



Ordinary Council

Business Paper

date of meeting: Wednesday, 17 September 2014

location: Laurieton School of Arts Hall
Corner Bold and Laurie Streets
Laurieton

time: 5.30pm

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



**PORT MACQUARIE
HASTINGS**

Council's Vision

A sustainable high quality of life for all.

Council's Mission

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

Council's Corporate Values

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

Council's Guiding Principles

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



**PORT MACQUARIE
HASTINGS**

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

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

Addressing Council on an Agenda Item:

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

- Completing the *Request to Speak on an Agenda Item at a Council Meeting*, which can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.
- 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, 17 September 2014

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Item: 01

Subject: WELCOME TO COUNTRY

A representative from the Bunyah Local Aboriginal Land Council will be invited to deliver the Welcome to Country.

Item: 02

Subject: LOCAL GOVERNMENT PRAYER

A Minister from the Camden Haven Anglican Church 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 20 August 2014 be confirmed.

PRESENT

Members:

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

Other Attendees:

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

The meeting opened at 05.30pm.

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

Reverend David Bell from the Baptist Church delivered the Local Government Prayer.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Sargeant/Turner

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

CARRIED: 8/0

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

AGAINST: Nil

ABSTAINED: Levido

05 DISCLOSURES OF INTEREST

Councillor Cusato declared a Non-Pecuniary, Significant Interest in Item 13.01 - Notice of Motion - Expression of Interest - Port Macquarie Airport, the reason being that Councillor Cusato is the owner of a hanger at the airport.

Councillor Griffiths declared a Pecuniary Interest in Item 11.02 - 18 John Oxley Drive, Port Macquarie - Business Rezoning, the reason being that Councillor Griffiths owns a hardware business in Wauchope.

Councillor Roberts declared a Pecuniary Interest in Item 06.02 - 2014-2015 Community Grants - Round 1, the reason being that Councillor Roberts owns a business, Yankee Deli, which may be a stallholder at the Carols By Candlelight Event 2014 should it go ahead.

Councillor Roberts declared a Pecuniary Interest in Item 11.01 - Tastings on Hastings Event, the reason being that Councillor Roberts owns a business, Yankee Deli, which may be a stallholder at the event should it go ahead in 2014 and onwards.

Councillor Roberts declared a Non-Pecuniary, Significant Interest in Item 11.02 - 18 John Oxley Drive, Port Macquarie - Business Rezoning, the reason being that Councillor Roberts has a close family member who owns a commercial property/building in the near vicinity which may be impacted by any decision on this item.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 08.02 - Public Forum - Hello Koalas Sculpture Project, the reason being that Councillor Levido is a partner in Donovan Oates Hannaford Lawyers who is a sponsor of 1 of the koala sculptures.

Councillor Levido declared a Non-Pecuniary, Less Than Significant Interest in Item 11.02 - 18 John Oxley Drive, Port Macquarie - Business Rezoning, the reason being that Councillor Levido, through his superannuation fund, bought and sold shares recently in Woolworths Limited.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 13.10 - Strategic Land Use Planning Program and Site Specific LEP Amendments, the reason being that Councillor Levido is a partner in Donovan Oates Hannaford Lawyers who acts for a party whose property is one of the subjects of the report.

Councillor Griffiths declared a Pecuniary Interest in Item 13.12 - Draft Structure Plan for the Greater Sancrox Area, the reason being that Councillor Griffiths and family members hold an interest in the Sancrox area.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Besseling

That the Mayoral Discretionary Fund allocations for the period 1 July to 6 August 2014 be noted.

CARRIED: 9/0

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

AGAINST: Nil

06.02 2014-2015 COMMUNITY GRANTS - ROUND 1

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 05:41pm.

RESOLVED: Besseling

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from Round 1 of the Community Grants 2014-2015 to the following organisations:

Organisation	Project	Allocation
General		
Mid North Coast Maritime Museum	Pathway Access Improvement	\$1,520
Port Macquarie Hastings U3A	Air conditioning installation	\$6,135
Port Macquarie Art & Craft Centre	Lapidary Equipment	\$4,435
Lions Club of Port Macquarie Inc	Works to Upgrade Port Macquarie Lions Club Hall	\$4,063
Riding for Disabled Kendall Centre	Purchase of Ride On Mower and trailer cart	\$6,345
Endeavour Mental Health	Office equipment.	\$2,268
Hastings Valley Fine Art Assoc.	Advertising and Promotion for new Gallery	\$3,082
2nd Wauchope Scouts	Painting and plastering in the Scout Hall	\$9,820

Pappinbarra Progress Association	New seating for Hollisdale Hall	\$6,500
Laurieton Swimming Club Inc	Anti-Turbulence Lane Ropes and Lane Rope Caddy	\$4,685
Non Council Halls		
Rollands Plains Recreation Reserve Trust	Fire Safety Doors	\$2,384
Place Making		
Beach to Beach Incorporated	Apex Park Cycle path	\$9,500
Total General		\$60,737
Environment		
Port Macquarie Landcare	Bushland regeneration	\$5,000
Friends of Kooloonbung	Eradicate invasive weeds	\$5,000
Port Macquarie Landcare	Build and develop partnerships	\$5,000
Total Environment		\$15,000
Christmas and New Year's Eve		
Grace Church Port Macquarie	Carols by Candlelight 6/12/14	\$4,663
Wauchope Chamber of Commerce and Industry Inc	Wauchope and Hinterland Christmas in Bain Park 11/12/14	\$3,500
Total Christmas		\$8,163
TOTAL FUNDING ROUND 1		\$83,900

CARRIED: 8/0

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

AGAINST: Nil

Councillor Roberts returned to the meeting, the time being 05:42pm.

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

Nil.

08 PUBLIC FORUM

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

1. Mr Jeffrey Tapping regarding requests for footpaths and land purchase.
2. Ms Margret Meagher regarding the Hello Koalas Sculpture project.

RESOLVED: Roberts/Griffiths

That the above requests to speak in the Public Forum be acceded to.

CARRIED: 9/0

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

AGAINST: Nil

08.01 REQUESTS FOR FOOTPATHS AND LAND PURCHASE

Mr Jeffrey Tapping, representing the Telegraph Point Community Association, addressed Council in regard to requests for footpaths and land purchase and answered questions from Councillors.

08.02 HELLO KOALAS SCULPTURE PROJECT

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 05:53pm.

Ms Margret Meagher, representing Arts & Health Australia, addressed Council in regard to the Hello Koalas Sculpture project and answered questions from Councillors.

Councillor Levido returned to the meeting, the time being 06:03pm.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

- Item 11.02 - Mr Michael Mowle in opposition of the recommendation.
- Item 11.02 - Mr Chris Condon in support of the recommendation.
- Item 11.02 - Mr James Dunn in opposition of the recommendation.
- Item 11.02 - Mr Scott Marchant in support of the recommendation.
- Item 13.03 - Ms Michelle Chapman in support of the recommendation.
- Item 13.08 - Mr John Ross OAM in support of the recommendation.
- Item 13.08 - Mr Scott Marchant in support of the recommendation.
- Item 13.10 - Mr Michael Mowle in support of the recommendation.
- Item 13.10 - Mr Stephen Barr in support of the recommendation.
- Item 13.12 - Mr Michael Mowle in support of the recommendation.

RESOLVED: Besseling/Turner

That the requests to speak on agenda items be acceded to.

CARRIED: 9/0
*FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant
and Turner*
AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Roberts/Cusato

That Standing Orders be suspended to allow Items 11.02, 13.03, 13.08 and 13.12 to be brought forward and considered next.

CARRIED: 9/0
*FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant
and Turner*
AGAINST: Nil

**11.02 18 JOHN OXLEY DRIVE, PORT MACQUARIE - BUSINESS REZONING
(PP2011-7.2) (PIN 48392)**

Councillor Griffiths declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 06:04pm.

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 06:04pm.

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

Mr Michael Mowle, Hopkins Consultants Pty Ltd, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Chris Condon, CVC Mezzanine Finance Pty Ltd, addressed Council in support of the recommendation.

Mr James Dunn, Minedor, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Scott Marchant, King and Campbell Pty Ltd, on behalf of the landowner addressed Council in support of the recommendation and answered questions from Councillors.

MOTION

MOVED: Levido/Intemann

That Council:

1. As result of the consideration of submissions, modify the proposed height limit in the LEP amendment to 8.5 metres within 20 metres of the boundary with No 28 John Oxley Drive.
2. Take the necessary steps under sections 58 and 59 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan 2011 (Amendment No 20) as described in the attached exhibited Planning Proposal, and incorporating the modification referred to above.
3. Adopt Development Control Plan 2013 (Amendment No 2), incorporating the changes referred to in the report, to commence upon the latter of, the date that public notice of its approval is given in a local newspaper or the date of commencement of LEP 2011 (Amendment No 20).
4. Execute the 18 John Oxley Drive Planning Agreement as attached.
5. Thank in writing all those who made a submission for their contribution and provide information on Council's decision on the matter.

FORESHADOWED MOTION

MOVED: Sargeant/Turner

That Council defer the matter until the completion of the LGA wide traffic management study and the review of the Urban Growth Management Strategy.

THE MOTION WAS PUT

MOVED: Levido/Intemann

That Council:

1. As result of the consideration of submissions, modify the proposed height limit in the LEP amendment to 8.5 metres within 20 metres of the boundary with No 28 John Oxley Drive.
2. Take the necessary steps under sections 58 and 59 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan 2011 (Amendment No 20) as described in the attached exhibited Planning Proposal,

- and incorporating the modification referred to above.
3. Adopt Development Control Plan 2013 (Amendment No 2), incorporating the changes referred to in the report, to commence upon the latter of, the date that public notice of its approval is given in a local newspaper or the date of commencement of LEP 2011 (Amendment No 20).
 4. Execute the 18 John Oxley Drive Planning Agreement as attached.
 5. Thank in writing all those who made a submission for their contribution and provide information on Council's decision on the matter.

LOST: 3/4

FOR: *Besseling, Intemann and Levido*

AGAINST: *Cusato, Hawkins, Sargeant and Turner*

THE FORESHADOWED MOTION WAS PUT

RESOLVED: *Sargeant/Turner*

That Council defer the matter until the completion of the LGA wide traffic management study and the review of the Urban Growth Management Strategy.

CARRIED: 5/2

FOR: *Cusato, Hawkins, Intemann, Sargeant and Turner*

AGAINST: *Besseling and Levido*

Councillor Griffiths returned to the meeting, the time being 07:27pm.

Councillor Roberts returned to the meeting, the time being 07:27pm.

13.03 TOWN GREEN PROTOCOL

Ms Michelle Chapman, All About Planning Pty Ltd, representing Bayside Group, addressed Council in support of the recommendation.

RESOLVED: *Intemann/Hawkins*

That Council note the information included in this report and that a revised Parks & Reserve Use Policy be presented to the October 2014 Ordinary Council Meeting.

CARRIED: 9/0

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

AGAINST: *Nil*

**13.08 PLANNING PROPOSAL TO REZONE LAND AT FERNBANK CREEK FOR
TOURISM AND ENVIRONMENTAL MANAGEMENT**

Mr John Ross OAM, Hastings Estate Pty Ltd, addressed Council in support of the recommendation and answered questions from Councillors.

Mr Scott Marchant, King and Campbell Pty Ltd, on behalf of the landowner, addressed Council in support of the recommendation.

RESOLVED: Turner/Sargeant

That Council:

1. Endorse the draft Local Environmental Plan amendment as described in the report.
2. Take the necessary steps under Sections 58 and 59 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan 2011 (Amendment No 24) as attached to the report.
3. Enter into the Hastings Estate and Koch Planning Agreement relating to Lot 1 Deposited Plan 222740, Lot 229 Deposited Plan 754434 and Lot 1 Deposited Plan 318920, Fernbank Creek Road, Fernbank Creek.
4. Write to those who made a submission to the proposal to thank them for their contribution and provide information on Council's decision.

CARRIED: 9/0

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

AGAINST: Nil

**13.10 STRATEGIC LAND USE PLANNING PROGRAM AND SITE SPECIFIC LEP
AMENDMENTS**

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 07:41pm.

Councillor Cusato left the meeting, the time being 07:41pm.

Mr Michael Mowle, Hopkins Consultants, addressed Council in support of the recommendation and answered questions from Councillors.

Councillor Cusato returned to the meeting, the time being 07:44pm.

Mr Stephen Barr, Monteath and Pwys, representing the applicant, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Intemann/Hawkins

That Council:

1. Commence investigations for site specific local environmental plan amendments, for the following sites:
 - a) Pioneer Street, North Haven,
 - b) Lincoln Road, Port Macquarie,
 - c) Mumford Street, Port Macquarie,
 - d) Greenmeadows Drive, Port Macquarie.
2. Enters into discussion with the developer of the Homedale Road property with a view to funding investigations for site specific local environmental plan amendments.
3. Address the remaining site specific amendment requests a part of an administrative local environmental plan amendment or within the review of the Urban Growth Management strategy, as outlined in this report.

CARRIED: 8/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 08:10pm.

13.12 DRAFT STRUCTURE PLAN FOR THE GREATER SANCROX AREA

Councillor Griffiths declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 08:10pm.

Councillor Hawkins left the meeting, the time being 08:10pm.

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

Mr Michael Mowle addressed Council in support of the recommendation.

RESOLVED: Sargeant/Turner

That Council:

1. Place the draft Greater Sancrox Structure Plan on public exhibition for a period of six weeks and seek feedback from the community, landowners and State Government agencies.
2. Consider a further report following completion of the public exhibition period, including a review of submissions and any necessary amendments to the draft Structure Plan for a final decision.

CARRIED: 8/0

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

AGAINST: Nil

Councillor Griffiths returned to the meeting, the time being 08:14pm.

09.01 NOTICE OF MOTION - REVIEW OF COUNCIL'S ORGANISATIONAL STRUCTURE

RESOLVED: Turner/Cusato

That Council request that the General Manager review Council's organisational structure and bring a report back to the October 2014 Council Meeting.

CARRIED: 9/0

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

AGAINST: Nil

09.02 2014 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

RESOLVED: Intemann/Sargeant

That Council:

1. Grant approval for Councillor Roberts to attend the 2014 Local Government NSW Annual Conference to be held in Coffs Harbour from 19 to 21 October 2014.
2. Grant approval for Mayor Besseling, Councillor Turner and Councillor Hawkins to attend Day 1 of the 2014 Local Government NSW Annual Conference.
3. Determine that Councillor Adam Roberts be Council's voting delegate for the 2014 Local Government NSW Annual Conference. Further, that Mayor Besseling, Councillor Turner and Councillor Hawkins be Council's other voting delegates on Day 1 of the Conference.

CARRIED: 9/0

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

AGAINST: Nil

09.03 STATUS OF OUTSTANDING REPORTS TO COUNCIL - AUGUST 2014

RESOLVED: Intemann/Cusato

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

CARRIED: 9/0

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

AGAINST: Nil

09.04 INVESTMENTS - JULY 2014

RESOLVED: Hawkins/Griffiths

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

CARRIED: 9/0

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

AGAINST: Nil

09.05 2013-2014 FINANCIAL STATEMENTS AUDIT

RESOLVED: Hawkins/Cusato

1. That Council refer to audit the draft Financial Statements as at 30 June 2014.
2. That the Statement by Councillors and Management be signed by the Responsible Accounting Officer, the General Manager, the Mayor and one Councillor as required by the Local Government Act 1993.

CARRIED: 9/0

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

AGAINST: Nil

09.06 2013-2014 CARRY-OVER PROJECTS

RESOLVED: Hawkins/Intemann

That Council:

1. Adopt the 2013-2014 carry-over projects outlined in the report for inclusion in the 2014-2015 budget.
2. Amend the 2014-2015 one year Operational Plan to include all projects approved to be carried over as individual action items.

CARRIED: 9/0

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

AGAINST: Nil

09.07 MONTHLY FINANCIAL REVIEW FOR JULY 2014

RESOLVED: Cusato/Griffiths

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

CARRIED: 9/0

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

AGAINST: Nil

09.08 AMENDMENT TO 2014-2015 FEES AND CHARGES

RESOLVED: Griffiths/Turner

That Council:

1. Publicly exhibit the following draft fees and charges (Excluding GST) for a period of 28 days:
 - a) Other Waste Management Services - Commercial Weekly Service (80Litre/140 Litre Weekly General Waste) - \$468.66.
 - b) Other Waste Management Services - Commercial Additional Weekly Garbage Service (140 Litre Weekly General Waste) - \$229.
 - c) Domestic Waste Management Services - Additional Weekly Garbage Service (140 Litre Weekly General Waste) - \$229.
 - d) Laboratory Surcharge Fee (where applicable) for 24 hour turn around - 100% of listed fee.
 - e) Laboratory Surcharge Fee (where applicable) for 48 hour turn around - 50% of listed fee.
 - f) Inspection fees under the Plumbing and Drainage Act 2011 - Manufactured Home Estate dwelling - \$300 per site.
 - g) Inspection fees under the Plumbing and Drainage Act 2011 - as prescribed by the Act.
2. Consider a report on the outcome of the exhibition at a subsequent Council Meeting.

CARRIED: 9/0

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

AGAINST: Nil

09.09 MAYOR'S SPORTING FUND ACTIVITIES 2013-2014

RESOLVED: Besseling/Levido

That the information in the Mayor's Sporting Fund Activities 2013-2014 Report be noted.

CARRIED: 9/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

09.10 END OF YEAR PERFORMANCE REPORT AGAINST THE 2013-2014 OPERATIONAL PLAN

RESOLVED: Turner/Sargeant

That Council note:

1. The end of year report on the 2013-2014 Operational Plan.
2. That the 2013-2014 Carry Over report tabled under separate cover to the August 2014 meeting provides the update in achieving the 2013-2014 works program.

CARRIED: 9/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

10.01 DISABILITY DISCRIMINATION ACT 1992 ACTION PLAN 2009-2018 ANNUAL REPORT

RESOLVED: Turner/Griffiths

That Council:

1. Note the Disability Discrimination Act Action Plan (DDA) 2009-2018 Annual Report.
2. Note the attached DDA Action Plan Budget report and the identified funding gaps.

CARRIED: 9/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

10.02 RECOMMENDED ITEM FROM MAYOR'S SPORTING FUND SUB-COMMITTEE JULY MEETING - APPLICATIONS

RESOLVED: Besseling/Cusato

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. Ms Emily Lester in the amount of \$750.00 to assist with expenses she will incur travelling to and competing as part of the All Schools NSW Volleyball Team at the National Titles to be held in Adelaide, South Australia from 23 August to 29 August 2014 inclusive.
2. Ms Lauren Brown in the amount of \$300.00 to assist with expenses she incurred travelling to and competing as part of the Northern NSW Football Team at the 2014 Football Federation Association Girls National Championships held in Coffs Harbour from 7 July to 11 July 2014 inclusive.

CARRIED: 9/0

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

AGAINST: Nil

11.01 TASTINGS ON HASTINGS EVENT

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 08:36pm.

RESOLVED: Turner/Cusato

That Council:

1. Note the overview of the Tastings on Hastings event and positive progress with 2014 event planning.
2. Commit to the Tastings on Hastings event for a further three year period (2015-2017) with the engagement of an Event Co-ordinator on the basis that the event continue at no more than 2014 forecasted costs.
3. Note a further report will be provided to Council in February 2015 as a post 2014 event wrap-up and update on planning for Tastings on Hastings 2015 including potential opportunities to add new and unique elements.

CARRIED: 8/0

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

AGAINST: Nil

Councillor Roberts returned to the meeting, the time being 08:40pm.

12.01 ON-SITE SEWAGE MANAGEMENT RESOURCES

MOTION

MOVED: Sargeant/Intemann

That Council:

1. Note the risks and issues regarding the current management of on-site sewage systems in the Port Macquarie-Hastings Local Government Area.
2. Note that the review of on-site sewage management functions as part of the Services Review project identified the need for additional resourcing to achieve the Council's obligations, and to reduce the risks associated with on-site sewage management systems.
3. Approve the allocation of two additional staff; one (1) permanent full-time and one (1) temporary (2 years) full-time to enable the Council to fulfil its on-site sewage management obligations.

FORESHADOWED MOTION

MOVED: Griffiths

That the item be deferred for consideration as part of the overall services review.

THE MOTION WAS PUT

RESOLVED: Sargeant/Intemann

That Council:

1. Note the risks and issues regarding the current management of on-site sewage systems in the Port Macquarie-Hastings Local Government Area.
2. Note that the review of on-site sewage management functions as part of the Services Review project identified the need for additional resourcing to achieve the Council's obligations, and to reduce the risks associated with on-site sewage management systems.
3. Approve the allocation of two additional staff; one (1) permanent full-time and one (1) temporary (2 years) full-time to enable the Council to fulfil its on-site sewage management obligations.

CARRIED: 6/3

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

AGAINST: Cusato, Griffiths and Roberts

13.01 NOTICE OF MOTION - EXPRESSION OF INTEREST - PORT MACQUARIE AIRPORT

Councillor Cusato 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 08:46pm.

MOTION: Roberts/Griffiths

That Council:

1. Commission an independent process or analysis that would indicate the current and potential future market value of the Port Macquarie Airport.
2. Once a market value is known, undertake a public Expression of Interest process for the potential long term lease or sale of the Port Macquarie Airport.
3. Through the General Manager, provide at a future meeting of Council immediately following the Expression of Interest process, a confidential report containing all information regarding the market value process and the Expression of Interest process.

LOST: 2/6

FOR: Griffiths and Roberts

AGAINST: Besseling, Hawkins, Intemann, Levido, Sargeant and Turner

Councillor Cusato returned to the meeting, the time being 08:50pm.

13.02 TOWN GREEN MASTER PLAN REVIEW

RESOLVED: Hawkins/Turner

That Council:

1. Note the submissions received during exhibition for the draft Town Green Master Plan Review.
2. Adopt the Town Green Master Plan Review.
3. Proceed to detailed design phase of the project with the incorporation of the relevant ideas outlined in the body of this report.

