 48% of the income)
- user charges and fees (\$27.4m) for services such as water, waste management, building and planning, animal registration, crematorium, airport and library
- interest income (\$4.9m)
- grants and contributions (\$57.4m or around 30% of the income) made up of state and federal government grants and developer contributions.
- other revenue (\$5.2m) such as fines, waste management income and rental of Council facilities.

Summaries of income sources for each focus area are also included within the One Year Operational Plan.

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Loans and Borrowings

To provide for the future needs of our community, Council borrows money to fund infrastructure and community assets which cannot be funded out of normal revenue sources.

Total borrowings for 2014-2015 will be \$16.1million. This includes proposed new borrowings as below;

New Borrowings by Project	Amount
Stormwater Remediation	\$200,000
Road Construction	\$800,000
Kew Waste Management Transfer Station	\$900,000
Hastings River Drive (subject to LIRS approval)	\$5,600,000

The total also includes \$8.6 million in borrowings to replace Stingray Creek Bridge as resolved in the 2013-2014 budget. These funds have not been borrowed as yet due to the need to reach set project milestones and therefore will be borrowed in the 2014-2015 financial year.

Rates, Fees and Charges

A full listing of rates, fees and charges, relevant statutory regulations and the proposed income is provided in the attached Revenue Policy and Schedule of Fees and Charges. Once adopted all of these documents remain publicly available from Council's website, libraries and offices.

The allowable increase for general rates in the 2014-2015 financial year has been set at 2.3% by the Minister for Local Government and this has been applied in full to the proposed income calculations.

Attachments

1. One Year Operational Plan
2. Revenue Policy 2014-2015
3. Fees and Charges 2014-2015
4. Rating Maps 2014-2015

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: 10.01

Subject: NOTICE OF MOTION - MCINHERNEY PARK

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

RECOMMENDATION

That Council:

1. Approve the use of motorised watercraft at the western man-made beach at McInherney Park commencing on 1 September 2014 for a trial period of twelve (12) months, limiting the use by motorised watercraft to the hours of 8.00am to 5.00pm, seven (7) days per week and include a 4 knot (no wash) zone within the immediate vicinity of the beach.
2. Note the decision to implement a trial period for motorised watercraft changes Council's previous position at the western man-made beach at McInherney Park concerning the use of motorised watercraft, made at the 16 October 2013 Ordinary Meeting of Council.
3. Request that the General manager engage with the Roads and Maritime Services (RMS) to implement the changes of use including the provision of appropriate signage and advertising of the changed conditions of use.
4. Allocate the required resourcing of this initiative in the 2014/2015 budget.
5. Request the General Manager to provide a report to the November 2015 Ordinary Meeting of Council outlining community feedback on the success or otherwise of the twelve (12) month trial.

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Looking After Our People

Item: 10.02

**Subject: NSW WATER SUPPLY AND SEWERAGE PERFORMANCE
MONITORING REPORT**

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

2.1.3 Implement inspection, compliance and education practices that ensure acceptable levels of public and environmental health; meet building and fire safety standards.

RECOMMENDATION

That the report be noted.

Executive Summary

The NSW Office of Water invites Council-operated water authorities to provide statistical information each year for inclusion in the annual NSW Water Supply and Sewerage Performance Monitoring Report. The report effectively benchmarks water and sewerage undertakings across the state.

Data is compiled at the end of the financial year and when the information is collated, the report is published and distributed to Local Government utilities in NSW. Because receipt and collation of data is a time consuming process, the report is received usually around this time of year for the previous financial period. Council has therefore recently received the 2012- 13 NSW Performance Monitoring Report, noting that some of the indicators are from 2013-14 (eg. fixed charges).

Discussion

Standard reporting categories in the annual NSW Water Supply and Sewerage Performance Monitoring Report, include the following:

- Typical residential bill per assessment - combined water and sewer
- Typical residential bill per assessment - water supply
- Typical residential bill per assessment - sewerage services
- Chemical water quality compliance - water supply (PMHC 100%)
- Microbiological water compliance - water supply (PMHC 100%)
- Water quality complaints
- Odour complaints - sewerage
- Average Annual Residential water supplied
- Compliance with BOD in licence - sewerage
- Compliance with SS in licence - sewerage
- Sewer main breaks and chokes per 100 km of mains

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Recycled water (percent effluent recycled)
 Percentage of sewage treated that was compliant
 Total greenhouse gas emissions
 Economic real rate of return - water and sewerage
 Economic real rate of return - water
 Economic real rate of return - sewerage
 Operating cost per property - water supply
 Operating cost per kilolitre - water supply
 Management cost per property - water supply
 Management cost per property - sewerage
 Residential revenue from usage charges - water supply
 Best practice management implementation - water supply and sewerage
 Best practice management implementation - water supply
 Best practice management implementation - sewerage
 Typical developer charges -water supply
 Typical developer charges -sewerage services
 Residential water usage charge
 Non residential sewer usage charge

The Performance Report includes specific data about the Port Macquarie Hastings Schemes with some excerpts included as follows.

Water Supply Performance Summary

Water Supply System: Port Macquarie-Hastings Council serves a population of 80,200 (29,730 connected properties). Water is drawn from the Hastings River to supply Port Macquarie, Wauchope and the Camden Haven areas. Council has 2 off-creek storage dams (total capacity 12,500 ML). The water supply network comprises 35 service reservoirs (148ML), 19 pumping stations, 158.7 ML/d delivery capacity into the distribution system, 124 km of transfer and trunk mains and 669 km of reticulation. The water supply is filtered (ultra-filtration) for the Wauchope area and unfiltered (chlorinated) for the Port Macquarie and Camden Haven areas. Three separate small village water supply systems operate to service Telegraph Point, Comboyne and Long Flat.

Performance: Port Macquarie-Hastings Council achieved 100% compliance with Best-Practice requirements. The 2012-13 typical residential bill was \$548 which was close to the statewide median of \$540. However the economic real rate of return was negative. The operating cost (OMA) per property was \$365 which was less than the statewide median of \$410. Water quality complaints were well above the statewide median of 3. Compliance was achieved for microbiological water quality (100% of the population, 5 of 5 zones compliant), chemical water quality and physical water quality. There were no failures of the chlorination system or the treatment system. Port Macquarie-Hastings Council reported no water supply public health incidents. Current replacement cost of system assets was \$539M (\$17,200 per assessment). Cash and investments were \$39M, debt was \$11.9M and revenue was \$20M (excluding capital works grants).

Sewerage Performance Summary

Sewerage System: Port Macquarie-Hastings Council has 5 sewage treatment works providing advanced secondary and advanced tertiary treatment. The system comprises 87,000 EP treatment capacity (Intermittent and Continuous Extended

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Aeration (Activated Sludge) with Biological Nutrient Removal), 155 pumping stations, 93 km of rising mains and 568 km of gravity trunk mains and reticulation. 3% of effluent was recycled and treated effluent is discharged to land river and ocean.

Performance: Residential growth for 2012-13 was 1.3% which is higher than the statewide median. Port Macquarie-Hastings Council achieved 100% implementation of Best-Practice requirements. The 2013-14 typical residential bill was \$704 which was above the statewide median of \$625. The economic real rate of return was similar to the statewide median. The operating cost per property (OMA) was \$463 per property which was above the statewide median of \$430. Sewage odour complaints were above the statewide median of 0.7. Port Macquarie-Hastings Council reported 9 Category 2 (limited impact) environmental incidents and 9 Category 2 (Limited Impact) public health incidents. Council did not comply with the P requirements of the environmental regulator for effluent discharge. The current replacement cost of system assets was \$379M (\$13,200 per assessment), cash and investments were \$32M, debt was \$29M and revenue was \$23.6M (excluding capital works grants).

When comparing reported performance with other utilities, individual Councils should take account of the wide range of variables that can impact on the cost and efficiency of a scheme. Additionally, an indicator with an apparently low ranking may not necessarily imply poor performance. For example:

- Number of connected properties - there are significant economies of scale for the larger schemes
 - Provision of bulk storage and long trunk main systems - these major operational costs are not incurred by schemes that rely on groundwater
 - Regional topography and soil types affects pumping costs, frequency of main breaks and useful life
 - Regional rainfall and evaporation have significant influence over water consumption figures
- 1.
- Some utilities may not be as diligent in reporting or compiling data as others, eg. number of sewer chokes, sewer overflows to the environment, water main breaks, total days lost etc.

A number of the category results have been also included in this report for Councillor information, however the full report is available for Councillors to download if requested.

Overall, PMHC is considered one of the better performing Council water authorities, as has been the case now for a number of years. There are other indicators that are reviewed for each individual water authority. For the individual report, a total of 56 individual performance indicators are considered.

For sewerage undertakings, the performance monitoring report has identified the following as areas potentially requiring review:

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- Renewals expenditure - considered low. Council's sewer main renewals program now includes relining of mains
- Non residential sewer usage charge - may require review
- Odour complaints - higher than state median. The odour control capital works budget was introduced for this reason
- Percentage of effluent recycled considered low
- Sewer overflows to the environment. Council has committed to undertaking significant works in the Camden Haven scheme to potentially alleviate surcharges in moderate rainfall events
- Non residential revenue - may require review
- Pumping cost - directly related to topography, scheme configuration and number of pumping stations. Port Macquarie-Hastings Council operates 155 sewer transfer pumping stations).

For water supply undertakings, the performance monitoring report has identified the following as areas requiring review:

- Residential water usage charge - Best-Practise pricing requires a higher percentage of overall income from usage charge (offset by access charge). In very wet years, relying heavily on usage charges will reduce income significantly
- Residential access charge - based on percentage of income derived from access charge, Best-Practise pricing requires a lower percentage. As noted above, the current 2 part tariff is adopted to ensure at least a minimum income stream
- Water quality complaints (typical with unfiltered supply) higher than state median
- Service complaints - as above
- Economic real rate of return - (rate of return generated from operational activities) - noted
- Pumping cost - (directly related to topography and scheme layout). Port Macquarie-Hastings Council operates high voltage pump sets (3300 Volt) at both Koree and Port Macquarie due to the high lift, high flow requirements. Council also maintain substations (including high voltage transformers) at both sites.

Options

There are no options associated with this information report.

Community Engagement & Internal Consultation

Internal consultation has occurred within the Water & Sewerage section including other Infrastructure and Asset Management staff in providing the initial data to the NSW Office of Water and in presenting this report.

Planning & Policy Implications

There are no direct planning or policy implications associated directly with this report.

Financial & Economic Implications

Future operations plans will be generated taking into consideration areas identified within the 2012-13 Performance Monitoring Report

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Attachments

1. Figure 1: Typical Residential Bill (\$ per assessment) - Water Supply & Sewerage 2013-14
2. Figure 6: Water Quality Complaints - Water Supply 2012-13
3. Figure 12: Sewer Main Breaks and Chokes - Sewerage 2012-13
4. Figure 19: Operating Cost (OMA) per property - Water Supply 2012-13
5. Figure 20: Operating Cost (OMA) per property - Sewerage 2012-13
6. Figure 28: Typical Developer Charges - Water Supply 2013-14
7. Figure 29: Typical Developer Charges - Sewerage 2013-14

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Item: 10.03

Subject: A PROPOSAL TO NAME A PUBLIC RESERVE SITUATED OFF MAYWORTH AVENUE, PORT MACQUARIE

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

Alignment with Delivery Program

5.3.2 Develop and implement programs for the annual maintenance and operation of open spaces and recreational facilities.

RECOMMENDATION

That Council:

- 1. Assign the name “Mayworth Park” to Lot 10 Deposited Plan 259335 and authorise the manufacture and installation of suitable signage.**
- 2. Make application to the Geographical Names Board to Gazette Lot 10 Deposited Plan 259355, “Mayworth Park”, as a Reserve within the Geographical Names Register.**

Executive Summary

A report to consider the naming of a Council owned public reserve situated off Mayworth Avenue, Port Macquarie.

Discussion

A request has been received to name the public reserve situated off Mayworth Avenue in recognition of the original subdividers of the land the area. The requested name is Mayworth Park. A plan depicting the boundaries of the reserve proposed to be named is attached to this report.

The land in the area of Mayworth Avenue, including the reserve proposed to be named, comprises part of a subdivision dating back to 1979. The developers of the land were the May and Worthing families. A representative of the Worthing family has requested that the reserve name be allocated and “gazetted”.

Whilst Council can assign names to its public reserves, the process of “gazetting” a name is one that is done by the Geographical Names Board. The Board holds a Register which contains names of the geographical features of the State of New South Wales. In this instance, the most appropriate feature within the Register is a “reserve”.

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Options

There is the option to:

1. Assign the proposed name
2. Not assign the proposed name

Community Engagement & Internal Consultation

In accord with Council's Policy for the naming and renaming of reserves, the proposed name was advertised in "Council Matters" and land owners / residents within a 400 metre radius of the reserve were notified by mail of the proposal. 400 metres is considered to the extent of the catchment of a park of this type. Further, as the proposed name has an historical element, the local Historical Society was also notified, by mail, of the proposal.

At the conclusion of the period in which submissions on the proposal were invited, one submission in support of the proposed name was received. No objections to the proposed name were received.

Planning & Policy Implications

The naming process has been conducted in accord with Council Policy "Naming and Renaming of Reserves."

Financial & Economic Implications

There will be costs incurred in the manufacture and installation of signage. There is no fee for an application to the Geographical Names Board.

Attachments

1. Plan showing location of proposed "Mayworth Park"

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Item: 10.04

Subject: FINAL REPORT MOVE EAT LIVE WELL PROGRAM

Presented by: Community & Organisational Development, Lesley Atkinson

Alignment with Delivery Program

2.3.1 Advocate, support and/or implement wellness and healthy lifestyles in accordance with the 2013-2017 social strategy.

RECOMMENDATION

That Council:

- 1. Note the positive outcomes from the Move Eat Live Well Program.**
- 2. Continues to seek opportunities to implement similar programs in the future, pending adequate grant funding and staffing resources.**

Executive Summary

This report provides an update to Council and the community on the outputs and outcomes of the Move Eat Live Well program, which will cease on 30th June 2014.

Discussion

The Move Eat Live Well program was established in 2009 in partnership with the MNC Local Health District and with funding through the NSW State Healthy Communities Initiative. In 2011 Council received Federal Healthy Communities funding (\$566,042) to implement phase two. The Move Eat Live Well phase two commenced in March 2011 and will cease on the 30th June 2014.

The funding was only available to Local Councils and targeted communities across Australia with higher than average risk conditions such as heart disease, obesity, diabetes and poor nutritional intake. The funding also targeted communities with lower SEIFA index scores and other social determinants of health (eg: unemployment, lower average incomes, ageing populations).

The objectives of the Project were to:

1. increase the target groups awareness of the importance of physical activity and healthy eating;
2. increase the availability of proven and appropriate physical activity, healthy eating and healthy lifestyle programs for adults, predominantly not in the paid workforce;
3. increase participation in these community based programs for those predominately not in the paid workforce by linking with local service organisations and program providers in consultation with the target groups; and utilise resources currently available through local government, the community,

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the commercial fitness industry and non-government health sector to facilitate the expansion of the programs.

The target group for the Project includes, but is not limited to people who identify as:

- Aboriginal or Torres Strait Islander
- People who are recently or long term unemployed
- Carers
- Older Australians
- People with a Disability
- Part-time or casual employees

The funding provided for all costs associated with the program including salaries; on-costs; overheads; administration and finance; and all associated program costs. The Healthy Communities Coordinator (HCC) continued to be involved in Council processes outside of the funding scope, therefore adding value without a cost to Council or the community. The HCC was required to report to the Department of Health on a 6 monthly basis and provided detailed account of program progress and forward implementation. All progress reports, implementation plans and the final report (provided 25th March 2014) were accepted with all incremental funding being released to Council on schedule.

Evaluations

Throughout the program a series of evaluations were undertaken to ensure quality; benefit and satisfaction of participants; trainers and partners. Evaluations included interviews; pre and post program evaluations; surveys; video evaluations; photo's; testimonials; statistics and health measures. An additional set of random telephone surveys was conducted to gauge the ongoing benefit of the programs.

Outputs

- Over the period there were 2,381 participants in the Move Eat Live Well program.
- Approximately 50% of people participated in more than one Move Eat Live Well activity demonstrating sustained engagement in the program
- 100% of participants were within our target group.
- The majority of participants were over the age of 50 years
- The majority of participants were female

HEAL Programs

- Over the project period the Move Eat Live Well program conducted 54 x 10 week HEAL and HEAL maintenance programs. This is a total of 42 additional programs than were originally planned for.
- HEAL programs were conducted across the LGA in facilities that were accessible to the public and encouraged participation from a broad section of our community. Programs ran in Beechwood, Laurieton, Wauchope, Port Macquarie, Ellenborough, Rollands Plains and with the Birpai and Bunyah Local Aboriginal Land Councils. The total number of participants in the HEAL program over the project period was 628 with 300 people participating graduating from a full HEAL program into HEAL maintenance programs.

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Since funded HEAL programs ceased in December there have been 10 ongoing exercise programs run on a fee for service basis by the provider.

- The Move Eat Live Well funding has enabled the provider to develop a solid client base to assist with sustainability. This is linked to our overall project aim to increase the number of people in our target group who are engaged in ongoing physical activity initiatives. A video evaluation has been completed and the link is available in the attachments.

Heartmoves

- Similarly, Heartmoves programs were conducted in community facilities across the LGA. Programs ran in Lake Cathie, Laurieton, Wauchope and Port Macquarie. Overall 54 x week Heartmoves programs were conducted. This is a total of 30 additional programs than were originally planned for.
- The total number of participants in the Heartmoves program over the project period was 851 with a high rate of ongoing participation with 449 people attending more than 1 program. Since the funding ceased in December for Heartmoves the trainer has been able to continue to deliver programs in all areas. The trainer is currently delivering 9 Heartmoves classes for a nominal fee.
- The Move Eat Live Well funding has enabled the provider to develop a solid client base to assist with sustainability. This is linked to our overall project aim to increase the number of people in our target group who are engaged in ongoing physical activity initiatives. A video evaluation has been completed and the link is available in the attachments.

Foodcents - Healthy Cooking Classes

- An initial pilot program was conducted in December 2012 in partnership with the dietitian from MNC Local Health District. Three weekly sessions were conducted with 46 participants attending. These sessions were very well received with feedback being 100% positive. This pilot enabled us to formulate the model for the major block of programs. After a lengthy planning and procurement process, the Red Cross were contracted to deliver the Food Cents program in June 2014. The Healthy Communities Coordinator was involved in the trainer recruitment process in July.
- The cooking classes commenced in August and ran through to mid December 2013. Programs were run in Port Macquarie, Laurieton and Wauchope. The Red Cross ran a total of 45 classes with 205 participants all up. In total combining the pilot program and the full program 48 cooking programs were conducted with 251 people participated in healthy cooking classes.
- Feedback from the cooking programs has been overwhelmingly positive. We conducted post program evaluations with participants along with a random telephone survey post the training which indicated that 97.1% of respondents felt that the program was "very useful" or "useful"; 83.3% increased their awareness of healthy eating; 75.5% increased awareness of their own nutrition and 100% enjoyed the program.

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Cooking Foodcents	No. of people	No. of programs
Wauchope	28	2 blocks
Laurieton	45	3 blocks
Port Macquarie	132	10 blocks
	205	45 sessions

- Through the cooking program Council and the Red Cross recruited and trained 6 community volunteers to assist with the delivery of the program. These volunteers were rewarded with fruit and vegetable vouchers from a local store. These volunteers and others who were involved in the program have expressed an interest in supporting ongoing cooking programs for the community. A community kitchen concept has been discussed and is outlined below.

Heart Foundation Walking

Throughout the program we promoted Heart Foundation Walking and received 123 registrations which were provided to the Area Coordinator for follow up. We ran three events to specifically promote Heart Foundation walking with attendance at these events exceeding 260 people. Some of these people were already registered with walking groups. As far as we can ascertain there have been 11 new walking groups established across the LGA as a result of the program. Anecdotally, the overall number of walkers has increased within existing walking groups. The Birpai Land Council Women's group have also commenced a walking program, however chose not to become a formal Heart Foundation Walking group.

Community Garden

The Healthy Communities Coordinator has provided this project with overall supervision and coordination of the Community Garden Project Officer and project implementation including community engagement; design; construction and project management. The Healthy Communities Funding has also contributed to infrastructure development at the garden (eg: installation of reclaimed water meters and infrastructure; pedestrian bridge; event funding; promotional materials; raised beds). A separate report on the Community Garden is being tabled at the June Council meeting (NSW Community Builders funding).

The community garden project "The Lost Plot" has taken shape after extensive community engagement, capacity building and project management of major infrastructure installation. The processes required to ensure that this garden was able to proceed on the designated site, along with the formation of the incorporated community organisation and the detailed planning requirements has led to a delay in project delivery. Whilst this delay has been ongoing there are some positive outcomes as a result including:

- A well informed community based design
- A high level of community ownership and involvement
- The formation of a well functioning and sustainable community group to oversee the garden into the future
- The installation of major infrastructure including cabana, potable and reclaimed water onsite, pathways, shipping container for storage, water tanks

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construction of garden beds in partnership with the Mens Shed and Novaskill and the construction of the composting toilet.

- Most recently a range of workshops and weekly working bee's. (Workshops have included garden design principles; invasive species; permaculture; worm farming; propagation; sign making, graffiti art to improve the appeal of the shipping container, and a herb spiral workshop). More workshops will be conducted in the project period.
- The cooking facilities are being installed in June and will be completed prior to the end of June.
- The community garden group are heavily involved in the decision making processes regarding the garden overall and we aim to ensure that any decisions that will affect them long term are based on their input.

Outdoor Gym - Town Beach

- The Town Beach outdoor gym was installed in August 2013 within budget and timeframe. Extensive community engagement and planning ensured that the equipment was of a practical nature for community members.
- A series of 15 instructional sessions were held onsite over this period with 74 people formally participating in the sessions.
- The trainers also noted community members who were not registered through Move Eat Live Well also attended the classes (mainly people passing by, or who had seen the advertising and just turned up).
- Other services such as the Rehabilitation Centre from Port Base Hospital also took clients to use the equipment on a weekly basis as part of their physiotherapy.
- Group leaders for HEAL and Heartmoves also used the equipment with their groups on an ongoing basis. It is estimated through these known channels that in the immediate timeframe the equipment was used by over 400 participants in a formal capacity.
- What is not known is how often the equipment is being used by fitness group leaders and general community members on a regular basis. Ongoing observation has shown that the equipment is used very frequently with people of all ages accessing the space. This use has predominately been in the mornings or later afternoons as it is cooler at these times through the summer months.
- A formal opening of the equipment was held in September 2013 with a Heart Foundation walk and healthy breakfast followed by an instructional demonstration.
- Approximately 60 people attended the opening by Mayor Peter Besseling and Aboriginal Elder Uncle Bill O'Brien.
- Feedback on the equipment through onsite discussions and evaluations has been very positive. A video evaluation has also been completed for this program activity.
- Main feedback on any changes has been around having more of these types of equipment across the LGA and along major walkways; and the provision of shade. Overall the installation of the Outdoor Gym has been extremely positive and has added an exciting element to the Town Beach Foreshore.

Outdoor Gym - Jack Dwyer Reserve

- Additional funding has been allocated out of unexpended funds to install an Outdoor Gym at Jack Dwyer Reserve in Wauchope in line with the

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Masterplan and following community engagement. This equipment will be installed by June by Recreation and Building services and will save Council money

Outdoor Gym - Beach to Beach North Haven

- Funding has also been allocated to the newly formed Beach to Beach walk which is based from Dunbogan to North Haven in the Camden Haven area. The community based group who are working on this proposal in partnership with Council and local service clubs are formulating the final plans for this walk. Unexpended funding from the grant has been allocated to this project, and will save Council money.

Policy and strategy. Involvement in strategy and planning.

The Healthy Communities Coordinator (HCC) has been involved in the planning and community engagement for numerous strategies that impact on the whole of the LGA. For example:

- Roll out and support of Smoke Free Reserves and Sporting Fields, Outdoor Dining and Council Buildings
- Launch and roll out of Smoke Free Beaches in December
- Ongoing roll out for Smoke Free Bus Shelters
- Involvement in the Councils Healthy Workplace Plan
- Councils Healthy Catering Policy - drafted and being considered by Executive
- Community engagement on Town Beach Foreshore Masterplan
- Development of the Social Strategy which now has a healthy lifestyles category
- Councils Operational Plan and Delivery Program
- Integrated Transport Strategy
- Wauchope Traffic management strategy
- MNC Medicare Local Health Promotion plan
- MNC Local Health District Rural Health Plan
- Regional Development Australia Regional Plan
- NSW State Health Plan

Supervision and coordination - Aboriginal Move Eat Live Well (AMELWELL) and Community Garden projects,

The Healthy Communities Coordinator (HCC) has been responsible for the ongoing coordination and supervision of the Aboriginal Move Eat Live Well programs as well as the Community Garden project. These projects both have numerous components and project outcomes. A detailed report on this funding is also being tabled at this Council meeting.

The role of the HCC in this process has involved the following:

- Staff supervision and support
- Contract management and procurement
- Construction of an outdoor kitchen at the Birpai Land Council which was opened at Close the Gap on the 21/3/2014. This was an 18 month process with complete involvement in all decisions by the Land Council and community.

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- Partnership development and stakeholder management
- Construction of major infrastructure for the Lost Plot community garden
- Extensive community engagement
- Issues and task management
- Finance management of budgets
- Managing volunteers and contractors
- Supporting the development of the Community Gardens Incorporated group and involving this group in all decisions impacting on the garden.
- Reporting requirements.

The HCC has also continued to be involved in Council based projects and processes including:

- Team meetings
- Training and development
- Involvement in Councils grants program management
- Involvement in Council community engagement activities
- Reporting and performance management

Library Seed Lending and Library Community Garden.

Seed Lending

- On the 7th April the Library seed lending and garden was launched by Costa Georgiadis. The seed lending library provides free access to high quality vegetable and herb seeds. A range of educational material has been developed to teach people how to grow from seed.
- The concept is that people will 'borrow' seed, grow produce, collect seed from the produce and return this to the library. We aim to connect community gardens, residents who have heritage seeds, those who are skilled at collecting seed, school gardens into this initiative.
- We have also created a Seed Library and Garden volunteer group (20 members) who are involved in the collecting, cataloguing and development of resources. It is envisaged that workshops will be held in conjunction with the garden.
- To date the Seed Library has lent over 500 packets of seeds to the community. The community are also donating seeds (new and returned) back to the library providing a sustainable result.

Library Garden - Seed and Read

- The volunteers have also constructed a small garden consisting of 6 beds at the library. They were involved in the planning, design and implementation of the garden. They are also involved in the ongoing maintenance of the garden.
- The library is in close proximity to multiple housing estates which are of a high density. We will link these residents with the garden to encourage access to healthy fresh and free food.
- Funding has been allocated to the garden to allow for its growth and development as the project expands. The library staff is responsible for the volunteer management, training and overall coordination of the garden and the seed lending library.

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Library healthy books and resources.

- Through Move Eat Live Well we have also purchased a wide range of healthy resources for public loan. This includes books and magazines on gardening and healthy cooking. To date these resources are being catalogued ready for borrowing. Funding is also allocated to allow for the library to restock these resources and expand their health and wellbeing section for borrowing.

Library Exercise Lending Scheme.