CARRIED: 9/0

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

AGAINST: Nil

13.04 WATER SUPPLY YIELD OPTIONS

RESOLVED: Griffiths/Intemann

That Council receive and note the report.

CARRIED: 9/0

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

AGAINST: Nil

**13.05 2014 IPWEA (NSW) LOCAL ROADS CONGRESS - ROADS SUSTAINING
LOCAL COMMUNITIES**

RESOLVED: Intemann/Cusato

That Council:

1. Receive and note the report relating to the 2014 IPWEA (NSW) Local Roads Congress.
2. Support the Congress outcomes by writing to the relevant Ministers and the Local State and Federal Government MPs seeking their support for the matters listed within this report.

CARRIED: 9/0

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

AGAINST: Nil

**13.06 QUESTION ON NOTICE - WAUCHOPE TO PORT MACQUARIE HIGHWAY
MAINTENANCE**

RESOLVED: Turner/Hawkins

That Council note the information provided in this report.

CARRIED: 9/0

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

AGAINST: Nil

**13.07 EXTINGUISHMENT OF EASEMENT FOR SEWER - LAKEVIEW ROAD,
LAKE CATHIE**

RESOLVED: Griffiths/Cusato

That Council:

1. Agree to the extinguishment of the easement to drain sewage 3.5 wide created on registration of Deposited Plan 792125.
2. Authorise the General Manager to sign the Land and Property Information "Cancellation or Extinguishment of Easement" Form pursuant to Section 377 of the Local Government Act 1993.

CARRIED: 9/0

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

AGAINST: Nil

13.09 LEP 2011 (AMENDMENT NO 28) - 28 REFINEMENTS (PP2013-8.1)

RESOLVED: Sargeant/Cusato

That Council:

1. As result of the consideration of submissions and review of the draft LEP amendments, make the following changes to the draft LEP as described in the report:
 - a) Issue 11 - that the Land Zoning Map and Land Reservation Map changes be updated in line with latest advice from NSW Roads and Maritime Services,
 - b) Issue 11 - in relation to the adjusted cadastre for Dalhanty Island within the Wilson River - that the Land Zoning Map and Lot Size Map be modified in line with the adjusted cadastre,
 - c) Issue 11 - in relation to the residue portions of Lot 31 DP 255774 located between land zoned IN1 and IN2 - that the residues be given the same attributes as the adjoining land on the Land Zoning Map, Lot Size Map, and Height of Building Map,
 - d) Issue 12 - in relation to the proposed E3 zone over parts of Lot 1 DP226821 and Lot 2 DP 222740, Sancrox - that the width of the areas to be zoned E3 be altered as described in the report,
 - e) Issue 18 - that the proposed changes to the Land Zoning Map and the Lot Size Map be withdrawn from this amendment,
 - f) Issue 19 - that Lot 4 DP 774850, Lord St, Deauville, be deferred for further investigation.
 2. Take the necessary steps under sections 58 and 59 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan 2011 (Amendment No 28), incorporating the changes referred to in Point 1.
 3. Consult with Crown Lands in relation to a process for a thorough review of the appropriate LEP provisions for the Crown Land within and surrounding Laurieton.
-

-
4. Thank in writing all those who made a submission for their contribution and provide information on Council's decision on the matter.

CARRIED: 9/0

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

AGAINST: Nil

13.11 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: *Griffiths/Hawkins*

That Council note the Development Activity and Assessment System Performance Report for the fourth quarter of 2013-2014.

CARRIED: 9/0

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

AGAINST: Nil

14 QUESTIONS FOR NEXT MEETING

14.01 LEVIES

Question from Councillor Griffiths:

Could the GM advise:

1. What is the procedure for dealing with funds where a levy is raised from ratepayers for a specific purpose and the objective no longer remains, such as a change in government legislation, therefore removing the need to complete works?
2. Is Council required to perform or provide a service for a levy?

Comments by Councillor (if provided):

Nil.

14.02 LAKE CATHIE REVETMENT WALL

Question from Councillor Griffiths:

Could the General Manager advise on:

1. Whether the consultants Aurecon, for the Lake Cathie revetment wall have
-

- satisfactorily completed their obligation?
2. Whether you believe an error may have occurred and therefore may not have resulted in a fair assessment of designs?

Comments by Councillor (if provided):

In the attachment to the report to council it was stated that further detail was requested for one design, also from detail from one designer that two designs compared were vastly different suggesting that an error may have occurred in the assessment process and therefore has not resulted in fairly completing the analysis.

14.03 YOUTH

Question from Councillor Griffiths:

Could the GM advise what youth strategies and programs are in place for Wauchope short term and on a regular basis?

Comments by Councillor (if provided):

Nil.

14.04 TEMPORARY LOW LEVEL BRIDGE AT TELEGRAPH POINT

Question from Councillor Cusato:

Is Council aware of the implementation of a low level bridge (2m above water level) in the Telegraph Point area across the river agreed to by Roads & Maritime Services and Waterways for the construction of the new Pacific Highway and as a result the closure of our waterway during this time?

Comments by Councillor (if provided):

Nil.

14.05 FUNDS FROM ROADS AND MARITIME SERVICES ASSETS

Question from Councillor Intemann:

Could consideration be given to establishing a reserve specifically for funds from Roads and Maritime Services assets for future maintenance of roadsides and roundabouts.

Comments by Councillor (if provided):

Nil.

The meeting closed at 09.05pm.

.....
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 7 August to 3 September 2014 be noted.

Discussion

Mayoral Discretionary Fund Allocations

The total commitment from the Mayoral Discretionary Fund from 6 August to 3 September 2014 was \$235.00.

This included the following:

Donation to Hastings Cancer Trust on behalf of Centenarian Katharine Mayne	\$100.00
Centenarian Flowers - Katharine Mayne	\$15.00
Flowers - Commonwealth Gold Medallist, Shelley Watts	\$60.00
Donation to Swagtember	\$60.00
	<hr/>
	\$235.00

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

RECOMMENDATION

That Council note that there are no confidential attachments to the Ordinary Council Meeting.

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: CREATION OF OFFICE OF DEPUTY MAYOR

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

1.4.4 Promote the visibility and profile of Councillors through improved access by the community.

RECOMMENDATION

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to be twelve (12) months, concluding at the commencement of the September Ordinary Council Meeting 2015.
3. Elect the Deputy Mayor by way of either preferential ballot, ordinary ballot or open voting, if more than one nomination for Deputy Mayor is received.

Executive Summary

Council can determine to create the Office of Deputy Mayor, under section 231 of the *Local Government Act 1993*, for a period coinciding with the Mayoral term or a shorter period.

On the assumption that Councillors will wish to elect a Deputy Mayor, a nomination paper for Office of Deputy Mayor has been prepared and is provided with this report.

Discussion

Council can determine to create the Office of Deputy Mayor for a period coinciding with the Mayoral term or a shorter period.

Section 231 of the *Local Government Act 1993* ("the Act"), provides the following:

- 231 (1) *The Councillors may elect a person from among their number to be the Deputy Mayor.*
- (2) *The person may be elected for the Mayoral term or a shorter term.*
- (3) *The Deputy Mayor may exercise any functions of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.*
- (4) *The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or*

Ensuring Good Governance

otherwise from exercising a function under this Section, or if no Deputy Mayor has been elected.

On the assumption that Councillors will wish to elect a Deputy Mayor, a nomination paper for Office of Deputy Mayor has been prepared and is provided as Attachment 1 to this report.

Nomination papers may be delivered or sent to the General Manager either prior to or at the Council Meeting. Additionally, Council will also be required to determine the term of the Office of Deputy Mayor.

Should there be more than one Councillor nominated for the Office of Deputy Mayor, Council is to determine whether the election is to be by preferential ballot, by ordinary ballot or by open voting.

Election Methods

Preferential Ballot

This method utilises ballot-papers. Councillors are to mark their votes by placing the numbers "1", "2" and so on against the candidate names so as to indicate the order of their preference for all the candidates.

If a candidate has an absolute majority of first preference votes, that candidate is elected.

If an absolute majority is not achieved, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes, whom is then elected.

If, on any count of votes, there are two candidates in, or remaining in, the election and the numbers of votes cast for the two candidates are equal, the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

If, on any count of votes, there are three or more candidates in, or remaining in, the election and the numbers of votes cast for two or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes, the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Ordinary Ballot

This method utilises ballot-papers. The Returning Officer decides the manner in which votes are to be marked on the ballot-papers.

Ensuring Good Governance

If there are only two candidates, the candidate with the higher number of votes is elected. If there are only two candidates and they are tied, the one elected is to be chosen by lot.

If there are three or more candidates, a vote is taken, the candidate with the lowest number of votes is excluded. If three or more candidates still remain further votes are taken with the candidate receiving the lowest number of votes being excluded until two candidates remain.

A further vote is taken of the two remaining candidates, the candidate with the higher number of votes is elected. If there are only two candidates and they are tied, the one elected is to be chosen by lot.

If at any stage during a count two or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Open Voting

This method utilises a show of hands. The election procedure is the same as for the ordinary ballot method.

Definitions:

Absolute majority: In relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

Ballot: In the context of this type of election has the meaning of a secret ballot.

Chosen by lot: If two candidates are tied (having equal numbers of votes) their names are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the candidate names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

Timing of Election

The election for Office of Deputy Mayor is to take place at the Council Meeting at which the Council determines the method of voting.

Options

Council can determine to not create the Office of Deputy Mayor.

Community Engagement & Internal Consultation

Community Engagement

Nil.

Internal Consultation

- Group Manager Governance and Executive Services.

Ensuring Good Governance

Planning & Policy Implications

Nil.

Financial & Economic Implications

Nil.

Attachments

1 [View](#). Deputy Mayor Nomination Paper

Ensuring Good Governance

Item: 09.02

Subject: STATUS OF OUTSTANDING REPORTS TO COUNCIL - SEPTEMBER 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 September 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
New Development Servicing Plans for Water Supply and Sewerage - post exhibition (Item 13.11 - OC 21/05/14)		DDE	Sept 2014	Sept 2014
Identify sites on Council owned land suitable for destination signage within the Port Macquarie-Hastings Local Government Area outlining: a) The highest priority sites for signage. b) The budget needed for such signage. c) Amendments to the LEP 2011 to allow destination signage on such sites. (Item 11.04 - OC 19/03/14)	Waiting further information from RMS	DCSIE	Jun 2014	Sept 2014

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Proposal to Rescind the Discrepancies in Cashier Banking Policy (Item 09.06 - OC 16/07/14)	Listed for the Audit Committee Meeting on 14/08/14	DCOD	Sept 2014	Sept 2014
Levies - QON (Item 14.01 - OC 20/08/14)		DCSIE		Sept 2014
Lake Cathie Revetment Wall - QON (Item 14.02 - OC 20/08/14)		DDE	Sept 2014	Sept 2014
Youth - QON (Item 14.03 - OC 20/08/14)		DCOD	Sept 2014	Sept 2014
Temporary Low Level Bridge at Telegraph Point - QON (Item 14.04 - OC 20/08/14)		DIAM	Sept 2014	Sept 2014
Funds from Roads and Maritime Services Assets - QON (Item 14.05 - OC 20/08/14)		DCSIE	Sept 2014	Sept 2014
Wall Reserve - maintenance of entire reserve (Item 12.01 - OC 18/06/14)	Studies to be presented to Councillor Briefing Session	DIAM	Sept 2014	Oct 2014
Impact of Road Openings and Closures on Private Property (Item 12.03 - OC 18/09/13)	To be included in overall review of roads policies Information still being sought.	DIAM	Mar 2014	Oct 2014
Draft Development Control Guidelines - Birdon Marine West - submissions (Item 13.08 - OC 19/02/14)	Delayed. Public exhibition has occurred. Further information required as a result of the exhibition.	DDE	Apr 2014	Oct 2014
Rural Zoned Lots, Vicinity Kendall Village (Item 12.06 - OC 18/06/14)		DDE	Oct 2014	Oct 2014

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Review of Council's Organisational Structure (Item 09.01 - OC 20/08/14)		GM	Oct 2014	Oct 2014
Parks & Reserve Use Policy - Review (Item 13.03 - OC 20/08/14)		DIAM	Oct 2014	Oct 2014
Amendment - 2014-2015 Fees and Charges - Outcome of Exhibition (Item 09.08 OC 20/08/14)		DCSIE	Oct 2014	Oct 2014
Free Camping - Update (Item 11.01 - OC 21/05/14)		DCSIE	Nov 2014	Nov 2014
RV Friendly Towns - report on accreditation for Kendall and Wauchope (Item 11.03 - OC 18/06/14)		DCSIE	Nov 2014	Nov 2014
Propose a new strategic approach for town and village entry signage and community or event signage. (Item 11.04 - OC 19/03/14)	To be incorporated into the Place Making approach.	DCOD	Jun 2014	Dec 2014

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Vegetation & Koala Habitat Maps - report: 1. 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 2. 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 - OC 19/03/14)		DDE	Jul 2014	Dec 2014
Use of McInherney Park Western Man-Made Beach (Item 12.04 - OC 16/10/13)	Report within 1 month of adoption of PMH Recreation Plan	DIAM	Sept 2014	Feb 2015
Review of the transition or holding account (Item 08.07 - OC 18/12/13)		DCSIE	Feb 2015	Feb 2015



Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
LEP - Eco-Tourist Facilities a) the number of applications approved under the ecotourism provisions of Port Macquarie-Hastings LEP 2011. b) 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 - OC 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 - OC 21/05/14)		DCSIE	May 2015	May 2015
Waste Audit - Results (Item 12.06 - OC 16/07/14)		DDE	Oct 2015	Oct 2015
Benefits and future options for engagement of community volunteers (Item 10.02 - OC 21/08/13)	Report after three months of operation of volunteer arrangement	DIAM		TBA
Stingray Creek Bridge - accurate estimate of costs to be confirmed during the finalisation of the selective construction tender process (Item 12.07 - OC 18/12/13)		DIAM		TBA

Ensuring Good Governance

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, Sept)
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 (Sept)
Creation of Office - Deputy Mayor	GM	Annually (Sept)
Payment of Expenses and Provision of Facilities to Councillors Policy for Exhibition	GM	Annually (Sept)
Audit Committee Annual Report	GM	Annually (Sept)
Annual Disclosure of Interest Returns	GM	Annually (Oct)
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)

Ensuring Good Governance

Attachments

Nil

Ensuring Good Governance

Item: 09.03

Subject: COUNCIL MEETINGS DATES FOR 2015

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

1.4.4 Promote the visibility and profile of Councillors through improved access by the community.

RECOMMENDATION

That Council set the Ordinary Council Meeting dates for 2015 as the third Wednesday of each month (excluding January) being 18 February, 18 March (Taking the Council to the Community - Wauchope), 15 April, 20 May, 17 June, 15 July, 19 August, 16 September, 21 October (Taking the Council to the Community - Laurieton), 18 November, 16 December.

Executive Summary

It is proposed that the Council Meeting Schedule for 2015 be based on a third Wednesday of the month cycle (excluding January) and that the March and October Council Meetings be set aside for the "Taking the Council to the Community" program.

Discussion

It is proposed to set the Council Meeting schedule for 2015 on a cycle of the third Wednesday of each month (excluding January).

The proposed meeting schedule for 2015 is as follows:

- 18 February
- 18 March (Taking the Council to the Community - Wauchope)
- 15 April
- 20 May
- 17 June
- 15 July
- 19 August
- 16 September
- 21 October (Taking the Council to the Community - Laurieton)
- 18 November
- 16 December

Options

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An alternative meeting schedule and/or cycle may be adopted.

Community Engagement & Internal Consultation

- General Manager.
- Group Manager Governance and Executive Services.
- Governance Support Officer.

Planning & Policy Implications

Nil.

Financial & Economic Implications

Nil.

Attachments

Nil

Ensuring Good Governance

Item: 09.04

Subject: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS POLICY

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 Council:

- 1. Pursuant to section 253 of the Local Government Act 1993, place on public exhibition from 19 September 2014 until 24 October 2014, the draft Payment of Expenses and Provision of Facilities to Councillors Policy.**
- 2. Note that a further report will be tabled at the November 2014 meeting of Council, detailing the submissions received from the public during the exhibition period.**

Executive Summary

The objective of the Payment of Expenses and Provision of Facilities to Councillors Policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred, or to be incurred by the Mayor and Councillors.

The Policy provides for adequate, fair and equitable payment or reimbursement of expenses and provision of facilities to the Mayor and Councillors to enable efficient discharge of the functions of Civic Office.

The review of the Payment of Expenses and Provision of Facilities to Councillors Policy has now taken place in line with statutory requirements. The review has included consultation with Councillors and the Group Manager Governance and Executive Services to ensure that the expenses and facilities provided for under the Policy enable Councillors to efficiently discharge the functions of Civic Office.

It is proposed that the draft Payment of Expenses and Provision of Facilities to Councillors Policy be publicly exhibited from 19 September 2014 until 24 October 2014, during this period Council will accept submissions from the public.

The draft Payment of Expenses and Provision of Facilities to Councillors Policy includes changes to travel allowances and incidentals in line with the relevant Australian Tax Office taxation determination.

In addition to the above, a small number of administrative and editorial changes have been made.

Ensuring Good Governance

Discussion

The objective of this Policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred, or to be incurred by the Mayor and Councillors. The Policy provides for adequate, fair and equitable payment or reimbursement of expenses and provision of facilities to the Mayor and Councillors to enable efficient discharge of the functions of Civic Office.

The *Local Government Act 1993* (the Act) requires that councils develop a Policy for the payment of expenses and provision of facilities to councillors. Due to the statutory obligations no additional options are available to Council with respect to this Policy. Council must adopt a Policy in some form.

Background

A Governance Review Consultation Panel was established on 23 March 2011 by, the then, Council Administrator with the objective to “develop policies, procedures and mechanisms to ensure Council is governed in the best interests of the community, its visitors and investors”.

The governance review process identified areas requiring address and reviewed current adopted Policies to determine whether they are consistent with their objective. The Payment of Expenses and Provision of Facilities to Councillors Policy was one of the current Council Policies that was reviewed.

As a result of this previous review the Policy was brought into line with the Office of Local Government section 23A Guideline for payment of expenses and the provision of facilities for Mayors and Councillors in NSW, which Council is required to consider prior to the adoption of the Policy.

Review of the Payment of Expenses and Provision of Facilities to Councillors Policy

The current Payment of Expenses and Provision of Facilities to Councillors Policy was adopted at the November 2013 Ordinary Meeting of Council.

A review of the Payment of Expenses and Provision of Facilities to Councillors Policy has now taken place in line with statutory requirements and is now required to be publicly exhibited.

Consultation has taken place with Councillors and the Group Manager Governance and Executive Services to ensure that expenses and facilities provided for under the Policy enable Councillors to efficiently discharge the functions of Civic Office.

Feedback from this consultation has been considered and an amended draft Payment of Expenses and Provision of Facilities to Councillors Policy is provided as Attachment 1.

The draft Payment of Expenses and Provision of Facilities to Councillors Policy includes changes to travel allowances and incidentals in line with the relevant Australian Tax Office taxation determination.

In addition to the above, a small number of administrative and editorial changes have been made.

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It is planned to undertake community consultation in line with Council's Community Participation Policy. The Act and the Community Engagement Policy require Council to both inform and consult with the community on the draft Payment of Expenses and Provision of Facilities to Councillors Policy.

The draft Payment of Expenses and Provision of Facilities to Councillors Policy is proposed to be publicly exhibited from 19 September 2014 until 24 October 2014, this is in excess of the statutory requirement of a 28 day period. Council will accept submissions from the public on the draft Policy during this period.

Once the submission period has ended, any submissions received will be considered and amendments made where deemed necessary.

The Payment of Expenses and Provision of Facilities to Councillors Policy will then again be presented to Council at the November 2014 Ordinary Meeting of Council for formal adoption.

Options

Council can resolve to not place the draft Payment of Expenses and Provision of Facilities to Councillors Policy on exhibition. However, it should be noted that this action will result in the potential breach of Council's statutory obligations.

Community Engagement & Internal Consultation

Community Engagement

It is proposed that the Payment of Expenses and Provision of Facilities to Councillors Policy be publicly exhibited from 19 September 2014 until 24 October 2014, this is in excess of the statutory requirement of a 28 day period.

Council will accept submissions from the public on the draft Payment of Expenses and Provision of Facilities to Councillors Policy during the identified period.

Internal Consultation

- General Manager.
- Group Manager Governance and Executive Services.

Planning & Policy Implications

The draft Payment of Expenses and Provision of Facilities to Councillors Policy proposes amendments of a minor nature to the current Policy. The draft Policy is provided as Attachment 1.

Financial & Economic Implications

Appropriate budget allocations exist in the 2014-2015 budget for the payment of expenses and provision of facilities to Councillors.

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Attachments

- 1 [View](#). Draft Payment of Expenses & Provision of Facilities to Councillors Policy - Draft 2014

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Item: 09.05

Subject: REPORT ON ATTENDANCE AT THE 2014 NATIONAL GENERAL ASSEMBLY CONFERENCE

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 Council note the conference report provided by Councillor Roberts on his attendance at the 2014 National General Assembly of Local Government.

Executive Summary

The National General Assembly (NGA) of Local Government was held in Canberra, from 15 to 18 June 2014.

The NGA attendance this year was approximately 900 delegates. The NGA provides a great opportunity to network with other mayors, shire presidents, councillors, CEO's and general managers from councils around Australia.

Discussion

The National General Assembly (NGA) of Local Government was held in Canberra, from 15 to 18 June 2014.

In the words of the NGA President, Mayor Felicity-ann Lewis, "the NGA is the premier local government event, bringing together more than 800 mayors, councillors and senior officers from councils across Australia to develop local government policy ideas, meet with key federal politicians and hear from renowned experts on the key issues affecting local government in Australia".

The NGA program can be accessed via the Australian Local Government Association website at: [2014 NGA Program](#)

Councillor Roberts Report on the National General Assembly of Local Government

It was a privilege to attend the National General Assembly (NGA) of Local Government in Canberra in June this year, representing Port Macquarie-Hastings Council.

For a better understanding of what the NGA actually is, it is a conference whereby representatives from council's and shires from across Australia meet to discuss,

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debate and share ideas on the current and future issues concerning Local Government in Australia.

At this years' NGA, some 80 or more Motions were tabled, resolved and or debated.

A number of high quality speakers gave insights into many strategic issues facing not only local government but all levels of Australian government.

Some of the keynote speakers included:

- Sir Peter Cosgrove, Governor General of Australia
- Mr Terry Moran, AC
- Senator The Hon Michaelia Cash
- The Hon Julie Collins MP
- Senator Christine Milne
- The Hon Anthony Albanese MP
- The Hon The Deputy Prime Minister, Warren Truss MP
- Mr Max Walker AM
- Also speaking were a number of high quality speakers from Government Departments, highly experienced governmental advisors and selected local government representatives.

Some of the topics covered included:

- Current Federal Government Budget and its implications for local government (Roads to Recovery & Financial Assistance Grants, Federal Governments White Paper on the Reform of Federation and more)
- Local Government in the Federation
- Sustainability; Triple Bottom Line
- And council's getting down to business among other items.

The NGA attendance this year was approximately 900 delegates.

The NGA was also a great opportunity to network with other mayors, shire presidents, councillors, CEO's and general managers from councils around Australia.

I had the opportunity to meet with many mayors and councillors and discussed a range of topics pertinent to issues faced by Port Macquarie-Hastings Council such as but not limited to:

- Ensuring Good Governance.
- Transparency and Accountability in Local Government.
- Economic Development & Tourism Opportunities.
- Infrastructure backlogs.
- Working more closely and productively with State & Federal Governments and local MP's.
- Fostering ongoing and strategic relationships with local MP's.
- Council providing leadership (and support) in empowering local community groups and organisations to provide support to the community through volunteering and partnerships with council.
- Partnering with council's from across the country to share the provision of services, share ideas on strategic initiatives such as Place Making, Tourism and also methodologies used for processes such as service reviews and organisational re-structures.

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- Strategically positioning council to hold a strong position in regards to navigating any proposed amalgamations, if required.
- Working more effectively and efficiently with Bureaucrats.
- Establishing and developing relationships with councillors from across Australia in aid of sharing ideas and experiences for the benefit of our respective communities.

After having discussions with many NGA delegates, some of the more immediate priorities I will lobby my fellow Councillors to advance or develop are:

- Thinking, planning and acting more strategically than politically in planning for the future of our local government area, particularly in regards to working more closely with our State and Federal MP's.
- Focussing strongly on utilising the (currently underway) Service Review to potentially re-structure the organisation – ensuring services provided actually provide positive outcomes for the community, can be measured, monitored and have the adequate level of resources to provide the appropriate services - across the board.
- Establishing a tangible, practical and measurable Vision for the local government area - developed in conjunction with the broader community.
- Prioritising infrastructure needs in line with an established Vision for the local government area and seeking funding support for the identified priorities.
- Fostering a culture within the Council organisation to better serve and support the community, in a number of key areas across the organisation.
- Taking practical steps to ensure Council has the right staff in the right positions within the organisation, who have the skills, experience and attitude to provide positive outcomes for the community.
- Continue to develop innovative ways and means to improve Council's reputation, brand, financial position, strategic relationships and also contribution of services to the community.
- Reviewing our current Urban Growth Management Strategy to ensure its effectiveness in helping shape and develop a thriving and vibrant local economy.

My attendance at the NGA was well worth the trip and I look forward to advancing many of the above ideas and initiatives (and more) in the coming months as the opportunities arise.

Options

Nil.

Community Engagement & Internal Consultation

Community Engagement

Nil.

Internal Consultation

- Group Manager Governance and Executive Services.

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Planning & Policy Implications

Reporting Requirements for Conferences

As per the Payment of Expenses & Provision of Facilities to Councillors Policy, a Councillor or Councillors attending a conference are required to provide a report in writing to Council on the outcome of the conference.

Financial & Economic Implications

Nil.

Attachments

Nil

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Item: 09.06

Subject: RECOMMENDED ITEM FROM AUDIT COMMITTEE - AUDIT COMMITTEE ANNUAL REPORT 2013-2014

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 Council adopt the Audit Committee Annual Report for the period 2013-2014.

Executive Summary

The Audit Committee met on 14 August 2014 and presented its Annual Report. The Committee reach consensus on Item 21 - Audit Committee Annual Report 2013-2014 and now submits the above recommendation for Council consideration.

The 2013-2014 Audit Committee Annual Report outlines the activities undertaken by the Committee during the 2013-2014 period.

The Committee's role and responsibilities are:

- Risk Management
- Control Framework
- External Accountability
- Legislative Compliance
- Internal Audit
- External Audit

Attachments

1 [View](#). Audit Committee Annual Report 2013-2014

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Item: 09.07

Subject: RECOMMENDED ITEM FROM AUDIT COMMITTEE - REVIEW OF INVESTMENT POLICY AND INDEPENDENT INVESTMENT ADVISOR

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

1.5.5 Ensure there is appropriate management of risk for Council and the community.

RECOMMENDATION

That Council:

1. **Adopt the amendments to the Investment Policy as attached.**
2. **Note the current position with regard to Council's use of an Independent Investment Advisor.**

Executive Summary

This report will discuss both the changing environment which has lead to suggested changes to Council's Investment Policy along with discussion to note Council's current revised position regarding the use of an Independent Investment Advisor.

Discussion

Investment Policy

The purpose of the Investment Policy is to ensure Council's investment portfolio is adequately protected, achieves appropriate rates of return, maintains sufficient levels of liquidity and guides the investment process.

The current investment policy provides the criteria investment compliance, identified by the following three frameworks:

Overall Portfolio Credit Framework (limits the overall credit exposure of the portfolio)

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %
AAA (incl. government guaranteed deposits)	A-1+	100%
AA	A-1	80%
A	A-2	60%
BBB	A-3	20%
ADI/'unrated'		

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Institutional Credit Framework (limits exposure to individual institutions based on their credit rating)

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %
AAA (incl. government guaranteed deposits)	A-1+	45%
AA	A-1	35%
A	A-2	20%
BBB	A-3	10%
ADI/'unrated'		

Term to Maturity Framework - (limits based upon maturity of securities)

Overall Portfolio Return to Maturity		
Portfolio % <1 year	Min 40%	Max 100%
Portfolio % >1 year	Min 0%	Max 60%
Portfolio % >3 year	Min 0%	Max 30%
Portfolio % >5 year	Min 0%	Max 15%

Council's current investment portfolio is represented by term deposits, and two capital protected equity linked notes. Total term deposits represent approximately 88% of the investment portfolio. The two capital protected equity linked notes are due to mature November 2014 and October 2015.

Current investment process

With each investing of funds, all institutions are given the opportunity to provide their best rate to Council. From this, Council selects the best rate taking into consideration the above Frameworks and cash flow requirements.

Over the past six months an interesting pattern has emerged, with two institutions Westpac Banking Corporation (WBC) and National Australia Bank (NAB), having a greater appetite for investment funds to the others. Of the twenty investments placed in 2014, either WBC or NAB have successfully secured fifteen, with Bank of Queensland, St George and Bendigo securing the remaining five term deposits.

As a consequence, the current investment mix, whilst still within policy is showing a greater weighting towards these institutions.

Overall Portfolio Credit Framework

Rating Framework	Total	% Held	Policy
A	35,000,000	24.86%	60.00%
AA	99,775,000	70.88%	80.00%
BBB	4,000,000	2.84%	20.00%
Below BBB		0.00%	0.00%
Unrated/ADI	2,000,000	1.42%	0.00%
Grand Total	140,775,000	100%	

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Institutional Credit Framework

Rating Framework	Institution	Total	Maximum %	
			%	Policy
A	Bank of Queensland	21,000,000	14.92%	20.00%
	Bendigo Bank	7,000,000	4.97%	20.00%
	ING Bank (Australia) Limited	7,000,000	4.97%	20.00%
A Total		35,000,000		
AA	ANZ Bank	4,000,000	2.84%	35.00%
	Commonwealth Bank	5,000,000	3.55%	35.00%
	National Australia Bank	24,000,000	17.05%	35.00%
	Rabobank	4,000,000	2.84%	35.00%
	St George Bank	20,000,000	14.21%	35.00%
	Westpac Banking Corporation	42,775,000	30.39%	35.00%
AA Total		99,775,000		
BBB	Investec Bank (Australia) Ltd	4,000,000	2.84%	10.00%
BBB Total		4,000,000		
Unrated/ADI	Holiday Coast Credit Union	2,000,000	1.42%	
Unrated/ADI Total		2,000,000		
Grand Total		140,775,000		

In the interests of maintaining a balanced mix amongst institutions, the Group Manager Financial Services made contact with a number of the local representatives for the higher rated institutions to understand their current investment appetites, in particular, Commonwealth Bank, ANZ and St George.

Whilst numerous unsuccessful attempts were made to contact the Commonwealth Bank, both ANZ and St George commented they could not currently compete with the higher rates on offer, although hoped that this may alter into the future. The Commonwealth Bank rates were consistently some of the lowest on offer.

No Australian institution currently holds an AAA rating with the four major banks (Westpac Banking Corporation, National Australia Bank, ANZ and Commonwealth Bank) all rated AA. This means that the Investment Portfolio is limited to 80% overall mix for AA investments and only 35% holding by each institution within this category.

Ratings definitions state that AA differs only to a small degree from AAA with their capacity to meet its financial commitment on the obligation still regarded as very strong.

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With both WBC and NAB offering better investment opportunities, both institutions are reaching their matrix limits of 35% for individual institutions, and 80% for the AA rated framework. Unless consideration can be given to providing some flexibility to this matrix, Council will be left with investing funds at a potentially lower interest rate with an institution of a lower rating. This may longer term impact on achieving the overall expectation of a portfolio which should meet or exceed the industry benchmark, being the average 90 day bank bill index.

Unrated Institutions

Council has had several opportunities to place funds with a local institution, Holiday Coast Credit Union. Credit Unions do not generally follow the current S&P ratings model and are therefore 'unrated'. As the current investment policy does not cater for 'unrated' investments, these opportunities have been missed.

It is recommended that the investment policy be altered to recognise this unrated institution and allow Council to invest a small amount of funds to take advantage of any upcoming approaches in addition to supporting local organisations.

Proposed changes to the Investment Policy for consideration

The following recommendations are proposed to the Investment Policy to provide some flexibility in the circumstances provided above. These include:

Current	Proposed change
Overall Portfolio Credit Framework for AA rated institutions - maximum limit 80%	Change the maximum limit to 100%
Institutional Credit Framework for AA rated institutions - maximum limit 35%	Change the maximum limit to 40%
Overall Portfolio Credit Framework BBB - 20%	Overall Portfolio Credit Framework BBB - 15% ADI/'unrated' - 10%
Institutional Credit Framework ADI/'unrated' - no % offered	Institutional Credit Framework ADI/'unrated' - 5%

Independent Investment Advisors

In 2011, Council tendered for the provision of Independent Financial Advice. This was on the back of the collapse of Lehmans and as an additional level of professional comfort for ongoing investment decisions and the existing Investment Portfolio which still held many CDOs.

On 19 August 2011 an Instrument of Agreement was executed with Denison Financial Advisory Pty Ltd (Denisons). At the Ordinary Council meeting on 22 September 2011 the Council's Administrator resolved to adopt the Panel's recommendation to appoint Denisons for the provision of independent financial advice for the term 1 October 2011 to 30 September 2013, with a 12 month option available.

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Denisons were to provide the following services to Council:

1. An initial review and report on current investment portfolio
2. Independent advice regarding selection of investments which maximise returns within the constraints of the Investment Policy
3. Continuous monitoring of the portfolio performance
4. Provide advice on legislative changes and implications for Council's investment Policy
5. Assist Council to review its investment policy and strategy
6. Provide assistance to Council's Finance staff in respect of and compliance with the relevant policies and guidelines, both Council and Local Government
7. Provide ad-hoc information when needed
8. Provide a monthly report of the investment portfolio with a summary report on the performance of the Council's portfolio and investments made that month as well as a review of the economy. This is to be made within 10 days after month end
9. Present an annual report to Management on the outcome of the previous year, the outlook for the current year and commentary on Council's Investment Portfolio and individual securities.

The monthly cost to Council for these services being \$4,125 (GST inclusive).

Since 2011 all CDOs have been finalised and as of September 2014, only two Capital Protected Equity Link Notes (Emu & Longreach) remain, due to mature in November 2014 and October 2015 respectively. All other investments are term deposits with major financial institutions.

As such, the type of financial support required by the Council with regard to the decision making for the portfolio has lessened over time.

Currently, with any new investment the following process is undertaken:

1. An email is sent to all institutions requesting rates for a specified amount and time period. The Investment Policy is reviewed to determine whether the institution with the best rate fits within the required portfolio limits. The current Investment Register has the appropriate tables and formats to determine these levels immediately
2. All responses are collated into a table with a recommendation emailed to the Group Manager Financial Services for approval. This is also emailed to Denison for sign off and agreement with our decision.
3. On confirmation, the relevant paperwork is handled and filed in line with our Investment requirements.

As all investments now remain term deposits, Denisons no longer provide any significant input or value into this process. As more than three quotes are received with each investment, as determined by the Investment policy, the investment decision is determined by the highest available rate by the best rated institution, ensuring it falls within the prescribed matrix. This is competently determined by Council staff.

Given this reduction in Denisons' requirement to provide advice, a request was made for revision of their monthly \$4,125/month (GST inclusive) retainer. Denisons

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provided a reduced rate of \$2,000 per month for limited services and a \$200 hourly rate for additional requests.

Based on the current investment strategy of maintaining a portfolio of term deposits, the services of Denisons at the current rate has not been retained. Instead it was deemed to be a more cost-effective option to use an Independent Financial Advisor as and when / if, independent financial advice is required.

Should the current investment portfolio move from term deposits into other investment options increasing Council's potential risk, then consideration will be given to either seek independent advice regarding that particular investment or go back out to tender for an Independent Financial Advisor.

Based on the decision to not continue the Denison's tender, the following areas where Denisons had provided advice, are to be covered off as follows:

1. Sign off of term deposit decisions - The process is clearly documented and followed as to the credit and maturity guidelines and frameworks within the Investment Policy.
2. Monthly advice on performance of portfolio - Denisons did not add any value with regard to the term deposits and the information regarding the two capital protected equity notes were sourced directly from Emu and Longreach themselves. Council will continue receiving this data on a monthly basis from Emu and Longreach, and monitor its current performance against the previous month's performance. These investments are structures that they never lose capital, with the only impact on interest. Should there be any significant fluctuation in any month which may affect the investments, we will seek independent advice.
 - 1.
3. Provision of Economic Review - As this information provided was generic, Council has sourced economic information from other means.
4. Additionally, to provide a level of comfort, the Executive have agreed that the entire Investment Portfolio and Strategy be reviewed independently as and when required.

The Investment Policy indicates that Council may use the services of an independent investment advisor. It does state that in the absence of such, not less than three written quotations shall be obtained from authorised institutions prior to investing council funds. This is currently the usual course of action.

Given the current investment portfolio mix of term deposits, there are sufficient processes and access to information to ensure that the Investment Policy is satisfied in light of the key criteria of preservation of capital, diversification and minimising market, liquidity, maturity and leveraging risk. Should this change, Council will seek independent financial advice, as and when required, or seek a new tender for an Independent Financial Advisor.

Consultation

These matters were listed for the Audit Committee meeting on 14 August 2014. It is noted that the Audit Committee agreed with the proposal to make changes to the

Ensuring Good Governance

Investment Policy and noted the current position with regard to the provision of services for an Independent Financial Advisor.

The Audit Committee submitted the following recommendations for Council consideration.

1. That the following changes be made to the Investment Policy:
 - a) That the Institutional Credit Framework for AA rated institutions be increased from 35% to 40%.
 - b) That the Overall Portfolio Credit Framework for AA rated institutions be increased from 80% to 100%.
 - c) That a new category ADI/Unrated up to 5% be included into the Framework to allow for local investment with local institutions, investments in this category are to be in line with the relevant Ministerial Order.
2. That Council note the current position with regard to Council's investments and use of an Independent Investment Advisor.

It is noted that the original recommendation to the Audit Committee was to change the Institutional Credit Framework for AA rated institutions from 35% to 45%. Following consideration by the Audit Committee, they recommended that this increase be reduced from 45% to 40%. Based on this, the recommendation has been changed accordingly.

Attachments

1 [View](#). Draft Investment Policy

Ensuring Good Governance

Item: 09.08

**Subject: RECOMMENDED ITEM FROM AUDIT COMMITTEE -
DISCREPANCIES IN CASHIER BANKING POLICY**

Presented by: General Manager, Craig Swift-McNair

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. Rescind the Discrepancies in Cashier Banking Policy and note that management of this issue will occur through an internal procedure, requiring the General Manager to report to Council any discrepancies over \$1,000 or any incidents of alleged criminal or fraudulent activity.**
- 2. Amend the General Manager's delegation with regard to managing cashier discrepancies to \$1,000 in line with the internal procedure.**

Executive Summary

The Audit Committee met on 14 August 2014, reached consensus on Item 07 - Discrepancies in Cashier Banking Policy and now submits the above recommendation for Council consideration.

Executive Summary

Staff in various sections of Council handle cash on a regular basis. An internal review undertaken on the adopted Discrepancies in Cashier Banking Policy assessed it as vague, with limited application as an organisational wide standardised procedure.

As a result of this review, an internal procedure has been written and approved in principle by the Executive, to ensure that should there be a cash discrepancy in any area of the business it can be dealt with immediately and in a consistent manner.

The procedure establishes a three tier process, where incidents of criminal or fraudulent activity would be notified to the General Manager and then to Council, having been reviewed and determined in accordance with Council's Code of Conduct. Incidents of a discrepancy over \$1,000 would also be reported to Council with other incidents being assessed in terms of their quantum and regularity to determine appropriate management response and action.

Ensuring Good Governance

As background, Council executive had requested that all policies be reviewed and rationalised as appropriate. This policy was seen as primarily a business process standardisation issue rather than as a Council policy imperative.

It is therefore proposed that the currently adopted policy should be recommended to Council for rescission.

Background

Council's existing Discrepancy in Cashier Banking Policy was first adopted in 1984 and has undergone numerous amendments, having last been revised in February 2002.

In its current form, the policy lacks detail and takes a simplified blanket approach that is not risk based. In essence, the Policy simply states that any cash shortfall or surplus below \$100 is reported to the General Manager and any discrepancy above \$100 is reported to Council.

An internal review of the Policy and the related cash handling processes that were being undertaken found that:

- There were variations in handling discrepancies depending on the Business Unit;
- The roles and responsibilities of parties was not clearly defined, with limited detail provided to staff and supervisors of the appropriate action to be followed in the event of a discrepancy; and
- The Policy doesn't provide guidance in relation to fraudulent or alleged criminal activity.

As part of the review, research was conducted with other MIDROC councils to compare processes for dealing with cashier banking discrepancies. The review found that Greater Taree, Bellingen, Nambucca and Kempsey councils do not require discrepancies in cashier banking to be reported to council unless there is fraudulent or criminal activity. All of these councils deal with this as an internal procedural matter with various delegation levels in relation to internal reporting and action taken.

The review findings indicated it would be appropriate to rescind the existing Policy and replace it with an internal management procedure that incorporated safeguards for reporting to Council.

The subsequent procedure has been written to be clear and direct ensuring that staff, supervisors and/or managers know what action needs to be carried out should there be a cash discrepancy.

The procedure uses a three tiered approach that categorises a discrepancy based on the amount involved, the reason associated with the discrepancy and whether it is a one-off incident or re-occurring issue.

Tier 1 is a minor cash discrepancy of less than \$100 and managed at a supervisor level; Tier 2 is a cash discrepancy over \$100 and escalated to the relevant Director for determination, discrepancies above \$500 referred to the General Manager and over \$1,000 reported to Council; and Tier 3 is any amount of discrepancy where there have been more than three instances, by the same staff member, in a 12 month period.

Ensuring Good Governance

The procedure ensures staff, supervisors and management are more accountable for processing and recording discrepancy issues.

In summary the procedure, which has been approved in principle by Executive:

- Has been written to apply to all Council and contract staff that handle cash and will replace any business unit specific procedures.
- Clarifies the roles and responsibilities of the parties concerned.
- Establishes the thresholds for notification, escalation and performance management action in the event of a discrepancy.
- Provides detailed instruction on the steps to take in the event of a discrepancy.
- requires all discrepancies to be documented in the Cash Discrepancy Register; and
- Establishes clear and effective oversight for management of the reporting process.

It should be noted that Council Executive had requested that all Policies be subject to review and rationalisation as appropriate. Given the importance of ensuring standardised treatment of this business process across Council and the need for a safeguard for notification to Council should fraud or criminal activity be detected, the adopted Council Policy itself does not provide the additional value or risk management.

Engagement

External community engagement, beyond the comparative research of other councils, has not been required in reviewing the Policy and developing the internal management procedure.

Significant internal engagement has been undertaken to clarify the current cashier discrepancy practices and assess the practicality of implementing a tiered approach with a Cash Discrepancy Register.

The following stakeholders were consulted:

- Executive.
- Group Manager Community Engagement and Planning.
- Group Manager Employee Engagement.
- Group Manager Commercial and Business Services.
- Group Manager Environmental Services.
- Group Manager Governance and Executive Services.
- Customer Service supervisors.
- Human Resource Advisor.

Subsequent internal engagement has resulted in the agreement that the approved procedure shall become the responsibility of the Group Manager Financial Services to review two years after the procedure is formally implemented by the Executive. This is reflective of the internal acknowledgement that cash handling is not only a function of the Customer Service staff but multiple sections within Council.

Ensuring Good Governance

Rescinding the existing Policy and putting in place the internal management procedure creates an opportunity for further staff engagement and education around the management of this important corporate issue.