- In September 2013 we launched the exercise equipment lending scheme with the library. This was launched by the Deputy Mayor and was followed by a healthy morning tea.
- Approximately 60 people attended the opening. Items that are available for loan include: aerobic steps; stretch bands; pedometers; Heartmoves DVD's; light hand weights; skipping ropes and yoga mats.
- Since the scheme was launched the equipment has been borrowed over 158 times; the Heartmoves DVDs borrowed 300 times and the pedometers 198 times.

Walk Trails Maps

- Funding has been provided to our GIS unit to map our major walks and the facilities along these walks (such as amenities blocks, seating, major features).
- This will provide a central point of information which will be used across the organisation, will be placed on Councils website, Greater Port Macquarie Tourism site and iApp and will also create the foundation for a walks and trails brochure.
- This project is across Council and incorporates various sections including Parks and Recreation; Tourism; Infrastructure and Communications. Funding will be allocated to the graphic design, iApp upgrade and printing of the walks brochure.
- It is anticipated electronic versions will be available in June.

Community Kitchen Concept -

- Community Kitchens are well established in Australia and are a sustainable tool to teach people how to cook healthy low cost meals. They are volunteer facilitated and member driven. For more information on community kitchens please go to www.communitykitchens.org.au
- Building on the success of the cooking programs funding is being provided to the Port Macquarie Neighbourhood Centre to pilot a series of Community Kitchen programs in Wauchope.
- These pilots will provide an evidence base for the development of a toolkit to provide opportunities for community groups and residents to commence their own community kitchens.
- Hastings District Respite Care (HDRC) will actively seek funding to roll out and support community kitchens once the pilot programs are complete.
- In March, MEL Well and Council supported HDRC to enter the Jamie Oliver Pop Up Kitchen competition, however their application was unsuccessful. Through this campaign over 2,500 people demonstrated interest in learning

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how to cook healthy meals. Through the MEL Well program we have a list of over 200 people who are interested in cooking classes. We also have 6 trained volunteers and others who have expressed an interest in teaching people how to cook.

A sample of the final project outcomes as recorded through evaluation include:

Quantitative results

My awareness of the importance of healthy eating and physical activity improved

Strongly Agree	57.60%
Agree	34.70%
Neutral	6.90%
Disagree	0.70%
Strongly Disagree	0.00%

The Program made me reassess my eating and exercise habits

Strongly Agree	50.00%
Agree	39.40%
Neutral	9.90%
Disagree	0.00%
Strongly Disagree	0.70%

The Program had a beneficial impact on my wellbeing

Strongly Agree	52.90%
Agree	42.90%
neutral	3.60%
Disagree	0.70%
Strongly Disagree	0.00%

I would recommend the Program to family/friends

Strongly Agree	67.40%
Agree	31.90%
Neutral	0.70%
Disagree	0.00%
Strongly Disagree	0.00%

Qualitative results

What part of the Program did you most enjoy?

- All of the program
- Opportunity to meet and get to know other people forced me to dedicate a definite time to devote to exercise
- The people
- Social interaction and discussions that were a great source of encouragement and learning

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- Special atmosphere and at your own level exercise and broad range of information sessions
- The exercise programs and friendly people and help available
- The information sessions and the exercise were both great

Video Evaluations

Video evaluations have been developed for Heartmoves, HEAL, Outdoor Gym, Cooking program and a video is to be finalized for the community garden. Links are provided below.

- [Move Eat Live Well Heartmoves](#)
- [Move Eat Live Well HEAL](#)
- [Ben and Tristan's journey](#)
- [Youth Breakfast Club](#)
- [Move Eat Live Well Cooking Class](#)
- [Outdoor Gym](#)

All videos are listed on [PMHC's YouTube Channel](#).

Please refer to the attached Independent Evaluation for detailed evaluation report on the HEAL Heartmoves and outdoor gym components of the program.

Other comments:

- Healthy Communities Funding is an important investment in locally based and driven health promotion activities that target healthy policy; positive environments; personal support; partnerships and local businesses.
- Local Councils are in a unique position to be able to deliver programs such as these given the resources, connections and skills that are required.
- The Healthy Communities initiative funding allowed Council to deliver programs and activities that were well supported by our community, particularly for those on low incomes for whom access is a real barrier.
- MEL Well has been extremely well received by the whole community. Feedback from participants and our project partners has been 100% positive. The fact we have been able to deliver activities to a minimum of 2,300 people is due to the funding allocation.
- The funding created opportunities for Council to develop strong stakeholder partnerships from across the community including Aboriginal Medical clinics, Medicare Local, Birpai and Bunyah Local Aboriginal Land Councils, MNC Local Health District (variety of divisions), Neighbourhood Centres, Community service organizations, disability services, job agencies, Centrelink, Department of Veterans Affairs, Mens Sheds, Local businesses, TAFE, The Red Cross, Department of Housing, Refuges and emergency relief centres, Novaskill, library branches, local service clubs and many more.

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Options

- Council can choose to build on this success by seeking future funding opportunities
- Council can simply note the outcomes.

Community Engagement & Internal Consultation

Community engagement was critical and ongoing throughout the project as evidenced by participation rates and stakeholder and partnership development Planning & Policy Implications

- This relates to Councils Towards 2030 Plan, Operational Plan; Delivery program and the Social Strategy 2014-2017.
- Smoke Free Zones Policy
- Healthy Workplace Plan
- Healthy Catering Guidelines (being drafted)

Financial & Economic Implications

This report has no financial implications for Council

Attachments

1. Independant evaluation MELWELL HEAL Heartmoves and Gym

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Item: 10.05

Subject: FINAL PROJECT REPORT ABORIGINAL MOVE EAT LIVE WELL PROGRAM

Presented by: Community & Organisational Development, Lesley Atkinson

Alignment with Delivery Program

2.3.1 Advocate, support and/or implement wellness and healthy lifestyles in accordance with the 2013-2017 social strategy.

RECOMMENDATION

That Council:

- 1. Notes the positive outcomes from the Aboriginal Move Eat Live Well program.**
- 2. Review any future grant funding opportunities in order to build on the outcomes of the Aboriginal Move Eat Live Well program, pending available resources.**

Executive Summary

The Aboriginal Move Eat Live Well program was been funded from 2012 to June 2014. The program was an extension of the Move Eat Live Well program and was funded through the Federal Indigenous Chronic Disease prevention fund. The program outcomes have been delivered on time and within budget according to the funding agreement. This report is a summary of the project outcomes.

Discussion

In 2011 Council was successful in securing \$331,868 (excl GST) funding through the Federal Government Department of Health (Indigenous Chronic Disease Prevention Fund) to deliver the Aboriginal Move Eat Live Well program. The program commenced in 2012 and will cease on the 30th June 2014.

The target group for the program included all Aboriginal people who live in the LGA. The Move, Eat, Live Well Program (Phase 2 - A/TSI) worked with the Aboriginal community to;

- (1) Increase awareness of chronic disease prevention;
- (2) Implement projects to promote healthy lifestyles and improve the health of those living with chronic illness and
- (3) Increase awareness and connection to primary health services to prevent and manage illness.

This was achieved by employing a part-time project officer to facilitate the following activities that impact on chronic disease, with an emphasis on

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culturally appropriate ways to manage Nutrition, Exercise, Tobacco and Alcohol use. The project has been highly successful in engaging the Aboriginal community through strong stakeholder engagement and partnership development.

Partnership development:

- Werin Aboriginal Medical Clinic
- Bearley Aboriginal Interagency
- MNC Local Health District - Health Promotions, Dental and Aboriginal specific services
- Medicare Local
- Birpai Local Aboriginal Land Council
- Bunyah Local Aboriginal Land Council
- Birpai Youth Group
- North Coast Institute of TAFE (Port Macquarie and Wauchope)
- Mission Australia
- St Josephs Family Services
- Birpai Elders
- Birpai Men's Group
- Djiyagan Dhanbaan and Mitji Djiyagan Groups
- Hastings Men's Shed
- Youth Hub
- Camden Haven, Port Macquarie, Westport and Wauchope Primary schools
- Heart Foundation
- HEAL - South West Sydney Medicare Local
- Remondis

Key outcomes from the project include:

Construction of the outdoor kitchen:

The construction of the Birpai outdoor kitchen was the largest infrastructure component of the project. The kitchen was built to the design specification of the Birpai Land Council committee and members. The aim of the kitchen was to;

- (1) Provide a significant culturally appropriate space for Land Council members and
- (2) Provide a commercial quality kitchen for cooking classes, members meetings and community events.

The kitchen construction developed over a period of 18 months and was officially opened on the 21st March 2014 in conjunction with the Close the Gap day. It was opened by Councillor Levido; Federal Member for Lyne David Gillespie and Aboriginal Elder Uncle Bill O'Brien.

The kitchen opening also hosted the Healthy Community BBQ challenge, which aims to raise awareness of healthy BBQ alternatives. The kitchen is

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now used on an ongoing basis and is a valuable resource for the Land Council and the Aboriginal community.

Birpai Community Garden:

The Birpai Land Council, Men's group and Hastings Men's Shed formed a partnership to construct a community garden and chicken coop at the Land Council premises. This partnership developed connections between the two men's groups and has resulted in an amazingly productive garden which is well tended by community members. Once the produce is ready, the aim is for this to be readily available to the public as well as used in the cooking programs in the outdoor kitchen. Remondis donated soil to the garden project.

Bunyah Community Garden:

Funding has been provided to the Bunyah Local Aboriginal Land Council to construct a community garden on their premises. Councils Place Making Team will support the Land Council and link them to the Wauchope Community garden to develop a partnership and skills development.

Community Cookbook - Dhanbaan Duumul Nyiirun:

Following a community recipe competition, the community cookbook Dhanbaan Duumul Nyiirun was developed. The cookbook was developed in partnership with TAFE and local community members. Local Aboriginal artists (part of a TAFE arts course) contributed original artworks, whilst TAFE graphic design students worked on the design and printing aspects of the project. Aboriginal language students contributed Gathang language to the book. The cookbook includes not only recipes but also a range of useful health information regarding healthy eating as well as links to other chronic disease prevention initiatives, including Shape Up Australia, Go for 2&5, Healthy Kids.

The artworks, recipes of local community members and Gathang language have given this cookbook a solid grounding in local culture and have made it an attractive and sought after resource within the community. The book was officially launched in November 2013 at an arts showcase at TAFE and distributed widely through community organisations; Council; Libraries; Land Councils and at events. Over 2,500 copies of the booklet have been produced.

Cooking classes

Funding has been provided to the Youth group; Men's Group and the Djiyagan Dhanbaan group to conduct cooking classes through to the end of 2014. Resources including Healthy Food Fast Cookbooks; Dhanbaan Duumul Nyiirun cookbooks; Jamie Oliver Apron sets for the Kids cooking programs; pantry supplies for the Land Council; kitchen equipment and cooking utensils have all been purchased to support these classes.

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Breakfast Clubs:

Funding has been provided to Camden Haven, Port Macquarie, Westport and Wauchope schools to deliver breakfast programs for students. These have been funded through to the end of 2014. One issue that became apparent during the delivery of this program is the number of children who are not able to access food. The breakfast programs have been very well received by the school community and have improved attendance and behaviour outcomes within classrooms. These breakfast programs have reached over 300 students during the course of the funding. Schools are looking to build on this success to secure ongoing funding.

Adult exercise classes:

12 x 10 week My HEAL programs were run for the Birpai and Bunyah Land Councils with 122 people participating in the programs. They were very well received and health measures indicate significant improvements in waistline reduction; blood pressure; strength; flexibility and balance. Feedback from the group has been very positive. These programs were delivered by accredited exercise physiologists and staff from Werin, and the MNC Local Health District.

Training and capacity building

The program trained 3 x Aboriginal health workers from Werin to be qualified HEAL trainers. The funding also covered the HEAL licence fee and training manuals. Werin continue to deliver the adults exercise classes now that the funding has ceased.

Two young Aboriginal men, Ben Smith & Tristan Summerhayes have completed Cert III and Cert IV fitness through the North Coast Institute of TAFE. This was a partnership program and the Aboriginal Move Eat Live Well program covered the costs of the training through TAFE as a specialised course that provides in class content and 1 day per week of face to face mentoring in the gym. Ben & Tristan also completed HeartMoves training through the Heart Foundation and are now accredited Heart Moves facilitators. The trainees also undertook Austswim training in Sydney in July 2013. It has been a fantastic outcome and Ben now delivers fun activities for the youth group at the Birpai Land Council and with the Mission Australia Youth Program.

To view a video evaluation of Tristan and Bens journey click on this link:

<https://www.youtube.com/watch?v=-bbzrhYgf3w>

Mission Australia - Youth Program

This program was developed in partnership with Mission Australia and the Youth Hub. Evidence indicated that there were a number of young Aboriginal people who were not attending school. There are a variety of reasons for this and the Youth Program sought to improve this attendance through a healthy eating and exercise program. 12 young people were transported twice per

Looking After Our People

week by Mission Australia to a local gym where the young people undertook an hour of group exercise. They then went to the Youth Hub and had a healthy breakfast, shower and were driven to school. The program outcomes have been significant with 100% attendance rates at school on the days the program was conducted. Mission Australia has been funded through to the end of 2014 to continue the program. They are actively seeking funding opportunities to continue the program.

Another outcome from this program was linking Ben and Tristan into the program. This provided them with practical experience and mentoring in delivering exercise programs. The young people connected really well to these young men, who have become role models in their community.

To view the video evaluations of this program go to this link:

<https://www.youtube.com/watch?v=z-0ym8fNaKw>

Healthy Lifestyle Activities

A large range of activities were delivered to improve the health and wellbeing of Aboriginal children. Examples include:

- Traditional games were held at the Close the Gap events 2013 & 2014. There were 4 games played. In 2014 there was also Sumo Wrestling, football and a range of active games through the Fit4Fun Program.
- Aboriginal Women's Healthy Living Group was a 6-week program with women from the outlying areas around Wauchope. The program brought the women together to learn about healthy eating, food preparation, to connect and to exercise. A qualified exercise physiologist and personal trainer delivered the exercise component of this initiative
- A six-week term of Healthy Living classes was also delivered to participants of the Rainbow Reader Program run by St Joseph Family Services. This program is targeted at families with young children. The initiative incorporated informal learning about a range of health topics, including nutrition and dental health as well as gentle exercise.
- A similar 6-week course was held in conjunction with Mission Australia's Aboriginal Playgroup. This group also consists of parents and young children up to 5 years of age.
- During term 1 (2014) Ben Smith was engaged to conduct weekly exercise classes at Birpai Local Aboriginal Land Council with the Birpai Youth Group on Wednesday afternoons after school. This youth group attracts up to 35 children each week.
- Funding has been provided to the Djiyagan Dhanbaan group to strengthen the strong women movement. Projects that are funded include: Women's Health Day; 3 day women's camp; storytelling project; dance group and self-defence classes.

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Community Events and support

The program has supported and attended a large number of community events to promote Aboriginal health and wellbeing including:

- NAIDOC 2012, 2013 and 2014
- Reconciliation Week 2012 and 2013
- National Sorry Day 2012 and 2013
- Aboriginal Children and Families Day
- Community Connect 2012 and 2013
- Teddy Bears Picnic
- Memory Walk 2013

Close the Gap 2013, 2014 & 2015

The program was instrumental in the delivery of two large events for Close the Gap Day 2013 and 2014. Each of the Close the Gap events attracted over 20 service providers; 400 students; 100 community members and school representatives. Both events were very well received and funding has been allocated to supporting the event in 2015.

Options

Council can seek more information

Council can continue to build on success by seeking future funding opportunities

Community Engagement & Internal Consultation

Significant ongoing community engagement occurred throughout the project as evidenced by the high level of participation and partnership development.

Planning & Policy Implications

This program relates to the Toward 2030 Community Strategic Plan; The Operational Plan and Delivery Programs (Looking after our people); the Social Strategy and the Aboriginal Awareness Strategy.

Financial & Economic Implications

There are no financial implications for Council from this project or report.

Attachments

1. Images Aboriginal Move Eat Live Well

Looking After Our People

Item: 10.06

Subject: "THE LOST PLOT" COMMUNITY GARDEN FINAL REPORT

Presented by: Community & Organisational 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. Notes the positive outcomes from the Community Garden Project.**
- 2. Ensures that the Community Garden Policy to be developed is developed in line with the Place Making framework.**

Executive Summary

In 2011 Council received \$131,200 from the NSW Community Builders program to construct a community garden with the aim of increasing connections between residents, celebrate community and develop and strengthen skills within the community. This is the final report for the project which ceases on the 30th June 2014. The garden is being managed by the Port Macquarie Community Gardens Incorporated who holds a three year lease with Council.

Discussion

Background

The community garden project has a long history. In 2009, the Administrator approved an initial site at Burgess Close, with the vision being to develop the community garden as a component of a larger project called the Environment and Creativity Centre. The garden was to be stage 1 of this project. A funding submission was submitted in 2010 to the NSW Community Builders program for \$131,200 which included capital works and community program components. This was approved and accepted by Council late in 2011. Additional funding was secured through the Healthy Communities Initiative (Move Eat Live Well) to support the development of the garden.

Following a recruitment period a Project Officer was appointed in April 2012. A series of engagement activities commenced to garner community interest and support in the project. Two public meetings were held at Port Macquarie library in June 2012. The meetings were the first step in a broad community engagement campaign. More than 40 community members, some representing community services organisations, attended these initial meetings.

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Some of the participants became founding members of Port Macquarie Community Gardens Inc (a not-for profit organisation) which was formed to manage the community garden and incorporated on 30 November 2012.

With support from Council and using the community input gathered at the initial community garden meetings, the group developed a vision and mission for the garden, as well as policies and procedures and named the garden "The Lost Plot".

Since their incorporation Port Macquarie Community Gardens Inc has held monthly committee meetings; sub-committee meetings in the lead-up to events; developed a website and Facebook community with more than 700 connections; distributed several newsletters to members and interested individuals and groups and supported various community events.

On Saturday the 27 October 2012 Port Macquarie Community Gardens held their first public event "Seedlinks" on the proposed site for the garden at Burgess Close. The purpose of this event was to raise awareness of The Lost Plot in the community; to provide opportunities to acquire gardening skills by running workshops; to increase their membership and to raise seedlings to be used in the garden at a later stage. Despite heavy rain on the day the event attracted over 60 participants, an indication of the level of support for this project.

During the period of community engagement a series of detailed studies were undertaken on the Burgess Close site, mainly focussed on a Storm Water and Flood Analysis prepared by GHD. This report found that the site was significantly impacted by stormwater and flooding. Remediation works were estimated at over \$400,000 and given the tight funding timeframes this site was therefore considered unsuitable for the garden project.

As a result staff undertook a detailed site analysis and identified a preferred location at the current site on Central Road. A detailed community engagement process was implemented in accordance with Councils Participation Policy and included onsite meetings; a meeting with local businesses; meeting with Parklands residents; community workshops; online (PMHC Listening) and hard copy surveys and submissions to Council.

Although there was some resistance to the new garden location from Parklands the majority of comments provided by the community were favourable and Council approved the location and design of the garden at the February 2013 meeting.

This delay in site selection and construction of the community garden necessitated a changed timeline for this project. In March 2013 the Department of Community services approved a variation of the project to extend the completion date of the project from September 2013 to June 2014.

Port Macquarie Community Gardens Inc signed a 3-year lease with Port Macquarie-Hastings Council in June 2013.

Construction

- In order to commence construction a Review of Environmental Factors, which was approved by Council in July 2013, was required. This document

Looking After Our People

stipulated what structures are approved and outlines the conditions of approval.

- The initial works undertaken were the construction of a concrete path and a concrete slab for a structure that was going to provide shade and house cooking facilities. By the end of 2013 six raised garden beds had been constructed in partnership with Port Macquarie Men's Shed and Novaskill.
- Council donated a shipping container to the project, which was decorated at a workshop by a group of youth under the guidance of professional graffiti artists in November 2013.
- The group decided to purchase a compost toilet, which was installed in early 2014.
- A significant step in the construction of the garden was the connection to town and reclaimed water in January 2014. Although a rainwater tank was already installed on-site, it was the connection to the reclaimed water, which made the planting of garden beds viable.
- Since February 2014, the group now conducts weekly working bees onsite with additional working bees held in the lead up to the launch of The Lost Plot in April 2014.
- A strong commitment to sustainability has led the group to explore the use of salvaged materials in the construction of the garden. There have been numerous donations of materials, including plants, timber, tools etc.
- In the lead up to the official launch of the garden the group created paths, built compost bays, seating, and keyhole garden beds.
- A stainless steel bench and BBQ was installed in May 2014.
- An entrance structure with noticeboard and a bridge to access the Eastern part of the site are still in the planning phase and are likely to be completed in June 2014. A pizza oven is planned in July.

Events and workshops

A key objective of this project was to build connections between community members and to increase skills of the people involved in the project.

Port Macquarie Community Gardens Inc. organised a large number of events, training sessions and workshops involving the specific target groups of this project. The target group included socially and economically disadvantaged people; older people; and members of the Aboriginal and Torres Strait Islander communities; as well as the broader community.

The delayed start of garden construction has meant that fewer events and workshops than anticipated were held however considering the garden was launched in April 2014 the number of events and workshops (as well as the participation rates) is significant.

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In addition, Port Macquarie Community Gardens Inc had a presence at community events not organised by the group such as Tastings of the Hastings 2013; PACE Christmas Party at Birpai Local Aboriginal Land Council (Dec 2013); Community Connect Day 2013; and Council's Senior's Expo 2013 & 2014.

A member's gathering is currently in planning for the winter equinox and a bamboo construction workshop and pizza oven construction workshop are planned for late June/July.

Event/Workshop	Description	Date	No of Attendants
Seedlinks	Event to promote the project, involve the community, build skills	27/10/12	60
Sod Turning	Community event to celebrate the beginning of construction	12/8/13	40
Official Launch	The opening was a large-scale community event that included official ceremonies, workshops, music, dance, kids activities, food & other stalls & celebrity guest Costa Georgiadis	6/4/14	700
Family Picnic Day	A Family Event with gardening and craft activities for children	23/4/14	120
GardenAbilities	An event designed as a pathway for people with disabilities into community gardening and The Lost Plot. Supported by community service organisations and neighbours Hope Shop & Lifeline.	30/4/14	70
Propagation	Workshop - how to grow plants from seed, as well as separation	27/10/12	30
Worm farming	Workshop - How to create and maintain a worm farm at home	27/10/12	20
Event/Workshop	Description	Date	No of Attendants
Plant Selection/ Sustainable Gardening	Workshop - how to identify and manage environmental weeds	19/10/13	13
Volunteer Management	1-day course in volunteer training (Way2Go) attended by 2 committee members	6/6/13	2
Garden Design	Workshop - how to move from vision to design; develop garden layout	26/10/13	7
Herb Spiral	Workshop - learn to build a herb spiral	22/03/14	12

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Propagation	Workshop - how to grow plants from seed & replant seedlings	6/4/14	30
Worm farming	Workshop - how to create and maintain a worm farm at home	6/4/14	25
No Dig Gardens	Workshop - how to make a garden bed with compostable materials	6/4/14	60
Hunt a Bug	Workshop - bug identification for children; what are beneficial bugs	23/4/14	30
Grow Your Own Food	Workshop - gardening for children, with take-home seedlings	23/4/14	30
Sensory Gardens	Workshop - create a sensory garden using plants with different textures & smells	30/4/14	15

Cultural Activities

The community garden project received funding for a number of community arts and cultural projects at the garden. The installations or creative art pieces that were created in workshops facilitated by community artists have had involvement from all project target groups; community garden members and the broader community. They include:

- *Graffiti art on shipping container*
A donated shipping container was transformed into an outstanding art piece by a group of young people under the guidance of a graffiti artist
- *Garden sign*
The Lost Plot sign was created in a workshop where participants painted individual letters with their own designs in bright colours. The letters and sign had been prepared by the Men's Shed
- *Ceramic water sculpture - Birpai*
This is of the main sculptural pieces at the garden, spanning over 3 m. The ceramic pieces for this sculpture were created by members of the Birpai Youth Group and the Mitji Djiyagan group at Birpai Local Aboriginal Land Council. The metal structure was created by the Men's Shed
- *Funky bins*
In a workshop at the Family Picnic Day The Lost Plot's compost bins were transformed into artworks by participants
- *Rock plant signs*
At GardenAbilities community members with a disability painted rock plant markers to identify the different plants in the garden and create a splash of colour in the garden beds
- *Ceramic flower installation*
This sculpture was again a co-operation between a community artist and the Men's Shed, which provided the metal framework for this sculpture.

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Community members participated by making small clay pots, which are painted and attached to the metal frame.

Partnerships

A key to the success of this project have been partnerships with a large variety of organisations in the Port Macquarie-Hastings.

The **Port Macquarie Men's Shed** has supported The Lost Plot with assistance in many of the construction tasks as well as art projects. Volunteers of the Men's Shed have constructed garden beds, the compost toilet, the entrance sign and metal frameworks for artworks. The Men's Shed also regularly donates saw dust for composting.

Lifeline & the Hope Shop has supported the community garden with event management, have had stalls at events and provide information about the garden to their customers and volunteers. Both organisation are neighbours and expect to continue to support the garden in a variety of ways.

Birpai Local Aboriginal Land Council (LALC) and individuals actively involved in activities at the LALC have been instrumental in facilitating access of the Aboriginal community to the garden. The Mitji Djiyagan group, facilitated by Rhonda Radley, performed a song at the opening of the launch and was involved in the creating of the ceramic water sculpture. The Birpai Youth group, facilitated by Uncle Bill O'Brian, also participated in a ceramics workshop.

Port Macquarie Neighbourhood Centre was a strong supporter of this project from its conception, as it the community garden was considered a great asset to clients of the centre. The manager, Julie Trowbridge, spoke in favour of the garden at the March 2012 Council meeting that resolved that the garden was going to be built at the Central Rd site. Since then members of the garden have attended volunteer training at the Neighbourhood Centre and the Centre has assisted with the promotion of events and workshops.

Hastings Women and Children's Refuge has supported Port Macquarie Community Gardens by providing a staff member to serve on the management committee/sub-committees. Clients and staff members have regularly accessed events and workshops at The Lost Plot.

Port Macquarie Landcare has provided native plants for the garden and had a stall with information and plants at the Family Picnic Day. They have also provided advice on plants and insurance issues.

This project has connected to many other groups, including ACES, Hastings Respite Care, Centacare, TAFE, Community College, University of Third Age

IAP2 Core Awards - Community engagement

This project has been nominated into the IAP2 Core Awards for Community Engagement - Community Projects. Announcement of outcome is expected in September 2014.

Community Garden Policy

Looking After Our People

Council requested that a Community Garden Policy be developed to guide Council and the community in the development of future gardens. This policy and supporting toolkit will be developed in line with Council's Place Making framework to ensure that it is consistent and supports the aims of Place Making.

Options

- Council can seek further information on the garden project

Community Engagement & Internal Consultation

Detailed community engagement has occurred throughout the project. A participation plan was created to support the engagement process in relation to site selection and garden design.

Throughout the project Council staff liaised with the Port Macquarie Community Gardens Inc; Parklands Management; Lifeline management and relevant stakeholders and partners listed above.

Planning & Policy Implications

Community garden policy and toolkit is still to be developed.

This report relates to the Social Strategy; Operational Plan and Delivery program and Councils Community Strategic Plan Towards 2030 - Looking After our People

Financial & Economic Implications

There are no financial implications for Council from this report.

Attachments

Nil

Looking After Our People

Item: 10.07

Subject: RECOMMENDATIONS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE MEETING HELD ON THURSDAY 22 MAY 2014

Presented by: Community & Organisational Development, Lesley Atkinson

Alignment with Delivery Program

2.9.1 Provide a range of sporting and recreational opportunities.

RECOMMENDATION

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Mayor's Sporting Fund to Ms Paige Leonhardt in the amount of \$500.00 (ex GST) to assist with the expenses she would have incurred travelling to and competing at the Australian Age Swimming Championships and the Georgina Hope Foundation National Swim Event held in Queensland and Sydney respectively during April 2014.

Executive Summary

The Mayor's Sporting Fund Sub-Committee at the meeting held on Thursday 22 May 2014, reached consensus on Item 7 (attached) and now submits the above recommendation for Council consideration.

Attachments

1. MSF Meeting Minutes Extract Item 7

Looking After Our People

Item: 10.08

Subject: PORT MACQUARIE ALCOHOL FREE ZONE REVIEW AND EXTENSION

Presented by: Community & Organisational Development, Lesley Atkinson

Alignment with Delivery Program

2.1.1 Provide leadership in implementing safety initiatives.

RECOMMENDATION

That Council:

- 1. Re-establish the Alcohol Free Zone in the CBD for a further four years from December 2014 to December 2018.**
- 2. Place the proposal on exhibition in accordance with the requirements under the Act for a period of 6 weeks, commencing 30 June to 22 August 2014.**

Executive Summary

In December 2007 an Alcohol-Free Zone was established in the Port Macquarie Central Business District (CBD) for a period of three years. The Alcohol -Free Zone was then extended for an additional 4 years. This zone will expire in December 2014, and Council is seeking to re-establish a new Alcohol-Free Zone for a further four years in line with current guidelines.

Discussion

Alcohol-Free Zones prohibit the drinking of alcohol in public places such as roads or car parks under Part 4 of the NSW Local Government Act 1993, Sections 642 - 649. The purpose of these zones is to create a safe environment in which individuals may move about without interference from irresponsible street drinkers. Alcohol Free Zones operate 24 hours a day, 7 days a week.

The Port Macquarie-Hastings continues to have a very proactive approach in responding to the issues that arise from alcohol consumption in the region with current strategies including:

- A 1.00am lockout of licensed premises
- An active Liquor Accord, which is well coordinated with a strong local membership from licensed premises and clubs
- Night Rider Bus Service (Festive Season)
- Secure Taxi Ranks

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- An Alcohol Prohibition on all public reserves that restrict the consumption of alcohol on Council owned reserves and beaches from 9:00pm until 9:00am, with a 24 hour restriction on a number of larger reserves.

Local police also continue to be very active in implementing initiatives to increase the safety of the CBD and reduce the opportunity for crime including prevention, reduction and enforcement strategies. This includes building and maintaining ongoing relationships with owners and managers of licensed premises, providing information and education on risk reduction and undertaking random audits.

Supporting Evidence

The Port Macquarie CBD area is the main identified Police 'hot spot' for alcohol related crime in the Port Macquarie-Hastings Local Government Area. As the existing restriction nears completion, discussions have occurred with local Police who have confirmed that they would support the re-establishment of a Alcohol-Free Zone for a further four years. Police report a positive impact as a result of enforcement of the existing Alcohol-Free Zone particularly with the inclusion of 'tip out' powers.

Duration

As per the Local Government Act 1993, Alcohol-Free Zones may be established for up to four years. It is proposed that the re-established zone in the Port Macquarie CBD be for the maximum period of time, operating from December 2014 through to December 2018. Through consultation with local police who are fully supportive of continuing the Alcohol free zone for a further 4 years.

Enforcement

As per the Local Government Act 1993, any member of the NSW Police Force, or an enforcement officer are responsible for enforcing Alcohol-Free Zones. Guidelines exist for the enforcement of Alcohol-Free Zones, which includes a warning system and a process for recording enforcement statistics. Recent amendments to the NSW Local Government Act 1993, has also seen the inclusion of 'tip out' powers for non-compliance.

Cancellation or Suspension

As per section 645 of the Act, Council has the power to suspend or cancel the Zone at an earlier date if deemed necessary or to hold a specific community event. Council is required to do so via a Council resolution and must publish a notice of suspension and/or cancellation. In the case of a cancellation, all signage would need to be removed immediately.

Prior to cancellation or suspension Council would be required to liaise with Police both prior to and after the Council resolution.

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Location

It is proposed that the re-established zone cover the same area as the existing zone. This zone would cover all public streets and Council controlled car parks within the Central Business District including:

- East from Buller Street Bridge to Murray Street (including Short, Horton and Hay Streets and Keena, Barracks and Phillips Lanes).
- North from the top end at Gordon Street through to Sunset Parade (including Clarence, William and Hayward Streets (See attached map)

This year two areas are being removed from the Alcohol Free Zone to enable them to become part of Councils Entertainment precinct for Community Events, these include;

- Hay Street Forecourt and
- Town Square.

Options

Council may not wish to extend the Alcohol free zone for an additional four years.

Community Engagement & Internal Consultation

A letter of support has been provided by Sergeant Wayne Sainsbury from Mid North Coast Local Area Command in support of the proposed Alcohol Free zone.

Further consultation has been undertaken with Council's Community Engagement Officer regarding the Alcohol Free Zone and the requirements under the Local Government Act. As part of the process for implementing an Alcohol Free Zone Council is required to place the proposal on Exhibition for the wider community as well as contact relevant community agencies.

Planning & Policy Implications

This process is directly linked to the Alcohol use on Public reserves and Beaches Policy 2010

Financial & Economic Implications

The financial implications are associated with an amendment to the existing signage and advertising and promoting the Port Macquarie CBD Alcohol Free Zone. This has been provided for as part of the Crime Prevention Activities in the Operational Budget

Attachments

1. Letter of Support from LAC
2. Proposed Map of Alcohol Free Zone 2014-2018
3. Proposed Signage for Alcohol Free Zone 2014-2018

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: 11.01

Subject: SALE OF 21 COMBOYNE STREET, KENDALL

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

Alignment with Delivery Program

3.2.4 Appropriately develop, manage and maintain Council's property including property sales, acquisitions, road closures, land development and management of community and commercial leases.

RECOMMENDATION

That Council:

1. Advise the Kendall Community Centre Reserve Trust that Council is prepared to sell the property at 21 Comboyne Street Kendall on the following terms and conditions:
 - a) Purchase price of \$116,135 (plus GST) representing Council's original purchase price plus legal fees when the property was acquired by Council in 2010.
 - b) Payment of the purchase price as follows:
 - Deposit of \$50,000 on signing the Contract for Sale
 - Monthly repayments of a minimum \$1,000
 - Interest will be charged monthly on the outstanding balance at the applicable RBA's Indicator Lending Rates (F5) as at the date of signing the Contract for Sale
 - Balance of all outstanding amounts to be paid by the 30 December 2020
 - c) That the Title to the property will only be transferred to the Kendall Community Centre Reserve Trust/Crown upon full payment of the purchase price plus interest.
 - d) The current tenancy arrangement of the property between Council and the Kendall Community Centre Reserve Trust continue until the Title to the property is transferred in (c) above.
 - e) Provide to Council receipt of formal advice from NSW Crown Lands that the Minister's approval is granted to the Kendall Community Centre Reserve Trust to purchase this property as proposed in this report.
2. That upon acceptance by the Kendall Community Centre Reserve Trust of the terms and conditions of this sale, the General Manager be authorised to sign the necessary Contract and Transfer documents or alternatively the Council seal be affixed to these documents as required.

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Executive Summary

To consider an offer to purchase Council's property at 21 Comboyne Street Kendall by the Kendall Community Centre Reserve Trust (Reserve Trust).

Discussion

In July 2010 Council resolved to purchase property owned by the Scout Association of Australia situated at 21 Comboyne Street, Kendall. The triangular shaped property comprising of 923m² includes the small former Batar School building used primarily at the time (under a lease with the Scout Association) as a community book exchange and book club premises known as Bookends @ Kendall.

Since acquiring the property this activity has continued to operate from the building under a Community Lease Agreement with the Reserve Trust where a Community lease fee is paid to Council. In addition, the Reserve Trust has carried out maintenance to the building at their own expense with Council approval.

The Reserve Trust also occupy the adjoining premises owned by the Crown, providing various services to the community including a café, Rural Transaction Centre and a Community Technology Centre .

The Secretary of the Reserve Trust, Mrs Janice de Rose has now approached Council with a proposal for the Reserve Trust to purchase the property at 21 Comboyne Street.

The offer to purchase is outlined below under Financial & Economic Implications. The property is classified as Operational in Council's Land Register allowing it to be sold without any restriction.

The Reserve Trust acting as an agent of the Crown require Ministerial approval to enable a purchase of this nature to proceed. Should Council resolve to agree to this sale, the Reserve Trust will be requested to provide this formal approval. Once settlement takes place the title to the property is understood to be transferred to the Crown.

Council may recall that at the May Council meeting a report was considered regarding a White Paper prepared by the State Government dealing with the possible future options of Crown Land parcels throughout NSW.

It is noted that one of the options in this White Paper is the transferring to Local Government at no cost, the freehold title to certain Crown Land allotments and the subsequent winding up of the appointed Reserve Trust bodies be they Community or municipal appointed Trusts.

Accordingly, the long term future of a number of Crown land parcels throughout the Port Macquarie-Hastings municipality remaining in the ownership of the Crown is at this stage unknown (including the current property occupied by the Kendall Community Centre Reserve Trust).

Options

The options include;-

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- Adopt the recommendation
- Council retain ownership of the property and continue to lease it at a community rental
- Offer to sell the property on the open market by way of auction
- Offer to sell the property to the Reserve Trust on the basis of fair market valuation as determined by Council's consultant valuer

Community Engagement & Internal Consultation

Consultation has been held with the Mayor, Acting General Manager, Acting Director Commercial Services and Business Engagement, Group Manager - Financial Services and Property Development and Leasing Coordinator

Planning & Policy Implications

There are no implications in this regard

Financial & Economic Implications

Council purchased the property in July 2010 for \$115,000 (exc GST) incurring legal fees of \$1,315 (exc GST). It should be noted that at the time of purchase the property had a rateable value of \$180,000 with this figure still remaining today.

The Reserve Trust has made the following offer to purchase the property:-

- Purchase price \$115,000
- Reimbursement of Council's original legal fees to an amount of \$1,000
- Deposit of \$50,000
- Monthly payment of \$1,000 until \$116,000 is reached
- All funds due expected to be paid by 2020
- Until full payment is made the property continue to be leased to the Reserve Trust at Council's assessed annual Community rental.

Should Council accept this proposal it is intended to levy interest on the outstanding balance until full payment is received. Interest will be charged monthly on the outstanding balance at the applicable RBA's Indicator Lending Rates (F5) as at the date of signing the Contract for Sale.

The Contract for Sale entered into between both parties would contain appropriate conditions relating to the terms and conditions of the sale as outlined above where the title would not be transferred until full payment of the principal and interest has been made.

Attachments

Nil

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Item: 11.02

Subject: ECONOMIC DEVELOPMENT STRATEGY - REPORT ON PROGRESS
AGAINST ACTIONS

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

Alignment with Delivery Program

3.2.1 Identify, support and advocate for effective programs that assist the growth of appropriate business and industry.

RECOMMENDATION

That Council note the progress made to date on implementing the 2013-2016 Economic Development Strategy.

Executive Summary

At the Ordinary Council Meeting held on the 20th November 2013, Council approved the 2013-2016 Economic Development Strategy. It also resolved that the General Manager report to Council on a six monthly basis on progress against the actions in the Strategy commencing in June 2014. The resolution was as follows:

RESOLVED: Turner/Cusato

That Council:

- 1. Note the submissions and feedback received during the exhibition of the draft Economic Development Strategy.*
- 2. Adopt the Port Macquarie-Hastings Economic Development Strategy 2013 - 2016.*
- 3. Request that the General Manager table a report at the February 2014 meeting of Council detailing how actions in outcome 1 of the Economic Development Strategy, being a whole-of-organisation approach to economic development, will be implemented.*
- 4. Request that the General Manager report to Council on a six monthly basis on progress against the actions in the Economic Development Strategy commencing in June 2014.*

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

The purpose of this report is to respond to the request at item 4 above, as the first six monthly progress report.

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Discussion

Council's 2013-2016 Economic Development Strategy outlines five key outcomes and under each outcome, a number of actions to be implemented with Council acting to support, facilitate, advocate or undertake. Since adoption of the Strategy in November 2013, considerable progress has been made against the actions identified. This work continues to be implemented by staff across Council, with oversight by the Executive team and close monitoring by Council's Economic Development Steering Group (EDSG), which meets on a monthly basis.

Attachment 1 (Economic Development Strategy - Outcomes and Actions Report June 2014) provides an overview of progress against each Action identified in the Strategy. This report was considered by the Economic Development Steering Group at its 4th June 2014 meeting and it was resolved:

- Progress has been made in many priority areas; and
- That timeframes have not been met for some actions but there is an expectation that the delivery against actions will pick up in coming months.

This final point of the EDSG resolution refers to resourcing in Council's Economic Development team. The adoption of the Strategy prompted a review of resourcing within Council's Economic Development team (which is responsible for taking the lead on implementation of the majority of strategy actions). This review has led to the restructure of this team, which expects to be at full capacity by the end of July 2014.

Options

Council has the option of noting the proposed actions as attached to this report or not noting same, in which case the matter would be referred back to Council's Senior Leadership Team and the EDSG for further consideration.

Community Engagement & Internal Consultation

Council's approach to the implementation of Outcomes as outlined in the report has been development by the Executive Team, with input from the Economic Development Steering Group, many Group Managers and staff. Council's Economic Development Steering Group was consulted and will continue to play an important role in monitoring implementation of Council's Economic Development Strategy.

Planning & Policy Implications

As noted in the Economic Development Strategy, Action 5 of Outcome 1 notes staff will analyse the existing policies of Council to ensure alignment with economic development objectives. This process has commenced and will be ongoing.

Financial & Economic Implications

There are no specific financial implications associated with the matters raised in the report. The approach outlined in this report is to be undertaken within existing budgets. Should alternate approaches be identified and unfunded, further advice will be provided in a subsequent report.

Helping Our Community Prosper

It is recognised that there are significant potential economic benefits to our broader community if Council is able to effectively deliver on the many Outcomes of the 2013-2016 Economic Development Strategy.

Attachments

1. Economic Development Strategy - Outcomes and Actions Report June 2014

Helping Our Community Prosper

Item: 11.03

Subject: RV FRIENDLY TOWN - COST BENEFIT ASSESSMENT

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

Alignment with Delivery Program

3.3.2 Implement and support innovative and effective strategies and partnerships that position Port Macquarie-Hastings as a distinct and competitive destination that guides market development, investment and infrastructure in public and private sectors.

RECOMMENDATION

That Council note:

- 1. That Council staff will support community stakeholders pursue RV Friendly town accreditation for Kendall and Wauchope provided that the up-front and on-going costs are funded by the show societies or other community stakeholders.**
- 2. A further report on progress with implementation will be provided to Council in November 2014.**

Executive Summary

The Campervan and Motorhome Club of Australia's (CMCA) accreditation for 'RV Friendly' Towns provides an opportunity for Kendall and Wauchope to further access the RV tourism market and grow the local visitor economy. The costs of improvements that would support RV Friendly Town accreditation are primarily financial and include the installation of a dump point with water access and provision of designated RV parking close to the town centre (approximately \$13,000-\$18,000 for each town). Such works have been assessed and can be undertaken in the Kendall and Wauchope Show Grounds and town centres, however, there is presently no Council allocation of funds for this purpose. It is recommended that Council staff work with the local Show Societies and community stakeholders such as the Chambers of Commerce on funding solutions for up-front and on-going costs associated with RV Friendly accreditation.

Discussion

At the Council Meeting on 19th March 2014, it was resolved to:

1. Note the information provided on options for managing the increasing number of RV and vanpacker (free camping) visitors to our region;
2. Request the General Manager to provide a report to the April 2014 Council Meeting on options and costs for an integrated strategy dealing with permissions and prohibitions of RV and vanpacker (free camping);

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3. Request the General Manager undertake further research to identify free camper habits and their local impacts;
4. Request the General Manager provide an assessment on the costs and benefits associated with the potential accreditation of Wauchope and/or Kendall as an RV friendly town for the June 2014 Council Meeting.

This report addresses resolution four above and provides an assessment of the costs and benefits associated with RV friendly town and destination accreditation, based on the Campervan and Motorhome Club of Australia (CMCA guidelines), the national representative body for RV owners and travellers.

Background

As was noted in the March 14 Council report, there is little appetite for the pursuit of RV friendly status in Port Macquarie or our coastal townships, noting ample commercial accommodation options. For Wauchope and Kendall, which have fewer accommodation options, CMCA RV Friendly accreditation is an opportunity to further tap into the RV tourism market. RV Friendly Town accreditation has the potential to increase overnight visitation and more broadly help achieve outcomes in the recently adopted Destination Management Plan (DMP), including increasing our total overnight visitor expenditure.

One of the focus areas for the DMP is improved infrastructure planning and development. Within this, there are a number of actions which broadly relate to facilitating access for a range of visitors (including RV visitors) and developing strong partnerships to support this.

RV tourism is an increasing trend and low cost, primitive camping grounds are an ideal market solution. Kendall and Wauchope are currently operating primitive camping sites in their showgrounds that cater for RVs, including big rigs (bus-sized motorhomes).

Situation Analysis

Kendall

The only official option in Kendall for RVs is the primitive camping sites at the showground. There is temporary parking for RVs at Kew Royal Hotel but this is not formal RV overnight stay area. Other visitor accommodation options in Kendall include cottages, bed and breakfasts and hotels/motels. The showground has 12 powered sites.

Anecdotally, members of Kendall Show Society and the local business community have noted:

- An overall positive experience with RV tourists;
- CMCA members are already regular users of the showground campsites but there is potential to grow visitation in the future;
- Campground income has increased in recent years with profits reinvested in maintenance and improvements;
- The contribution of RV tourists to local business is 'significant' especially during the cooler months.

1.

Wauchope

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Whilst Wauchope has more accommodation options than Kendall, these are still limited for RVs. Breckenridge Farmstay has four powered sites for caravans and camping and the Showground has 16 primitive camping sites.

Over 100 primitive campers visited the showgrounds over the October to February period. The sites have proven popular with users of larger buses, motor homes and caravans who have indicated they have difficulty finding camping and parking facilities that cater for larger vehicles.

CMCA

The CMCA has over 66 000 members (each member number accounts for the RV owner and spouse) and is the biggest RV Club in the southern hemisphere. There are two kinds of accreditation or recognition that the CMCA provides: 'RV Friendly town' and 'RV Friendly Destination'. The listing of RV towns and destinations would appear on the currently developing "RV trail" which advertises these areas as providing certain amenities and services that these travellers require. Furthermore, they promote areas of interest such as tourist activities or attractions that may be of interest to travellers.

RV Friendly Town™

An RV Friendly Town™ must meet guidelines developed by the CMCA to ensure that a certain amount of amenities and services are present within a township. The signs provided at the town entrances let the travellers know they are welcome and have the required facilities. To qualify for this accreditation the following essential and desirable criteria must be met:

Essential Criteria

- Provision of appropriate parking within town centre with access to a general shopping area with groceries or fresh produce;
- Provision of short term (24/48 hour) parking for self-contained vehicles, within the town precinct;
- Access to potable water;
- Access to a **free** dump point, within town precinct. Dump point access must include a turning circle suitable for big rigs (bus-sized RVs).

Desirable

- Provision of long term parking for self-contained vehicles;
- Access to medical facilities **or** an applicable evacuation plan;
- Access to a pharmacy **or** a procedure to obtain pharmaceutical products;
- Visitor Information Centre (VIC) with appropriate parking facilities within a reasonable distance;
- VIC to provide a town map showing essential facilities such as hospital, medical services, fuel, shopping area, dump point, fresh water etc;
- RV Friendly Town™ signs to be erected within the town precinct.

In the assessment of the town, the general attitude and community support for RV tourists is also considered. Particularly noted is any innovation that business owners undertake to meet the needs of these travellers.

General benefits of becoming an RV Friendly Town™

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- Promotion on the CMCA website and profiled in the CMCA's monthly magazine to members *'The Wanderer'*;
- Listed on the trail of 'RV Friendly' towns;
- With accreditation the town receives 2 x 600mm x 690mm roadside 'RV Friendly' signs free of charge;
- Potential economic benefits: RV travellers spend on average \$500 per week whilst travelling.

RV Friendly Destination™

This recognition is for towns that have accessibility for all size rigs as well as the provision of overnight (or 24 hour) parking but do not have a dump point. Businesses in the town receive a sticker to display in their windows and signs are posted in front of particular business locations that are RV Friendly.

A business may apply for RV Friendly Destination accreditation but only local government can apply for the broader RV Friendly Town accreditation. In considering Wauchope and Kendall, both have a desire to achieve RV Friendly Town status.

Infrastructure/Works required to achieve RV Friendly status

Attachment 1 outlines indicative costs and benefits associated with achieving RV friendly town accreditation for Kendall and Wauchope.

KENDALL

To achieve full RV friendly town status, Kendall requires:

- *Dump point installation and associated water access (Kendall Show Ground):*
The CMCA will not fund the cost of a dump ezy unit due to Kendall's close proximity to the iKew dump point. While a cheaper dump point option exists, this is not considered a feasible option as it may inhibit the ability to meet Environmental Protection Authority standards. Road works would also need to be undertaken to ensure an appropriate turning circle is provided for larger bus-sized vehicles. There would also be ongoing costs for water usage and testing.
- *Dedicated RV parking area close to the CBD:*
As there is ample open space for RVs and bus-sized motorhomes to park, Kendall would not require any line marking to designate parking. Signage is required to designate at least one location as a requirement of the CMCA.

The upfront infrastructure works required to achieve RV Friendly Town status for Kendall will cost approximately \$18,183. The Kendall Show Society has indicated a willingness to fund at least some of these works.

WAUCHOPE

To achieve RV Friendly town status, Wauchope requires:

- *Dump point installation and water access (Wauchope Show Ground)*
Wauchope may be eligible for the CMCA subsidy for the dump point, however there would still be a cost associated with installation and water access works, as well as on-going water usage and testing costs. The Wauchope Show Society has indicated that they are not willing to cover any up-front or

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on-going costs associated with RV Friendly Town status and have requested these costs be covered by Council.

- *Dedicated RV parking close to the CBD*
Wauchope would require both signage and road markings for the designation of RV parking. Potential locations for parking have been identified towards the end of Hastings street near Bain Street and in the parking lots on Cameron street near the Oxley Highway. The finalisation of RV parking areas would subject to further investigation and community consultation.

The infrastructure and works required to achieve RV Friendly Town status for Wauchope will cost approximately \$13,040 in total. If Council were to agree to tap into its own water main and fund the on-going dump point water cost, the total up-front cost will be approximately \$14,080.

Community Consultation

Community support is an important part of the RV Friendly Town accreditation. Whilst consultation with the local show societies and some key business/community stakeholders has occurred, evidence of further community support will be needed to support Council's application to CMCA, should accreditation be pursued.

The Way Forward

RV tourists are likely to be attracted to Kendall and Wauchope as a result of RV Friendly Town accreditation and are regarded as a positive visitor segment. While they generally do not spend as much on accommodation as visitors staying in other commercial accommodation, they have potential to contribute positively to Wauchope and Kendall economies (without adverse social/environmental impact).

Council does not have a budget allocation for the infrastructure and works required for RV Friendly Town accreditation. In order to attain accreditation, it is recommended that Council work collaboratively with Kendall and Wauchope Show Societies to encourage self-funded solutions. The Kendall Show Society is certainly willing to consider such an investment, but Wauchope has requested that Council fund the required works and on-going costs.

In considering such a request it should be noted that in both instances, Council is not the property owner. Undertaking such works may also create an expectation that Council would maintain the new infrastructure on an on-going basis.

Risks and Challenges

Compliance and security of dump points and water access are a key concern for Council in this matter. The risk of providing an open access to the town sewerage system (via a new dump point) means exposure to dumping of contaminated refuse. It is recommended that any dump point be located on a supervised-site and secured where possible. Providing water access with each dump point presents the risk of water theft, if there is easy public access.

Both Kendall and Wauchope showgrounds have caretakers, however this cannot be relied on as active security of the site. The showgrounds have taken measures to increase security and reduce vandalism by closing their publicly visible entrances whilst the showground is minimally supervised to ensure that there is no continuous

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thoroughfare. Both showgrounds have alternate entries through suburban side streets. The presence available at the showgrounds may deter vandal acts and water theft.

Council staff considered numerous options for securing dump points and water access points (eg user-pays water dispenser or code access) however they are considered prohibitive in terms of installation cost and /or on-going resourcing. Should installation of dump points in the Wauchope and Kendall Show Grounds proceed, monitoring of use would be required to minimise risk.

Options

Council may wish to:

1. Pursue RV Friendly town accreditation for Kendall and Wauchope provided that the up-front and on-going costs are funded by the show societies or other community stakeholders.
2. Pursue and support RV Friendly town accreditation for Kendall and Wauchope with Council agreeing to cover associated infrastructure and other costs, noting that this is not included in the draft 2014-15 budget.
3. Not pursue or support RV Friendly Town accreditation.

Community Engagement & Internal Consultation

This report has been prepared by Economic Development staff drawing on extensive consultation with CMCA, Wauchope and Kendall Show Society, community representatives and Council Water and Sewer and Transport and Stormwater Network staff.

Planning & Policy Implications

There are no foreseen implications for existing Council policies from this report.

Financial & Economic Implications

Financial

There may be financial implications in pursuing RV Friendly Town status for Kendall and Wauchope. These may include subsidising or providing some of the infrastructure works required, including ongoing maintenance, for the attainment of RV Friendly accreditation.

Economic

The attainment of RV Friendly accreditation for Kendall and/or Wauchope is likely to have a positive local economic impact and contribute to our Destination Management Plan objective to grow our local visitor economy.

Attachments

1. Attachment 1 - RV Friendly Town Cost Summary

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 Manage development outcomes to minimise the impact on the natural environment.

Looking After Our Environment

Item: 12.01

Subject: NOTICE OF MOTION - WALL RESERVE

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

RECOMMENDATION

That Council:

1. Review currently available contemporary reports and/or seek advice from an arborist or other suitably qualified person to identify those trees/trees limbs which are considered to be unhealthy and likely to cause injury to users throughout the regenerating section of Wall Reserve, so as to determine if it is possible or desirable to remove the unsafe trees/tree limbs.
2. Review currently available contemporary reports and/or seek advice from an ecologist or other suitably qualified person as to the impact that removing the unsafe trees/limbs will have on Council's legislative obligations concerning Wall Reserve.
3. Request the General Manager to present a report by September 2014, considering all relevant reports and advice, as to the possibility of maintaining the ground area of the entire Wall Reserve in the same manner and frequency as the currently mowed section of Wall Reserve.
4. Consult with the local community to clarify the roles they would be prepared to play in assisting Council to maintain Wall Reserve.