Attachments

Nil

Ensuring Good Governance

Item: 09.09

Subject: MONTHLY FINANCIAL REVIEW FOR AUGUST 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 August 2014.

Executive Summary

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

There has been one adjustment which has resulted in a deficit budget this period. This adjustment relates to the lost funding income as a result of the Federal Government's decision to freeze indexation for its Financial Assistance Grant (FAG) to Council.

Monthly Budget Adjustments as at 31 August 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 2014-15 budget along with proposed movement of funds to accommodate any changes.

Summary

Original Budget as at 1 July 2014	Balanced	\$0
Plus adjustments:		
July Review	Balanced	\$0
August Review	Deficit	(\$120,540)
Forecast budget position for 30 June 2015	Balanced	(\$120,540)

Ensuring Good Governance

August Adjustments

The following adjustments reflect the additional unbudgeted items included in this report that will impact Council's position.

Adjustments	Surplus/ Deficit	Amount \$	Comment
Financial Assistance Grant - General Purpose Component	Deficit	(112,431)	The Local Government Grants Commission has notified Council of the FAG grant for the 2014/15 financial year. No CPI increase has been applied to this grant and as such the budget needs to be reduced.
Financial Assistance Grant - Local Roads Component	Deficit	(8,109)	As above
	Deficit	(\$120,540)	

It is noted that the preliminary estimate of this shortfall was in the vicinity of \$190k. However this year's payment reflects a CPI adjustment for the 13/14 period which has reduced the anticipated shortfall. This is a one off adjustment with the anticipated 15/16 shortfall to be at the \$170k level.

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

The following adjustments have no impact on the budget position (for example grant receipts have an associated expenditure budget).

Description	Notes	Funding Source	Amount
Grants received	1	Grants	\$978,600
Transfers between projects	2	Revenue	\$3,039,695
Staffing Costs	3	Revenue	\$119,835

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

1. A number of additional grants have been received and included in this review.
2. Council's Group Manager Information and Communications Technology is implementing an ICT Strategy and to help facilitate this strategy the general ledger has been restructured. The adjustments included in this month's budget review are to move the budgets from the old structure to the new.
3. Two new positions have been included this month, both with offsetting income increases. These positions are the Swimming Pools Inspector and the Plumbing and Drainage Officer.

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.

Ensuring Good Governance

- Council's expected result for 2014-15 has moved from a balanced budget to a deficit of \$120,540.
- Any gains in interest income have not been taken into consideration into these calculations.

Options

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

Planning & Policy Implications

Nil.

Financial & Economic Implications

The Financial Implication for the net budget movements included in this report is that the current balanced position is moved to a deficit position. Council will be required to find savings or if possible, additional funding streams to cover this shortfall and maintain a balanced budget. Attached to the report for information is each individual budget adjustment by Division and Section.

Responsible Accounting Officer Statement

The approved budget position for 2014-15 financial year is a balanced budget. The adjustments included in this report will change this position to a deficit position which is considered an un-satisfactory result for the year and as such budgets will continue to be monitored closely during the year so that any savings can be applied to this deficit.

Attachments

1 [View](#). August 2014 Budget Review

Ensuring Good Governance

Item: 09.10

Subject: INVESTMENTS - AUGUST 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 August 2014.

Executive Summary

- Total restricted funds invested as at 31 August 2014 equals \$160,652,601
- Year to-date investment income of \$1,094,058 is 24.76% of the total annual budget.
- In line with Council's Investment Policy, the total portfolio has performed above benchmark levels.
- With expected lower term deposit interest rates this year, the maturing of a number of higher rate investments, along with a higher annual budget, it is uncertain as to whether this momentum will be maintained.

Discussion

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

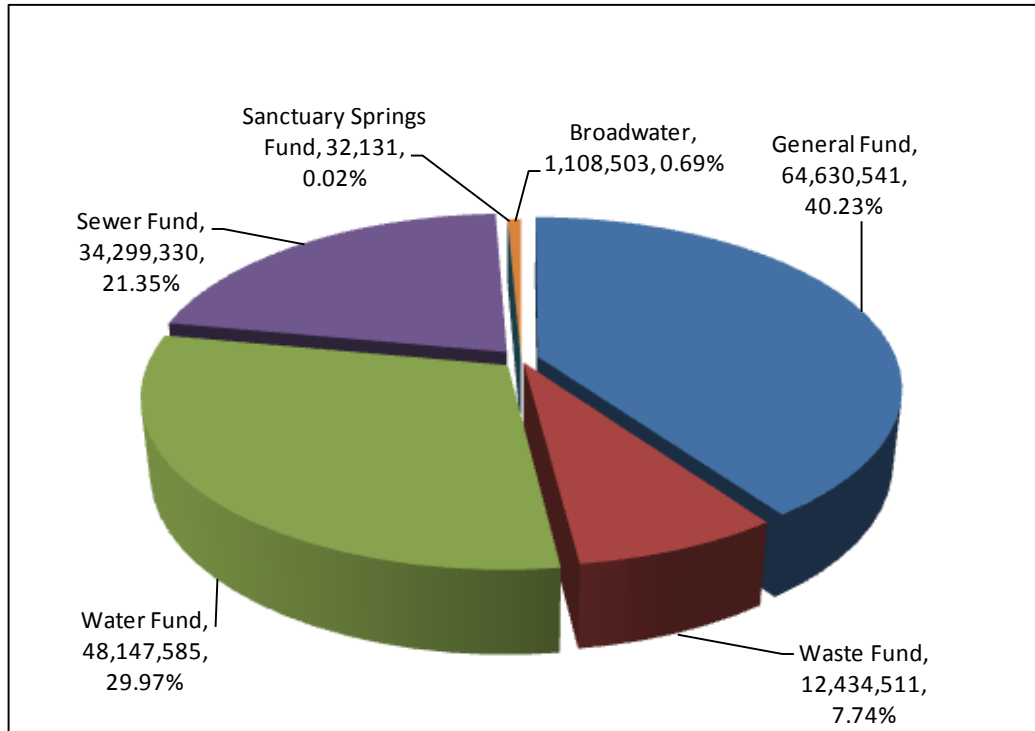
As at 31 August 2014, the investments held by Council totalled \$160,652,601 and is attributed to the following funds:

General Fund	64,630,541
Waste Fund	12,434,511
Water Fund	48,147,585
Sewer Fund	34,299,330
Sanctuary Springs	32,131
Broadwater	<u>1,108,503</u>
	<u>160,652,601</u>

Ensuring Good Governance

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.

Investments by Fund - as at 31 August 2014



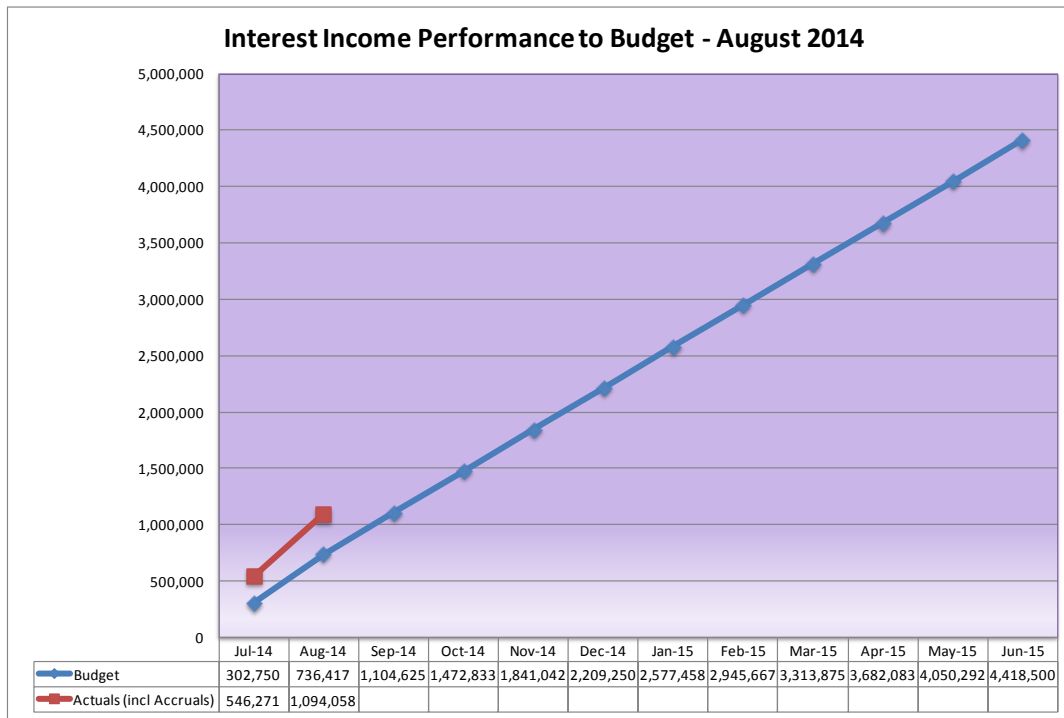
Portfolio Performance

- Council’s total investment portfolio performance for August 2014 was 1.39% above the benchmark (4.09% against 2.70%).
- The total year-to-date investment income of \$1,094,058 is 24.76% of the total annual budget of \$4,418,500.
- This performance is in line with August 2013 where the investment income was at 25.67% of the annual budget of \$4,160,000.



GOVERNANCE

Ensuring Good Governance



These year-to-date and actual are not a cash only position, but rather reflect cash and internal accruals at month end.

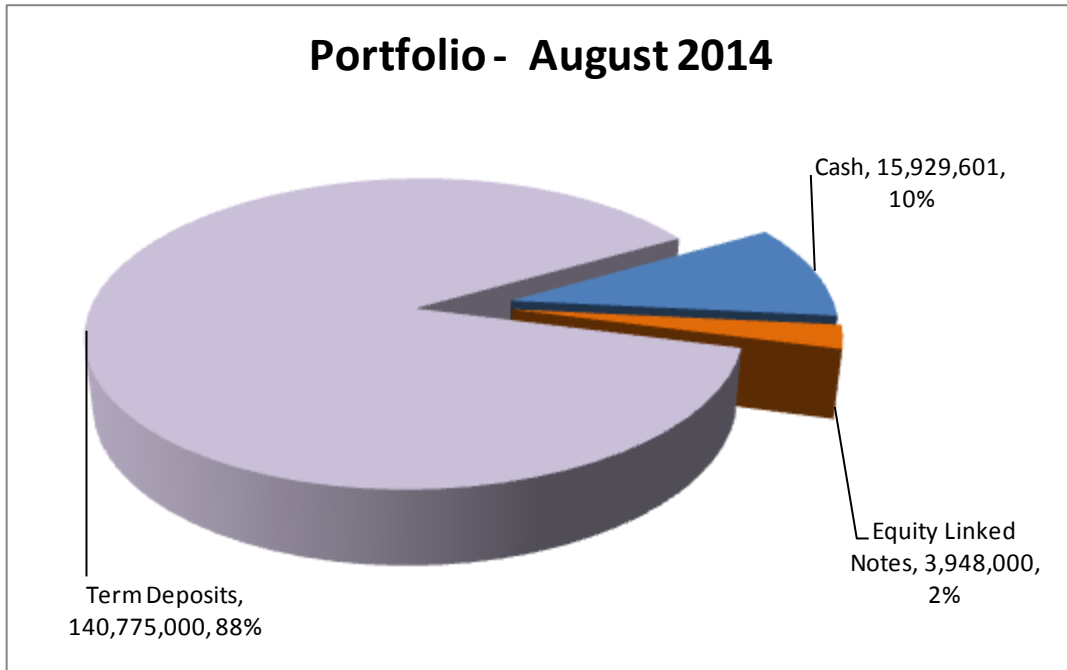
Investment Portfolio Mix

Council’s current portfolio is represented by term deposits and two Capital Protected Equity Linked Notes. The total term deposits represent 88% of the total investment portfolio.

As at August month end, the total investment portfolio was \$160,652,601, up from \$147,699,386 as at the end of July 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	\$87,775,000	62.35%	40.00%	100.00%
1 - 3 years	\$47,000,000	33.39%	0.00%	60.00%
3 - 5 years	\$6,000,000	4.26%	0.00%	30.00%
5+ years		0.00%	0.00%	15.00%
Grand Total	\$140,775,000	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	35,000,000	24.86%	60.00%	35.14%	OK
AA	99,775,000	70.88%	80.00%	9.12%	OK
BBB	4,000,000	2.84%	20.00%	17.16%	OK
Below BBB		0.00%	0.00%	0.00%	OK
Unrated/ADI	2,000,000	1.42%	0.00%	-1.42%	Unrated
Grand Total	140,775,000	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 1.42% 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, these funds on deposit are 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. This account is currently holding funds from the first rate payer instalment. This cash level will be reduced shortly with further investment activity.

Investment Portfolio by Maturity Date

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

Ensuring Good Governance

Inv Name	Type	Purchase Date	Maturity Date	Yield	Face Value		
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	19-Jun-14	17-Sep-14	3.6500%	\$5,000,000		
Westpac Bank	TD	19-Jun-14	17-Sep-14	3.6800%	\$5,000,000		
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		
St George Bank	TD	26-Aug-14	26-Feb-15	3.6800%	\$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		
National Australia Bank	TD	15-Aug-14	15-May-15	3.6500%	\$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		
Westpac Bank	TD	22-Jul-14	22-Jul-15	3.7300%	\$775,000		
St George Bank	TD	26-Aug-14	26-Jul-15	3.7200%	\$5,000,000		
Westpac Bank	TD	26-Aug-14	26-Aug-15	3.7800%	\$5,000,000		
Bank of Queensland	TD	6-Sep-13	6-Sep-15	4.2000%	\$4,000,000		
Investec Bank (Australia) Ltd	TD	13-Sep-13	14-Sep-15	4.2900%	\$4,000,000		
Westpac Bank	TD	29-Aug-14	29-Oct-15	3.7600%	\$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		
Westpac Bank	TD	20-Aug-14	11-Apr-16	3.7400%	\$4,000,000		
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					\$140,775,000		
Cash Fund							
Westpac Business Cash Reserve Account							
	CASH			3.20%	\$15,929,601		
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	96.780	\$1,000,000	\$967,800	Commerzbank
L'reach S32 Partnership	A+	30-Nov-07	23-Nov-14	99.340	\$3,000,000	\$2,980,200	Delevered - UBS
Total Cap Protected Notes					\$4,000,000	\$3,948,000	
Total Portfolio					\$160,704,601	\$160,652,601	

Note:

Ensuring Good Governance

- 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.

The portfolio continues to retain a very high level of overall liquidity. The cash component total of \$15.930m (down compared to last month of \$16.985m) and the Capital Protected investments can be liquidated. The term deposit portfolio has a spread of maturities providing the portfolio additional liquidity if required. This cash component is expected to reduce shortly with further investment activity.

Council has \$4m invested across two separate transactions (EMU & Longreach). This portfolio component is now valued at \$3.948m, up marginally from last month (\$3.939m). The bulk of this portfolio (Longreach) matures in November this year.

The largest sector of the portfolio is the term deposit allocation of \$140,775m (last month \$126,775m) or 88% of the total.

Market News

The September meeting of the RBA saw the cash rate unchanged at 2.50%.

Cash rate expectations for the week leading into the end of August saw the chance of a rate cut by August 2015 move from around 5% to around 32%. The market is now pricing July 2015 as the low in rates with a cut by then put at a 40% chance.

"Special" rates are creeping back into the fold, as the movement of funds through the system has opened opportunities to fill the liquidity gaps of certain Banking Institutions. There is no doubt that the demand for "short money" is particularly weak given the transition into a Basel III compliant world, but this has sparked an interest in securing longer term funding. This does not necessarily mean 2 - 5 year term deposits, rather deposits from 6 months and beyond. Most institutions are participating in this drive for longer term funding as indicated by AA and A rated institutions sweetening their rates for those longer terms.

Options

This is an information report.

Community Engagement & Internal Consultation

Council will use the services of an independent financial advisor, on an as needs basis with investments. As the only investments placed this month were term deposits, at which time at least three quotes were obtained from financial institutions in line with Council's Investment Policy, the services of an independent financial advisor were not required. Council obtains regular updates regarding market activities position from various institutions.

Planning & Policy Implications

Not applicable.

Ensuring Good Governance

Financial & Economic Implications

The financial and economic implications are that should benchmark levels not be reached, then this may result in budget cuts in other areas to fund the shortfall.

Alternatively, an excess about budget benchmarks may be allocated to alternate programs. These adjustments will not occur until the end of financial year adjustments are made, once the level of available funds are determined.

Council's total investment portfolio performance for August 2014 was 1.39% above the benchmark (4.09% against 2.70%) and year-to-date income has reached 24.76% of the total annual budget.

Attachments

Nil

Ensuring Good Governance

Item: 09.11

Subject: QUESTION ON NOTICE - LEVIES

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

RECOMMENDATION

That the report be noted.

Question from Councillor Griffiths:

Could the General Manager advise:

1. What is the procedure for dealing with funds where a levy is raised from ratepayers for a specific purpose and the objective no longer remains, such as a change in government legislation, therefore removing the need to complete works?
2. Is Council required to perform or provide a service for a levy?

Comments by Councillor (if provided):

Nil.

Response

Council obtains income to fund expenditure from a number of various methods, as detailed under the Local Government Act. These include rates, charges, fees, grants, borrowings and investments, with each category having their own objective and processes in the event that they are no longer required.

Council levies, charges and fees can be raised for a specific purpose, generally the delivery (or proposed delivery) of a particular service to the community. The purpose may be broad or specific. Others may be regulated, dictated by market forces, based on a user pays principle, or determined by some other methodology.

How the charge is calculated and to who it applies is determined on a case by case basis, dependent on the circumstances of the situation. Rates fund a wide variety of services and are not specifically tied.

In the event that funds raised for specific purposes are not spent in the year they are collected, Council places these unexpended funds into reserves. The purpose and balances of these reserves are reviewed on an ongoing basis.

If the delivery of a particular service is no longer required, then Council would assess the ongoing validity of the levy/fee/charge, and the value and treatment of unexpended funds (if any).

Ensuring Good Governance

Attachments

Nil

Ensuring Good Governance

Item: 09.12

Subject: SECOND SIX MONTHLY DELIVERY PROGRAM REPORT

Presented by: Community & Organisational Development, Lesley Atkinson

Alignment with Delivery Program

1.4.1 Engage with the community on impacts and changes of operations.

RECOMMENDATION

That Council;

- 1. Note the second six monthly progress report on the Delivery Program 2013-2017, encompassing July 2013 - June 2014.**
- 2. Endorse the revised format of the Delivery Program 2013-2017, noting that community engagement is not required as no changes have been made to objectives.**

Executive Summary

Six monthly progress reports on the Delivery Program are a legislated requirement of the NSW Government's Integrated Planning and Reporting Framework.

The Progress Report lets Council and the community know what action has been taken relative to the objectives contained within the Delivery Program 2013-2017.

In light of community and Council feedback and the organisational commitment to reporting in a way that is meaningful and transparent, the format of this Delivery Program Progress Report has been significantly changed from the first six monthly Progress Report presented to Council in March 2014.

The Report as attached, is now a stand-alone reference document that can be used by Councillors and the community as an assessment of what is being achieved.

Discussion

Delivery Program 2013-2017: Second Six Monthly Progress Report

The 2013-2017 Delivery Program was developed by Council within the legislated nine month timeframe, following elections in September 2012.

The document outlines the Councillors commitments to the Port Macquarie-Hastings community during their four year term of office. The objectives within the four year Delivery Program represent what the Council aim to deliver and they serve as a guide for Council executive and staff when developing the annual Operational Plan. The Operational Plan sets out the actions that will be undertaken each financial year to contribute to achieving the Council's goals.

Ensuring Good Governance

In a broad context, the Delivery Program represents the work Council is responsible for to meet the community's aspirations for the future, as described in the Towards 2030 Community Strategic Plan.

By evaluating every six months what actions have been carried out, the Council and community are able to get a picture of what progress is being made on achieving the Delivery Program objectives.

Like all documents in the Port Macquarie-Hastings Council Integrated Planning suite, the Delivery Program 2013-2017 is broken into themes, the Guiding Principle of Ensuring Good Governance and the four Focus Areas;

- Looking After Our People
- Helping Our Community Prosper
- Looking After Our Environment
- Planning and Providing Our Infrastructure

Council's 72 Delivery Program objectives are spread across these five key themes.

Each of the five themes in the Delivery Program also contain a number of results statements that describe the outcomes Council envisages will be achieved at the conclusion of their term in office.

This is the second six month reporting phase related to the Delivery Program 2013-2017, reviewing actions from the Operational Plan 2013-2014 and effectively representing one quarter of the Delivery Program's timeframe.

Progress Report Summary

Ensuring Good Governance

Results Statements:

- The community actively participates in Council decision making
- The community is experiencing benefits gained from Council working in alliance with all levels of Government
- Effective and positive financial management is communicated to the community
- The staff at Council enjoy a safe, inclusive and supportive environment

Achievement Highlights:

- A new corporate website has delivered an improved mechanism for informing and engaging the community.
- Traditional media has been combined with an increased social media presence to help the community keep up to date with Council news and opportunities to be involved.
- Community engagement, occurring through face to face, online and hardcopy techniques has influenced Council decision making.
- Council is actively participating in alliances with local government peers, business groups and members of parliament.
- Accountability and reporting on financial management will assist in building trust in Council.

Ensuring Good Governance

- A customer focussed culture continues to be fostered through the Customer Service Charter.
- Adoption of the Procurement Strategy will deliver value to the community.
- Continuous improvement of effective and efficient practices is the focus of the adopted Service Review methodology being implemented.
- Processing timeframes for DA's, compliance certificates and development certificates are faster than established service standards.

Looking After Our People

Results Statements:

- A range of activities, programs and events are supported or implemented for the multiple generations within our community.
- The community is empowered. It volunteers together to provide support, participates in community activities and uses facilities that are available.
- Community facilities, including sporting cultural and educational are maintained and improved.