Comments by Councillor (if provided)

The purpose of this Notice of Motion is to attempt to overcome a number of issues seemingly preventing this important precinct from fulfilling its potential. The need to regularly maintain the entire Wall Reserve, rather than just a section of it, has attracted a considerable amount of community support as evidenced by a number of contacts, including a community meeting held several weeks ago and attended by Councillors Cusato, Griffiths, Levido, myself and an estimated 100 residents.

It is understood that the area may contain a number of fauna species listed under the *Threatened Species Conservation Act* and *Environment Protection and Biodiversity Conservation Act*. In addition, Council has previously resolved, in part of the Reserve, to maintain two (2) walkways only with the balance of this part to revegetate naturally.

Unfortunately maintenance of only a section of the Reserve has resulted in the Reserve looking unsightly and impractical for some to use. This is unfortunate given its impact on the visitor economy and residential amenity.

Attachments

Nil

Looking After Our Environment

Item: 12.02

Subject: QUESTION ON NOTICE - WASTE SITE MAJOR INNES PRECINCT

Presented by: Development & Environment, Matt Rogers

RECOMMENDATION

That the report be noted.

Question from Councillor Griffiths

1. What potential benefit could be provided by capping the waste site within the Major Innes precinct and then sold as industrial sites?
2. What analysis has been carried out to determine alternate options and possible cost benefit return and effective utilization of land, noting Council has undertaken an investigation for landfill gas.

Comments by Councillor (if provided)

Nil.

Response

1. *What potential benefit could be provided by capping the waste site within the Major Innes precinct and then sold as industrial sites?*

The Kingfisher Road Landfill site was an operational landfill for the Port Macquarie-Hastings area from the 1960s until it was closed in 2001 (when it was replaced by the Cairncross landfill).

The site was capped in 2001 as part of the landfill closure process. This process was carried out in accordance with a Landfill Closure and Post-closure Monitoring and Maintenance Plan which was reviewed and approved by the EPA.

The Closure Plan describes the final surface conditions at the landfill including ongoing monitoring requirements. The approved Closure Plan details a 900mm impermeable clay liner (cap) including a 300mm thick revegetation layer. The requirements of the Closure Plan are designed to manage surface water quality, groundwater quality, air quality (odour, dust, litter), weed growth, pest and vermin, noise levels and fires.

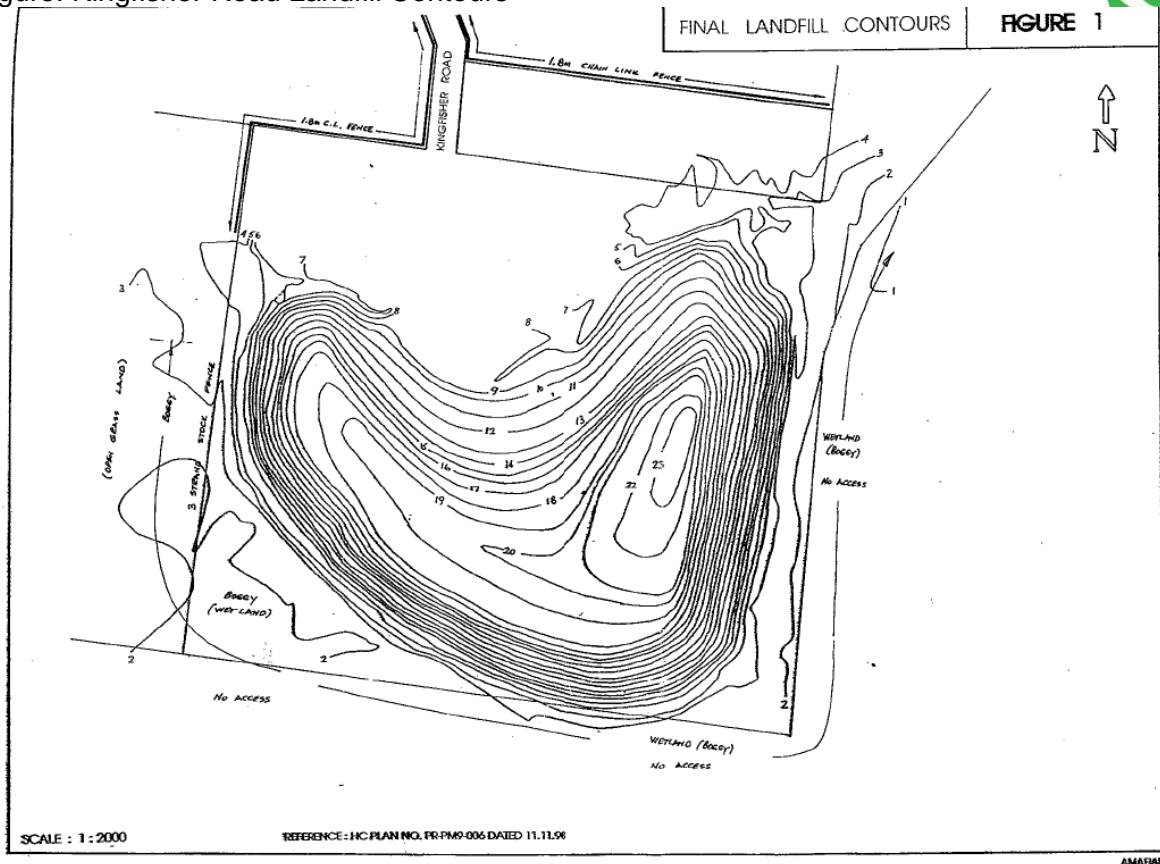
Ongoing environmental monitoring of the site is carried out according to the requirements of the Closure Plan, including quarterly testing of water quality, leachate and landfill gas.

Looking After Our Environment

There are several factors that rule out the use of the Kingfisher Road Landfill site for an industrial precinct.

The landfill is steep sided and domed landform (see diagram below). Extensive earthworks would be required to reshape the existing site. Existing waste would need to be relocated to the Cairncross landfill and the capping layer reinstalled. Construction and disposal costs would be excessive. Should reshaping the existing site be feasible, existing waste would still remain and any structure or building would require extensive piers to create a stable foundation. Road construction would be costly and likely to fail due to settlement of the remaining landfill.

Figure: Kingfisher Road Landfill Contours



Currently, vehicle movements are restricted on the surface of the landfill to quarterly slashing of the grass cover and routine maintenance of the leachate recirculation system. Tree planting is also restricted due to the risk of tree roots piercing the clay cap increasing infiltration of rainwater, resulting leachate generation, potential groundwater pollution and release of methane gas.

2. *What analysis has been carried out to determine alternate options and possible cost benefit return and effective utilization of land, noting Council has undertaken an investigation for landfill gas.*

No detailed analysis has been undertaken on alternative uses for the Kingfisher Road Landfill site at this point in time. However, there has been some preliminary

Looking After Our Environment

consideration of recreational uses that could require little or no change to the landform (e.g. a dog walking park or mountain bike trail).

Further consideration of options can be undertaken when current contractors/tenants relocate their waste related operations over the next 12 - 24 months. However, it should be noted that the site will continue to be the principle waste transfer facility for Port Macquarie and any alternative uses of the landfill will need to be compatible with ongoing waste transfer operations.

Attachments

Nil

Looking After Our Environment

Item: 12.03

Subject: QUESTION ON NOTICE - LANDFILL GAS EXTRACTION

Presented by: Development & Environment, Matt Rogers

RECOMMENDATION

That this report be noted

Question from Councillor Griffiths

1. What is the purpose of landfill gas extraction?
2. What evidence suggests this is an option to undertake?
3. What resources are required including overheads to investigate landfill gas extraction?
4. Could those resources be more effectively utilized?
5. What is the likely cost to extract gas including information received through the waste contract process?
6. When organics or biosolids do not go to landfill how will this affect the Council's liability for carbon emissions?
7. Has organics and biosolids to compost been recognized as a positive programme to meet carbon emissions?
8. When would Council be expected to be liable for waste emissions?

Comments by Councillor (if provided)

Nil.

Response

1. What is the purpose of landfill gas extraction?

Landfill gas extraction is used to control and reduce landfill gas emissions. Landfill gas is created when organic material decomposes in the landfill anaerobically (in the absence of oxygen), creating methane and carbon dioxide.

Landfill gas is primarily composed of methane, which is 21 times more harmful to the environment than carbon dioxide. Extraction and combustion of landfill gas converts the methane component of landfill gas to carbon dioxide, reducing the impact to the environment.

The Australian waste sector produces around 15 million tonnes of carbon pollution each year, equivalent to three per cent (3%) of Australia's greenhouse gas emissions.

2. What evidence suggests this is an option to undertake?

Looking After Our Environment

There are a range of benefits associated with best practice landfill gas management. According to the Australian Government Clean Energy Regulator, landfill gas capture and combustion systems are a legitimate management technique and can be used to:

“

- *reduce the carbon footprint of their organisation or a product or service,*
- *reduce or offset liability under the carbon pricing mechanism,*
- *generate base-load electricity and create renewable energy certificates,*
- *improve safety at a landfill site,*
- *pre-empt any change in regulations or Environment Protection Authority (EPA) license conditions, and*
- *reduce odour and improve air quality for local residents.*

Simply, the gas can be captured and burned to destroy the methane and reduce its environmental and climate change effects.”

Landfill gas management is an important part of landfill management, and is featured in the EPAs *Environmental Guidelines for Solid Waste Landfills*. It is now best practice to installing landfill gas management systems as a part of landfill planning and operation.

3. What resources are required including overheads to investigate landfill gas extraction?

The investigation of landfill gas extraction has been undertaken within the waste section using existing staff resources and approval capital funding. The budget for installing a landfill gas extraction system is \$600,000. The budget was funded by an increase in the waste fees and charges in 2011/12. The project has no impact on General Fund.

Tenders for the landfill gas extraction trial are currently being assessed. Costs will be reported to Council in a separate report.

The results of the trial will be used to determine whether or how to proceed with a full landfill gas extraction system at the Cairncross facility.

4. Could those resources be more effectively utilized?

Landfill gas management at the Cairncross Landfill was highlighted in 2011 as an issue that needed to be investigated in order to better manage emissions from the site and manage future carbon price liabilities. Resources identified for this work have been allocated specifically for this purpose.

Given the high volume of organics diverted through the Organic Resource Recovery Facility (ORRF) it is considered necessary to undertake a trial project to assess the quality and quantity of actual methane on site. A trial is the most efficient and cost effective way to explore viability of a full system. Decisions on whether or how to proceed can be made once the outcomes of the trial are known.

Looking After Our Environment

Whether the identified resources can be more effectively used is a subjective issue and dependent upon how the overall priorities for waste management are viewed. The current project is in accordance with the adopted Operational Plan.

5. What is the likely cost to extract gas including information received through the waste contract process?

Prior to development of the recent Waste Collection and Organics Processing Tender, PMHC sought Expressions of Interest (EOI) from industry participants in order to consider what options may be feasible for the Cairncross ORRF and Alternative Waste Treatment (AWT) facility. The EOI considered:

- Linking a gas (methane) extraction and power generation system to the process,
- Linking a package sewer treatment plant (STP) system to the process,
- Further inclusion of Commercial & Industrial (C&I) and Domestic waste streams,
- Carbon Price Mechanism (CPM) and future Carbon Emissions Trading Scheme (ETS).

Following the EOI process it became clear that new AWT technologies were limited and costly. With the introduction of the fortnightly red bin collection service, it is likely the composition of the MSW stream will alter making current AWT technologies and costs more uncertain. On this basis PMHC did not proceed with an AWT.

Nevertheless, it was recommend that PMHC proceed with a landfill gas capture system. Landfill gas capture is a standalone undertaking. While it can be linked with AWT systems, the benefits of landfill gas capture do not rely on the implementation or viability of AWT technologies.

6. When organics or biosolids do not go to landfill how will this affect the Council's liability for carbon emissions?

Biosolids are not generally landfilled in the Port Macquarie-Hastings area, with only small amounts landfilled at Cairncross soon after its opening in 2001. Significant quantities of greenwaste are also diverted from landfill.

However, generators of landfill gas include are foodwaste, and paper and cardboard from both domestic and commercial sources. Recent audits show that 40% of waste in the domestic red bin is organic material. This volume of waste, in conjunction with significant quantities of organic waste in the commercial waste stream are being landfilled and will generate landfill gas.

Any reduction in these organic materials to landfill would reduce the production of greenhouse gases within the landfill site. This has been a priority target of Council's *2011-2015 Waste and Resource Management Strategy (2011)*.

The impact of high organics diversion through the organic processing facility is a key reason for proceeding with the trial rather than a full commitment to a gas system.

Refer to item 8 for more discussion on liability.

7. Has organics and biosolids to compost been recognized as a positive programme to meet carbon emissions?

Looking After Our Environment

The overall process of diverting organics from landfill in an industry accepted practice for resource recovery and for reducing landfill gas generation.

While Council has not received any formal recognition of our overall organic waste diversion processes, a small component of our approach was accepted as a Carbon Farming Initiative Methodology under the category "*Enclosed mechanical processing and composting alternative waste treatment*". This endorsement recognises the value of avoiding landfill emissions by diverting organic waste from landfill, and Council has earned Australian Carbon Credit Units from this process, which will generate revenue for Council. The detail of this issue was reported to the Ordinary Council Meeting held in May 2014.

However, significant volumes of organic waste have still been disposed of in landfill and the resulting landfill gas generation should be quantified and appropriately managed.

8. When would Council be expected to be liable for waste emissions?

In 2012, consultancy Mike Ritchie and Associates (MRA) estimated landfill emissions for all Midwaste Council owned landfills in order to consider liabilities and opportunities as a result of the *Clean Energy Act 2012*. Port Macquarie-Hastings Council's landfills were assessed. Smaller landfills were not considered significant generators, however the Cairncross Landfill was considered in detail and an emissions profile developed.

It was found that Council is currently not liable for any payments under the *Clean Energy Act 2012* due to landfill emissions. However, it is estimated that Council would become liable in 2024 if landfilling and current diversion rates remain the same. The report recommended that Council consider gas extraction as a way to lower its liability. A conservative estimate suggested that gas extraction of only 50% of generated gas would keep Council under the threshold until at least 2050. A higher rate of efficiency of 75% gas capture would extend the liability to 2080.

A gas extraction trial is being undertaken at the Cairncross landfill to measure the quality and quantity of gas before considering a permanent system. It is not proposed to undertake gas trials at other older landfill sites, given the uncertain volumes of gas remaining in these locations.

Attachments

Nil

Looking After Our Environment

Item: 12.04

Subject: DA 2013 - 0620 - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING-HOUSE TO CREATE A 3 STOREY DWELLING-HOUSE INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.4 (FLOOR SPACE RATIO) UNDER PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - 935 OCEAN DRIVE, BONNY HILLS

Report Author: Matt Rogers

Property: Lot 1 DP 569792, 935 Ocean Drive, Bonny Hills
Applicant: George Watt & Associates
Owner: C Slater
Application Date: 20 December 2013
Estimated Cost: \$265K
Location: Bonny Hills
File no: DA2013 - 0620
Parcel no: 15368

Alignment with Delivery Program

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

RECOMMENDATION

That DA2013 - 0620 for alterations and additions to existing dwelling-house to create a 3 storey dwelling-house including Clause 4.6 variation to clause 4.4 (floor space ratio) under Port Macquarie-Hastings Local Environmental Plan 2011, at Lot 1, DP 569792, No. 935 Ocean Drive, Bonny Hills, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for alterations and additions to an existing dwelling-house to create a three (3) storey dwelling-house at the subject site.

This matter has been reported to Council's Development Assessment Panel (DAP) on 28 May 2014. DAP resolved:

'That it be a recommendation to Council that DA2013 - 0620 for alterations and additions to existing dwelling-house to create a 3 storey dwelling-house including clause 4.6 variation to clause 4.4 (floor space ratio) under Port Macquarie-Hastings Local Environmental Plan 2011, at Lot 1, DP 569792, No. 935 Ocean Drive, Bonny Hills, be determined by granting consent subject to the recommended conditions.'

Looking After Our Environment

This report provides an assessment of the application in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

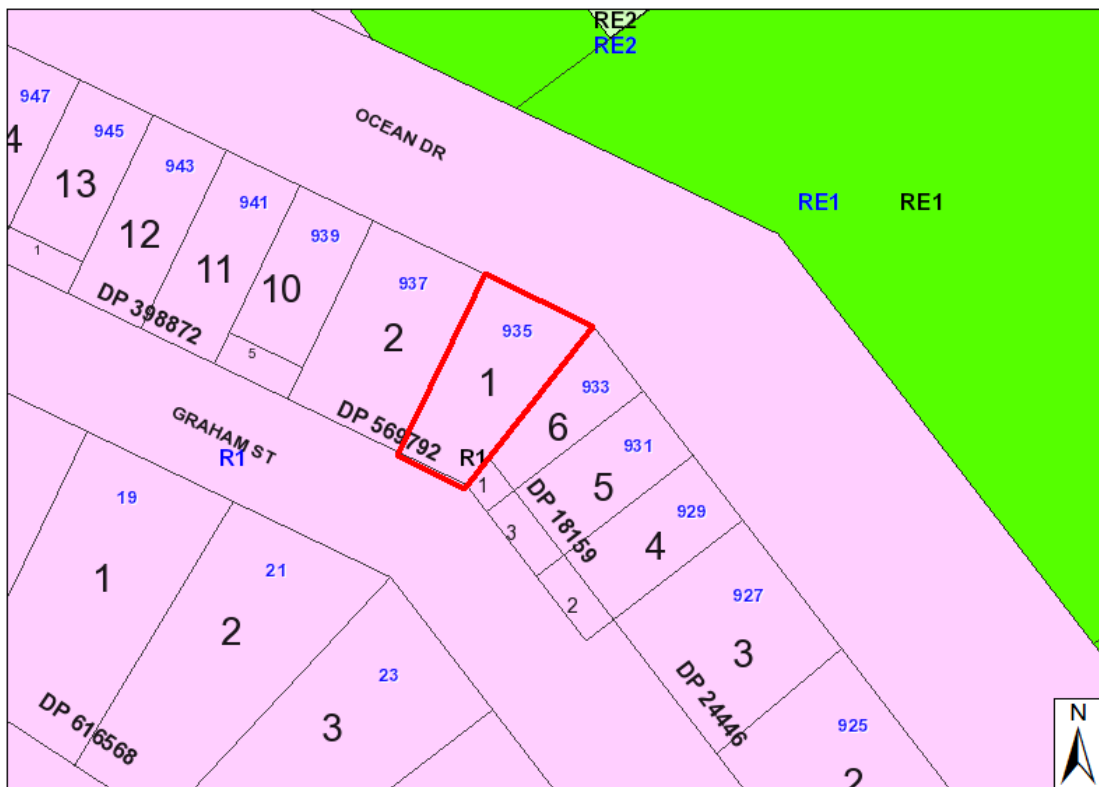
Neighbour notification of the proposal has been undertaken on 2 occasions. 10 submissions have been received following the notification of the original proposal and 5 submissions and 1 petition received following notification of the amended proposal.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 293m².

The site is zoned R1 general residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The site has frontage to Ocean Drive to the north and secondary frontage to south to Graham Street, Bonny Hills.

The site is currently occupied by a two (2) storey dwelling-house. There is no formalised parking on the site.

The slope of the site declines steeply from Graham Street to Ocean Drive.

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Ocean Drive passes in front of the site and through the main section of Bonny Hills. Between the intersection of Ocean Drive/Panorama Drive and Ocean Drive/Graham Street, the dwellings range in size from 1 to 3 storeys. On the southern side of the Ocean Drive in the same section there are currently 23 dwellings of which 3 are single storey, 11 are 2 storey and 9 are 3 storey.

There are number of minimal secondary front setbacks to Graham Street within the immediate locality.

The existing subdivision pattern and location of existing development within the immediate locality is shown in the following aerial photograph (2012):



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the application proposal (as amended) include the following:

- Alterations and additions to existing dwelling to create a 3 storey dwelling-house.
- Clause 4.6 variation to clause 4.4 (floor space ratio) under Port Macquarie-Hastings Local Environmental Plan 2011.
- Front fence along Ocean Drive.

Refer to attachments at the end of this report.

Application Chronology

- 20 December 2013 - DA lodged.
- 10 to 28 January 2014 - Neighbour notification of original proposal
- 15 January 2014 - Additional information requested.

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- 21 January 2014 - Extension of neighbour notification period
- 6 February 2014 - Height poles erected on site
- 12 February 2014 - Site inspection including visiting neighbouring properties
- 17 February - Additional information requested
- 18 February - Applicant advised proposal will be amended.
- 25 March 2014 - Additional information received.
- 4 April 2014 - Amended plans received.
- 14 April to 6 May 2014 - Neighbour notification of amended proposal
- 8 May 2014 - Copies of submissions sent to Applicant
- 28 May 2014 - DA reported to Council's Development Assessment Panel

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) **The provisions (where applicable) of:**
(i) **any Environmental Planning Instrument:**

State Environmental Planning Policy No. 44 – Koala Habitat Protection

There is no Koala Plan of Management on the site. Additionally, the site is less than 1ha in area therefore no further investigations are required.

State Environmental Planning Policy No. 55 – Remediation of Land

In accordance with clause 7, following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy No. 71 – Coastal Protection and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

The site is located within a coastal zone as defined in accordance with clause 4 of SEPP 71.

In accordance with clause 7, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clauses 8 and 12 to 16 of SEPP 71 and clause 5.5 of Hastings LEP 2011 inclusive the proposed development will not result in any of the following:

- a) any restricted access (or opportunities for access) to the coastal foreshore;
- b) any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast;
- c) any identifiable adverse impacts on any known flora and fauna (or their natural environment);
- d) subject to any identifiable adverse coastal processes or hazards;
- e) any identifiable conflict between water and land based users of the area;

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- f) any identifiable adverse impacts on any items of archaeological/heritage; and
- g) reduce the quality of the natural water bodies in the locality.

In particular, the site is cleared and located within an area zoned for residential purposes.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

In accordance with clause 6, a BASIX (certificate number A178943_02) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

The requirements of this SEPP are satisfied.

Port Macquarie-Hastings Local Environmental Plan 2011

In accordance with clause 2.2, the subject site is zoned R1 General Residential.

In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for a single dwelling house is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

In accordance with clause 2.3(2), the proposal is consistent with the zone objectives, particularly as the proposal is a permissible landuse and is consistent with the established residential locality.

In accordance with Clause 2.6AA, any demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.

In accordance with clause 4.3, the maximum overall height of the proposal (as amended) from ground level (existing), including from existing lower floor level, is 8.5m, which complies with the standard height limit of 8.5m applying to the site.

In accordance with clause 4.4, the floor space ratio of the proposal is 0.75:1.0 which does not comply with the maximum 0.65:1 floor space ratio applying to the site. This equates to a 15% exceedance of the standard which equates to 27m² of floor area. The Applicant has lodged a Clause 4.6 variation in this regard (based upon the amended proposal) applying for a variation to the standard on the following grounds:

- *The development proposal will continue to see the subject land used as a single, detached dwelling and thus vehicular and pedestrian network in the locality has capacity to cater for the generation of vehicular traffic. The location of off-street parking will be improved by the proposal as the subject land will now include a double garage, where there is currently no garage servicing the development.*
- *The site is not a key location and site amalgamation is not a realistic option.*
- *The original dwelling was approved in the mid 1970s. The site is constrained for the purposes of redevelopment/revamp of the property and the exceedance of the floor space ratio is justified in order to achieve this renewing of existing residential stock.*

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- *Having regard to the other properties in the locality, it is considered that that the development is not out of character with the bulk of developments in the locality, which tend to have limited side setbacks and are more than single storey in some aspect of the development due to the sloping nature of the land.*
- *The exceedance is minor such that the removal of the parking space would substantially assist with the development to comply with the FSR (floor area only exceeds maximum by 27m²). However, having regard to the constraints to the on-street parking provision in Graham Street, it is considered a higher quality of design is achieved via the provision of a double garage. This will significantly improve the vehicle and pedestrian movements in Graham Street.*
- *It may be seen that the exceedance of the FSR is a reflection of the small area of the existing parcel of land. The small area of land available, highlighted by the fact that the Graham Street frontage is only 9.13m in width and the Ocean Drive frontage is 14.93m in width, greatly constricts the development that can be achieved without increasing the floor space ratio in excess of the LEP provisions.*

Having regard for the amended plans and the applicant's justification, it is recommended that the variation be supported. The additional floor space is considered to be relatively minor in the context of the scale of other buildings within the immediate locality having frontage to Ocean Drive. Additionally, it is considered that the development has incorporated suitable design elements to break up the bulk and scale of the development and will not have an adverse impact on the streetscape.

It is noted that the Department of Planning Circular PS08-003 provides Council with the assumed concurrence of the Director General with respect to the Clause 4.6 variation. However, as the variation is technically greater than 10% (15%) then the DA is required to be determined at an Ordinary Meeting of Council.

In accordance with clause 5.9, no listed trees in Development Control Plan 2011 are proposed to be removed.

In accordance with clause 7.13, satisfactory arrangements are in place for provision of essential public utility infrastructure.

The requirements of this LEP are therefore satisfied.

(ii) Any draft instruments that apply to the site or are on exhibition:

No draft instruments apply to the site.

(iii) any Development Control Plan in:

Port Macquarie Hastings Development Control Plan 2013

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
DP 2.1	Articulation zone: • Min. 3m front setback • 25% max. width of dwelling	n/a - 0.3m secondary front setback to garage on Graham Street	
DP2.2	Front setback (Residential not R5 zone):	5.841m to 7.052m setbacks to Ocean Drive	No* Refer comments

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DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

	Requirements	Proposed	Complies
DP3.1	<ul style="list-style-type: none"> Min. 6.0m classified road Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot Min. 3.0m secondary road Min. 2.0m Laneway Garage 5.5m min. and 1m behind front façade 	(primary front setback). The 5.84m setback section will occur as acceptable as the same as the existing dwelling. No change to the front setback to Ocean Drive will occur as a result of the proposal. 0.3m secondary front setback to Graham Street.	beside No*
DP3.1	Garage door recessed behind building line or eaves/overhangs provided	Garage door recessed	Yes
DP3.2	6m max. width of garage door/s and 50% max. width of building	5.0m width garage door 69% of building width	Yes No*
DP3.3	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	5.6m width driveway 61% of site frontage	No* No*
DP5.1 DP5.2 DP5.3	Side setbacks: <ul style="list-style-type: none"> Ground floor = min. 0.9m First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. Building wall set in and out every 12m by 0.5m 	Min. 0.974m west side setback - no adverse overshadowing impacts identified Min. 1.31m east side setback - no adverse overshadowing impacts identified Building satisfactorily set in and set out differently on each level to achieve articulation and reduce perceived bulk	Yes Yes Yes
DP6.1	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	Approx. 2.5m x 10.5m = 26.25m ² approx. Verandah is accessed direct off family and kitchen area. >4x4m ground level area available for use in front setback area to Ocean Drive which is to be fenced. Areas are useable and meet the objectives of the DCP.	No. Refer comments beside - consider private open space satisfactory

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DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

	Requirements	Proposed	Complies
DP7.1 DP8.1 DP8.2	<p>Front fences:</p> <ul style="list-style-type: none"> • If solid 1.2m max height and front setback 1.0m with landscaping • 3x3m min. splay for corner sites • Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings • 0.9x0.9m splays adjoining driveway entrances • Front fences and walls to have complimentary materials to context • No chain wire, solid timber, masonry or solid steel 	1.8m height front fence along Ocean Drive frontage. Max. 6m length fence on front boundary with recesses and transparency in fence.	Yes
DP10.1 DP10.2 DP10.3 DP10.4	<p>Privacy:</p> <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. i.e. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	<p>No direct views between living areas of adjacent dwellings when within 9m radius of any part of window of adjacent dwelling and within 12m of defined private open space areas of adjacent dwellings.</p> <p>1.5m min. sill height living room window on east elevation</p>	Yes

DCP 2013: General Provisions

	Requirements	Proposed	Complies
DP1.1	Design addresses generic principles of Crime	Adequate casual surveillance available	Yes

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DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	Prevention Through Environmental Design guideline		
DP5.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut changes <1m likely - outside 1m of building footprint	Yes
DP6.1	0.8m max. height retaining walls along road frontage	n/a	
DP6.2	Any retaining wall >1.0 in height to be certified by structure engineer	To be resolved through Construction Certificate process if required.	
DP2.1	New accesses not permitted from arterial or distributor roads	Access off Secondary road - Graham Street	Yes
DP8.1	Parking in accordance with AS 2890.1	Parking complies with AS2890.1	Yes
DP14.1	Sealed driveway surfaces unless justified	Sealed driveway off Graham Street	Yes
DP15.1	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades to garage acceptable	Yes
DP17.1	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Parking areas within Graham Street road reserve acceptable	Yes
DP3.1	Off-street Parking spaces: • 1 space = single dwelling	2 parking spaces within double garage - no parking formalised presently on the site which will rectify	Yes

The proposal seeks to vary Development Provisions relating to the secondary front setback to Graham Street with a minimum 0.3m setback within the 3.0m recommended setback and the 5.5m recommended setback to garages. The proposal also seeks variations to the proportion of driveway and garage door fronting Graham Street.

The relevant objectives are:

- Front setbacks should support an attractive streetscape
- To minimise the impact of garages and driveways on the streetscape, on-street parking and amenity.
- To minimise the visual dominance of garages in the streetscape

Having regard for the development provisions and relevant objectives, the variations to front setbacks and garage and driveway frontage widths are considered acceptable for the following reasons:

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- The proposal is consistent with the setbacks of other garage and parking spaces for properties on the northern side of Graham Street.
- There is a very established character of reduced setbacks on Graham Street on the northern side of the street.
- The proposal will formalise parking for the house on the site which is currently not available.
- Carparking access from Ocean Drive is not desirable for safety reasons.
- The Graham Street frontage is only 9.13m in width which makes it physically not possible to achieve a double garage which complies with the recommended provision.
- The dwelling will maintain a visible entry to the dwelling from the street which will assist with minimising the visual street presence of the proportionally wide garage.
- By having a double garage residents will be able to park off-street thereby reducing impact parking to some degree within Graham Street.

(iia) any planning agreement that has been entered into under Section 93f or any draft planning agreement that a developer has offered to enter into under Section 93f:

No planning agreement has been offered or entered into relating to the site.

iv) any matters prescribed by the Regulations:

NSW Coastal Policy 1997

The proposed development is consistent with the objectives and strategic actions of this policy.

Demolition of structures AS 2601 – Cl. 66 (b)

Demolition of parts of the existing building on the site is capable of compliance with this Australian Standard and is recommended to be conditioned.

v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates:

None applicable.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality:

Context and setting

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain as justified.
- The proposal is considered to be consistent with the desired character for residential development in the locality and adequately addresses planning controls as justified for the area.
- There is no adverse privacy impacts.

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- There are no identifiable adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

View sharing

During the neighbour consultation periods, concerns surrounding view loss were raised by surrounding residents and a number of photographs and diagrams on impact were submitted. The applicant arranged for the owner to install height poles as an initial means for the assessing officer to check the extent of view impacts and assess the scale of the proposal.

The assessing officer carried out an inspection of the site and surrounding area from Ocean Drive, Graham Street, Short Street and Rainbow Beach which revealed that the properties likely to have possible view sharing impacts requiring closer investigation included 19-23 Graham Street. The assessing officer subsequently met with the owners/occupiers of 19-23 Graham Street and observed views from key viewing points within the subject properties. Photos from the site visits from key primary living vantage points are included below which were taken at low tide. The height poles visible in the photos were based upon the original proposal. (The height poles have been adjusted to reflect the changes made)

Views from deck off main living space - 19 Graham Street

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View from deck off main living space 21 Graham Street



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Views from deck off main living space 23 Graham Street



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The applicant was provided with copies of the submissions received following neighbour consultation of the original proposal. Amended plans have been subsequently submitted which have also been neighbour notified.

With regard to view impacts, the notion of view sharing is the appropriate terminology which is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. Taking all a significant view away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.

Using the principles of NSW Land and Environment Court caselaw - *Tenacity Consulting v Warringah 2004 NSW LEC 140*, the following assessment comments are provided in regards to the view impacts particularly to neighbouring properties to the south of the site mentioned above using the 4 step process to establish whether the view sharing is acceptable/reasonable:

Step 1

Assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

As illustrated in the above photographs, the subject neighbours enjoy a view orientated north to north-east towards Rainbow Beach and then to distant views to Lake Cathie and to the Port Macquarie coastline. All three(3) dwellings enjoy water views of the Pacific Ocean however the closer foreshore beach views are obstructed partly by existing dwellings on the north side of Graham Street. The distant coastline views are considered to be whole views and iconic particularly with the land and ocean interface.

The views to the north towards Port Macquarie also take in Tacking Point lighthouse, although no definitive shape of the lighthouse can be seen with the naked eye. Residents did advise the light of the lighthouse is visible at night.

Step 2

Consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The views of Rainbow Beach, distant views of Port Macquarie etc, ocean views and land/ocean interface are enjoyed from affected residences across their front boundary. The views are enjoyed from both standing and sitting positions from various parts of both residences. The attached photos above are taken from primary living areas (i.e. not bedrooms).

Step 3

Assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be

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assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The extent of the impact upon the views enjoyed from 19-21 Graham Street are considered to be minor to moderate for the following reasons:

- The existing views of the more distant land and water interface will be retained from primary living areas.
- The distant views of Lake Cathie and Port Macquarie will be retained, including the Tacking Point lighthouse albeit the Palm Trees obscuring some of the complete view from 21 Graham Street.
- Sections of ocean view will be lost, but not to the point where it completely impacts on the overall broader vista of the ocean.
- Where views are more impacted it is from the lesser use areas of the house (i.e. bedrooms) or the front yard/street area.
- The view loss from 21 Graham Street of the more proximal section of beach including interface with the sand is not a complete whole view of the beach however will result in loss of view of some of the surf and beach at low tide across the current roof top of the existing dwelling.

The extent of the impact upon the views enjoyed from 23 Graham Street is considered to be moderate for the following reasons:

- The existing views of the more distant land and water interface will be retained from primary living areas.
- The distant views of Lake Cathie and Port Macquarie will be retained, including towards Tacking Point.
- Where views are more impacted it is from the lesser use areas of the house (i.e. bedrooms) or the front yard/street area.
- The view loss from 23 Graham Street of the more proximal sections of beach including interface with the sand is a complete whole view of the beach however retention of a significant portion of vegetation and distant view to Lake Cathie and Port Macquarie will be retained.

Step 4

Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The impacts on view sharing for the properties at 19-23 Graham Street, particularly 23 Graham Street are reasonable for the following reasons:

1. The secondary front setback variation does not result in any additional incremental additions to result in significant adverse loss of view.
2. The proposal has been amended to comply with the 8.5m maximum building height limit during the assessment of the application. It should also be noted

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that the building height standard applied to the site has been determined from the existing ground floor level not the natural ground level which it was the case would be calculated to be well within 8.5m.

3. The building will sit lower than a full two(2) storey dwelling when viewed from Graham Street.
4. Whilst the building is technically 3 storeys in its central core, the lowest ground floor level is significantly cut into the site. The height in relation to the Graham Street level varies from 4.46m to 4.2m which is the equivalent to a single storey dwelling with a gable roof.
5. As stated earlier in this report, the floor space ratio could be adjusted to comply by altering the double garage to become a single garage by removing approximately 27m² of floor space. Floor space ratio is more of a control to regulate bulk and to some extent scale of buildings however building height is more for setting the desired scale of buildings for areas which includes minimising disruption to views enjoyed from neighbouring properties. In this regard, there is expectation that the top floor level could have still been achieved in some way with lesser floor space on lower levels as it is within the height limits.
6. The top floor level is restricted to a modest scale of 45m² in area and it is noted that the site at the Graham Street frontage is only 9.13m in width.
7. The proposal provides for a 4 bedroom dwelling and is on a site with significant fall.
8. The proposal is not inconsistent with the desired character for the area particularly given the significant number of existing established larger dwellings within the Ocean Drive strip and the number of reduced front setbacks fronting Graham Street.
9. The design of the proposal is considered a reasonable response to the site conditions and context in regards to maintaining view sharing to the neighbouring dwellings to the south of the site.

Access, transport and traffic

The proposal will be unlikely to have any adverse impacts in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

Water Supply

Service available – details required with S.68 application.

Sewer

Service available – details required with S.68 application.

Stormwater

Service available – details required with S.68 application.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

The site does not contain or adjoin any known heritage item or site of significance.

Other land resources

No adverse impacts anticipated. The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

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Water cycle

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

Soils

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

Air and microclimate

The operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution.

Flora and fauna

Construction of the proposed development will not require removal/clearing of any significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Section 5A of the Act is considered to be satisfied.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX.

Noise and vibration

No adverse impacts anticipated. Condition recommended to restrict construction to standard construction hours.

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.

Social impacts in the locality

Given the nature of the proposed development, the proposal is unlikely to result in any adverse social impacts.

Economic impact in the locality

No adverse impacts. Likely positive impacts can be attributed to the construction of the development and associated flow on effects (i.e. increased expenditure in the area).

Site design and internal design

The proposed development design is satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

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Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

Cumulative impacts

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

(c) The suitability of the site for the development:

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

Site constraints of have been adequately addressed and appropriate conditions of consent recommended.

(d) Any submissions made in accordance with this Act or the Regulations:

10 submissions have been received following the neighbour notification of the original proposal and 5 submissions and 1 submission petition received following re-notification of the amended proposal.

Key issues raised in the submissions received and comments in response to these issues are provided as follows:

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Submission Issue/Summary	Planning Comment/Response
Original proposal	
Height <ul style="list-style-type: none"> - Difficult to calculated height. - Only height shown is 8.2m which does not include the roof which is sloped. - Height does not appear to begin at ground level. - The overall ambience of the street will be impacted on. - The building height has been incorrectly calculated measured from natural ground level rather than existing ground level. - Between Suturs Street and Ocean Drive on the northern side of Graham Street there is 71% single storey dwellings and the proposal is therefore not compatible with the bulk and scale of the existing and desired future character for the locality. - It is noted that the proposal complies with the height limit of 8.5m however that height limit is the maximum and does not entitle the building envelope to be 8.5m high over the whole site. - Reference to caselaw Tenacity Consulting V Warringah Council and Gergely and Pinter Architects V Woollahra Council. - Council previously rejected a DA by the owners at 957 Ocean Drive to increase the height of their dwelling. - Council previously negotiated a reduction in height from 3 levels to 2 levels for dwelling completed at 953 Ocean Drive. 	<ul style="list-style-type: none"> - Applicant has reviewed the submissions and submitted amended plans with a compliant building height of 8.5m from existing ground level (existing ground floor level of building). - The heights identified on the amended plans have been checked and are accurate. - It is agreed that there are a number dwellings with only single storey part height fronting Graham Street. - The building envelope particularly relating to the upper-most level is limited in scale which reduces the perceived bulk and scale of the additions. - The proposal complies with the maximum 8.5m height limit and should be noted that this is from the existing floor level not natural ground level which could have been the case if the site was undeveloped. - Tenacity caselaw considered earlier in this report as relevant for an approach to addressing view sharing. - DA records for 957 Ocean Drive have not been investigated. The proposal is assessed on its merits. - With regard to the dwelling approved and constructed at 953 Ocean Drive, the owner's offered to amend the plans to reduce the number of levels. It is noted that this dwelling has an elevated lower level.
Floor space ratio (FSR) and side setbacks <ul style="list-style-type: none"> - Proposed FSR is over maximum 0.65:1 standard to 0.71:1. - The lot is small but not an excuse to exceed the maximum FSR. - The additional third floor proposed is reliant upon a clause 4.6 variation to the FSR provisions. If the FSR complied the third floor would not be permissible. - The information submitted is insufficient to justify the variation to 	<ul style="list-style-type: none"> - The FSR is proposed at 0.75:1 for the amended proposal. - The FSR and clause 4.6 variation has been assessed earlier in this report as being satisfactory. - Additional information has been submitted during the assessment of the DA to justify the clause 4.6 variation. - The side setbacks are permitted to be less than 3m by the DCP as no adverse overshadowing impacts identified.

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<ul style="list-style-type: none"> - FSR standards. - The proposal encroaches with the 3m side setback. 	<ul style="list-style-type: none"> - Each DA is treated on its' own merit and precedent is not a consideration however the context surroundings of a site can't be ignored and needs to be considered.
<p>Precedent</p> <ul style="list-style-type: none"> - The built form of the proposal appears oversized having regard to the limitations of the site and the maintenance of fair and equitable development control outcomes which respond to the needs of all landowners. - Proposal will create dangerous and unpopular precedent. - Poor planning decisions in the past should not be used as the gold standard for future planning. 	<p>Each DA is assessed on merit. Precedent is not a consideration however the context and character of a precinct can't be ignored and needs to be considered. The proposal is considered to be consistent with the character of the area and the variations to numerical standards appropriately justified.</p>
<p>View sharing</p> <ul style="list-style-type: none"> - Future renovators of other properties will be encouraged to monopolize an iconic view instead of sharing it with other property owners. - The owners already have views from the existing 2 storey building. It is understood that they want a garage and it has to be on Graham Street. - The property already enjoys substantial iconic views from both existing floors looking north along the beach to Tacking Point Lighthouse. Whole views have not been considered from neighbouring properties. Building to 8.5m is unnecessary. - The proposal will heavily impact on the views and value of 19,21,23 and 25 Graham Street in particular. - Setting the third storey addition towards the back of the existing house increased the impact of the roofline on the views from the topside of Graham Street. - Reference to caselaw Tenacity Consulting V Warringah Council and Gergely and Pinter Architects V Woollahra Council. - The house and land was purchased with full knowledge of the impact that the land size would upon any future development and is not a valid reason for the proposal to be approved. <p>Specifically 23 Graham Street:</p> <ul style="list-style-type: none"> - The proposal will significantly obstruct 	<ul style="list-style-type: none"> - Each DA is assessed on merit. - The proposal complies with the 8.5m height limit. - View sharing impacts have been considered to be minor to moderate addressed earlier in this report and are considered reasonable as justified. - Impact on property values is not a matter for consideration. It is noted that the proposal is permissible with consent and satisfactorily addresses relevant planning controls applying to the site. - The proposal's impacts on view sharing between 19 to 25 Graham Street is considered reasonable given the height controls applying to the site. - The additional FSR is considered acceptable as addressed earlier in this report.

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<p>the significant and iconic views from both sitting and standing position from the front verandah, lounge and dining rooms, master bedroom and bedrooms 2 and 3.</p> <ul style="list-style-type: none"> - In accordance with caselaw Tenacity Consulting V Warringah Council, the loss of horizon views (Rainbow Beach, Middle Rock and the Pacific Ocean) as described are considered significant and the loss of view of the Tacking Point Lighthouse is considered 'iconic'. - Given the availability of views currently enjoyed from aspects of this residence it is considered that the views loss will be severe and the design additions should be reconsidered. - If the FSR variation was not permitted the third floor would not be possible and would address view impacts. 	
<p>Setbacks to Graham Street and Streetscape</p> <ul style="list-style-type: none"> - A 0.30m setback to Graham Street will be a safety hazard. The setback should be 2.0m in accordance with the Development Control Plan. - Parking is restricted on the northern side of Graham Street, so a shorter setback on any of the properties on that side limits parking. - Where are visitors and tradesmen going to park. - Where are pedestrians supposed to walk. It is difficult enough now with the petrol tanker for Bonny View Store always using Graham Street. - If there is an accident in Graham Street will Council be considered responsible because they allowed more buildings to encroach on the setback limit. - The garage door exceeds 50% of the width of the building. Just because these have been allowed before does not make it necessary or favourable that they are allowed again. - The proposal does not comply with setbacks on all four(4) frontages. - The proposal is not in keeping with the current streetscape. - The identification of Graham Street as being an ancillary lane is not considered appropriate. 	<ul style="list-style-type: none"> - The front setback variation to Graham Street is acceptable as addressed earlier in this report. - Parking off-street will be improved. - No adverse impacts to streetscape identified particularly given the existing established streetscape. - Graham Street is not considered as a laneway but a secondary frontage for the site. - The setback to Ocean Drive does not change. - The side setbacks are permitted by the DCP. - The only setback variation is to Graham Street.

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<p>Cumulative impacts</p> <ul style="list-style-type: none"> - Will approving this development permit other multistorey developments to have similar variations. - By permitting 3 storeys, increased FSRs and decreased setbacks will create crowded and unsafe street. - If everyone renovated all old houses on Ocean Drive section with FSR exceedance by so much the buildings would be crammed together (as some already are) with hardly any space between them so spoiling the village atmosphere of Bonny Hills. - If the development is approved it will result in adverse social impacts. If the site's entitlements are challenged then it is the responsibility of Council to protect the rate payers and residents of the area. 	<ul style="list-style-type: none"> - Each DA is assessed on merit. - The height in relation to the Graham Street level varies from 4.46m to 4.2m which is the equivalent to a single storey dwelling with a gable roof. - The FSR is considered acceptable for the reasons discussed earlier in this report. - The proposal will not result in any identifiable adverse social impacts. - The proposal has been assessed initially by Council staff then is being reported to a Development Assessment Panel meeting and subsequently to a full Ordinary meeting of Council.
<p>DCP and State Environmental Planning Policy No. 71 - Coastal Protection</p> <ul style="list-style-type: none"> - No details have been submitted to address the DCP or SEPP 71. 	<p>The DCP and SEPP 71 have been addressed in the additional information submitted during the assessment of the DA.</p>
<p>Values and amenity</p> <ul style="list-style-type: none"> - Proposal will result in considerable negative impacts on view sharing, values and amenity of adjacent properties, and an unacceptable number of variations being required to be approved by Council regarding bulk and scale related provisions under the LEP and DCP 2011. - The proposal as it stands would result in an unacceptably large building viewed from the front or back, which would block in part of whole the significant and/or iconic views of neighbours on the top side of Graham Street. - The proponents have been disingenuous in ticking the box that indicates these impacts will be negligible. An independent assessment is warranted. - The proposal contradicts the Bonny Hills Community Vision Statement of 2008 as it specifically relates to maintaining the area's village character. - The proposal will create a continuous wall like structure spanning both 935 	<ul style="list-style-type: none"> - The scale of the building is acceptable in height as compliant with the LEP. - The building is not acceptably large in floor space. - View sharing impacts have been assessed as being reasonable. - The proposal has been assessed initially by Council staff then is being reported to a Development Assessment Panel meeting and subsequently to a full Ordinary meeting of Council. - The Bonny Hills Community Vision Statement of 2008 is not a planning consideration. - The building does not adopt any zero side setbacks therefore not creating a wall like structure as referred to. - The proposal may overshadow the eastern neighbour in the mid to late afternoon in mid winter however not adversely. No specific shadow diagrams have been submitted to undertake a detailed analysis however given the north to north-eastern aspect of the site no

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<p>and 937 Ocean Drive, and erode even further the visual amenity of houses in Graham Street, and is not limited to No.21 and 23.</p> <ul style="list-style-type: none"> - The dwelling will overshadow its' eastern neighbour. - The dwelling will be visually prominent within the existing streetscape. - The design of the building is unsightly. The top floor looks like a box stuck on top with no architectural merit. - A canyon effect will result in the street. 	<ul style="list-style-type: none"> - adverse impacts are identified. - The architectural merit of the building is not a Council assessment consideration. Individual property owners are permitted to personalise their designs to some degree where design controls are not covered specifically by planning guidelines. Variety of housing type is encouraged.
Amended proposal	
<p>Concerned with number of developments non-compliant in height, bulk and size being continually submitted to Council and so to public exhibition. However in regard to the amendments it is considered that the owner has made a genuine effort to reduce the bulk and size of the additions, alterations to the building. Future developers will also adopt this view and consider the adjacent/adjoining property owners in their submissions.</p>	<ul style="list-style-type: none"> - Each DA is assessed own merit. - The proposal complies with the 8.5m height limit. - Noted that changes have been made to comply with height limit. - There will likely be different designs in terms of floor space that will be proposed for other dwellings however the FSR for this proposal is considered appropriate in its context. - A DA which meets minimum statutory requirements for acceptance to process must be neighbour notified after lodgement. - The height limits since previous applications referred to have been incorporated in to the LEP standards since February 2011. Prior to this time, the height limits were contained within a DCP.
<p>It is pleasing to note the significant changes made to proposal particularly the reshaping and lowering of the roof profile. This makes it more empathetic to view and amenity sharing. It is noted that there are still a number of other non-compliant variations with broader implications of such overruns being approved as 'one-off' exceptions.</p>	<ul style="list-style-type: none"> - Noted that changes made are supported. - The only variations are FSR and the front setback to Graham Street. The FSR exceedance is considered acceptable as discussed earlier in this report.
<p>The height and FSR has been reduced making a genuine effort to reduce the bulk and size of the proposal. No further objections.</p>	<p>Noted.</p>
<p>If the original plans had been rejected by Council because they did not comply to the LEP 2011, the owner would have been spared the extra expenses of new plans.</p>	<p>A DA which meets minimum statutory requirements for acceptance to process must be neighbour notified. Council cannot prevent DAs being lodged and cannot reject application on the ground</p>

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How do so many proposals with so many transgressions make it through to public exhibition. The corollary appears to be that if there are no objections to such application they will be approved with little change.	<p>of non-compliance - the assessment must be carried out on merit and a determination made accordingly.</p> <p>Detailed assessment is carried out by Council staff irrespective of whether objections are received. Objections give more attention to particular issues.</p>
Over the last two(2) years we have experienced four(4) DAs for domestic housing along Ocean Drive, Bonny Hills that have all had significant number of variations being required to be approved by Council in regards to bulk and scale under LEP 2011 and DCP 2011. Previous decisions under previous administrations should not be considered as useable precedent. Poor planning decisions on historical proposals under previous regulations should not be used as precedent for any lenience from Council.	<ul style="list-style-type: none"> - Each DA is treated on its' own merit including consideration given to current guidelines. Since February 2011, the LEP now has height and FSR development standards. - The residential zoning and 8.5m height standard is considered to be the primary driver for setting the character for the locality. - Planning decisions made in the past were made on merit for each DA.
A whole of Council approach is needed as the current assessment process does not consider all off-site impacts or the cumulative impacts.	Applications are assessed in accordance with planning legislation and current guidelines and standards. The guidelines and standards are adopted by Council as a whole set the desired framework for proposals. Any variations to these guidelines or standards is considered in the context of the site and surroundings. No adverse cumulative impacts have been identified particularly as the proposal complies with the height limits for the site.
The available parking is continually being eroded on the only side of Graham Street where on-street parking is permitted with the inevitable consequence of having to park wherever.	Parking off-street will be improved. A double garage is proposed.
There resultant congestion presents greater safety risk of residents backing out of driveways, through road traffic, and pedestrians who include children going to and from the skate park and parents pushing strollers.	Parking off-street will be improved. A double garage is proposed.
Concern with cumulative impact on view sharing	View sharing has been assessed as being reasonable as discussed earlier in this report.

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(e) The Public Interest:

The proposed development will be in the wider public interest with provision of appropriate altered housing.

The proposed development satisfies relevant planning controls, including variations as justified, and is not expected to impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

None applicable.

5. CONCLUSION

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. Consequently, it is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

1. DA2013 - 0620 Plans
2. DA2013 - 0620 Submission - Barlow and Carlon
3. DA2013 - 0620 Submission - Barlow & Burke & Carlon
4. DA2013 - 0620 Submission - Barlow Petition
5. DA2013 - 0620 Submission - Bennett
6. DA2013 - 0620 Submission - Counsell - January
7. DA2013 - 0620 Submission - Counsell - May
8. DA2013 - 0620 Submission - Johnston B
9. DA2013 - 0620 Submission - Johnston G
10. DA2013 - 0620 Submission - Garnett
11. DA2013 - 0620 Submission - Huleatt - January
12. DA2013 - 0620 Submission - Huleatt - May
13. DA2013 - 0620 Submission - King & Campbell for Burke
14. DA2013 - 0620 Submission - Thompson
15. DA2013 - 0620 Recommended Conditions

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Item: 12.05

Subject: DA 2014 - 0002 - DWELLING AND SWIMMING POOL WITH CLAUSE 4.6 VARIATION TO CLAUSES 4.3 (HEIGHT OF BUILDINGS) AND 4.4 (FLOOR SPACE RATIO) OF PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 16 DP 18159 & LOT 2 DP 606575, 951 OCEAN DRIVE, BONNY HILLS

Report Author: Clint Tink

Property:	Lot 16 DP 18159 & Lot 2 DP 606575, 951 Ocean Drive, Bonny Hills
Applicant:	S & K Braithwaite
Owner:	S & K Braithwaite
Application Date:	7 May 2014
Estimated Cost:	\$400,000
Location:	Bonny Hills
File no:	DA 2014 - 0002
Parcel no:	20069 & 29944

Alignment with Delivery Program

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

RECOMMENDATION

That the determination of DA 2014 - 0002 for a dwelling and swimming pool with Clause 4.6 variation to Clauses 4.3 (Height of Buildings) and 4.4 (Floor Space Ratio) of Port Macquarie Hastings Local Environmental Plan 2011 at Lot 16 DP 18159 & Lot 2 DP 606575, No. 951 Ocean Drive, Bonny Hills, be noted.

Executive Summary

This report is for Council's information and relates to the approval of the subject development application under the delegated authority of Council's Development Assessment Panel (DAP) on 28 May 2014. In particular, DAP resolved the following:

- (1) That DA 2014 - 0002 for a dwelling and swimming pool with Clause 4.6 variation to Clauses 4.3 (Height of Buildings) and 4.4 (Floor Space Ratio) of Port Macquarie Hastings Local Environmental Plan 2011 at Lot 16 DP 18159 & Lot 2 DP 606575, No. 951 Ocean Drive, Bonny Hills, be determined by granting consent subject to the recommended conditions.*

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- (2) That a report be provided to Council advising of the decision on the Clause 4.6 variations as per Planning Circular PS 08-014.

Granting consent involved use of Clause 4.6 of Port Macquarie-Hastings Local Environmental Plan 2011 (LEP) to vary Clause 4.3 (height of buildings) and Clause 4.4 (floor space ratio) by not more than 10%.

The Department of Planning and Infrastructure circular PS 08-003 provides for the Director General's assumed concurrence where such a variation is not more than 10% of the standard.