Achievement Highlights:

- Council have delivered community safety initiatives through conducting crime risk assessments on future public spaces, providing lifeguard services and presenting the Beach Safety program to over 4500 school students.
- The Youth Advisory Council, their events and training opportunities, have continued to build the capacity of young people in our community.
- The Move, Eat, Live Well program delivered infrastructure, training and community connections based on a healthy lifestyle.
- Social justice issues were addressed through the Access Committee, accessible infrastructure and community network participation.
- Events for Seniors Week, Youth Week, Naidoc Week and Reconciliation Week provided opportunities, social connections and support for a broad range of our community.
- The opening of the Lost Plot Community Garden created access to a community facility that supports social, health and well being activities.
- Community participation in arts and cultural programs was supported through exhibitions, a performing arts season and increased Glasshouse sponsorship.
- Increases in visitation and circulation reflect the delivery of innovative library services.

Helping Our Community Prosper

Results Statements:

- There is an increased opportunity to undertake tertiary study within the Port Macquarie-Hastings region.
- Airport usage is increasing.
- Business and industry sectors across the LGA are well supported and growing.
- Tourism visitation numbers are increasing.

Achievement Highlights:

- The Economic Development Steering Group and Higher Education Skills Forum continue to work towards expansion of the higher education sector.

Ensuring Good Governance

- Operating revenue for Council business units including the Glasshouse, Airport and Innes Gardens crematorium has increased.
- Hosting rights for five major sporting events including the Ironman 70.3 have been secured.
- Regional transport infrastructure has been boosted with completion of the \$21 million upgrade of Port Macquarie Airport.
- Adoption of the Economic Development Strategy will further guide partnerships with local and regional business networks.
- Achievement of planning milestones for Fernbank Creek Industrial Precinct and Walters Street Port Macquarie, will enable significant business growth and investment.

Looking After Our Environment

Results Statements:

- We have healthy functioning bushland ecosystems, clean waterways and beaches that are rich in biodiversity.
- There is increased recycling and waste reduction across LGA.
- There is increased usage of reclaimed water across the LGA.
- Our sewerage system is efficient and environmentally compliant.

Achievement Highlights:

- Council's weed management and bush regeneration programs exceeded targets and provided proactive environmental management.
- Operation of the sewerage system has met Environmental Protection Authority licensing regulations.
- Monitoring of water levels and required implementation and promotion of appropriate restrictions has conserved potable water.
- Awarding the \$40 million 10 year tender for the new domestic waste collection service can assist in reducing waste to landfill.
- Infrastructure to cater for population growth is being planned for through Growth Area Roads Contribution Plans.
- The Development Assessment Panel provides a transparent and efficient legislative process.

Planning and Providing Our Infrastructure

Results Statements:

- Open space and recreational facilities are well maintained.
- A focus is on improving transport assets through structured maintenance programs.
- Planning and design for future projects are completed a year ahead for transport, water, sewer, stormwater and parks and recreation assets.

Achievement Highlights:

- 700 km of unsealed road was graded as scheduled in the Road Maintenance program
- Repairing sealed roads included heavy patching, \$1 million in road reseals and footpath repairs as per the approved schedule.
- Maintenance programs for parks, reserves and boating infrastructure have all been carried out as scheduled.

Ensuring Good Governance

- A review of urban consolidation planning for Port Macquarie CBD and Town Beach precincts was completed through the Liveable Neighbourhoods Report.
- A staged review of the Port Macquarie Hastings LEP is underway with the completion of the Eco-tourist facilities Planning Proposal.
- Preconstruction activities for water supply and sewerage assets were completed as scheduled.
- The water and sewerage asset maintenance programs were implemented as scheduled.

Delivery Program 2013-2017: Revised Format

The Delivery Program 2013-2017 was adopted in June 2013 and at that time the document was combined with the Operational Plan 2013-2014.

Further internal and external engagement led to improvements in the formatting and readability of the Operational Plan for 2014-2015, which resulted in it being a standalone document.

This change means that the Delivery Program is potentially hard for community members to locate on Council's website and it can't easily be referenced. For these reasons the Delivery Program 2013-2017 has been reformatted as a separate document from the Operational Plan in order to differentiate its purpose and the ownership of the Councillors over this element of the Integrated Planning and Reporting suite.

This cosmetic change has not altered any of the adopted text and importantly no changes have been made to the adopted objectives or results statements. One additional page has been added which provides a quick reference guide for finding services or topics of interest within the Focus Area framework. This addition is in response to feedback from Councillors and the community.

The reformatted Delivery Program 2013-2017 is attached for endorsement from Council, before it can be placed on the website and have reference copies printed.

Options

It is a statutory requirement to report on the Delivery Program on a six monthly basis. Council could seek further information on the contents of this report or the attachments.

Community Engagement & Internal Consultation

- Planning and Reporting Officer
- Directors and Group Managers all contributed to the 2013-2014 Operational Plan report which provided data for the Delivery Program Progress Report.
- Community and Councillor feedback has been referenced for changes to formatting and reporting tone.

Planning & Policy Implications

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

Ensuring Good Governance

Financial & Economic Implications

Nil related to this report.

Attachments

- 1 [View](#). Delivery Program 2013-2017: Second Six Monthly Progress Report
- 2 [View](#). Delivery Program 2013-2017

Ensuring Good Governance

Item: 09.13

Subject: COMPLIMENTS AND COMPLAINTS ANNUAL REPORT 2013-2014

Presented by: Community & Organisational Development, Lesley Atkinson

Alignment with Delivery Program

1.5.3 Ensure ratepayer value for money through continuous improvement in quality, effectiveness and efficiency of delivery of Council services.

RECOMMENDATION

That Council note the Compliments and Complaints Annual Report for 2013-2014.

Executive Summary

In 1998 Port Macquarie-Hastings Council adopted a compliments and complaints management system. As a result all complaints against Council service and compliments for staff, received within the reporting period, are tabled to Council. This report summarises all compliments and complaints received in the year July 2013 to June 2014.

A total of 258 written compliments and favourable comments for Council staff were received during the 2013-2014 reporting period. This represents a 15% decrease from the 303 compliments received in 2012-2013 however, is a significant increase (138%) from the 186 in the reporting period 2011-2012.

A total of 45 complaints were received, and 44 complaints resolved in this reporting period. This represents a 33% decrease in the number of complaints received when compared to 2012-2013 (67 complaints). It also compares favourably with the 101 complaints received in the reporting period 2011-2012.

Analysis of this data indicates a positive and consistent trend in reducing complaints received. While written compliments have also decreased there has been a significant increase in Council's use of social media during this reporting period.

Customers are using social media, predominately Facebook to interact with Council and provide feedback. Council's social media accounts are managed by the Communications team in conjunction with Customer Service to ensure delivery of a consistent message.

It should be noted there was a three percent decrease in overall referrals during 2013-2014 compared to the 2012-2013 reporting year.

Ensuring Good Governance

Discussion

Compliments for Staff

The compliments noted in this report are those received in written format from customers through a variety of channels including letters, emails and customer feedback forms. Compliments noted in social media are not included in this report.

Attachment 1 "Port Macquarie-Hastings Council Summary of Staff Compliments 2009/2010 - 2013/2014" provides an overall summary categorising compliments by basis for the compliment and the business unit in which the staff member works.

Notwithstanding the overall compliment numbers decreasing by 15% in this reporting period, the compliments regarding the "quality of service" provided by staff remained fairly constant, 213 compliments compared to 221 in the previous year (4% decrease).

A breakdown of the basis of customer compliments to staff is as follows:

Exceptional Service Delivery	82%
Community Relations Enhancement	8%
Successful Partnership	6%
New Council Initiative	4%

Some of the "community relations enhancements" recognised by members of the community during this reporting year were as follows:

Move Well, Eat Well Program - fitness and cooking classes;
Upgrade to the amenities block at Yippin Creek Reserve Wauchope;
Providing work experience for local school students;
Recognition of Council for developing options to ensure the safety of the community of Wauchope;
Free water trail tour;
Recognition for the outdoor kitchen and community garden.

The recognition of successful partnerships between Council staff and external parties was highlighted by compliments from the Wauchope Public School (Wauchope Customer Service Centre and Library), Movement Studios (Glasshouse staff) Probus Club of Camden Haven (Water & Sewerage staff) Rural Fire Services (Infrastructure staff) West Port Tennis Club (Recreation and Building staff) Port Macquarie Art Society (Recreation and Building staff).

The business unit with the highest number of compliments for staff was the Recreation & Building team receiving 79 compliments of the 258 received this year.

The top 5 business units receiving the most compliments were:

Recreation & Building	31%
Infrastructure Services	23%
Customer Service	8%
Glasshouse	8%

Ensuring Good Governance

Community Development 7%

Recreation and Building saw an increase in the number of compliments received this year, 79 compliments in 2013-2014 compared to 47 in the previous year. It should be noted this increase continues the trend that emerged during the 2012-13 year. The increase also highlights ongoing process improvements and the professional quality of work carried out by Council staff.

Two other business units that showed an increase in compliments this year were Library staff (from 12 to 15 compliments) and Stormwater Drainage staff (from 2 to 5 compliments).

Despite the reduction in compliments for the Infrastructure Services/Roads team, the comments received were very positive and reflect an appreciation for the new work practices adopted during 2012-2013. This change of practice, including increased community awareness of maintenance schedules and increased funding, demonstrates Council's commitment to improving customer service through business process redesign and is supported by the community appreciation of this practice.

Compliments for staff are one of the ways to measure the community's satisfaction with services delivered by Council.

Complaints Against Council Service

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

Attachment 2 "Port Macquarie-Hastings Council Summary of Complaints 2009/2010 - 2013/2014" provides an overall summary categorising complaints by information regarding the reason the customer lodged the complaint (complaint objective) and by the business unit responsible to resolve the complaint.

Council staff monitor complaints and respond in a timely manner to improve service delivery and create a more positive customer experience.

There were a total of 45 complaints received in this reporting period, representing a decrease of 33% from the 67 complaints received in 2012-2013, and 56% decrease from the 101 received in 2011-2012.

A total of 44 complaints were finalised in 2013-2014 which is a finalisation rate of 98%, compared to the 100% finalised in 2012-2013. It is usual for some complaints to be lodged in the last few days of the reporting year which carry over to the following year's complaints. It should be noted that due to the relatively small number of complaints recorded each year, any changes will appear significant in percentage terms.

The decrease in complaints was spread across all complaint objectives as follows:

Ensuring Good Governance

Register general dissatisfaction fell from 18 complaints in 2012-2013 to 17 complaints in 2013-2014, a 6% reduction;
Receive an explanation/apology fell from 6 complaints to 3, a 50% reduction;
Service to be provided dropped from 28 to 16, a 43% reduction;
Change in practice/policy or procedure dropped from 14 to 8, a 43% reduction.

The highest number of complaints received for a business unit in 2013-2014 was 10 for Infrastructure Services/Roads which is a reduction from the 12 complaints received for the same business unit in 2012-2013. Similar results were identified across Council with reductions in the number of complaints received by all business units with the exceptions being Customer Service and General PMHC receiving 1 complaint, the same as the previous reporting year 2012-2013.

Of the 44 complaints that were resolved in 2013-2014, 25 of these complaints (56%) were resolved within seven days, with 15 complaints (34%) resolved in 28 days and four complaints (10%) resolved in greater than 28 days. The number of complaints resolved in seven days (56%) was a slight reduction from the 65% resolved in seven days in 2012-2013.

General

The 33% reduction in customer complaints is a reflection of the dedicated work being undertaken by staff to ensure quality service, increasing efficiencies and driving towards a more positive customer experience.

This reduction can also be attributed to the implementation of the Customer Experience Charter and the revised Customer Service Policy. The implementation has focused on raising staff awareness on the importance of providing consistent levels of internal and external customer service and explaining how each member of staff can impact on improving service delivery to our customers.

The compliment and complaint information has been summarised in the attached tables however detailed information can be provided to Council if required.

Options

Council may seek additional information in relation to this report.

Community Engagement & Internal Consultation

Engagement has been undertaken with the Executive Assistants, particularly the Infrastructure Services Division around the definition of a complaint and compliment in order to ensure consistency in the management system.

Internal engagement to raise awareness of the Customer Service Charter and Customer Service Policy has been undertaken and is ongoing. This engagement has involved presentations to team meetings across all levels of staff and production of reference materials. Development of further training opportunities is underway.

Planning & Policy Implications

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

Ensuring Good Governance

Financial & Economic Implications

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

Attachments

1 [View](#). 2013-2014 Summary of Complaints

2 [View](#). 2013 2014 Summary of Compliments

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: QUESTION ON NOTICE - YOUTH STRATEGIES IN WAUCHOPE

Presented by: Community & Organisational Development, Lesley Atkinson

RECOMMENDATION

That Council support the Community Place team in the development of a collaborative Youth Strategy to provide activities and programs for Youth of Wauchope and the rest of the Local Government Area into the future.

Question from Councillor Griffiths:

Could the GM advise what youth strategies and programs are in place for Wauchope short term and on a regular basis?

Comments by Councillor (if provided):

Nil.

Response

Council currently has no specific initiatives for youth in the Wauchope area. We have in the past developed and run recreation activities including Midnight Basketball and have also been involved in the development of the Wauchope Skate Park design. During Youth Week a number of activities are planned for youth and transport has been provided to include youth from Wauchope. The Community Place Team is currently working with the community on Shaping our Place for Youth strategic plan.

Council's Youth Development officer (YDO) has run a number of successful programs in the Wauchope Area including the Midnight Basket ball program. In 2011 the YDO secured \$20,000 grant to develop and manage pilot youth program. During this time two eight week programs during 2012-2013 were held with 30-50 young people attending per night and provided healthy dinner, craft, culture, life skills and sport.

The Wauchope Uniting Church recently secured additional funding to run the program every Friday night during 2014 and is based on the pilot. Council supports this program by jointly funding the hire of Wauchope Indoor Stadium.

In the past the Youth Development Officer has also been heavily involved in the school attending school assemblies to encourage young people to get involve in Youth Advisory Council (YAC) and involvement in development Youth week activities including 2013 Wauchope Youth Fair and pool challenge. In 2014 there was also great representation of Wauchope Youth at the Youth Week think tank.

Looking After Our People

The relationship that has formed between Council and the youth in Wauchope was again demonstrated through the number of youth that participated in the survey, with 487 responding from the Wauchope Area.

Council also played a key role working with Skate Wauchope and the Wauchope Schools to develop the new design for the Wauchope Skate Park, this included a number of lunch time sessions at the High school and the Primary school as well as an open engagement/workshop to further developed the design. Council continues to stay in contact with these groups and are assisting finding funding streams for Skate Wauchope to apply for grants.

In April 2013 Council made the following resolution:

That Council:

- 1. Develop in conjunction with key stakeholder, a coordinated and cooperative strategy and action plan that work towards achieving tangible and lasting outcomes for the youth of our area.*
- 2. Provide at a future meeting of Council a report that clearly articulates Council role within this Strategy and Action Plan.*

There are also a number of objectives in the Port Macquarie-Hastings Delivery Program and operational plan.

The Shaping our Place Youth Forum was designed to work with the community to outline the current and potential future landscape of youth services, infrastructure and initiatives within our Local Government Area (LGA). Its overall intent is to ensure that our area attracts and retains youth and supports them as future leaders of our place.

The forum builds on the earlier work undertaken by Council in the 2013 - 2017 Social Strategy and the youth survey undertaken in early 2014 which included participation by over 2000 youth in the LGA. The survey canvassed the important issues for young people in our community and the findings will be utilised in upcoming work on developing the LGA wide Youth Strategy and Action Plan. The forum was held on Thursday 14 August at the Glasshouse, Port Macquarie.

On the afternoon, approximately 35 people attended including 4 table hosts who were located at each table to facilitate discussion. Through the forum, it was determined that the key focus areas for future should be;

- Transport;
- Centralised information portal for youth;
- Mentoring; and
- Infrastructure.

At the conclusion of the forum the group was then asked if they would self nominate to be part of developing the Youth Strategy. A total of 14 people from across a range of sectors have nominated to be involved in the development of Youth Strategy to Shape our place for youth into the future.

YAC will continue to drive Youth activities in the region and engage with the youth in the Wauchope area. The Place Making team will also be encouraging participation in

Looking After Our People

projects, initiatives and activities to create vibrant public places for our youth across the region.

Attachments

Nil

Looking After Our People

Item: 10.02

**Subject: PROGRESS REPORT ON THE HERITAGE, ARTS AND CULTURE
PRIORITIES ADVISORY GROUP**

Presented by: Community & Organisational Development, Lesley Atkinson

Alignment with Delivery Program

2.8.1 Support, facilitate and advocate for arts and cultural programs that engage the community and deliver a range of high quality performing, visual arts and cultural development services.

RECOMMENDATION

That the report regarding the progress of the Heritage, Arts and Culture Priorities Advisory Group be received and noted.

Executive Summary

Council resolved to create a new Committee, the Heritage, Arts and Culture Priorities Advisory Group (HACPAG) at the February 2014 Council meeting, and this report outlines the progress to date.

Discussion

At the 19 February 2014 Council meeting, Council resolved to:

RESOLVED: Sargeant/Intemann

That Council:

1. *Create a new Heritage Arts and Culture Priorities Advisory Group.*
2. *2Adopt the attached draft Charter for the Heritage Arts and Culture Priorities Advisory Group, save and except the membership limits of clause 3.0 Membership.*
3. *3Set the Heritage Arts and Culture Priorities Advisory Group membership to comprise two (2) Councillors and up to a maximum of seven (7) independent community members, all with voting rights.*
4. *4Seeks expressions of interest from interested community members to fill the seven (7) independent community positions on the Heritage Arts and Culture Priorities Advisory Group.*
5. *5Following the membership expression of interest process, a report be provided to Council with the proposed membership for consideration.*
6. *6Request the Heritage Arts and Culture Priorities Advisory Group, as an initial task, to review the current Charter, its relevance and make recommendations to Council.*
7. *Encourage special interest groups within the Heritage, Arts and Culture sector to continue to meet amongst themselves and to direct any future matters*

Looking After Our People

requiring Council's attention through the Heritage Arts and Culture Priorities Advisory Group so as to ensure the overall interests of the sector are able to be considered by Council.

8. *Undertake a review of the Heritage Arts and Culture Priorities Advisory Group after 12 months of formation.*
9. *Disband both the Heritage & Museums Sub-Committee and the Arts & Cultural Development Committee.*
10. *Formally thank the members of the Heritage & Museums Sub-Committee and the Arts & Cultural Development Committee for their commitment and time to date and draw their attention to the expression of interest for membership of the Heritage Arts and Culture Priorities Advisory Group.*

CARRIED: 9/0

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

AGAINST: *Nil*

Membership

Expressions of interest were sought from the community and, at the 16 April Council meeting, Council resolved to appoint the following community members to the new Advisory Group:

- Gay Laurance - Daniel
- Margret Meagher
- Pam Vernon
- Dr Jenny Hutchison

Councillor Sargeant was nominated to Chair the Committee with Councillor Intemann nominated as the alternate.

Two other community members have since expressed an interest in joining the Advisory Group. They have now been invited to attend meetings as observers in the short term, with an invitation to nominate for formal membership when new membership is sought in November.

Charter

Since April, the Advisory Group has met four times. They reviewed the Charter, as per Council's resolution February, and there were no changes made.

In summary, the Advisory Group is to serve as a forum for the local Heritage, Arts and Cultural sector, and to make recommendations to Council in the following areas:

- Port Macquarie–Hastings as a Heritage, Arts and Cultural destination
- Actions to support the sector
- Council policies in relation to the sector
- Strategies for engagement
- Options to facilitate networking and partnerships
- Requirements for skills development in the sector
- Develop a cultural plan and strategy

Looking After Our People

The principle objectives are:

- 2.1 to represent community interest
- 2.2 to facilitate formal and informal communications relative to the sector
- 2.3 to advise on strategies for fostering the objectives of the Charter.

Report on progress

Cultural Plan

A discussion paper for a draft cultural plan was produced by Cr Intemann, working from a range of existing Council documents since 2000, in particular Council's un-adopted draft Cultural Plan of 2007. The discussion paper has been distributed to some community representatives for comment, and will be progressed at the September and October meetings of HACPAG, before further comment is sought.

HACPAG has resolved to adopt the UNESCO definition of 'culture'. *The whole complex of distinctive spiritual, material, intellectual and emotional features that characterise a society or social group. It includes not only the arts and letters but also modes of life, fundamental human rights, value systems and beliefs.*

It is not intended to consider specific actions for the cultural plan until there has been further consultation on the principles and desired outcomes with the community.

Place Making

HACPAG has resolved to support the principles of Place Making as they relate to cultural activities. The cultural plan will include a definition of both culture and place making.

Public Art Policy

Council is presently in the process of updating its 2002 Public Art Policy. One objective of the review is to clarify 'grey' areas regarding the obligations of the major financial contributors to the policy; whilst another objective is to clarify responsibilities and funding for the maintenance of existing and new public art installed in the LGA. HACPAG has commented on the proposed policy, and the Policy will now be disseminated to key stakeholders such as the Housing and Construction Industry Association and Town Centre Master Plan Sub-Committee, before the final draft is reported to Council.

Glasshouse

A combined meeting has been held between HACPAG and Councillor members of the Glasshouse Sub-Committee, to consider areas of interaction and potential commonality. It is recognised that it is important that there be a good connection between these two groups, and it is proposed to ensure regular meetings are set in the meeting calendar to keep the two groups informed of each other's projects and activity.

Formal and informal communication and consultation processes

Aside from any formal processes of public consultation, one role of the HACPAG members is to liaise with their own networks.

Looking After Our People

The members of HACPAG were selected for their interest in cultural activities locally, and connection to local networks. Members have agreed to actively promote HACPAG and its work to their networks and to receive feedback. There have been discussions on how this process could be extended into other networks.

Regional Arts Development Officer

There is a good connection with Regional Arts Mid North Coast. HACPAG has formally met with the Regional Arts Development Officer and a further meeting has been arranged for October to progress the cultural plan.

HACPAG Chair, Cr Trevor Sargeant, is Council's representative on Arts Mid North Coast, and provides regular reports on local activities with the aim of fostering greater levels of regional collaboration.