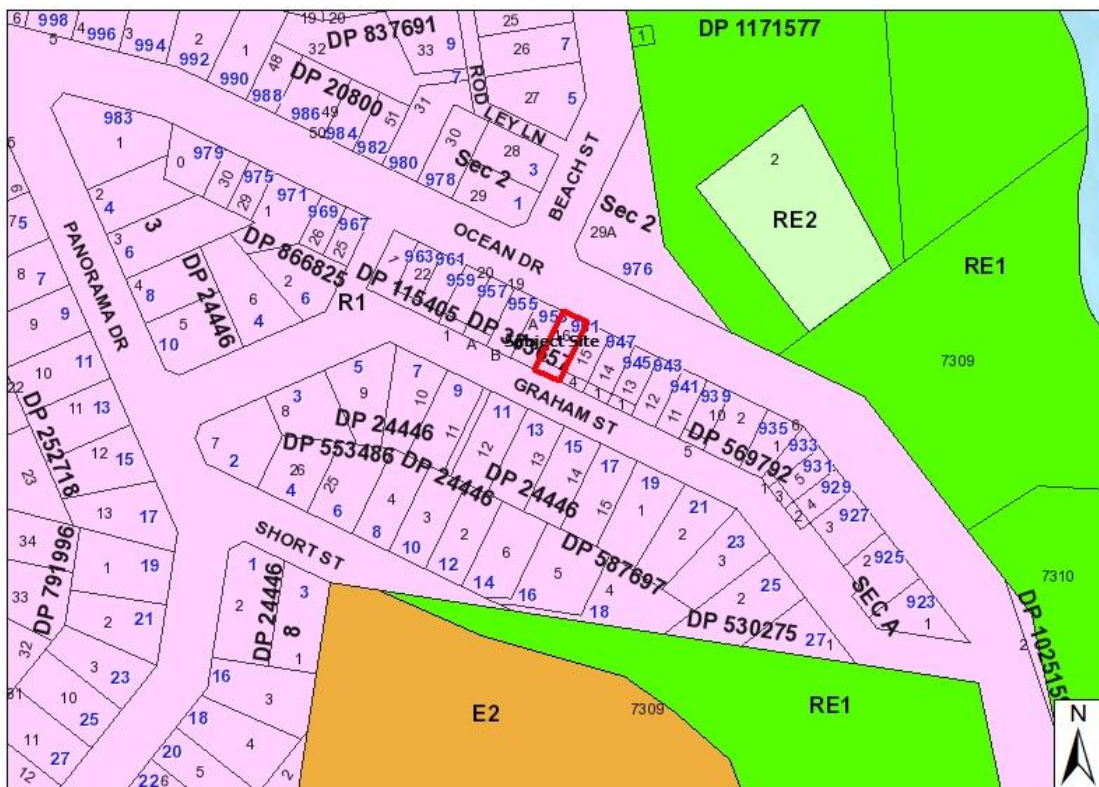
The Department's circular PS08-014 further reminds councils of their assumed concurrence role in relation to SEPP 1 and Clause 4.6 LEP variations. The circular advises that where Clause 4.6 variations are approved under delegated authority (ie variation not greater than 10%) that council be advised of the decision made and it be appropriately recorded. This report is to ensure compliance with the subject circular.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 245.1m².

The site is zoned R1 General Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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The subject area comprises predominately single dwellings. There are extensive open space and park areas within 100-150m of the site, including Rainbow Beach to the north east. The Bonny Hills Surf Club and a general store are also located within 150m of the site.

Ocean Drive passes in front of the site and through the main section of Bonny Hills. Between the intersection of Ocean Drive/Panorama Drive and Ocean Drive/Graham Street, the dwellings range in size from 1-3 storey. On the southern side of the road there are currently 23 dwellings of which 3 are single storey, 11 are 2 storey and 9 are 3 storey.

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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of a single dwelling that comprises 3 storeys and swimming pool.
- Clause 4.6 variation is proposed to Clauses 4.3 (Height of Buildings) and 4.4 (Floor Space Ratio) of Port Macquarie Hastings Local Environmental Plan 2011.

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Refer to attachments.

Attachments

1. DA2014 - 0002 Plans
2. DA 2014 - 0002 Recommended Conditions

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Item: 12.06

Subject: DA 2013 - 0575 - SINGLE DWELLING INCLUDING CLAUSE 4.6
OBJECTION TO CLAUSE 4.2A (MINIMUM LOT SIZE FOR
DWELLING) PORT MACQUARIE HASTINGS LOCAL ENVIRONMENT
PLAN 2011 - LOTS 209 & 211 DP 754418 LORNE ROAD, KENDALL

Report Author: Matt Rogers

Property: Lots 209 & 211 DP 754418 Lorne Road, Kendall
Applicant: Hopkins Consultants Pty Ltd
Owner: Maurice Perry Nominees
Application Date: 23 December 2013
Estimated Cost: \$340,000
Location: Kendall
File no: DA 2013 - 0575
Parcel no: 37438 & 17546

Alignment with Delivery Program

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

RECOMMENDATION

1. That DA 2013 - 0575 for a single dwelling including clause 4.6 objection to clause 4.2A (minimum lot size for dwelling) of the Port Macquarie Hastings Local Environment Plan 2011 at Lot 209 & 211, DP 754418, Lorne Road, Kendall, be supported in principle subject to the recommended conditions.
2. That subject to the above and the applicant submitting satisfactory ecological, bushfire and on-site waste water reports, a further report be provided to Council to enable determination of the application.

Executive Summary

This report considers a Development Application for a single dwelling including clause 4.6 objection to clause 4.2A (minimum lot size for dwelling) under the Port Macquarie-Hastings Local Environment Plan 2011 at the subject site.

This report provides an assessment of the application in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

Given that the proposal is complex in terms of permissibility and the potential precedent involved with the Clause 4.6 objection, the applicant has only submitted

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preliminary reports for ecology, bushfire and on-site waste water until a consensus is reached on whether the Clause 4.6 objection is supported by Council (this is due to the associated financial burden involved for the applicant in preparing technical reports). Final reports and compliance with relevant legislation would be required prior to any determination being made and consent issued.

Subsequent to exhibition of the application, no submissions have been received.

The matter was considered by Council's Development Assessment Panel on 28 May 2014 where a consensus decision was not reached:

'That it be a recommendation to Council:

- 1. That DA 2013 - 0575 for a single dwelling including clause 4.6 objection to clause 4.2A (minimum lot size for dwelling) of the Port Macquarie Hastings Local Environment Plan 2011 at Lot 209 & 211, DP 754418, Lorne Road, Kendall, be supported in principle subject to the recommended conditions.*
- 2. That subject to the applicant submitting satisfactory ecological, bushfire and on-site waste water reports, a further report be provided to Council to enable determination of the application.'*

The recommendation was not unanimous.

For: Paul Drake, David Fletcher and David Troemel

Against: Dan Croft

The dissenting recommendation from Dan Croft was:

'That it be a recommendation to Council that DA 2013 - 0575 for a single dwelling including clause 4.6 objection to clause 4.2A (minimum lot size for dwelling) of the Port Macquarie-Hastings Local Environment Plan 2011 at Lot 209 & 211, DP 754418, Lorne Road, Kendall, be refused for the following reasons:

- 1. The proposal is inconsistent with the objectives of Clause 4.2A of the Port Macquarie-Hastings Local Environmental Plan 2011 as it will result in a form of unplanned rural residential development. It is considered more appropriate that a strategic planning investigation be undertaken to determine whether further rural residential development surrounding Kendall is justified.*
- 2. The development would result in an adverse precedent and cumulative impact associated with approving dwellings on undersized rural lots, leading to an incremental undermining of the rural zone objectives, the development standard and result in an increase in unplanned rural residential development.*
- 3. Variation of the development standard in the circumstance is not considered to be in the public interest.'*

Given that the proposed variation is greater than 10% of the development standard (minimum lot size under the LEP is 40Ha and the site is 15.5Ha), Council is required to determine the application having regard for Planning Circular PS 08-003.

The recommendation in this report is based on the original assessing officer's recommendation. In making a decision on this matter, both the information in this report and the dissenting recommendation should be taken into consideration.

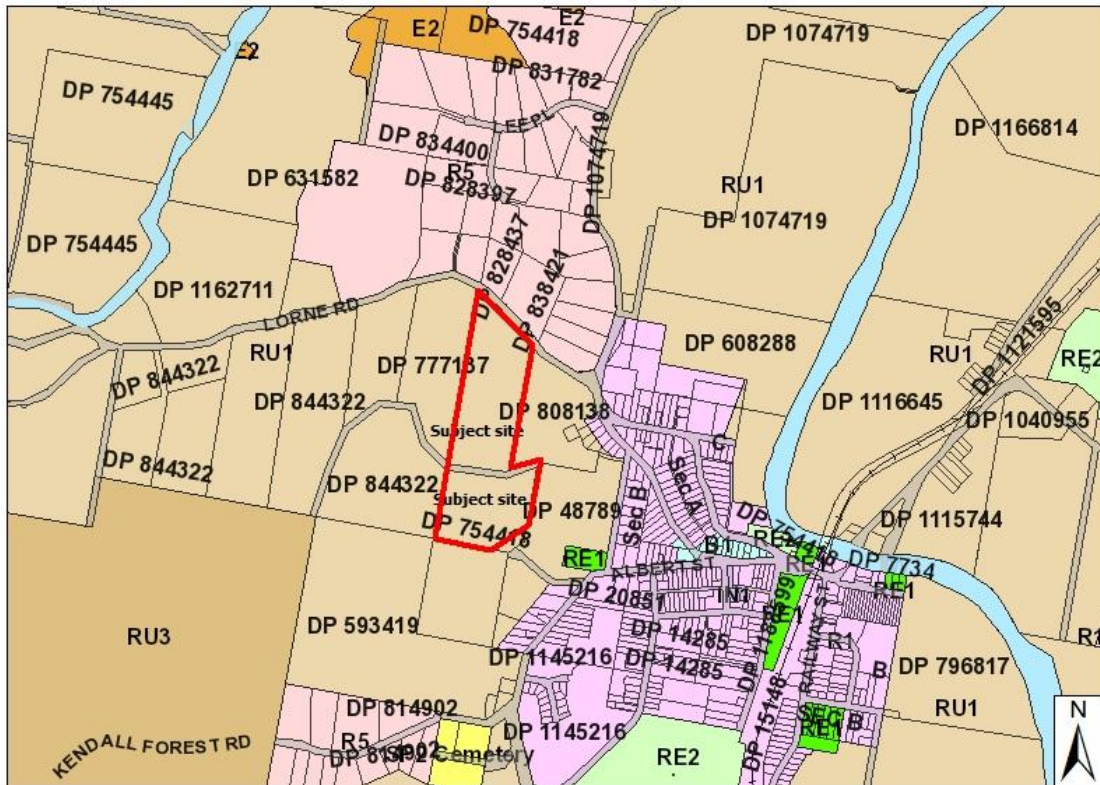
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1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 15.5 Hectares in total.

The site is zoned RU1-Primary Production in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The site is a heavily vegetated site and is quite steep. It has a narrow driveway access to a partially cleared area which houses an existing caravan. There are large areas of regrowth and a number of dams and drainage lines on the site. The site is surrounded by smaller R5 zoned Rural Residential to the north and rural allotments to the east and west, with existing residential development within Kendall 300m to the east. An unformed crown road runs between the two lots that comprise the total holding.

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

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2. DESCRIPTION OF DEVELOPMENT

Key aspects of the application proposal include the following:

- Clearing for dwelling site.
- Construction of a single dwelling.
- Objection under clause 4.6 objection to clause 4.2A (minimum lot size for dwelling) Port Macquarie-Hastings Local Environment Plan 2011.
- Lot consolidation.

Refer to attachments at the end of this report.

Application Chronology

- 9 April 2013- Pre-lodgement meeting.
- 10 January-23 January- Neighbour notification.
- 7 January 2014- request for additional information.
- 3 February 2014- Referral- Planning and Infrastructure.
- 20 February 2014- Additional information request from Planning and Infrastructure.
- 3 April 2014-Concurrence received from Planning and Infrastructure.

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) **The provisions (where applicable) of:**
- (i) **any Environmental Planning Instrument:**

State Environmental Planning Policy 44 - Koala Habitat Protection

In accordance with clauses 6 and 7, the subject land has an area of more than 1 hectare in size and therefore the provisions of the SEPP must be considered.

The Department of Planning and Infrastructure's Circular No. B35, Section 1.5 states that "In relation to affected DAs it is the intention of the policy that investigations for 'potential' and 'core' koala habitats be limited to those areas in which it is proposed to disturb habitat". In this instance an area of approximately 1 Hectare will be required to be cleared for dwelling siting and Asset Protection Zones (APZ)

The application has submitted a preliminary ecological report and site survey. Initial findings indicate that the site contains Potential Koala Habitat as Tallowwoods comprise >15% of the upper tree layer over at least 1 Hectare. Therefore further assessment to determine if the land is Core Koala Habitat.

Core koala habitat means; *an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.*

Preliminary survey results indicate that there is no evidence of the site being utilised as an area of major activity and suggests it is unlikely that the area will qualify as Core Koala Habitat requiring further preparation of a Koala Plan of Management.

Should support be provided to allow use of the site for the purposes of a dwelling, a final report will be required to be submitted and consent granted only if the requirements of the ecological report and SEPP 44 can be met.

State Environmental Planning Policy 55 – Remediation of Land

In accordance with clause 7, following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

In accordance with clause 6, a BASIX certificate (number 523665S) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed on any consent to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

State Environmental Planning Policy 62 - Sustainable Aquaculture

In accordance with clause 15C, given the nature of the proposed development, and its' location; the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries within the Camden Haven River approximately 1 kilometre from the site.

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The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy (Rural Lands) 2008

SEPP requirement	Comment	Complies
Objectives		
2(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,	The site is currently an undersized lot which adjoins lots with existing dwellings constructed with limited potential for use for agricultural pursuits.	Yes
2(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,	The application has been referred to Planning and Infrastructure who have provided concurrence to the development citing limited primary production capacity and minimal impact on dispersed rural settlement.	Yes
2(c) to implement measures designed to reduce land use conflicts,	The site is consistent with the use of lands within the immediate and extended vicinity of the site. Sufficient separation exists between lots to minimise any potential land conflicts.	Yes
2(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,	The application has been referred to Planning and Infrastructure who have provided concurrence to the development citing limited primary production capacity and minimal impact on dispersed rural settlement.	Yes
2(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.	No subdivision proposed	N/A
Rural Planning Principles		
7(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,	The proposal is not considered to compromise opportunities for economic activity in rural areas	Yes
7(b) recognition of the importance of rural lands and agriculture and	The application has been referred to Planning and	Yes

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the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,	Infrastructure who has provided concurrence to the development citing limited primary production capacity and minimal impact on dispersed rural settlement. No state significant issues identified	
7(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,	Site is marginal in terms of rural land use and agricultural viability. Adverse social and economic impacts unlikely.	Yes
7(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,	The land has been identified for rural purposes however the surrounding land uses and proximity to Kendall village indicate a more rural residential subdivision pattern. Potential exists for greater preservation of vegetation corridors and ecological benefits through use of the site for a single dwelling rather than wholesale clearing for marginal agricultural pursuits.	Yes
7(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,	The ecological report indicates that the site has some potential as habitat and that the proposed development will have limited impact on the ecological values of the site. Use of the site for residential purposes may result in preservation of habitat linkages through construction of the dwelling site towards the front of the property. Drainage lines and water bodies are to be preserved and buffer zones provided.	Yes
7(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,	Additional dwelling within the close proximity to the township of Kendall will provide addition social and economic benefits to the community and provides additional rural lifestyle opportunities	Yes
7(g) the consideration of impacts on services and infrastructure and	The site is located with 50m of the 50kmph zone for the	Yes

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appropriate location when providing for rural housing,	township of Kendall. The site will utilise existing services and infrastructure.	
7(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	Concurrence granted by Planning and Infrastructure.	Yes.
Rural Subdivision Principles	No subdivision proposed.	N/A
Matters to be considered in determining development applications for rural subdivisions or rural dwellings		
<p>10(1) This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.</p> <p>10(2) A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:</p> <p>(a) subdivision of land proposed to be used for the purposes of a dwelling,</p> <p>(b) erection of a dwelling.</p> <p>10(3) The following matters are to be taken into account:</p> <p>(a) the existing uses and approved uses of land in the vicinity of the development,</p> <p>(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,</p> <p>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</p> <p>(d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,</p> <p>(e) any measures proposed</p>	<p>Proposal is consistent with the predominantly rural residential character surrounding the site.</p>	Yes

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by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).	
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Port Macquarie-Hastings Local Environmental Plan 2011

In accordance with clause 2.2, the subject site is zoned RU1-Primary Production.

In accordance with clause 2.3(1) and the RU1 zone landuse table, the proposed development for a single dwelling is a permissible landuse with consent.

The objectives of the RU1 zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

In accordance with clause 2.3(2), the proposal is consistent with the zone objectives, particularly as the proposal is a permissible landuse and is consistent with the rural residential character of the area.

In accordance with clause 4.2A subclause 3, development consent must not be granted for development to which this clause applies, on land on which no dwelling house or dual occupancy (attached) has been erected, unless the land is a lot that is at least the minimum lot size specified for that land by the Lot Size Map. The subject site will have an area of 15.5 Ha post consolidation. The PMHC LEP Lot Size Map identifies the site as requiring a minimum lot size of 40Ha. It is noted that the site is not an 'existing holding' and does not have a dwelling entitlement.

Despite subclause (3) development consent may be granted for development to which this clause applies under Clause 4.6 Exceptions to Development Standards if Council is satisfied that the applicant has satisfied the relevant objectives, addressed the requirements under subclause 3 and the concurrence from the Director General has been obtained.

The applicant has lodged a clause 4.6 objection under the LEP to the required lot size on the following grounds:

- *The size and shape of the subject site is consistent with the surrounding historic land use pattern with previous Rural Residential Release Strategies identifying the land as suitable for Rural residential/Hobby farm development.*
- *The proposed dwelling is not considered likely to result in an unreasonable demand on services. Adequate area on-site is available for waste water and tank water supply.*
- *The proposed dwelling is considered unlikely to limit or fragment rural land or primary industry potential as vast majority of lots with 2km radius are well below the 40Ha limit.*
- *Limitation on potential precedent within vicinity of the subject site given that most lots similar in nature contain dwellings.*

Looking After Our Environment

- *The proposed dwelling is not considered likely to detrimentally impact the agricultural viability of the land as the site has marginal capacity to support agricultural pursuits.*
- *The addition of one dwelling is not considered likely to result in an uneconomical demand on amenities or services and would in fact supplement existing services through additional financial contribution to Council rates and service provision.*
- *The proposed dwelling is consistent with the zone objectives and is considered suitable for the site, utilising the existing access and conforming to the land topography.*
- *The proposal will have limited ecological impact due to location of dwelling site, retention of vegetated corridor and disturbed nature of adjoining lands restricting OEH Regional Corridor.*

The application was referred to the NSW Department of Planning and Infrastructure who provided concurrence on the following grounds:

- (i) *The proximity of this land to Kendall Village, and the adjacent rural residential area, means that this development will have access to existing services and will not contribute to dispersed rural settlement.*
- (ii) *The land is zoned RU1 Primary Production, however its capacity for primary production is severely constrained. The loss of 1Ha of this land for construction of a dwelling will not impact on the ability of this land to meet the primary production zone objectives, as the land could not meet the objectives in the first instance.*
- (iii) *No other issue of State or regional significance were impacted upon as a result of this proposal.*
- (iv) *Council could consider in any forthcoming review of the Port Macquarie-Hastings LEP whether this land, and any other land in the vicinity, is correctly zoned. It appears that, subject to the strategic planning process, an RU2 or E4 zoning, with a reduced minimum lot size may be more appropriate.*
 - *Please note that this concurrence has been granted on the understanding that additional flora and fauna assessment will occur, inclusive of a SEPP 44 assessment, prior to consent being granted to this development application.*

In having due regard for the above, Council must consider the potential precedent for the area and the potential for similar sites within the LGA that may be able to claim a similar set of circumstances and hence apply for a dwelling entitlement on lands previously considered to be limited in development potential. From a strategic land use planning point of view there is some merit to conducting a review of lands within close proximity to larger village centres to evaluate the number of existing lots that currently do not have a dwelling entitlement and the suitability of the current lot size restrictions. A number of sites exist within or in very close proximity to town/village centres that have limited or no potential for any form of use that correlates with the current zoning or objectives applied to the site. In these cases use of the site as a dwelling site may be appropriate provided it can be demonstrated that no unreasonable demand will be placed on existing Council infrastructure and where it does not result in fragmentation of rural lands for agricultural purposes.

Looking After Our Environment

In this case the parcel originally consisted of 3 parcels which included an adjoining lot to the east (previously lot 210). Lot 210 (now existing as part of Lot 4 DP 808138) has capacity for a dwelling due to a small portion being zoned R1 General Residential. Because the subject holding is defined as an existing parcel it would require all lots to exist as they were held in May 1967 for a dwelling entitlement to exist. As only two lots remain no dwelling entitlement exists. The subject site adjoins lots to the west created for the purpose of agriculture. Dwellings were subsequently approved under the Interim Development Order of the time which permitted ancillary dwellings when proposed in conjunction with an agricultural use. It appears agricultural uses were never established on these sites and they are currently predominantly used for the purpose of single dwellings.

Notwithstanding the above, it is considered that a variation to the standard is acceptable in this instance. The site is within walking distance of the local school and town centre and is surrounded by similar development and rural residential blocks. It is considered that the site is sufficiently unique in size, location so that the proposed variation does not result in establishment of undue precedent for the broader local government area. The proposal is consistent with the surrounding development and is considered to meet the objectives of the RU1 zoning.

Given that the proposed variation is greater than 10% of the development standard, Council is ultimately required to determine the application having regard for Planning Circular PS 08-003.

(ii) Any draft instruments that apply to the site or are on exhibition:

Nil

(iii) any Development Control Plan in:

Port Macquarie Hastings Development Control Plan 2011

DCP Provision	Requirements	Proposed	Complies
DP2.3	Front setback R5 and rural zones: <ul style="list-style-type: none"> Within 20% of average setback of adjoining buildings or min. 10m 	Complies	Yes
DP3.3	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Rural Driveway access. Driveway will be required to be reformed and regraded.	Yes

General Provisions

	Requirements	Proposed	Complies
DP11.1 onwards	Removal of hollow bearing trees	One hollow bearing tree has been identified within the dwelling site and APZ area. This is proposed to be retained	Yes
DP1.1	Tree removal (3m or higher	Ecological report	Yes

Looking After Our Environment

	with 100m diameter trunk and 3m outside dwelling footprint	prepared and referred to Council's ecologist. Preferential retention required for trees with breast height > 50cm.	
	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Yes
DP2.1	New accesses not permitted from arterial or distributor roads	The existing access to the site will be utilised.	Yes
DP2.3	Driveway crossing/s minimal in number and width including maximising street parking	Single access to dwelling.	Yes
DP11.1	Section 94 contributions	Refer to main body of report.	

(iia) any planning agreement that has been entered into under Section 93f or any draft planning agreement that a developer has offered to enter into under Section 93f:

Nil

iv) any matters prescribed by the Regulations:

Nil

v) any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)), that apply to the land to which the development application relates:

Nil

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality:

Context & Setting

Lot 209 & 211, DP 754418, 27 Lorne Road, Kendall is located along the southern side of Lorne Road on the immediate fringe of the township of Kendall. The driveway entry to the site is approximately 50m from the 50kmph zone for the town. The current lot is vacant except for a number of caravan structures and water tank that has been utilised for holiday accommodation for a number of decades. The applicant proposes to construct a single dwelling on the site. The proposal is not considered to be at odds with the context and setting of the area.

Access, Transport & Traffic

The proposal will be unlikely to have any adverse impacts within the immediate locality in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

Looking After Our Environment

Access

Access is proposed through an existing gravel residential driveway on Lorne Road. Conditions of consent shall require that the driveway access crossing to be upgraded.

Utilities

Telecommunication and electricity services are available to the site

Stormwater

Stormwater will be required to be disposed of and managed on site.

Water

Water rates are being charged for Lot 209, but it does not have a metered water service.

Water supply options for the dwelling site are for the use of rainwater tanks or by connection to Council's reticulated water supply.

Council's water reticulation is only able to provide adequate pressure if the highest residential floor level does not exceed RL 41.5 AHD.

Should it be proposed to build above this level and if connection to Council's reticulation is required, then special arrangements for water supply involving tank storage and pumping will have to be negotiated with the Water & Sewer Planning Manager.

It appears on site water tank supply is proposed and details will need to be confirmed with the application for the construction certificate.

On site Sewer

The applicant has submitted a preliminary report in relation to onsite sewage management. The report has identified minor to moderate limitations in relation to onsite disposal and the applicant will be required to demonstrate satisfactory disposal capabilities prior to the release of any consent for the site.

Soils

Standard conditions of consent in relation to sediment and erosion control to be applied. It is recommended that a geotechnical assessment be carried out to ensure the dwelling is sited appropriately in terms of groundwater/ subterranean springs and risk of slippage after tree removal and excavation. Geotechnical assessment will also be required to ensure OSSM can be appropriately managed on site.

Air & Micro-climate

The construction and/or operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

Flora & Fauna

The site is heavily vegetated and construction of a dwelling on the site will require removal of significant vegetation to allow for construction of the dwelling, vehicle access, asset protection zones and on site waste water disposal. The application has been supported by a preliminary ecology report prepared by Darkheart eco-consultancy. The report has indicated that the nature of the vegetation indicates the lot has previously been cleared either from extensive logging or unsuccessful agricultural pursuits. None of the property's vegetation qualifies as an Endangered

Looking After Our Environment

Ecological Community under the Threatened Species Act 1995 or the Environment Protection and Biodiversity Conservation Act 1999. No threatened plant species were identified on the site.

The site does offer a number of significant habitat features in the form of a number of hollow bearing trees, water bodies (dams and drainage lines) and food trees. It is proposed that the hollow bearing trees will be retained, selective tree retention implemented and Riparian zone buffers to drainage lines will be retained.

One threatened species has been detected on the site being the Glossy Black Cockatoo (vulnerable Threatened Species Act). Chewed cones were indicated on the western side of the dam. Further assessment is required in relation to the presence of koalas under SEPP 44, however the report has concluded that the site (given initial assessment results) is unlikely to qualify as core koala habitat.

The location of the dwelling site to the north of the site with a short access to the site will enable a significant vegetated corridor to be maintained in a broader context.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated. Standard precautionary site management condition recommended.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX or Section J of the Building Code of Australia. No adverse impacts anticipated

Noise & Vibration

No adverse impacts anticipated. Condition recommended to restrict construction to standard construction hours.

Natural Hazards

Vegetation on the site and slope present limitations in relation to bushfire management. The applicant has submitted a preliminary report from a qualified consultant demonstrating the site is capable of being managed and conditions applied that will enable compliance with the provisions of AS3959-2009 and NSW Fire Service. Planning for Bushfire Protection 2006. Further details are required to be submitted prior to any determination being made.

Contamination Hazards

No potential contamination hazards known or identified on site.

Safety, Security & Crime Prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.

Social Impact in the Locality

Given the nature of the proposed development and its' location the proposal is unlikely to result in any adverse social impacts.

Economic Impact in the Locality

Looking After Our Environment

No adverse impacts. Likely positive impacts can be attributed to the construction of the development.

Site Design and Internal Design

The proposed development design is satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

Cumulative Impacts

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

(c) The suitability of the site for the development:

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations:

No written submissions have been received following completion of the required public exhibition of the application.

(e) The Public Interest:

The proposed development satisfies relevant planning controls and is unlikely to impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

Refer to draft contribution schedule attached to this report and recommended conditions.