General

A critical element of cultural development is its 'bottom up' approach, being driven by the community and not imposed on them. A key aspect of the HACPAG charter is to facilitate the growth and success of the sector through this approach.

It is intended to consult widely within the sector, to ascertain their present situation and needs before deciding on specific actions in the cultural plan.

Options

This report is for information.

Community Engagement & Internal Consultation

HACPAG members have consulted within their own networks regarding the Cultural Plan and Art Public Places Policy, as well as Council members of the Glasshouse Sub Committee regarding the relationship between the two Committees.

Planning & Policy Implications

The development of the Cultural Plan will assist with future planning and policy development regarding culture and heritage in the LGA.

Financial & Economic Implications

Nil for this report, however, the Cultural and heritage plans developed may require budgetary allocations which will be the subject of separate reports.

Attachments

1 [View](#). Heritage, Arts & Culture Priorities Advisory Group Charter

Looking After Our People

Item: 10.03

Subject: RECOMMENDED ITEM FROM MAYOR'S SPORTING FUND SUB-COMMITTEE AUGUST MEETING - APPLICATIONS

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:

1. Mr Sam Begbie in the amount of \$500.00 to assist with expenses he will incur travelling to and competing as part of the NSW All Schools Under 15's Team to compete at the All Schools Sport National Touch Football Championships to be held in Morwell, Victoria from 19 - 24 October 2014 inclusive.
2. Mr Kobe McClure in the amount of \$500.00 to assist with expenses he incurred travelling to and competing as part of the NSW All Schools AFL Championships held in Sydney from 20 - 26 July 2014 inclusive.
3. The Wauchope High School Girls Under 16's Rugby Team in the amount of \$750.00 to assist with the expenses they would have incurred competing at the State Finals of the CHS State Rugby Union Championships held in Sydney on 6 August 2014.

Executive Summary

The Mayor's Sporting Fund Sub-Committee met on 2014, 21 August 2014 reached consensus on Item 07 (attached) and now submits the above recommendation for Council consideration.

Attachments

1 [View](#). MSF Extract from August Minutes Item 7

Looking After Our People

Item: 10.04

Subject: ALCOHOL FREE ZONE RENEWAL

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 Alcohol Free Zones in the Port Macquarie CBD for a further four years from December 2014 to December 2018.**
2. **Establish two Alcohol Free Zones within the Port Macquarie CBD to allow for flexibility of use whilst maintaining an overall Alcohol Free Zone.**

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. Upon review and community consultation, the Alcohol -Free Zone was extended for an additional 4 years. This zone will expire in December 2014, and Council is now seeking to establish two Alcohol-Free Zones covering an extended area in the CBD 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

Looking After Our People

- 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 an Alcohol-Free Zone for a further four years, as well as an extension of the area within the CBD to be covered by the Alcohol Free Zone. 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 Alcohol Free Zone in the Port Macquarie CBD be for the maximum period of time, operating from December 2014 through to December 2018. Local police 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.

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

Cancellation for any or part of the Alcohol Free Zone means that the whole zone needs to be suspended. Through the development of two zones Council would have the ability to suspend one zone whilst maintaining the overall general zone.

Location

It is proposed that the Alcohol free zone cover an extended area from 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)

The extension to the AFZ will include;

- Gordon Street from Kooloonbung creek Bridge to the Hay St intersection
- Western end of Hayward Street and laneway between Kooloonbung Creek and Short Street
- Two small sections of roadway around the Port Macquarie waterfront at the western end of Clarence Street.

The proposed extension would include the roadway outside Finnian's Irish Tavern, providing a level of consistency in ensuring that the Alcohol Free Zones exist outside all licensed premises in the CBD.

1.

Council has commenced investigation of the development of an entertainment precinct in the CBD, which is intended to provide a range of community events and activate the CBD. As some of these community events may have alcohol being served, the proposal to establish two Alcohol Free Zones will enable alcohol to be consumed in the space nominated but not the whole CBD. This will maintain the majority of the CBD as an alcohol free place for the community. Discussions with the police resulted in them supporting a separate Alcohol Free Zone being established for the entertainment precinct, consisting of:

- Hay Street Forecourt
- Town Square
- Clarence Street West from Short Street

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This will allow Council to suspend the operation of the Alcohol Free Zones in these precincts for specific entertainment events in line with Section 645 of the Local Government Act 1993 no. 30 while still maintaining the general alcohol free zoning for the remainder of the CBD.

Options

Council may not wish to extend the Alcohol Free Zone for an additional four years.

Council may wish to only have one Alcohol Free Zone.

Community Engagement & Internal Consultation

The proposed Alcohol Free Zones were placed on Public exhibition from mid July through to 22 August 2014. Five submissions were received. Council Group Manager Community Place and Community Engagement Officer also met with NSW Police representatives to discussion options available that would provide the best outcome for the community. Five submissions were received by the closing date.

The public exhibition was also placed on PMHC Listening. 147 people visited the site and 61 of these took action to gain more information and 5 engaged, resulting in five submissions being lodged on the site.

Submission Considerations for Alcohol Free zone		Issue
1.	Gary Cuttell	AFZ should be kept for at least the next 4 years and extended to include the lane at the back of the shops on Short Street, the remainder of Hayward Street, Murray Street and Hay Street and Gordon Street between the creek and Hay Street
	Response/Comment:	This is in line with the proposal
2.	Robert Langdon	The existing Alcohol free zone should continue for the 4 years mentioned or longer if possible
	Response/Comment:	This is in line with the proposal
3.	Kathleen Hayes	If it is successful why query changing it? As for allowing it in Hay Street Forecourt that is being hypocritical. Young people will just drink.
	Response/Comment:	This is in line with the proposal and the Hay Street Forecourt will remain Alcohol Free Zone unless a specific event is on.
4.	Tara Hoy	Good for the safety of night revellers, visitors and residents to retain the alcohol free zones. Removing the AFZ for the marked entertainment precincts may cause issues

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		worth a trial as if it is without incident, it could improve those areas to organisations holding events and to patrons of the events
	Response/ Comment:	This is in line with the proposal
5.	Gareth Livingston	I find the existing exclusion zones along the town green and beaches offensive and counter to a civilised society. If the issue is violence on a Fri or Sat deal with those issues as opposed to blanket bans for the entire community.
	Response/ Comment:	The AFZ does not exclude the community from enjoying their time however allows our community to free safe and provide the police with powers they need to combat poor behaviour.
6.	Ivana Agapiou	Include Allman Park, Clarence Street as part of the AFZ.
	Response/ Comment:	Allman Park is covered under the Parks and Reserves policy and does not form part of the CBD AFZ
7.	Lloyd Stevens	AFZ is a long term plan of Council to sell out the Community to Business interests who want access to Town Green
	Response/ Comment:	Town Green is a designated Park reserve and does not currently form part of the AFZ which only applies to roads. Road reserves, car parks and footpaths.
8.	Andrew and Donita Rohde	In support Ivana Agapiou submission for the inclusion of Allman Park, Clarence Street as part of the AFZ.
	Response/ Comment:	Allman Park is covered under the Parks and Reserves policy as does not form part of the CBD AFZ which only applies to roads. Road reserves, car parks and footpaths.
9.	Paul Dirago	(Sought additional information after the initial information was placed on exhibition.) The public has not been adequately informed about the alternatives under consideration or the justification for any change to the AFZ. Retain the AFZ in Port CBD for a further 4 years. The controls in place should not be weakened. Review the Public consultation process to ensure that accurate and consistent information is provided.
	Response/ Comment:	This is in line with the proposal
10.	Steven Clark - Detective Inspector Crime Manager Mid North Coast LAC	Police have worked in Partnership for many years to ensure that the CBD is a safe place. Would like to see additional areas added to the AFZ including;

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		<ul style="list-style-type: none"> • Gordon Street from Kooloonbung creek Bridge to the Hay St intersection • Western end of Hayward Street and laneway between Kooloonbung Creek and Short Street • Two small sections of roadway around the Port Macquarie waterfront at the western end of Clarence Street. <p>Understand Councils desire for flexibility of use for the entertainment precinct and suggest either an Alcohol Prohibition on the proposed locations or a separate Alcohol Free Zone in these precincts for specific events whilst maintaining the general zone for the remainder of the CBD.</p>
	<p>Response/ Comment:</p>	<p>The proposal from the Police has been adopted as the best approach forward that will allow for flexibility of use whilst maintaining the general Alcohol Free Zone in the rest of the CBD.</p>

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 [View](#). Alcohol Free Zones - Local Government Act
- 2 [View](#). Alcohol Free Zone Map of proposed locations
- 3 [View](#). Proposed Alcohol Free Zones signage
- 4 [View](#). Submissions Received



Looking After Our People

Item: 10.05

Subject: DISABILITY STRATEGY 2014-2018

Presented by: Community & Organisational Development, Lesley Atkinson

Alignment with Delivery Program

2.4.1 Work with community groups to build capacity on social justice issues.

RECOMMENDATION

That Council approve the draft Disability Strategy 2014-2018 for public exhibition from 23 September 2014 for twenty-eight days.

Executive Summary

The draft Disability Strategy 2014-2018 outlines seven key focus areas which will help council become more disability-friendly. These seven priority areas, known as “7 Big Ideas” were identified by people with a disability, their carers and disability organisations and are as follows:

1. Give better access to community facilities that are run by Council;
2. People with a disability will be able to “have your say” about Council decisions;
3. Council information is easier to read, get and understand;
4. Council will do more to include people with a disability to be able to join in with the community;
5. The Access Sub-Committee and Council encourages shops and businesses to be disability friendly;
6. Council advocates to State and Federal Government, developers, businesses and community; and
7. Council is a disability friendly place to work and volunteer.

Council continues to pursue active management of the fundamental right of all citizens in our LGA to have the opportunity to participate socially, culturally, economically, physically and politically in the life of our community. This will be highlighted through the seven identified key focus areas of the Disability Strategy.

4,826 of our residents identify as having a disability. 7,710 of our residents are carers providing unpaid assistance to a person with a disability.

Discussion

Council is now more than halfway through the implementation of the ten year Disability Discrimination Act Action Plan. Although steady progress has been made the existing Action Plan is aspirational, includes very low priorities and an estimated

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unallocated budget of \$7.9million is needed to achieve this plan by 2018. The development of a Disability Strategy will enable the Access Sub-Committee to take a leading role which will integrate and embed the disability needs directly into the Delivery Program and Operational Plan.

The development of a Disability Strategy was community driven from the Hastings Interagency Network seeking key strategic focus areas for Council and this provided an opportunity to embrace Council's newly created place making approach from the outset.

The Disability Strategy is written in Easy English. This was requested by people with a disability, their carers and service organisations and they deemed it inappropriate to run a secondary 'standard' version of the document alongside the Easy English version.

Options

Council may seek additional information on the attached strategy.

Council may elect not to proceed with the strategic vision and goal of the Disability Strategy 2014-2018.

Community Engagement & Internal Consultation

Internal consultation - input has been obtained from the relevant Group Managers.

Council has engaged extensively with the community including people with a disability, their carers and disability organisations who developed the seven key strategic focus areas, known as the "7 Big Ideas". A workshop was undertaken with Bago Magic members, PMHC Listening online engagement and face to face meetings with relevant groups. This process has provided valuable community input for the strategies development and was conducted through:

- Port Macquarie-Hastings community through PMHC listening
- PMHC Access Sub-Committee as the reference group
- Aces Incorporated
- Alzheimer's Australia
- Bago Magic Performance Group
- Disability Advocacy
- Hastings Aboriginal Disability & Mental Health Network
- Hastings Disability Interagency Network
- Hastings District Respite Care
- Hastings Headway
- House with No Steps
- National Disability Services
- NewHorizons
- NewIDAFE
- North Coast Area Health Service
- St Agnes Parish

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Planning & Policy Implications

This activity is consistent with:

- The PMHC Disability Discrimination Act (1992) Action Plan 2009-2018
- 'Towards 2030' Community Strategic Plan and the 2013-2017 Delivery program focus area of "Looking after our People".

Financial & Economic Implications

After consideration and discussion with the Access Sub-Committee Chairperson, the Access Sub-Committee will take a lead role to identify barriers to access and to prioritise and put forward actions to be funded in the Operational Plan. The new Disability Strategy will provide a platform for the Access Sub-Committee so that the prioritised actions will be integrated into future planning for the funded Operational Plan.

Attachments

1 [View](#). Draft Disability Strategy 2014 - 2018

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Item: 10.06

Subject: REQUEST FOR ADDITIONAL FUNDING - 2015 AUSTRALIA DAY CELEBRATIONS

Presented by: Community & Organisational Development, Lesley Atkinson

Alignment with Delivery Program

2.5.1 Provide sponsorship and expertise to community groups that coordinate social and community events.

RECOMMENDATION

That the 2014-2015 Australia Day Budget be increased by \$5,000.00 to cover the additional expenditure as outlined in the report.

Executive Summary

The expenditure incurred to plan, stage and deliver the 2014 Australia Day celebrations across the Port Macquarie-Hastings Local Government area resulted in an under expenditure of \$69.00. 2015 will see the inclusion of aquatic activities along the Hastings River, increasing the number of events staged from four (4) events to five (5) events. An increase in funding is sought from Council to enable the successful planning, staging and delivery of all five (5) events.

Discussion

The current budget for the 2015 Australia day activities is \$20,000. This year the Sub-Committee has scheduled a number of additional activities. These include aquatic activities along the Hastings River, the use of the Glasshouse for the Australia Day Awards presentation event and more entertainment to increase attendance and participation.

The securing of additional funding would ensure that expenses incurred in delivering all five (5) events would not result in over-expenditure of the allocated Australia Day budget. At the first Australia Day Sub-Committee meeting for 2014 held in June, the Sub-Committee expressed concerns about the impact the additional activities would have on the already stretched budget. Councillor Cusato advised that there may be an opportunity for him to seek additional funding for the expanded program and this was deferred until the next meeting. At the Australia Day Sub-Committee held in August the status of the additional funding was raised. Following discussion at the meeting, the Mayor, Councillor Peter Besseling, expressed his support for seeking additional funds from Council for the 2015 Australia Day Events. As a result, this report has been prepared and is presented to Council for its consideration.

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Options

Council could elect to increase the 2015 Australia Day Budget Allocation by \$5,000.00

Council could elect to increase the 2015 Australia Day Budget Allocations and future Australia Day Budget Allocation by \$5,000.00 or more.

Council could elect to maintain existing budget levels and reduce the number of events accordingly.

Community Engagement & Internal Consultation

The Port Macquarie-Hastings Council Australia Day Sub-Committee.

Planning & Policy Implications

Nil

Financial & Economic Implications

Discussions have been held with Finance to identify where the additional funding could be sourced, so it is currently unfunded. Finance has advised that they will make the appropriate adjustments for their next monthly financial report to Council.

Attachments

1 [View](#). Extract from Australia Day Sub-Committee Meeting June 2014

2 [View](#). Extract from Australia Day Sub-Committee Meeting August 2014

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What are we trying to achieve?

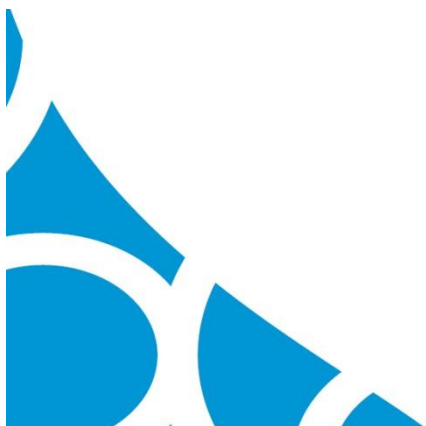
The Port Macquarie-Hastings region is able to thrive through access to a range of educational, employment and business opportunities.

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.



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Item: 11.01

Subject: TO CONSIDER AN OFFER OF A LICENCE TO COUNCIL OF RAILWAY LAND IN RANDALL STREET, WAUCHOPE TO BE USED FOR FUTURE COMMUNITY PURPOSES

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

Alignment with Delivery Program

3.2.2 Develop, manage and maintain Council business units to optimise commercial return and community benefit.

RECOMMENDATION

That Council:

1. **Accept an offer from Australian Rail Track Corporation Ltd to enter into a Temporary Licence with Council of three (3) railway properties in Randall Street, Wauchope to be used for future Community purposes as outlined in the terms of this report pending the preparation of a longer term Licence of these sites.**
2. **Authorise the General Manager to enter into negotiations to offer the Wauchope and District Historical Society a Temporary Sub Licence of the sites referred to in (1) above for Community purposes on the basis that there be no cost to Council beyond lease preparation administrative costs.**

Executive Summary

To consider an offer from the Australian Rail Track Corporation Ltd (ARTC) to issue a Temporary Licence to Council for community purposes, of three (3) Railway properties in Randall Street, Wauchope. This will allow Council the opportunity to issue a Sub Licence to the Wauchope and District Historical Society (Society) enabling the relocation of an historic Church building currently located in Timbertown to one of these lots.

Discussion

The Society have an urgent need to relocate an historic Church building currently located within the Timbertown Theme Park and formerly used by the Society to conduct their activities. The building owned by the Society, was not part of the assets acquired by the new owner when Timbertown was sold.

There is no formal agreement in place for the continued presence of the building at Timbertown with a need to remove the building as soon as possible.

The proposal is to relocate the Church building to another site to enable the Society to re-establish their activities. After a lengthy unsuccessful investigation into available

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vacant sites within Wauchope, an opportunity has now arisen to consider the placing of this building on a parcel of land comprising of 797m² adjoining the southern boundary of the former Station Master’s cottage in Randall Street, Wauchope.

The ARTC have offered Council a 12 month Temporary Licence of this land along with a short term Licence of the Station Master’s cottage.

This will enable Council to then offer a Sub Licence to the Society to allow for the immediate relocation of the Church pending the preparation by the ARTC of a longer more permanent tenancy arrangement of these sites.

Shown below is a draft development plan prepared by the Society outlining a proposal to develop a future Historical Precinct involving the relocated Church building adjoining the Station Master’s cottage.



The Station Master’s cottage is a heritage listed building with any future improvement to the structure and surrounds having to comply with appropriate approvals and consents. The Society are required to obtain Development Approval to allow the Church to be relocated to this site.

In addition the ARTC have also offered a further temporary Licence of a larger parcel of vacant land to the north of the Railway Station car park. Whilst the northern parcel of land is considered appropriate for future growth of the Society, this parcel of land may also suit the needs of one or more additional community groups, noting that Council are approached from time to time in relation to available land under which they may establish their own activities. This additional land may allow Council to consider developing a community precinct in addition to the needs of the Society.



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Options

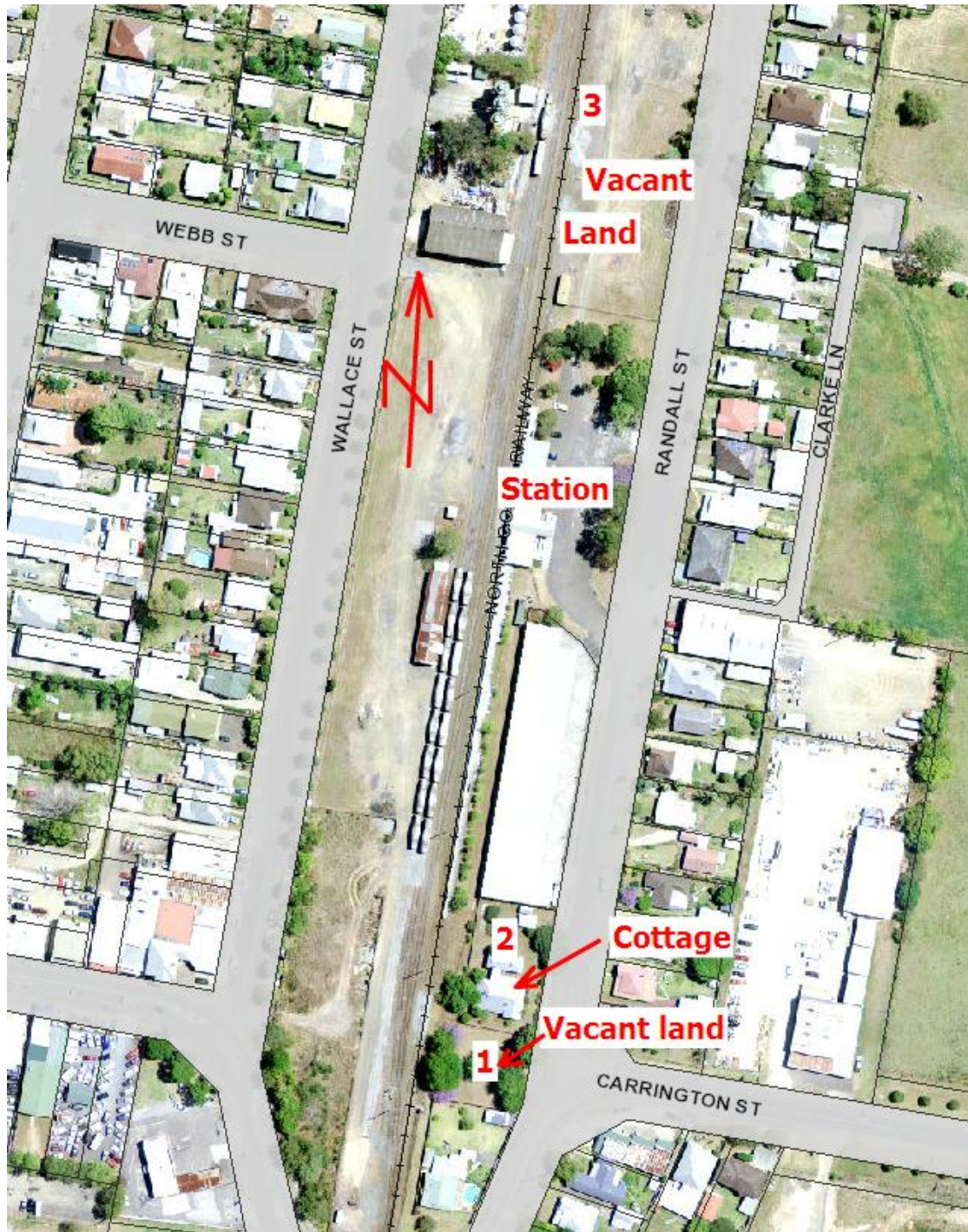
Council has the option of not accepting the ARTC's offer of a Licence of this railway property. In this instance, the ARTC and The Society would need to deal directly with one another.