5. CONCLUSION

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. Consequently, it is recommended that the application be supported, subject to the recommended conditions of consent provided in the attachment section of this report.

Looking After Our Environment

Attachments

1. DA2013 - 0575 Plans
2. DA2013 - 0575 Recommended DA Conditions
3. DA2013 - 0575 Supporting Information Clause 4.6
4. DA2013 - 0575 Development Contributions Calculation Sheet

Looking After Our Environment

Item: 12.07

Subject: DA 2013 - 0631 ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 87 DP 2328785, 3 GLEN STREET, PORT MACQUARIE

Report Author: Matt Rogers

Property: Lot 87 DP 2328785, No 3 Glen Street, Port Macquarie
Applicant: Beukers & Ritter Consulting
Owner: L S & J A Brown
Application Date: 10 October 2013
Estimated Cost: \$44,350
Location: Port Macquarie
File no: DA2013 - 0631
Parcel no: 7080

Alignment with Delivery Program

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

RECOMMENDATION

That the determination of DA2013 - 0631 for Additions to dwelling including Clause 4.6 Variation to Clause 4.3 (height of buildings) of the PMH LEP 2011, at Lot 87 DP 232885, No 3 Glen Street, Port Macquarie be noted.

Executive Summary

This report is for Council's information and relates to the approval of the subject development application under delegated authority. Granting consent involved use of Clause 4.6 of Port Macquarie-Hastings Local Environmental Plan 2011 (LEP) to vary Clause 4.3 (height of buildings) by not more than 10%.

The proposal resulted in a dwelling addition and alteration having a new roof height exceeding the maximum 8.5m height by 0.27m. The minor variation was not considered to result in any adverse privacy, view loss or bulk and scale impacts given the context of the site. The Department of Planning and Infrastructure circular PS 08-003 provides for the Director General's assumed concurrence where such a variation is not more than 10% of the standard.

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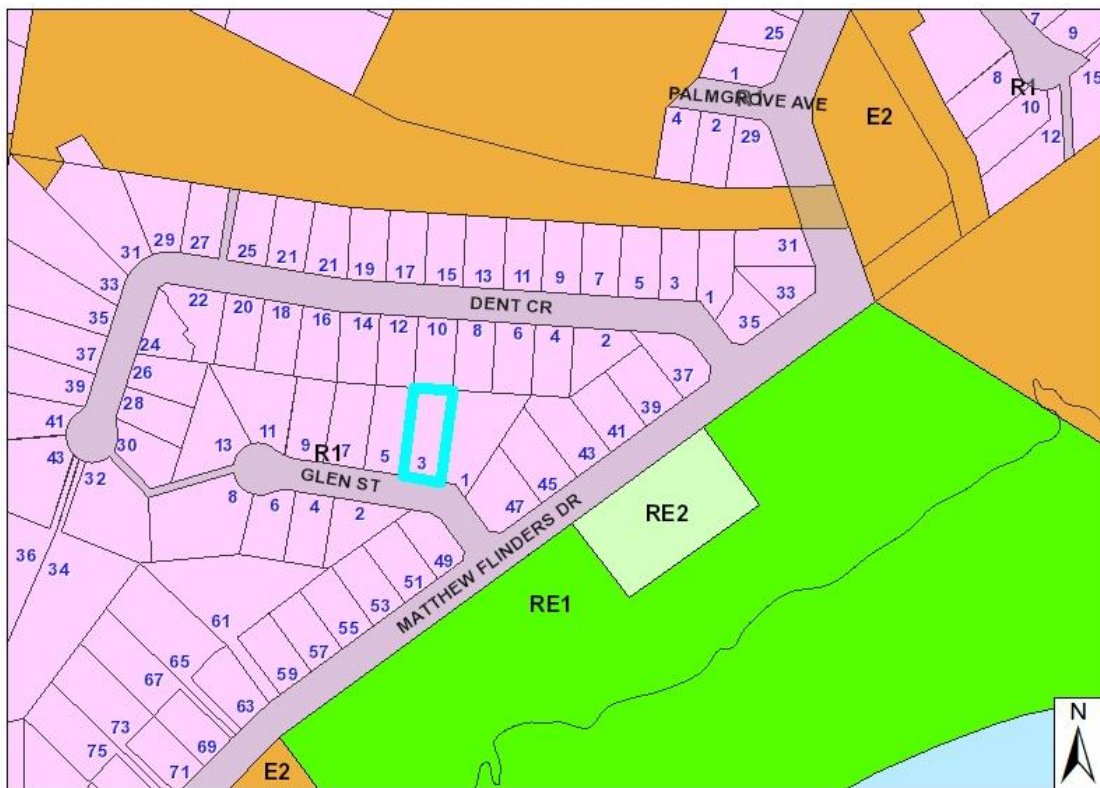
The Department's circular PS08-014 further reminds councils of their assumed concurrence role in relation to SEPP 1 and Clause 4.6 LEP variations. The circular advises that where Clause 4.6 variations are approved under delegated authority that council be advised of the decision made and it be appropriately recorded.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 777.8m².

The site is zoned R1 General Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The locality is generally characterised by single and two storey detached dwellings. The land slopes from west to east, with a fall of approximately 4m across the site. Other properties on the same side of Ocean Drive have similar topography and existing buildings are generally higher towards the rear (east). Ocean views exist to the east from the subject site and other nearby properties.

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

Looking After Our Environment



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the application proposal include the following:

- Additions to existing dwelling

Refer to attachments at the end of this report.

Attachments

1. DA2013 - 0631 Plans.
2. DA2013 - 0631 Consent Approval

Planning and Providing Our Infrastructure

What are we trying to achieve?

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

What will the result be?

- Supported and integrated communities.
- Infrastructure provision and maintenance that respects community expectations and needs.
- A natural environment that can be accessed by a network of footpaths, cycleways, coastal and hinterland walkways.
- Accessible, convenient and affordable public transport.
- Employment and population growth that is clustered within urban centres.

How do we get there?

- 5.1 Create and maintain integrated transport system that eases access between population centres and services.
- 5.2 Ensure transport options are safe, functional and meet access needs across the Local Government Area.
- 5.3 Develop and enhance quality open space and recreational facilities.
- 5.4 Plan settlements to accommodate a range of compatible land uses and projected population growth.

Planning and Providing Our Infrastructure

Item: 13.01

Subject: PORT MACQUARIE HISTORIC CEMETERY (GORDON STREET FRONTAGE) CONCEPT PLAN

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.3.1 Plan, investigate, design and construct open spaces and recreational facilities.

RECOMMENDATION

That Council:

- 1. Adopt the draft Port Macquarie Historic Cemetery (Gordon Street Frontage) Concept Plan.**
- 2. Proceed to the detailed design and construction phase of the project with works commensurate with remaining project budget being expended during the 2014/15 financial year.**

Executive Summary

The aim of this project is to upgrade and make more relevant, landscaping, signage and planting along the Gordon Street frontage of the Port Macquarie Historic Cemetery.

Following public exhibition of a draft proposal for the site, a Concept Plan has been developed to enhance this prominent focal point to the Town Centre (in accordance with themes established in the Town Centre Master Plan works).

The purpose of this report is to provide background regarding the draft Port Macquarie Historic Cemetery (Gordon Street Frontage) Concept Plan, and to inform council of feedback received from key stakeholders during development of the draft plan and the public exhibition period.

Discussion

The Gordon Street frontage of Port Macquarie Historic Cemetery is frequently visited and photographed by both locals and tourists alike.

The current Gordon Street frontage garden is believed to have been constructed during the 1950s with various alterations to layouts over the years. The commemorative name monument was installed in 1963. Around the same time the gardens won the Sydney Morning Herald Garden Competition and the site became a recognised gateway for tourists to Port Macquarie.

Planning and Providing Our Infrastructure

Adjacent to the Gordon Street frontage gardens, within the Historic Cemetery, is the Second Burying Ground - a listed heritage item on the NSW State Heritage Register (SHR) for having significance to the State of NSW.

The existing landscaping along the Gordon Street frontage is tired, with sections of garden bed at end of useful life. In addition to this, the existing landscaping in this area acts as a barrier to the area that lays behind it, thereby reducing awareness and appreciation of the historical significance of the site.

On this basis, the need to develop a concept plan for the upgrade of the Gordon Street frontage of the Historic Cemetery was supported by council and planning commenced during 2011/12 financial year.

Proximity to the SHR listed site means that the proposed Gordon Street frontage works have had to go through a detailed assessment process with the NSW Office of Environment and Heritage (OEH).

Given the heritage significance of the site, and the potential constraints to development of the site, Council staff have spent considerable time working with the OEH to come up with a design that is likely to be pleasing to the community while still meeting the requirements of the OEH. Council engaged a landscape design consultant to prepare a design plan for the Gordon Street frontage which was forward to OEH for their consideration.

Following an extensive review process, during which Council engaged an archaeologist to prepare an Archaeological Assessment, and a heritage specialist to prepare a Heritage Impact Statement, the OEH gave permission for the proposal.

Sixteen conditions were attached to the OEH approval, including a requirement for archaeological site supervision (monitoring and recording) of ground disturbances and excavations which may affect the Second Burying Ground. The OEH also recommended that Council undertakes a review and update the existing Conservation Management Plan of the Historic Cemetery.

The OEH agreed design proposal for the site was posted on PMHC Listening and public comment was invited. The exhibition period ran from 1/2/2014 to 25/03/2014. During the exhibition period there were 485 visitors to the site though general public interest in this plan was not significant.

At the close of the exhibition period, the draft proposal was further developed. The draft concept plan attached (refer to Attachment 1 and 2) provides more detail on the proposed upgrade. It is now presented to Council for adoption.

The draft concept plan:

- maintains the existing boundaries of the Gordon Street frontage parkland,
- increases the size of the lawn area,
- provides a more compact garden area, and
- has been designed not to adversely impact the Second Burying Ground.

It has taken significant time to get the plan developed to this point. To highlight this the following project timeline is provided as information:

Planning and Providing Our Infrastructure

November 2010	Staff consult with council's heritage consultant regarding the project
26 November 2010	Landscape Architect engaged to develop concept plans
25 February 2011	Draft concept plan developed
14 May 2011	Port Macquarie Hastings Heritage engaged to provide a Heritage Impact Statement
25 May 2011	NSW Heritage Office advised of proposed works included in draft concept plan
30 April 2012	Formal advice received from NSW Heritage Office advising that a Section 60 application was required
8 November 2012	Archaeological Management & Consulting Group (AMAC) engaged to develop Section 60 application
10 June 2013	Section 60 application and archaeologists report lodged with NSW Heritage Office
30 August 2013	Approval received from NSW Heritage Office
December 2013	Staff engage with Council's Heritage & Museums subcommittee
5 Feb - 24 March 2014	Public exhibition period

Options

Council may decide to adopt the concept plan. Alternatively, Council may decide not to proceed further with this plan.

Community Engagement & Internal Consultation

The level of impact of the project is '*Level 4 - Lower level of impact of a local nature, e.g. a local area, specific community or user group.*' In accordance with identified Level 4 project impact, the level of participation generally required is to, *Inform, Consult, and Involve.*

A community engagement strategy has been prepared for the project and was managed by Council's Community Development Officer (Heritage & Culture). The engagement process involved engagement with the following stakeholder groups:

- Council's Heritage & Museums subcommittee
- Town Centre Master Plan Committee
- OEH (NSW Heritage Council)
- Port Macquarie Tourism
- Birpai Local Aboriginal Lands Council
- the broader Port Macquarie community
- Council staff (Community Development team, Infrastructure Delivery team, Recreation & Buildings team)

Engagement occurred via:

- Presentations to the stakeholder committees
- Phone calls, letters, and one-on-one meetings with representatives of key stakeholder groups
- Public exhibition of the draft plan on PMHC Listening webpage
- Advertising the exhibition and inviting submissions via:
 - Posters installed at the site
 - Media release
 - Notices in the local papers

Planning and Providing Our Infrastructure

○ The Heritage Committee

The OEH was contacted as delegate of the NSW Heritage Council regarding the SHR listed Second Burial Ground and statutory matters relating to Section 63 of the *NSW Heritage Act 1977*. OEH contact for this project has been ongoing since May 2012 through Dr Siobhan Lavelle - Senior Heritage Officer.

Council's Heritage & Museums subcommittee has been involved throughout the development of the project. This subcommittee comprises 24 members representing 16 heritage organisations. The subcommittee members include: Port Macquarie Historical Society, Wauchope Historical Society, Camden Haven Historical Society, Mid North Coast Maritime Museum, and Saint Thomas' Anglican Church.

The draft proposal for the Gordon Street frontage was tabled and discussed at the Heritage & Museums subcommittee meeting on 19 November 2013. The recommendation to the Heritage & Museums subcommittee was:

- 1) That the Sub-Committee note the information provided regarding the Second Burial Ground upgrade.
- 2) That members of the Sub-Committee be consulted to enable their feedback regarding the upgrade of the garden.

The subcommittee was advised that the draft plans would be available on public exhibition. The proposal was discussed informally with subcommittee members over the public engagement period, however none requested additional information.

The public exhibition period ran from 1/2/2014 to 25/03/2014. For the exhibition, the draft plan for the site and a fact sheet (which provided a background to the proposed works) were posted on the PMHC Listening website. A poster of the draft plan was also installed at the site.

There were 485 visitors to the PMHC Listening website during the exhibition period. The fact sheet was viewed by 23 visitors. Nine visitors looked at the plan of the proposed works. There were no submissions received through PMHC Listening during the public exhibition period.

Feedback was received from the Town Centre Master Plan Committee during the public exhibition period. This feedback focussed on ensuring the draft concept plan was consistent with the inclusions of the Port Macquarie Town Centre Master Plan Review, which was adopted by council during the public exhibition period.

Planning & Policy Implications

The adopted Plan of Management and the Conservation Management Plan for the Second Burying Ground were considered in development of the Port Macquarie Historic Cemetery (Gordon Street Frontage) Concept Plan. Council's heritage consultant, Mr Stephen Booker advised the OEH in writing on 19 May 2011 that the draft concept plan was consistent with these planning documents.

The draft Port Macquarie Historic Cemetery (Gordon Street Frontage) Concept Plan has been considered by OEH against the requirements of Sections 60 & 63 of the

Planning and Providing Our Infrastructure

NSW Heritage Act 1977 and consent has subsequently been given for council to proceed with works in accordance with strict consent conditions.

The recently adopted Port Macquarie Town Centre Master Plan Review was considered in making final amendments to the draft Port Macquarie Historic Cemetery (Gordon Street Frontage) Concept Plan. Inconsistencies with the Port Macquarie Town Centre Master Plan Review have been removed from the draft concept plan.

Financial & Economic Implications

It is anticipated that the budget required to fully develop detailed design and undertake construction of the works identified in the draft plan will exceed remaining available budget of \$115,554. Pending adoption of this draft concept plan, staff will develop a staging plan including a Stage 1 scope of works that can be delivered with available remaining funds.

It is expected that detailed design will be complete by 30 September 2014 with construction of Stage 1 scope of works to be undertaken prior to 30 June 2015.

Costs upward of \$185 per hour will be incurred during the construction phase of this project to satisfy the requirement for an archaeologist be required to supervise excavation.

Attachments

1. Landscape Sketch Plan - Selected Option 2
2. Landscape Sketch Plan - Pedestrian, Traffic and Parking

Planning and Providing Our Infrastructure

Item: 13.02

Subject: WAUCHOPE SKATE PARK

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.3.1 Plan, investigate, design and construct open spaces and recreational facilities.

RECOMMENDATION

That Council:

- 1. Adopt the final draft concept plan for Wauchope Skate Park.**
- 2. Provide support to SkateWauchope in pursuing additional funding to allow for delivery of this project in the 2014/15 financial year.**

Executive Summary

At the Ordinary Meeting held on 16 April 2014 Council adopted the draft concept plan for Wauchope Skate Park. Staff have since exhibited the draft concept plan from 17 April to 11 May 2014 to understand community thought about the plan. The community feedback received during the exhibition period is outlined in this report.

Design modifications have subsequently been made to the draft concept plan in accordance with feedback received during the exhibition period. The final draft concept plan presented here to council for consideration.

Discussion

There is an existing skate park located at High Street, Wauchope (near the road/railway crossing). It is small, its facilities are in poor condition, and it has reached the end of its usable life. Relocation of the skate park and provision of improved facilities was recognised in the Wauchope Urban Framework Plan that was adopted by Council in 2009.

More recently, members of the community have escalated the need for a new skate park facility in Wauchope with council and a group was formed, SkateWauchope to progress planning for such a facility.

Council has worked with SkateWauchope and the broader community over the last twelve months to determine where the skate park should be developed, and to develop concept plans for the new facility.

At the Ordinary Meeting held on 20 November 2013 it was resolved:
That Council adopt Landrigan Park as the location for a new skate park at Wauchope and that concept plans for this facility be developed by 30 June 2014.

Planning and Providing Our Infrastructure

CARRIED: 9/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

In accordance with this resolution council staff worked with the community to develop draft concept plans for the new Wauchope Skate Park.

This matter was last considered at the Ordinary Meeting held on 16 April 2014 where it was resolved that Council:

1. Adopt the draft concept plan for Wauchope Skate Park.
2. Exhibit the draft concept plan from 17 April to 11 May 2014.
3. Consider a final draft plan for adoption at the Ordinary Meeting scheduled for June 2014.

CARRIED: 8/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

Following Council's decision to exhibit the draft concept plan for Wauchope Skate Park, the plan was posted on PMHC Listening and submissions were invited. The exhibition period commenced 17 April 2014 and ran until 11 May 2014 (inclusive).

The exhibition was advertised in the local media and the PMHC Listening audience was notified via email. Posters of the draft concept plan were posted in Wauchope Library, Council's Wauchope and Port Macquarie Offices. A newsletter was sent to interested people who wanted to be kept informed of the project to let them know about the exhibition, and SkateWauchope let their contacts know via the SkateWauchope facebook page.

The exhibition was broadly advertised in order to attract a high number of responses and gather as much community feedback as possible. There were 307 visits to the Wauchope Skate Park site on the PMHC Listening page. In only 68 of the visits (22%) the draft concept plan was viewed.

There were two ways visitors could contribute feedback on the design - a formal submission, and a response to a Quick Poll. The Quick Poll only required a single 'mouse-click' response to one of four opinions provided on the design: "Love it"; "Yeah it is ok"; "No I don't like it" or "I hate it". Due to the ease of replying to the Quick Poll, it garnered the most number of responses - 18 (even though this was only 5.8% of visitors to the site during the exhibition period).

Of the 18 people who responded to the Quick Poll:

- 1 respondent loved it (6%)
- 2 thought it was ok (11%);
- 2 didn't like it (11%); and
- 13 hated it (72% - or 4% of all visitors to the Wauchope Skate Park site on PMHC Listening).

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Further information was not provided by respondents so it was not possible to discern why they 'did not like' or 'hated' the design.

Council received four written submissions (made by three submitters) during the exhibition period. The submitters expressed general dissatisfaction with the proposed design, in particular the proposed pump track.

Although only a small number of people from the community commented on the design, given the negative reaction it generated, significant modifications to the concept plan were required.

A modified design has been developed following the community feedback received. Ideas for the modified design were contributed by the submitters, SkateWauchope and three local skateboarders who were involved in the development of the Port Macquarie Skate Park. The contributors provided feedback regarding the scale and placement of skate park elements, incorporation of artwork and layout and placement of the pump track.

The modified final design has been discussed with SkateWauchope. Modifications to the draft concept plan that was publically exhibited include:

- The relocation of the pump track to the entrance of the site,
- Additional space around all elements within the skate park to allow for larger transition zones and push off areas,
- A focus on street skate elements such as boxes and grind bars, and
- A more compact space for junior skaters to practice.

Options

Council can adopt the recommendation to place the draft concept plan on public exhibition and seek public feedback on the design. Alternatively, Council also has the option of deciding not to adopt this final draft concept plan and undertaking further community engagement. Council may also opt to withdraw support for this project.

Community Engagement & Internal Consultation

As identified in previous reports to council associated with this project, the level of impact of the project is 'Level 2 - High level of impact of a local nature, e.g. a local area, specific community', as it has a high level of impact to the skating community, youth and park user groups within Wauchope.

In accordance with an identified Level 2 project impact, the most appropriate types of community participation is to, *Inform, Consult, Involve, and Collaborate*.

A community engagement strategy has been prepared and followed for the project as outlined in previous reports to council regarding this project. For the design exhibition phase of the project, the engagement process has involved:

1. Monthly meetings with SkateWauchope representatives;
2. Exhibiting the draft concept plan on PMHC Listening;
3. Exhibiting the draft concept plan at:
 - Wauchope Library,

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- Council's Wauchope Office, and
 - Council's Port Macquarie Office.
4. Media release advising of the exhibition period;
 5. Newsletter to people who wished to be kept informed of project updates;
 6. Collation of feedback submitted to PMHC Listening

Four submissions were received during the exhibition period which ran between 17 April 2014 & 11 May 2014 (inclusive). The submissions are summarised in the table below.

Submission (Name)		Issue (Summary)
1	Jakob Purcell	<p>Concerned about the overall design of the skate park. Key points:</p> <ul style="list-style-type: none"> • Most of the elements of the skate park are very stock standard and lack creativity • Skateboarders/bike riders/scooter riders enjoy a park with a bit of difference • About 2/3rd of the design is taken up by areas for the younger kids • 2/3rd should be for intermediate/advanced riders and around 1/3rd for the younger kids • The pump track lacks creativity • Instead of having multiple humps in the pump track (taking up 1/3 of the space), 2 or 3 humps could be integrated into the rest of the skate park saving a lot of space and allowing more appropriate obstacles to be built • Offered to draw up and provide design ideas
	<i>Response/Comment:</i>	Mr Purcell has been contacted. His offer to draw up design ideas has been welcomed and was considered during preparation of the modified design.
2	Connor Debreceeny	Asked when the new skate park would be built.
	<i>Response/Comment:</i>	It is anticipated the new skate park would be built within the 2014/15 financial year pending availability of funding.
3	Connor Debreceeny	Provided a weblink to a preferred design for the skate park.
	<i>Response/Comment:</i>	The cost of the skate park on the weblink was estimated by staff to be significantly more than the budget identified for Wauchope's new skate park.
4	SkateWauchope	<p>This submission was a summary of feedback SkateWauchope received from the skating community. There was dissatisfaction with the design. A summary of key points follows:</p> <ul style="list-style-type: none"> • The main concern was the pump track: <ul style="list-style-type: none"> ○ The pump track would diminish the park's usefulness as an acceptable place to skate freely and creatively ○ The pump track would be of a compromise size, making it of low value as a preferred pump track experience.

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	<ul style="list-style-type: none"> ○ Pump tracks are readily available to users in many other venues in the near bush and forest areas which allow more space for bike riders • Wauchope Skate Park was to be a Street Plaza park and this theme is “watered down” with the area that is taken up by the pump track. • The park could have been a destination on a “Hastings skating circuit” if the park had a dedicated purpose/style and was not trying to be all things to all people • SkateWauchope recommends that discussion on the final design be reopened to modify the design so that it meets the needs of the potential users and not the designers.
<i>Response/Comment:</i>	<p>Given how extensive consultation was to develop the draft concept (five workshops) we would not be inclined to reopen the public discussion. We would instead prefer to follow the process of taking on board all the feedback received from the community and modifying the design based on community input.</p> <p>Pump tracks are not readily available within Wauchope or the Port Macquarie - Hastings area, in fact there are no pump tracks within the local government area. Pump tracks are manmade closed circuits with rollers in between and berms at each end. They are designed to be ridden without pedalling.</p> <p>The design has been modified to expand skate opportunity while maintaining the bike pump track to provide diversity within the overall facility.</p> <p>Further consultation with SkateWauchope has been undertaken and the final draft concept plan as presented is now supported by the group.</p>

Feedback from the exhibition period was discussed in a meeting with SkateWauchope held on 27 May 2014. At this meeting SkateWauchope expanded on the comments they had received from the skating community during the exhibition period.

The draft concept plan was modified following the feedback received. Proposed modifications and the Final Draft Concept Plan were discussed with, and endorsed by, SkateWauchope.

Planning & Policy Implications

Works proposed within the final draft concept plan is considered development permitted without consent in accordance with section 65(3)(b) of State Environmental Planning Policy (Infrastructure) 2007.

Financial & Economic Implications

A pre-construction budget of \$20,000 is included in the 2013/14 Operational Plan to allow for the planning process to be undertaken.

An allocation of \$122,507 for the upgrade of the Wauchope skate park is included in the draft 2014/15 Operational Plan.

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The landscape architect responsible for the final draft concept plan has estimated the construction cost of the new skate park would be in the order of \$250,000 - \$300,000.

To ensure a reasonable quality skate park it will be necessary to secure additional funding by securing grants and/or fundraising activities. SkateWauchope has consistently indicated they will pursue grant funding opportunities to allow for development of the new skate park facilities. Works in kind opportunities and other types of sponsorship are also being sought by SkateWauchope to support delivery of this project.

Approval of final concept plan will assist SkateWauchope in seeking sponsorship opportunities and applying for grants with an endorsed plan.

Attachments

1. Wauchope Skate Park final draft concept plan

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Item: 13.03

**Subject: RECOGNITION OF INDUSTRY AWARDS FOR WATER
OPERATIONAL STAFF**

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

1.5.1 Address community needs with a transparent, responsive , efficient and effective organisation that is customer focused, and aspires to deliver best practice service.

RECOMMENDATION

That Council formally congratulate Terry Randall, Water & Sewer Operations Engineer, for his achievement in winning the award for Best Paper Overall at the 2014 Water Industry Operators Association of Australia (WIOA) Conference.

Executive Summary

Council's Water and Sewer section is a member of WIOA, whose purpose is to provide water operators with a forum to share ideas and keep up with industry movements. Each year the annual WIOA conference is held somewhere in NSW and Port Macquarie-Hastings Council will normally send a number of operators/coordinators to attend.

Discussion

For the last two years, staff from Port Macquarie-Hastings Council have been receiving industry recognition and last year the annual PASS award (Problem Accepted, Solution Supplied) was won by Port Macquarie-Hastings Council.

This year's Conference was held in Orange NSW. Council's Water and Sewer Operations Engineer, Terry Randall, presented his first-ever Conference paper and received the award for Best Paper Overall. In addition, Council's water treatment plant Operator in Charge, Danny Roberts, also presented a paper and was awarded 3rd Place in the Best Paper category.

As a result of winning the Best Paper Overall award, Terry Randall will now be required to present his paper at the WIOA Victorian Conference, to be held in Bendigo from 2 - 5 September 2014.

Options

Council has the option not to formally recognise this achievement if desired.

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Community Engagement & Internal Consultation

N/A

Planning & Policy Implications

N/A

Financial & Economic Implications

N/A

Attachments

1. PMHC 120MI day Fluoridation Plant Paper

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Item: 13.04

Subject: TOWN CENTRE MASTER PLAN TOWN SQUARE

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.3.1 Plan, investigate, design and construct open spaces and recreational facilities.

RECOMMENDATION

That Council:

- 1. Note the submissions received during exhibition for the draft Town Square Master Plan.**
- 2. Request the Town Centre Master Plan Sub-Committee to consider the submissions against the draft Town Square Master Plan Concept and incorporate community feedback where warranted into the design of the proposed Port Macquarie Town Square.**

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Executive Summary

The purpose of this report is to advise Council of the matters raised in submissions received during the public exhibition of the draft Town Square Master Plan. Comments and concerns raised have not yet been individually addressed and it is requested that the TCMP Sub-Committee consider the submissions received against the draft Town Square Master Plan and incorporate changes to the design of the Town Square where appropriate.