Community Engagement & Internal Consultation

Discussions have been held with representatives of the Society, the Mayor, General Manager, Acting Director of Commercial Services and Industry Engagement and the Property Development and Leasing Coordinator.

An aerial view of the proposed 3 sites to be offered under a Temporary Licence is shown below.

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Planning & Policy Implications

There are no implications in this regard

Financial & Economic Implications

The ARTC have advised that:-

- The annual Licence fee for each Licence (if demanded) would be \$10.



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- The ARTC's standard legal costs associated with the preparation and execution of the Temporary Licence Agreement of \$660 (exc GST) will be waived for the 3 short term agreements.
- ARTC's fencing standards are of a 1.8m mesh fence where the boundary adjoins Railway Infrastructure. The standard of existing fencing (and hence, cost) is unknown at this stage.

The cost of removing the historic Church from Timbertown to the proposed railway land will be the responsibility of the Society to meet. In addition the Society have advised Council that they would fund the upgrade of the Church and renovation of the heritage cottage. It is intended that Council will ensure that this commitment is outlined within the terms of the Sub Licence to the Society.

Administrative costs in preparing the Sub Licence agreement/s will be incurred.

Attachments

Nil

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Item: 11.02

Subject: PORT MACQUARIE AIRPORT - AIRPORT ADVISORY GROUP
CHARTER

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the amended Airport Advisory Group Charter as detailed in this report.

Executive Summary

This report is presented to Council following a review of the terms of reference for the Airport Advisory Group (previously referred to as the Airport *Project* Advisory Group).

Discussion

In July 2012, an Airport Project Delivery Committee was established to provide independent external advice, assistance and oversight to Council in relation to the upgrade and development of Port Macquarie Airport and the development of the Port Macquarie Airport Business Precinct.

Following the election of Councillors in September 2012, and the subsequent implementation of the Portfolio Structure in December 2012, the original terms of reference for the Committee were revised to reflect changes in the membership, specifically to include the Mayor, and Councillors from the Major Projects portfolio and with a proposed name change to the Airport Project Advisory Group; noting that the forum did not represent a formal "Committee" of Council and that its function was that of an advisory group. The Airport Project Advisory Group Charter was adopted by Council in May 2013.

With the completion of the Stage 1A airside upgrade project and adoption of the Airport Master Plan Addendum Report in December 2013, it was considered appropriate for the advisory group to review the terms of reference again to reflect current priorities. These priorities (objectives) include:

- the implementation of the Port Macquarie Airport Master Plan (2010 and Addendum Report 2013) including the:

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- staged delivery of infrastructure and facilities consistent with CASA aerodrome standards;
 - achievement of necessary planning and environmental approvals;
 - planning and development for the Airport Precinct business park (and associated infrastructure); and
- achievement of Council's business objectives for the Airport, including:
 - investigation of business development opportunities (including airline services);
 - implementation of appropriate commercial contract and lease terms and conditions;
 - identification of funding opportunities to support the delivery of key infrastructure requirements.

Noting the completion of the upgrade "project" it is proposed to rename the group to the Airport Advisory Group to reflect the broader scope of the terms of reference as outlined above.

In terms of the composition and tenure of the Airport Advisory Group, it is noted that the Charter provides for the membership to include up to three (3) independent community members. Following the resignation of one of the independent members in 2013 and a formal Expression of Interest process which was unsuccessful in identifying a replacement to supplement the skills and experience of the current members (noting the current priorities), the Airport Advisory Group is currently operating with two (2) independent external members. This arrangement will be reviewed as necessary to ensure that appropriate independent external advice and oversight continues to be provided to Council in relation to the ongoing development of the Airport.

The tenure of the independent external members has been extended to October 2016, being one month after the next NSW local government elections, after which the members will be eligible for extension or re-appointment following a formal review in line with ongoing requirements and developments in relation to the Airport and the Council at that time.

The remainder of the Charter as previously adopted by Council is largely unchanged, with minor updates to reflect administrative changes including the meeting frequency from 3 weeks to monthly and updates to the internal Council staff role titles.

Options

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

Community Engagement & Internal Consultation

The Airport Advisory Group Charter has been developed in consultation with the Group members, including the Mayor, Councillors from the Major Projects portfolio and independent external members.

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Planning & Policy Implications

Advice and recommendations from the Airport Advisory Group will inform the implementation of the Port Macquarie Airport Master Plan (2010 and Addendum Report 2013) and assist in the achievement of Council's business objectives for the Airport.

Financial & Economic Implications

There are no direct financial implications as a result of this report (the independent external members are volunteers and no financial reward is offered to these positions); however the advice and recommendations from the Group will assist Council in ensuring that ongoing development at the Airport is undertaken in a prudent and cost effective manner.

While the Airport Advisory Group has the authority to advise and make recommendations to Council staff with regard to the Airport, all recommendations that commit Council to the expenditure of funds or commit Council to a particular outcome or course of action will be the subject of a report to Council, where Council will make a formal determination on such issues.

Attachments

1 [View](#). Airport Advisory Group Charter

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Item: 11.03

Subject: DESTINATION SIGNAGE

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. The update on work to identify sites for destination signage that will raise our brand awareness with travellers and draw visitors from the Pacific and Oxley Highways; and**
- 2. A further report will be provided in March 2015, or earlier should destination signage sites be confirmed.**

Executive Summary

Destination signage is considered an important element of our tourism marketing, yet is proving to be difficult to implement in a timely and cost effective manner. A range of avenues have been pursued to identify appropriate sites for the construction of Council-owned signage that will ensure a sustainable presence on our key highway approaches, however, further work is required.

Discussion

A report to Council in March 2014 explored a range of issues regarding highway destination (tourism) signage on the approaches to our LGA. Several options were explored including changes to the LEP 2011 and site specific zoning amendments. The Council resolution was as follows:

RESOLVED: Cusato/Griffiths

That Council:

- 1. Note the results of the Tourist Route 10 signage audit and the plans to replace signs which have either fallen into disrepair or are aged.*
- 2. Identify sites on Council owned land suitable for destination signage within the Port Macquarie-Hastings Local Government Area with a report to the June (rescheduled to September) 2014 Council Meeting outlining:*
 - a) The highest priority sites for signage.*
 - b) The budget needed for such signage.*

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- c) Amendments to the LEP 2011 to allow destination signage on such sites.
3. Pursue options for identifying parcels of Roads and Maritime Services' Pacific Highway corridor land to the north of Port Macquarie and south of Kew and Oxley Highway land to the west that may be acquired or leased by Council for destination signage purposes.
 4. Note that a future report to Council will propose a new strategic approach for town and village entry signage and community or event signage.

CARRIED: 9/0

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

This report provides an update on action taken in response to resolutions 2 and 3 above. A report addressing resolution 4 will be provided to the October 2014 Ordinary Council meeting.

Destination signage plays an important role in raising brand awareness with travellers and drawing visitors from the Pacific and Oxley Highways to visit and stay in our region. At present, as a destination, Greater Port Macquarie has only one destination billboard to our north (near Telegraph Point) visible to those travelling south on the Pacific Highway. Whilst valuable now, this site has a limited life-span noting the planned highway realignment.

The lack of destination signage on our southern and western approaches is not acceptable. The highest priority has been identified as a destination sign site to the south of Kew on the Pacific Highway (highest number of travellers), with a site to the west of Wauchope a second priority, and site on the realigned highway to our north a third priority.

The challenge

Some of the challenges faced in working to identify new signage solutions include:

- RMS guidelines which regulate content, placement and size of signs, and do not allow destination signage, such as we require, in the road reserve;
- Our Port Macquarie Hastings Local Environmental Plan 2011 which prohibits advertising signs in rural lands. [As noted in the previous Council report, a relaxation of this control would likely result in a proliferation of general advertising signs and/or criticism of Council having one rule for self and another for others should a limited relaxation occur]
- Identifying parcels of land that have appropriate sight lines for oncoming travellers;
- Regulatory requirements relating to land clearing of roadside vegetation.

In recent discussions, senior RMS Pacific Highway Office staff have acknowledged that current RMS Policy is deficient in the area of 'destination signage' which would allow 'tourism catchment areas' (as they are referred to by RMS) to capitalise on the huge market that is travellers on the Pacific Highway. We believe there have been

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conversations within RMS about a possible new policy in this regard, however, the lead time (even with our advocacy), is likely to be considerable.

Options being pursued

Noting these challenges, Council have pursued a range of possible avenues for destination signage to the south and west:

1. Identify existing Council owned land and seek site specific amendments to LEP 2011 to permit a "signage structure" within a Special Purpose SP1 Infrastructure zone, ie spot rezoning.
2. Identify land that could be acquired by Council from RMS or private landowners (and spot rezoned).
3. Identify Crown land for which Council could be trust manager and use for destination signage purposes.
4. Identify existing structures which could be painted to act as a destination promotion.

South of Kew - Pacific Highway

The Pacific Highway realignment has created a small number of RMS owned pockets of land adjacent to the highway that could be acquired by Council and spot rezoned for destination signage. Two locations, Lot 32 and Lot 30, on the Pacific Highway South of Kew were identified as preferred sites based on strategic location and visibility to travellers. Lot 32 has since been identified as drainage reserve and RMS have indicated the use of this site would not be allowed. The red circle on image 1 indicates where Lot 30 lots adjoin the highway as a potential signage sites. The RMS is yet to finalise highway road reserve boundaries for this location and we are continuing negotiations on possible acquisition of a parcel of this land.



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Image 1: Pacific Highway South of Kew (Corner of Haydons Rd)

As an alternative, Council is also investigating private land options (to acquire a small parcel and spot rezone) along this stretch of highway. The final option being considered is the availability of RMS land holdings for future highway expansion, which may be used as an interim option, noting there will always be the risk that it could be compulsorily reacquired in the future.

West of Wauchope - Oxley Highway from the New England

Initial investigations for the approach west of Wauchope centred on a site identified along the Oxley Highway that was believed to be Council land (refer Image 2). It transpired that this site is actually an old disused stock route resting place and is owned by RMS. Discussions with RMS indicated in principal support for Council to use this site for destination signage, on the proviso that the site and structure met the NSW Department of Planning Transport Corridor Outdoor Advertising and Signage Guidelines under SEPP 64. These guidelines address a range of issues pertinent to advertising signs including but not limited to road safety guidelines, amenity and character of an area, duration of consent, sign placement in non-urban areas and removal of significant trees or native vegetation. We currently believe environmental issues relating to land clearing and significant roadside vegetation may prevent use of this site. Furthermore, ownership of the site would need to be addressed via Crown Lands to acquire some form of Trust Management, tenure or purchase. Further discussions are required on this matter.

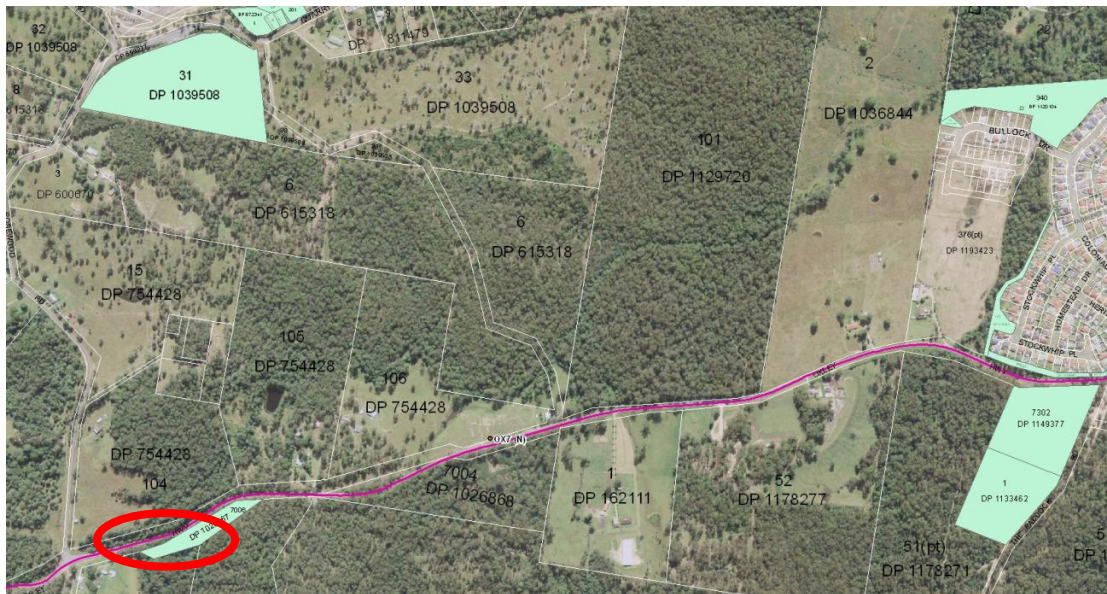


Image 2: Oxley Highway West of Wauchope

A second consideration on the Oxley Highway was site of the Council owned Pumping Station in Long Flat. This site would not require spot re-zoning, however it would be necessary to engage with the local community on the proposal. The practical application of signage in this location also requires further investigation as there could be issues with sight lines and sign height.

Helping Our Community Prosper



Image 3: Long Flat Pumping Station site (travelling west to east)

The final site options under consideration west of Wauchope are:

- acquisition of a small land parcel from a private landowner along the long straight stretches of the Oxley Highway in the Yarras area; and
- a more Place Making approach that would present no zoning implications would be to purchase/gain usage rights to an existing structures on private property. Examples of this include old farm infrastructure such as barns, sheds and water tanks. This is a quirky and 'out-of-the-box' approach to destination signage that could add some character to the destination. Again further investigation is needed in this regard.

Helping Our Community Prosper



Proposal

At present, there does not appear to be a quick solution for installing destination signage on our southern and western highway approaches. To address the immediate need, it is proposed that investigations continue as per the options and priorities identified in the report. As noted also, we will lose the Telegraph Point destination billboard with the future realignment of the Pacific Highway. It is therefore recommended that we continue to advocate for a change in RMS policy to allow destination signage in the highway road reserve.

It is estimated that once suitable sites are identified, it will take 11-14 months to finalise necessary steps leading up to and including sign construction (eg site specific spot re-zoning, community engagement, design, fabrication, construction and installation).

Community Engagement & Internal Consultation

This report has been prepared in consultation with staff from Strategic Planning, Commercial and Business Services (Property), Transport and Stormwater Networks. Ongoing stakeholder discussions include Roads and Maritime Services, Greater Port Macquarie Tourism Association, Camden Haven Chamber of Commerce.

Planning & Policy Implications

There are no planning and policy Implications.

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Financial & Economic Implications

The total estimated cost per sign is approximately \$35,000-\$45,000. This compares to a commercial billboard cost of approx \$14,000 per year.

The cost breakdown is as follows (depending on the option pursued):

- \$15,000-\$20,000 (each) - billboard design, construction and installation (6m x 3m 24 sheet billboard);
- \$15,000-\$20,000 (per site) - to acquire rural land (this figure takes into account the market value of the land and all associated purchasing fees including legal, subdivision, titles, valuation and fencing);
- \$3,500 (per sign) - design, print and installation of an advertising skin carrying a destination message.

These costs have not been included in Council's 2014-15 budget.

The economic implication of destination signage is difficult to measure but is recognised as something that would derive value for local business and our visitor economy. Essentially, the signage would form one component of our destination marketing with a specific focus on driving brand awareness.

Attachments

1 [View](#). Ordinary Council Meeting Report - Destination Signage - 19.03.2014

2 [View](#). Destination Signage Options - Summary table

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: QUESTION ON NOTICE - LAKE CATHIE REVETMENT WALL

Presented by: Development & Environment, Matt Rogers

RECOMMENDATION

That Council note the information regarding the options assessment for the Lake Cathie Revetment Wall Preliminary Design.

Question from Councillor Griffiths:

Could the General Manager advise on:

1. Whether the consultants Aurecon, for the Lake Cathie revetment wall have satisfactorily completed their obligation?
2. Whether you believe an error may have occurred and therefore may not have resulted in a fair assessment of designs?

Comments by Councillor (if provided):

In the attachment to the report to council it was stated that further detail was requested for one design, also from detail from one designer that two designs compared were vastly different suggesting that an error may have occurred in the assessment process and therefore has not resulted in fairly completing the analysis.

Response

The *Lake Cathie Revetment Wall Investigation and Design, Options Assessment and Preliminary Design Report (January 2014)* assessed 15 revetment wall structure options (including the AuSSea Wall revetment option) using a Multi-Criteria Analysis (MCA) to determine the most appropriate revetment option for the conditions at Lake Cathie.

Following completion of the assessment and other technical investigations, Aurecon documented their findings and recommended a 'Rock Armoured' revetment as the most appropriate revetment option. The *Preliminary Design Report* was placed on public exhibition for a period of 4 weeks between 27 February 2014 and 28 March 2014.

Two of the submissions received as part of the exhibition period related to proprietary revetment wall designs (Australian Coastal Walls [formerly AuSSea Wall] and Tideline Constructions). These submissions were accompanied by technical reports from Manly Hydraulics Laboratory.

Following the exhibition period Council requested Aurecon to provide comment on the information supplied by Australian Coastal Walls and Tideline Constructions to

Looking After Our Environment

determine whether the new data had any influence on the decision to select the 'Rock Armoured' revetment as the preferred option.

Aurecon determined that in light of the new data provided by Australian Coastal Walls and Tideline Constructions that a 'Rock Armoured' revetment was still the most appropriate option that should be considered for further detailed design. Aurecon documented their position in a letter that was attached to the post exhibition report to Council.

Council subsequently resolved on 21 May 2014:

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.*

Based on the above, it is believed that Aurecon have competently and fairly assessed each potential revetment option in order to select the most appropriate solution for Lake Cathie and in doing so have fulfilled the requirements of the project brief to this point.

Aurecon have now substantially completed the detailed design of a rock armoured type revetment for Lake Cathie and it is expected that the outcome of this process will be reported to Council later this year.

Attachments

Nil

Looking After Our Environment

Item: 12.02

Subject: DA 2011 - 0615 - MODIFICATION TO BUILDING AS PART OF PREVIOUS APPROVED STAGE 2 ALTERATIONS AND ADDITIONS TO EDUCATIONAL ESTABLISHMENT (ST PAULS HIGH SCHOOL) INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT MACQUARIE - HASTINGS LOCAL ENVIRONMENTAL PLAN 2011

Report Author: Matt Rogers

Property: Lot 4 DP 1119462, 151 Greenmeadows Drive, Port Macquarie
Applicant: A M Briscoe
Owner: Roman Catholic Church Trustees
Application Date: 2 June 2014
Estimated Cost: N/A
Location: Port Macquarie
File no: DA2011 - 0615
Parcel no: 54583

Alignment with Delivery Program

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

RECOMMENDATION

That the determination of the modification application to DA2001 - 0615 for modification to building as part of alterations and additions to educational establishment (St Pauls High School) including clause 4.6 variation clause 4.3 (height of buildings) of the Port Macquarie - Hastings Local Environmental Plan 2011 at Lot 4 DP1119462, 151 Greenmeadows Drive, Port Macquarie, be noted.

Executive Summary

This report is for Council's information and relates to the approval of the subject modification application under delegated authority by Council's Group Manager Development Assessment on 24 July 2014. Granting of 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 proposed modification included a slightly higher building to the original approval. The height of the building reaches 9.271m above existing ground level on the west

Looking After Our Environment

façade which is 700mm above the height standard (less than 10% variation). The variation was supported having regard to the slope of the site, the small section of the building over the height standard, no public domain impacts resulting from the proposal and the floor to ceiling heights necessitated by the educational establishment (8.5m standard typically relates to residential development). 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.

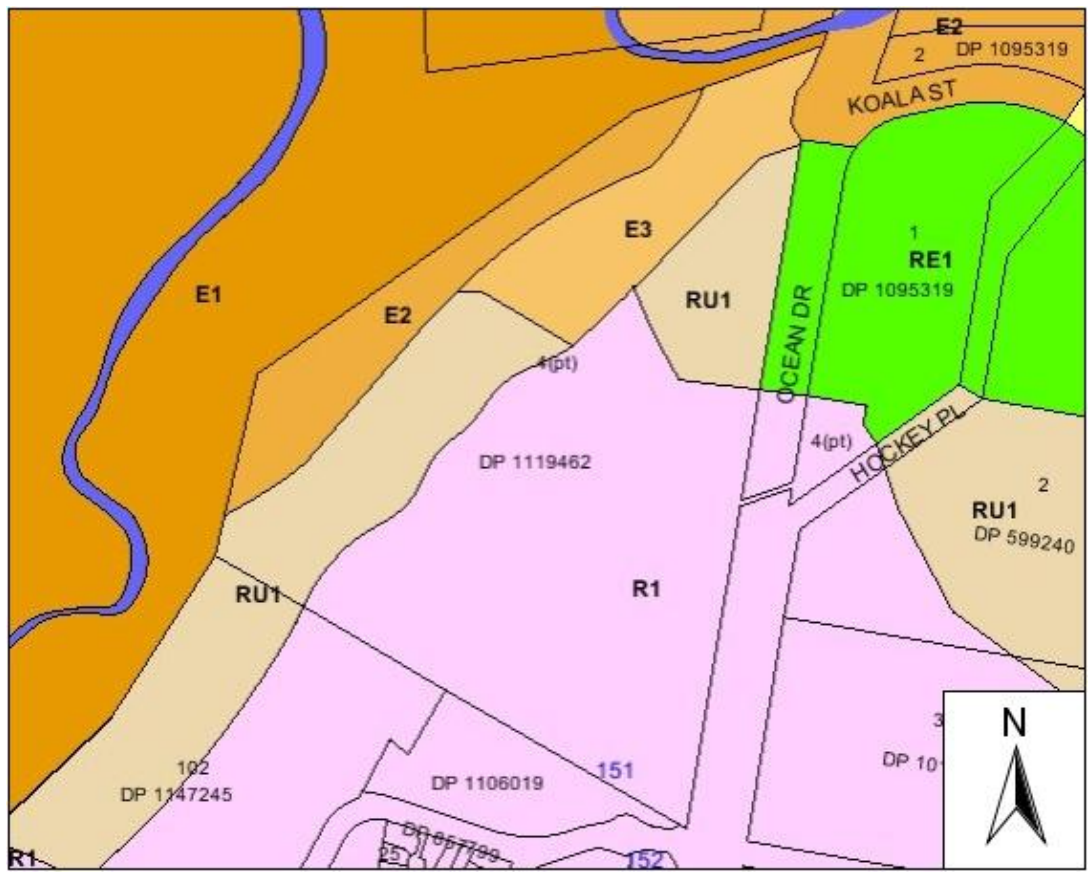
The Department's circular PS08-014 further reminds Councils of their assumed concurrence role in relation to SEPP 1 and Clause 4.6 LEP variations. The circular advises that where Clause 4.6 variations are approved under delegated authority that Council be advised of the decision made and it be appropriately recorded.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 16.73 hectares.