At the Ordinary Council meeting of 18 December 2013 the following was resolved;

1. Endorse the Tract "PMTC Master Plan Review"
2. Place the "PMTC Master Plan 2013" on exhibition from the 19 December 2013 until 3 February 2014 and invite comments from the community on the Master Plan on all facets of the plan excluding the proposals for the Port Macquarie Town Green.
3. Undertake separate and significant engagement on the Town Green components of the Master Plan early in 2014

The Port Macquarie Town Centre Master Plan (TCMP) Review 2013 went on exhibition from 19 December 2013 until 3 February 2014, inviting comments on aspects of the Town Centre Master Plan excluding the Town Green and the Town Square. The Town Square and the Town Green went on exhibition from 14 March 2014 through 23 April 2014 as separate and distinct projects via Council's web site. Copies of the draft Town Square Master Plan were made available through the Customer Service Centres at Port Macquarie, Wauchope and Laurieton for viewing. Submissions received on the Town Square are included in this report. Submissions received for the Town Green will be presented to Council in a separate report.

Discussion

The TCMP Review 2013 proposed changes to north Horton Street adjacent to the Town Green including changes to the landscaping and parking layout in order to construct a Town Square within this area and widening of the footpath to allow Al Fresco dining.

Council received ten submissions from regarding the Town Square. The submissions have been considered by the TCMP Sub-Committee in line with the earlier Town Centre Master Plan Review exhibition. The submissions can be summarised as follows;

- Four of the ten submissions were in support of the construction of a Town Square
- Five of the ten submissions provided general feedback concerning the construction of a Town Square, e.g. Council should ensure that disability parking is to remain within the Town Square as currently installed. This feedback provides important information concerning the current usage of the Town Square and should be considered during the design phase of the project, if approved.
- Only one of the ten submissions received does not support changes on Horton Street as proposed in the TCMP.

1.

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Parking and the use of the space generated a number of comments, however Council has previously indicated that parking will remain a component of the proposed Town Square.

The TCMP Sub-Committee endorsed the construction of the Town Square as shown in the TCMP Review to provide an area to be utilised for community functions such as town markets. In addition, a Town Square at this location may allow for events held at the Town Green to spill over providing for additional space.

The financial resources for the design and construction of the Town Square have been programmed to be included in the TCMP proposed 2014/15 budget.

Options

Council has options in respect to this report. Council can either;

1. Note the submissions received during exhibition for the Port Macquarie Town Centre Master Plan however construct a Town Square as shown in the 2013 TCMP Review thus having no impact on final design outcomes, or alternatively;
2. Note the submissions received during exhibition for the Port Macquarie Town Centre Master Plan and advise the TCMP Sub-Committee to consider the submissions received in finalising the design.

Council staff recommend that after reviewing the submissions received, they be used by the TCMP Sub-Committee to inform the final design of the Town Square.

Community Engagement & Internal Consultation

Community engagement and internal consultation was undertaken from 14 March 2014 through 23 April 2014. Council staff are in the process of responding to the submissions via letter or email, as appropriate.

Submission		Issue	Response
1.	Jai Cooper	<ol style="list-style-type: none"> 1. Supports the conversion of public space away from private motor transport to accessible use for the wider public 2. Recommendation of a level surface and removal of the existing kerb and gutter 3. Exclude motor vehicles from the area by bollards. 	Parking will still be available in the final design. Level access and wider paths will be considered in the final design of the space.
2.	Brian Tolagson	<ol style="list-style-type: none"> 1. Addition of more trees 2. Support of Town Square subject to cost 3. Parking concerns 	The inclusion of landscaping and trees will be considered and incorporated, where possible into the final design of the space.

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3.	Crown Lands	1. Supports in principle the aims & objectives of the Master Plans	No response required.
4.	PMHC Internal	1. Provision of Electrical Infrastructure 2. Aesthetics 3. Protocols of Use	Electrical upgrades and access to power will be included in the final designs.
5.	Allen Dornan	1. Make all the area (CBD) proposed as the Town Square. 2. Parking	The Town Square proposal is limited to the northern area of Horton Street and will include parking.
6.	Port Macquarie Dementia Friendly Community Steering Committee	1. Considerations concerning the existing disability/accessible car parking spaces within the Town Square. 2. Consider keeping the 2 disability parking spaces closest to the public toilets	Disability spaces close to public amenities will be a high priority in the final layout.
7.	Stephen Thomas	1. Remove car parking within the area 2. Allow for complete use of the space by pedestrians, children and visitors free from intrusion and the related safety issues presented by cars. 3. Bus pick up area 4. That PMHC obtain feedback from other Council's where vehicles have been removed from public space in order to enhance the pedestrian use of the area.	The Master Plan identified maintenance of parking in the Town Square, closing the entire space to parking was not considered as part of this exhibition.
8.	Stephen Ringe	1. Reflect the subtropical nature of the Port Macquarie environment 2. Clear visual sight lines to the water 3. Hay Street 4. More seating 5. Sloping of lawn 6. Potential development of a new medium rise building adjacent and west of Figs	Many of these aspects will be taken into consideration in the final designs.
9.	Access Committee	1. Current accessible/disabled parking spaces. 2. Minimum parking requirements 3. Alternative parking layout 4. Access to the Town Green 5. Footpath standards 6. Picnic tables	Further investigation on some aspects can be included in the final design.
10.	Port Macquarie CWA.	1. Issues with layout 2. Issues with bus parking 3. Issues with Al Fresco dining	It is proposed to meet separately with the CWA to hear and

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		4. Issues with widened footpath on West side only 5. Issues with too much infrastructure not enough green space 6. Issues with hygiene/cleaning and safety	respond to issues more directly.
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Planning & Policy Implications

The construction of the Town Square may bring changes to outdoor dining within the area. The construction of additional space to hold events may require new policies to be created concerning the usage of the Town Square, types of events permitted to use the space, the closing off of the area, and outdoor dining along the footpaths. These will need to be addressed once the Town Square design is completed and use of the space is better understood.

Financial & Economic Implications

The design and construction of the Town Square has been programmed in the 2014/15 budget.

Attachments

1. TCMP Town Square Community Comments received

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Item: 13.05

Subject: 995 OCEAN DRIVE, BONNY HILLS MATERIAL PUBLIC BENEFIT APPLICATION (PN 60174)

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

5.4.1 Plan settlements to accommodate a range of compatible land uses that meets projected population growth for new and existing developments.

RECOMMENDATION

That Council:

- 1. Approve the application to undertake works as Material Public Benefit involving road works adjacent to Lot 3 DP 1151282, 995 Ocean Drive, Bonny Hills, on the basis that the work will provide material public benefit pursuant to s94(5)(b) of the Environmental Planning and Assessment Act 1979 (as amended) subject to the applicant entering into a Works in Kind Agreement.**
- 2. Delegate authority to the General Manager to execute the Works in Kind Agreement on behalf of Council.**

Executive Summary

Council has received an application from Land Dynamics on behalf of the developer of a residential subdivision at 995 Ocean Drive, Bonny Hills to undertake works as material public benefit. The proposed works involve upgrade of the roadway and existing drainage adjacent to Lot 3 DP 1151282. The applicant has requested an offset against roads contributions for the adjacent approved residential subdivision.

The application to undertake works as material public benefit is recommended for approval subject to completion of a formal Works in Kind Agreement.

Discussion

Land Dynamics, on behalf of the developers of Lot 3 DP 1151282, have applied to carry out works on Ocean Drive, Bonny Hills as material public benefit in lieu of the payment of part of the s.94 roads contributions levied under the development consent for a 18 lot residential subdivision (DA 2013/0329).

The site at 995 Ocean Drive, Bonny Hills subject to DA 2013/0329 - 18 lot residential subdivision, is shown below.

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Council's Works in Kind Policy allows applications to be made for physical works as material public benefit in the settlement of contributions levied upon the development consent.

The works proposed within the road reserve adjacent to Lot 3 include a 1.2m wide footpath, kerb and gutter, road drainage with associated pits, connection of piped stormwater from the proposed subdivision, piping of an existing open drainage swale and road pavement widening to provide on street parking/cycle lane for the full frontage of the development on Ocean Drive. Approximately 20 metres of frontage works adjacent to the eastern part of Lot 3 on Ocean Drive have already been completed. The parking/cycle lane on Ocean Drive currently ends abruptly at an open drainage swale in front of Lot 3.

Some of the works included in the application, for example footpath, kerb and gutter and stormwater drainage works, are required to serve the development of Lot 3 under Council's Frontage Works to Development Policy. These works are to be provided at the cost of the developer and cannot be considered as works as material public benefit.

The widening of the road pavement to create a parking/cycle lane for approximately 60 metres of the frontage of Lot 3 would be in addition to works that are normally required in relation to development and could be considered as works as material public benefit. The works have an estimated cost of \$13,500 (ex GST).

The developer's proposal to undertake the widening of the road pavement and extension of the parking/cycle lane in lieu of payment of part development contributions is considered acceptable. This would allow the works to occur in

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conjunction with other frontage works to serve the development without significant financial implications for Council.

The works are not identified in Council's current contributions plans. A Works in Kind Agreement will need to be executed to formalise the developer's application. The agreement will provide for the offset of 2.52 Equivalent Tenement of contributions for both Regional and Local roads. Provision will also be included to allow for standard rise and fall variations in the cost of work which will need to be verified by Council's Group Manager Transport and Stormwater Networks Roads.

Options

Council could decide to reject the application for works as material public benefit or accept the application subject to completion of a standard Works in Kind Agreement.

If Council decides to reject the application it should be noted that there are no works scheduled in relation to this part of Ocean Drive in the short term.

Community Engagement & Internal Consultation

The Development Application for the 18 lot residential subdivision was notified to adjoining owners and 12 submissions were received. The matters raised in the submissions were considered at the Development Assessment Meeting of 27 November 2013, Item 06. The matters raised in submissions did not relate to frontage works proposed on Ocean Drive.

The Group Manager Transport and Stormwater Networks and Group Manager Development and Building Assessment have been consulted.

Planning & Policy Implications

The proposal conforms to Council's Works in Kind Policy.

Financial & Economic Implications

The proposal will allow for the upgrade of the road to proceed in the short term without impacting on Council's financial position.

However, the arrangements will create a funding shortfall for future works under Council's Major Roads Contributions that will need to be met from general revenue.

Attachments

Nil

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Item: 13.06

Subject: DRAFT PLANNING PROPOSAL PURSUANT TO SECTION 55 OF THE ENVIRONMENTAL PLANNING AND ASSESMENT ACT TO AMEND LAND ZONE AND FLOOR SPACE RATIO MAPS APPLYING TO PARK STREET FRONTAGES OF LOT 638 DP257052 (SAILS RESORT) AND LOT 639 DP257052 (PORT MARINA)

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

5.4.3 Review the planning framework for decisions regarding land use and development.

RECOMMENDATION

That Council:

- 1. Prepare a draft planning proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979, for the amendment of the zone (LZN) and Floor Space Ratio (FSR) provisions of Port Macquarie-Hastings Local Environmental Plan 2011 as described in this report, in relation to Lot 638 DP257052 (Sails Resort) and Lot 639 DP257052 (Port Marina).**
- 2. Forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to sections 56 - 58 of the Act.**
- 3. Request that the Director General of the Department of Planning & Infrastructure issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 59 of the Act in respect of the planning proposal.**

Executive Summary

At the Ordinary meeting of Council held 17 July 2013, Council considered a report addressing submissions made in response to the public exhibition of a Planning Proposal to amend the Height of Building (HOB) and Floor Space Ratio (FSR) controls applying to the redevelopment of the former St Josephs School site fronting Warlters Street and Park Street, Port Macquarie. A copy of the report is included as Attachment 1.

A submission was received from the landowners of the Sails Resort as part of this process regarding permissibility of permanent residential accommodation in the SP3 Tourist zone. The submission sought a split zoning to permit ground floor retail uses along Park Street with permanent residential above.

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Council resolved to prepare a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act, as generally described in this report and in consultation with relevant landowners, to amend the Land Zone and Floor Space Ratio maps applying to the Park Street frontages of Lot 638 DP257052 (Sails Resort) and Lot 639 DP 257052 (Port Marina).

A draft Planning Proposal to amend the LEP generally in the manner described in the report to Council in July 2013 has now been prepared following consultation with the proponent. A copy of the Draft Planning Proposal is included at Attachment 2.

Council planning staff have liaised with the landowners of Sails Resort and Port Marina during preparation of the planning proposal and while there has been no response from the landowners or lessee of the Port Marina, Council has received several communications from All About Planning on behalf of the landowners of Sails Resort proposing an expanded rezoning footprint to allow for an increased height limit based on providing new tourism opportunities, public access to the foreshore and revitalisation and redevelopment of the precinct. This is discussed in detail in the body of the report. A copy of the representation from All About Planning is included at Attachment 3.

In summary, All About Planning is seeking a variation to the existing zone and height of Building provisions for the Sails site, which would allow an increase in the range of development types on the site as a whole and an increase from the existing 11 metre and 16 metre height limits up to approximately 27 metres in height. Council planners have advised that this is contrary to the Settlement City Precinct Structure Plan, which was adopted by Council in 2009 following urban design analysis and extensive community and landowner engagement.

A substantial review of the height on one site within the precinct would trigger the need for a review of the Settlement City precinct as a whole and Council staff therefore do not support the proposed variation.

Instead, it is proposed that Council proceed with the original intended variation to zone and FSR provisions along the Park Street frontage.

A resolution of Council is required to progress the Draft Planning Proposal to amend the LZN and FSR controls for Park Street frontages of Sails Resort and Port Marina consistent with Council's resolution of July 2013. The purpose of the report is to assess whether to proceed with the draft planning proposal in the manner described in the report to Council in July 2013 or otherwise amend or discontinue the planning proposal as determined by Council in considering this report.

Subject to Council's decision, the Draft Planning Proposal will form the basis for public participation in the proposed LEP amendment.

Discussion

History

Structure planning for the Settlement City Precinct was finalised in January 2009 following an extensive and comprehensive community engagement process. The *Settlement City Precinct Structure Plan 2009* established a clear direction for future land use and development within the Settlement City Precinct with the emphasis

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being on quality urban design outcomes that are responsive to future public needs in the area.

In relation to the Sails and Marina complexes, design principles for height and land use were implemented at the time of transition to the Standard Instrument local environmental plan for Port Macquarie in 2011 (*PMH LEP 2011*).

Current LEP controls for the site are as follows:

- Zoning of the sites is *SP3 Tourist*,
- *Height of Building (HOB)* is 16m reducing to 11m along the sites water frontages, and
- *Floor space ratio (FSR)* is 1.8:1.

The Height of Building provisions were determined based on a view analysis, including from the Hastings River Foreshore in the port Macquarie Town Centre, to ensure that building heights remain below the natural skyline.

The provisions of the Structure Plan have formed the basis for a draft Development Control Plan for the Settlement City Precinct, which has been adopted by Council.

In relation to the Sails and Marina Sites, the development guidelines envisage pedestrian and decked terraces or promenades along parts of the sites foreshore edges with a central, publicly accessible communal open space area to maximise public views of the foreshore and marina and views from the CBD back across the waterfront to the Settlement City precinct as a whole.

Sails

Council has, on two previous occasions, considered representations from Sails Quality Resort seeking to include residential flat development as a permissible use on the site of the resort, including in December 2012 where the proponents sought a standalone schedule amendment (to permit specific uses on specific sites) and in July 2013 as a submission seeking inclusion in the LEP and DCP amendment for Kmart redevelopment. The current Planning Proposal has been initiated as a result of Council's consideration of the latter submission and the resolution to proceed with a draft planning proposal in consultation with the landowners.

At that time, Council planning staff supported the notion of allowing additional business and residential development within the Park Street Foreshore Precinct, through the use of a split zone to retain some tourism uses on the Resort and Marina sites and permit ground floor retail uses along Park Street with permanent residential above. Staff support was on the basis that the bulk of business oriented development in the area would be concentrated within the Settlement City precinct consistent with the 2009 Structure Plan.

Discussions have been held between Council and All About Planning in relation to the proposed LEP amendment. There has also been an informal presentation to Council planning staff (February 2014) outlining the owner's aspirations for a conceptual proposal for a four to eight storey building complex and public promenades on the site of the resort. Issues raised at the time by Council planning staff included the scale of development envisaged by the community for the Settlement City precinct, public access to the foreshore and retention of views to and across the Settlement City and Town Centre foreshore precincts.

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Following the presentation, Council wrote to the landowners of the Sails Resort, and the Port Marina, to confirm its intention to proceed to prepare a Planning Proposal for Park Street frontages of the Sails and Port Marina complexes consistent with Council's adopted position of July 2013 and report the matter to the June Ordinary Meeting of Council. A copy of this communication is included as Attachment 4.

A more recent communication from All About Planning, received 3 June 2014, formally requests that Council consider an expanded rezoning footprint based on the landowners envisaged outcomes and increased height of building provisions for the site to accommodate development to a maximum of 8 storeys. This would require an increase of the existing 11metre and 16 metre height limits on the site up to approximately 27 metres.

The landowner is seeking a relaxation of the land zone and Height of Building provisions for the site in return for an increased level of public access over their land to the foreshore.

Marina

In relation to the Marina site, Council has sought feedback on the proposed LEP amendment from the landowner. There has been no formal communication from the Crown or Lessee (Mekmere Pty Ltd) for the Port Marina. However it is proposed, to continue to involve the landowner in the planning proposal. Should there be no communication from this landowner, it may be necessary to omit the Marina site from the Planning Proposal.

Draft Planning Proposal

The draft Planning Proposal (Attachment 3) proposes an amendment to the Port Macquarie-Hastings Port Macquarie-Hastings Local Environmental Plan 2011 *LZN* (land zone) map sheets to change a 40m strip of land along the Park Street frontages of the Sails and Port Marina sites from *SP3 Tourist* to *B3 Commercial Core* to permit mixed uses and residential building development, which is currently prohibited in the tourist zone, and to provide some level of flexibility in those locations to assist on retaining businesses and providing a return on investment.

It also includes an amendment to the *FSR* (Floor Space Ratio) map sheets to increase the *FSR* from 1.8:1 to 2:1 to maximise site coverage along Park Street frontages for a depth of 40m commensurate with the proposed changes to the land zoning map.

The draft planning proposal amendment to a B3 Commercial Core zone along the Park Street frontage permits shop top housing in addition to range of commercial uses consistent with the adopted Settlement City Structure Plan and will also facilitate permanent residential accommodation options on this part of the two sites.

In preparing the draft Planning Proposal, Council staff have assessed the following key issues:

Open Space

Open space and public access to foreshore areas is a key component of the shared community vision for the precinct. Although the Sails complex has direct frontage

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and exclusive access along most of its frontage to the Hastings River, the *Settlement City Precinct Structure Plan 2009* and the *Settlement City Precinct DCP (Draft)* propose that public access options be considered in conjunction with any proposals for redevelopment of the site.

The Structure Plan shows indicative public promenades from the eastern tip of the Sails peninsular along the bay of the Port Marina to link with a proposed open space area generally in the location of the Car park associated with the Marina retail strip.

At this stage the submission from All About Planning does not articulate how or to what extent public foreshore access could be provided, or more importantly, guaranteed for the longer term.

The draft Planning proposal does not alter the intention in the Structure Plan to consider improved public access to the foreshore at the time of consideration of any future development of the foreshore part of the Sails resort and Port Marina sites. The proposed B3 Commercial Core zone consolidates the existing commercial development which already exists along part of the Park Street frontage on the Marina site.

Height of Building

In terms of Height of Building, the current height limits are the result of an extensive and integrated structure planning exercise for both the Settlement City Precinct and the Port Macquarie Foreshore focusing on business and community needs, urban design and to the need to integrate development within the precinct.

The proposed increase in height limit by Sails resort is not supported as it is contrary to the Settlement City Precinct Structure Plan, and the urban design analysis and extensive community and landowner engagement that was undertaken during preparation of the Structure Plan in 2009. A substantial review of the height on the Sails site would trigger the need for a review of the Settlement City precinct as a whole.

No change in Height of Building provisions is proposed in the draft Planning Proposal which is presented with this report.

Tourism uses vs urban uses including permanent residential development

The current *SP3 Tourist* zone has been used selectively in this location, as it has been used elsewhere in the LGA, to reflect the current use but more importantly to retain a vital tourism presence along this part of the waterfront.

Historically, where Council has permitted residential and tourist uses within the same zone, residential accommodation prevails resulting in restricted or limited public and tourist access to key town and foreshore areas.

At present, the Sails and Marina complexes make a significant contribution to the attraction of the area as a tourism destination and any reduction of the special purpose tourist zone in this location beyond that proposed in this report, could diminish the potential of the area to attract future tourism uses and minimise opportunities for tourism related activities on the land based on access to the foreshore and Town Centre.

Planning and Providing Our Infrastructure

Options

Council could opt to:

1. Proceed with the draft planning proposal as recommended.
2. Defer the draft planning proposal pending further consultation with the landowners of the subject land.
3. Amend the draft planning proposal to incorporate the height limits proposed by the owners of Sails Resort.
4. Not proceed with the Planning Proposal.

It is recommended that Council proceed with the Planning proposal in the manner presented in this report.

Community Engagement & Internal Consultation

As discussed above, staff have consulted with the property owners in developing the draft planning proposal.

Should Council resolve to progress the draft Planning Proposal, community engagement and consultation with relevant State agencies would occur consistent with the requirements of a Gateway Determination issued by the Department of Planning and Environment.

Public exhibition of the draft plan will provide an opportunity for the landowners, adjoining owners and other interested persons, agencies or organisations to have input to the proposal.

A detailed report considering submissions made in response to the public exhibition of a Planning Proposal will be presented to Council.

Planning & Policy Implications

The planning and policy implications are addressed in this report, including the likely implications of proceeding with an amendment to Height of Building provisions as proposed by the owner of the Sails site.

The Planning Proposal is consistent with Council's strategies and Plans, including the adopted Settlement City Structure Plan (2009).

Financial & Economic Implications

There are no specific financial implications for Council. The Planning Proposal has been initiated by Council in response to its resolution of July 2013 and preparation of an LEP amendment in relation to the Sails Resort and Port Marina sites has been included in Council's Operational Plan 2013/14 and Strategic Planning Program. All necessary administrative and technical requirements for a Planning Proposal are able to be carried out within the current operational budget.

Planning and Providing Our Infrastructure

Attachments

1. Council Report July 2013
2. Draft Planning Proposal
3. Email from All About Planning
4. Letters to Landowners March 2014

Planning and Providing Our Infrastructure

Item: 13.07

Subject: RIVERPARK SANCROX PLANNING AGREEMENT

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

5.4.1 Plan settlements to accommodate a range of compatible land uses that meets projected population growth for new and existing developments.

RECOMMENDATION

That Council delegate authority to the General Manager to consider submissions received in relation to the revised draft Riverpark Sancrox Planning Agreement and to enter into and execute the agreement provided that no significant issues have arisen as a result of the public notification.

Executive Summary

Council resolved at the meeting of 27 October 2010 (Item 28) to delegate authority to the General Manager to enter into and execute the Riverpark Sancrox Planning Agreement in connection with a major project application for re-subdivision of the former Le Clos Verdun farm estate at Sancrox. A revised planning agreement has been offered by the proponent in conjunction with an application to the Minister for Planning to modify approval for Major Project MP06_0212.

This report recommends that delegation be granted to the General Manager to consider submissions and to enter into and execute the revised planning agreement.

Discussion

Le Clos Pty Ltd lodged an application with the Minister for Planning under the *State Environmental Planning Policy (Major Projects) 2005* for the re-subdivision of the Le Clos Verdun Estate on Sancrox Road, Sancrox (Major Project MP06_0212). The proponent offered to enter into a Voluntary Planning Agreement to address the absence of suitable infrastructure beyond the initial stages of the development. A draft VPA was prepared and exhibited with the preferred project report for the development. No submissions were received in relation to the planning agreement.

Council resolved at the meeting of 27 October 2010 (Item 28) as follows:

'That Council delegate authority to the General Manager to enter into and execute the Riverpark Sancrox Planning Agreement relating to Lots 1-13, 15-66, 68, 70-72, 74-80, 83, 84 & 86-88 in Deposited Plan 791199, Lots 90-95 in Deposited Plan 805549 and Lot 51 in Deposited Plan 775871, Sancrox Road, Sancrox.'

Planning and Providing Our Infrastructure

The planning agreement provides for payment of a Local water Supply and Local Roads Contribution, upgrade of water supply infrastructure and imposition of restriction of development of lots beyond the early stages of development until suitable infrastructure is in place.

The Minister granted project approval on 22 December 2010 and under Condition B11 of the approval the proponent must enter into a planning agreement on the terms of their offer to Council.

Following approval, the proponent decided to amend the approved plans to alter staging arrangements. The draft agreement has not been executed pending the finalisation of staging plans.

The proponent has lodged amended plans with the Minister for Planning (the approval authority) together with a revised planning agreement. The amended application includes re-ordering of the 13 stages of development, creation of additional residue lots in the initial stages of development, shifting the entrance road 25m west and minor reconfiguration of a boundary adjustment under Stage A of the development.

It is proposed that the revised draft planning agreement be placed on public notification and that the General Manager be granted delegated authority to consider submissions, determine and execute the agreement.

Options

Council could determine to grant delegation to the General Manager in accordance with the recommendation or not grant delegation.

Community Engagement & Internal Consultation

The draft planning agreement was notified with the major project application and public notification of the revised draft agreement would also be provided.

Planning & Policy Implications

The contributions offered under the VPA are proposed to address the provision of infrastructure to serve the development and is consistent with Council's Planning Agreement Policy.

Council has already resolved to enter into the draft planning agreement and it is therefore considered appropriate for authority to be delegated to the General manager to consider submissions received in relation to notification of the amended draft agreement and to enter into and execute the agreement, provided that no significant issues have arisen as a result of public notification of the amended draft agreement.

Financial & Economic Implications

The contributions offered under the VPA are proposed to address the provision of infrastructure required to serve the proposed development.

Planning and Providing Our Infrastructure

Attachments

Nil

Subject: CONFIDENTIAL COMMITTEE OF THE WHOLE

RECOMMENDATION

1. That Council move into Confidential Committee of the Whole to receive and consider the following items:
 - Item 15.01 Tender T-14-11 - Maintenance Dredging of Lower Lake Cathie & Beach Nourishment of Lighthouse Beach

This item is considered confidential under Sect 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
2. That pursuant to Section 10A Subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole on the basis that the items to be considered are of a confidential nature.
3. That the recommendations made in Confidential Committee of the Whole be made public as soon as practicable.

**Subject: ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL
COMMITTEE OF THE WHOLE**

RECOMMENDATION

**That the undermentioned recommendations from Confidential Committee of
the Whole be adopted:**

**Item 15.01 Tender T-14-11 - Maintenance Dredging of Lower Lake
Cathie & Beach Nourishment of Lighthouse Beach**

**This item is considered confidential under Sect 10A(2)(c) of
the Local Government Act 1993, as it contains information
that would, if disclosed, confer a commercial advantage on
a person with whom the Council is conducting (or proposes
to conduct) business.**

RECOMMENDATION