The site is part zoned the subject site is zoned part R1 General Residential, RU1 Primary Production, E3 Environmental Management, E2 Environmental Conservation in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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 proposal include the following:

- Modifications to the building envelope and additional floor area.

Attachments

- 1 [View](#). DA2011 - 0615 Modification of Consent
- 2 [View](#). DA2011 - 0615 Final Stamped Approved Plans



Looking After Our Environment

Item: 12.03

Subject: DA 2014 - 0414 - TWO LOT SUBDIVISION INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.1 (MINIMUM SUBDIVISION LOT SIZE) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011

Report Author: Matt Rogers

Property: Lot 1 DP855393, Tarcoola Road, Riverside
Applicant: G C & S L Sayer
Owner: G C & S L Sayer
Application Date: 12 June 2014
Estimated Cost: N/A
Location: North Shore
File no: DA2014 - 0414
Parcel no: 19163

Alignment with Delivery Program

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

RECOMMENDATION

That the determination of DA2014 - 414 for the two lot subdivision including clause 4.6 objection to clause 4.1 (minimum subdivision lot size) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1, DP 855393, Tarcoola Road, Riverside, be noted.

Executive Summary

This report is for Council's information and relates to the approval of the subject development application under delegated authority by Council's Group Manager Development Assessment on 12 August 2014. Granting of consent involved use of Clause 4.6 of Port Macquarie-Hastings Local Environmental Plan 2011 (LEP) to vary Clause 4.1 (minimum lot size) by not more than 10%.

The lot sizes within the proposed subdivision are as follows:

- proposed lot 101 = 36 hectares
- proposed lot 102 = 95 hectares

Looking After Our Environment

Item: 12.04

Subject: DA 2014 - 0457 - ALTERATIONS AND ADDITIONS TO TWO STOREY DWELLING HOUSE INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 44 DP 31035, 17 MARSDEN CRESENT, PORT MACQUARIE

Report Author: Matt Rogers

Property: Lot 44 DP 31035, 17 Marsden Crescent, Port Macquarie
Applicant: J & E Miller Builders
Owner: A Malone
Application Date: 30 June 2014
Estimated Cost: \$199,000
Location: Port Macquarie
File no: DA2014 - 0457
Parcel no: 13246

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2014-0457 for alterations and additions to a two storey dwelling house including clause 4.6 variation to clause 4.3 (Height of buildings) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 44, DP 31035, No. 17 Marsden Crescent, 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 by the Development Assessment Panel on 27 August 2014. 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 height of the dwelling additions from existing ground level is 9m resulting in a variation of 0.5m to the 8.5m standard under the LEP (noting that the existing dwelling currently has a 1.06m variation). The minor variation was not considered to result in any adverse impacts to the amenity of adjoining lots or significant impacts in

Looking After Our Environment



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the application proposal include the following:

- Removal of existing two storey deck
- Internal reconfiguration and wall relocation.
- Construction of two storey extension over existing concrete deck and subfloor area.

Refer to attachments at the end of this report.

Attachments

1 [View](#). DA2014 - 457 DAP Agenda and Minutes 2014 08 27

Looking After Our Environment

Item: 12.05

Subject: **IMPLICATIONS OF THE 10/50 VEGETATION CLEARING CODE OF PRACTICE**

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

Alignment with Delivery Program

4.7.1 Promote the conservation of key habitats.

RECOMMENDATION

That Council:

1. **Make representations to the appropriate Federal and State Ministers and Local Members on the potential impacts of the 10/50 Vegetation Clearing Code of Practice in the Port Macquarie Hastings area and seek urgent modification to the Code to address the issues raised in this report.**
2. **Apply a bushfire risk management approach where any party requests permission to clear on public land under the 10/50 Vegetation Clearing Code of Practice.**

Executive Summary

The recent introduction of the 10/50 Vegetation Clearing Code of Practice allows land owners to clear all vegetation including trees within 10 metres of a dwelling (or other high risk facility) and to clear all vegetation except trees over 3 metres in height within an additional 50 metres, if their property falls within a 10/50 entitlement area. A landowner can clear their own property without seeking any other approvals. Clearing can also be undertaken on neighbours' land with approval from that landowner.

Of significant concern is that the new rules override important state and local environmental protection and tree preservation laws, presenting a real threat to the environmental and the social values of our area. Equally concerning is the questionable benefit that new rules will have for bushfire protection.

The new rules will see significant planning mechanisms that have been put in place for new development, including koala protection mechanisms, effectively dismantled.

This report outlines a multitude of problems associated with the new rules and provides an analysis that shows how serious the potential implications on vegetation and threatened species in our area can be.

The new rules have been implemented without proper consultation and ignoring the issues that were raised by stakeholders during the short exhibition period.

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Discussion

On 29 May 2014, the Rural Fires Amendment (Vegetation Clearing) Bill was introduced to Parliament to allow the clearing of vegetation within a 10/50 clearing entitlement area. The legislation negates all other state environmental or planning legislation:

'despite any requirement for an approval, consent or other authorisation for the work made by the Native Vegetation Act 2003 or the Environmental Planning and Assessment Act 1979 or any other Act or instrument made under an Act'

as long as the vegetation clearing work carried out was carried out in accordance with the 10/50 Vegetation Clearing Code of Practice. This legislation was passed in Parliament in June 2014 and the Code of Practice was introduced on the 1 August 2014.

The 10/50 Code allows land owners to clear all vegetation including trees within 10 metres of a habitable dwelling or high risk facility, and to clear all vegetation except trees over 3 metres in height within an additional 50 metres, if their property falls within a 10/50 entitlement area. A landowner can clear their own property without seeking any other approvals. This is also applicable on their neighbours land with approval from that landowner.

The presence of threatened species and endangered ecological communities protected under the NSW law no longer requires consideration if clearing is carried out under the Code.

The draft Code was placed on public exhibition by the NSW Rural Fire Service (RFS) for a period of 21 days in June 2014 without any mapping to show the extent of the clearing entitlement area, a fundamental requirement for understanding the impact of the Code.

Port Macquarie Hastings Council made a submission during the exhibition period requesting provision of mapping and an extended exhibition period (Attachment 1). Many other councils, the Environmental Defenders Office and Nature Conservation Council also made submissions during this period expressing their significant concerns about the Code and the lack of information provided on the extent of the proposed entitlement area. Without exception, all submissions reviewed by Council staff requested provision of the mapping and further consultation prior to adoption of this Code.

None of the concerns raised across the state have been considered in the adopted Code.

In addition to the above, there are many other concerns associated with the absence of proper hazard and risk analysis, a process that previously engaged expert advice and provided the opportunity to consider a suite of bushfire protection measures.

General Implications

The 10/50 Code creates a multitude of significant implications for local government planning as well as potential significant environmental degradation. These include, but are not limited to;

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- wide-scale loss of visual amenity,
- soil erosion,
- biodiversity impacts and loss of threatened species and ecologically endangered communities
- rendering redundant existing environmental planning controls and consent conditions that have been designed and implemented to prevent environmental damage.

Initial media releases from the RFS suggested the new provisions for clearing would be targeted at current bushfire prone land. Attachment 2 (Map 1 & 2) shows the extent of bushfire prone land (BPL) in the Port Macquarie-Hastings Council local government area (LGA). The BPL map is based on presence of vegetation and an additional buffer commensurate with type of vegetation and size of vegetation parcel (risk). This mapping is a tool to trigger consideration of bushfire risk in the assessment of development applications and strategic landuse planning. BPL covers about 84 % of the LGA. Attachment 2 (Map 3) shows the extent of the 10-50 entitlement area in Port Macquarie. It is estimated that this area covers 95.5 % of the LGA and allows clearing without any approvals or the identification of risk using logical and accepted methodologies of assessment.

The extent of the 10/50 entitlement area in our LGA has been deduced using the RFS online tool which indicates the 10/50 area is the bushfire prone land plus 350 metres (the RFS has not provided mapping for the local government area to date).

Planning and development Implications

The introduction of the 10/50 Code has significant planning and development implications, as discussed below:

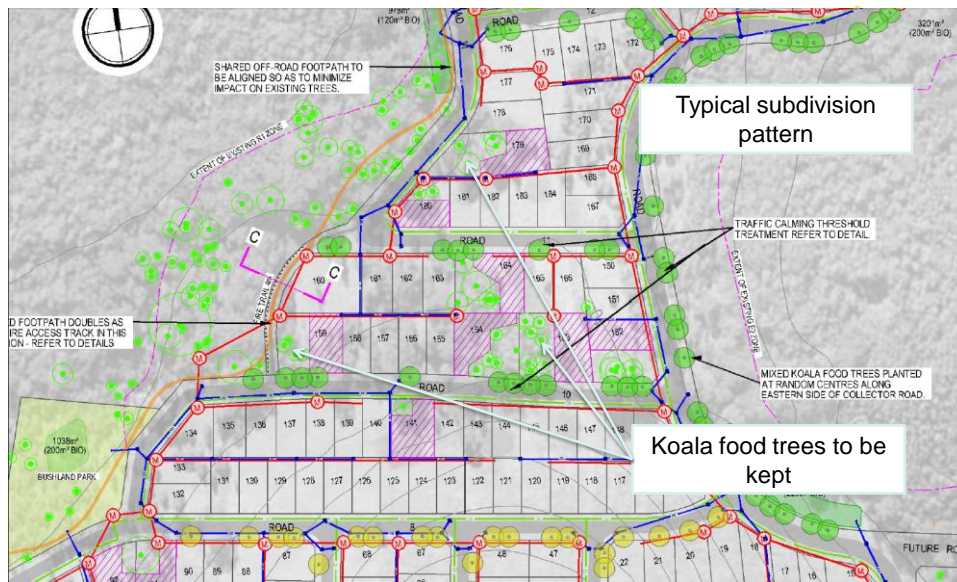
1. Clearing under the 10/50 Code will override and compromise vegetation/tree protection measures under:
 - a. Clause 5.9 of the Port Macquarie-Hastings Local Environmental Plan - preservation of trees and Part 2.6 - Tree Management of the Port Macquarie-Hastings Development Control Plan (DCP) 2013. Under these provision trees greater than 3m from a dwelling are protected and require assessment/application for removal.
 - b. Part 2.3 of the DCP - Environmental Management. These provisions require buffers to endangered ecological communities (EECs). 100m buffer for freshwater wetland EECs, 35m buffer for coastal floodplain EECs and 50m for all other EECs. The 10/50 Code will compromise these buffers and the environmental outcomes they seek to achieve. Part 2.3 also covers hollow bearing trees (HBTs) which will no longer be protected within 10m of dwellings.
 - c. State Environmental Planning Policy (SEPP) 44 - Koala Habitat Protection and associated koala plans of management (KPoMs). There are numerous existing KPoMs requiring preservation of trees within 10m of dwellings that are now redundant as a result of the 10/50 Code.
 - d. SEPP 14 - Coastal Wetlands
 - e. SEPP 26 - Littoral Rainforests
 - f. SEPP 71 - Coastal Protection

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- 2. The assessment of future development applications and planning proposals will need to have regard for, and assume, vegetation loss under the 10/50 Code to ensure appropriate environmental protection outcomes. This is likely to result in conservative 'buffer' areas being applied, reductions in dwelling yield and inefficient use of land.

The following figures demonstrate the potential impact of conservative landuse planning to negate the environmental impacts of the 10/50 Code in future development. Figure 1 illustrates consideration of tree retention on proposed lots under current planning processes. Figures 2-4 illustrate the potential impact on future development yield and subdivision layouts of a 10 metre tree retention buffer. The application of a 50 metre buffer would significantly exacerbate yield loss.

Figure 1:



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Figure 2:

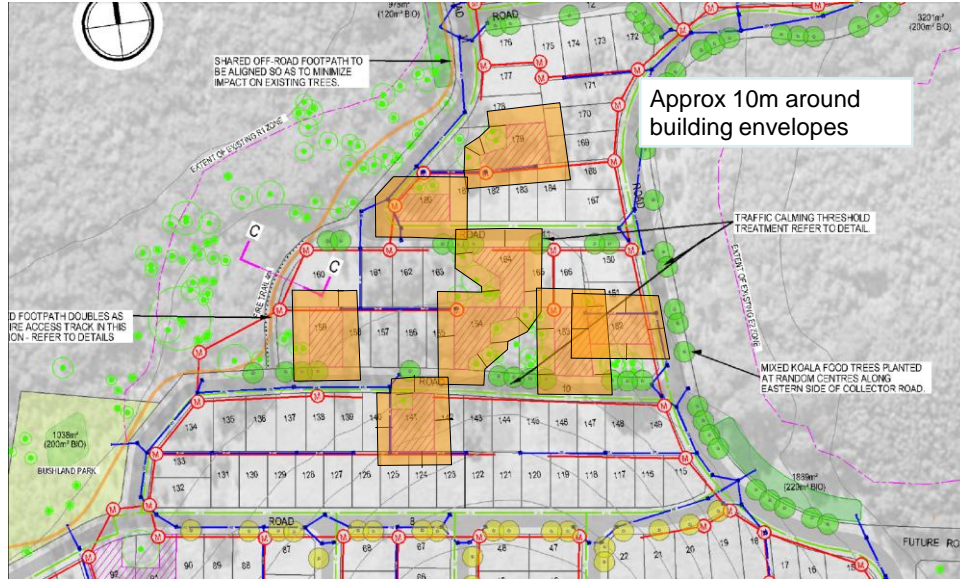
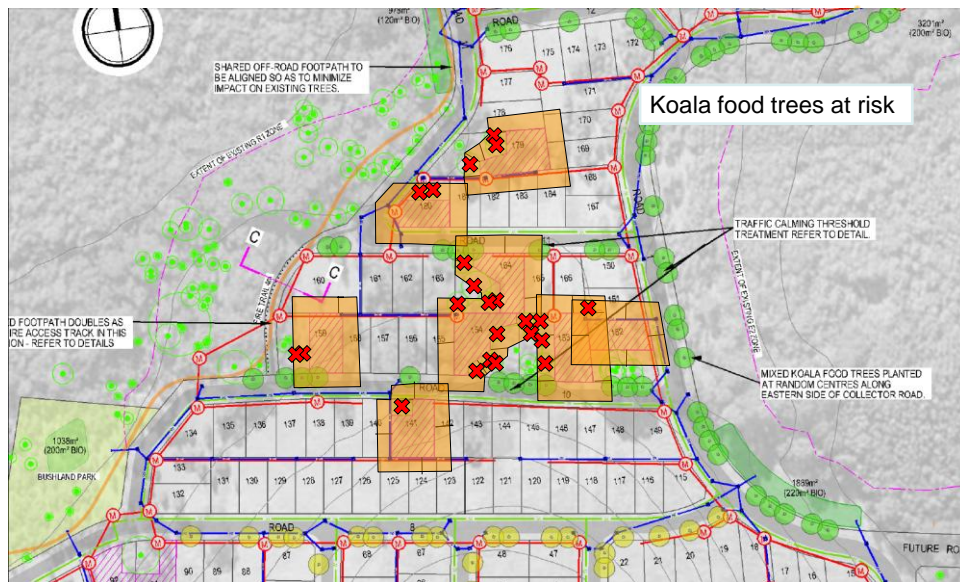
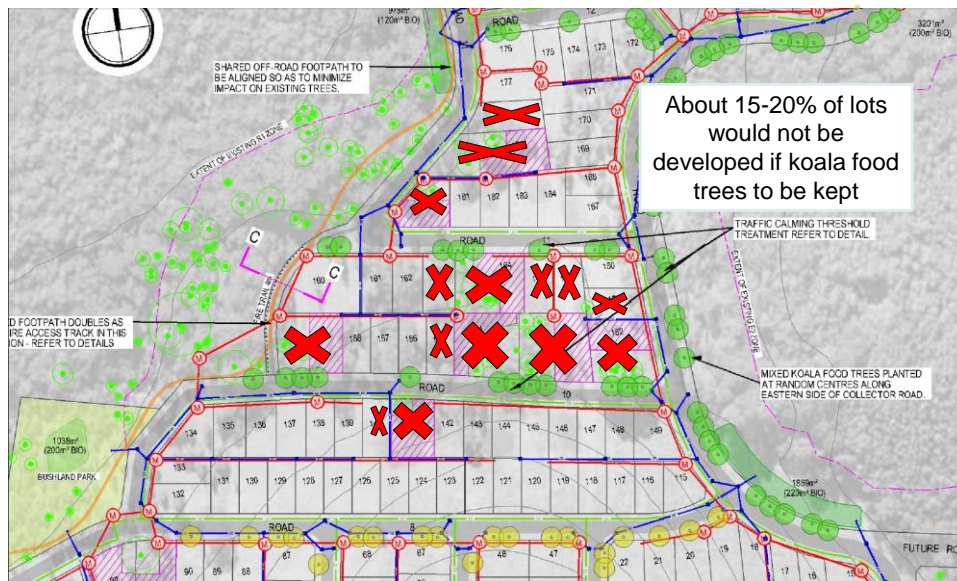


Figure 3:



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Figure 4:



Environmental Implications

Section 7 of the Code details the vegetation clearing provisions. However, the provisions are inadequate in detail and provide no direct information as to the specific exclusions, not least of which is the fact that clearing cannot be undertaken where approval would be required under the Environment Protection and Biodiversity Conservation Act (EPBC Act).

Section 7.2 of the Code states all types of vegetation may be cleared other than mangroves and salt marsh on public land. This means that mangroves and saltmarsh, previously protected vegetation communities, can be cleared on private land. This particular example demonstrates the lack of consideration for bushfire risk in the application of the Code given that these vegetation communities are not bushfire prone vegetation types. The same can be said for rainforest and other low bushfire risk vegetation types that the Code allows to be cleared.

The restrictions to manage soil erosion risks do not address the impacts of clearing on stream banks or restrict clearing on slopes over 18 degrees except to request that a Geotechnical Engineer Assessment report be obtained.

The 10/50 Code of Practice does not exempt a landowner where approval would be required under the EPBC Act. However this is not referenced anywhere in the Code of Practice. The RFS online tool does not trigger any warning that EPBC listed communities or species are in or likely to occur in the 10/50 entitlement area. This information is not easily accessible to the general public even if they know where to look. Threatened species presence and the habitat of these species would necessitate expert advice. It is important to note that absence of evidence is not evidence of absence.

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The potential impacts on Koala populations from the cumulative wide spread removal of Koala browse species could render the removal of these trees as referable under the EPBC Act. This could also apply to wide spread removal of habitat in general where this would trigger the 'significant impact' on a EPBC Act listed species/communities.

Attachment 3 (Maps 4-9) and the information below provide an analysis of the potential extent and impact of the 10/50 Code on vegetation in our local government area:

- Map 4: The 10/50 entitlement area at Westport High School, Port Macquarie. The orange zone is 10 metres which allows removal of all vegetation and the red zone allows removal of all vegetation except trees over three metres. The site has been recognised as a key site for flora and fauna including the Koala and other threatened species. The koala hospital uses the site as a release site. If the site is cleared to its full extent in accordance with the 10/50 Code, the following issues are likely to occur:
 -
 - large-scale displacement or loss of fauna as a result of the removal of habitat
 - significant loss of local koala habitat
 - introduction of weed species
 - increase in cost to maintain the environment
 - if an appropriate maintenance regime not sustained vegetation could become greater fire risk than before clearing undertaken
 - micro-climatic changes and higher temperatures in the school environment.
- Map 5: 10/50 entitlement area at The Grange, Thrumster. The orange zone represents the area where removal of all vegetation (including trees) is allowed under the Code and the red zone represents area of all vegetation except trees over 3 metres. This scenario could be replicated for any properties in the 10/50 entitlement area. These properties have restrictions on them under both the Area 13 KPoM and a restriction to user on the 88B instrument preventing any tree removal. *Both protection mechanisms are extinguished and the detailed planning to conserve Core Koala Habitat is effectively dismantled by the 10/50 Code.*
- Map 6: This map illustrates the extent of state and federally protected EECs in the local government area and the overlap with the 10/50 entitlement area. EECs represents 8.2% of vegetation cover and of this 69% are EPBC listed. In the absence of EPBC listed vegetation mapping with the 10/50 Code, it is unlikely landowners will be aware of the presence of the federally listed EECs, thus the potential for loss is substantial.
- Map 7-8: illustrates the potential impact on Lowland Rainforest EECs. Map 7 illustrates the extent of a pocket of Lowland Rainforest. Map 8 shows the potential loss of vegetation with the 10/50 overlay. This EEC is on private land and if the landowner does not exercise due diligence to determine that it is protected Rainforest, then this could lead the landholder to illegally clearing the EPBC protected rainforest.

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- Map 9: graphically illustrates the extreme impact of the 10/50 entitlement if landowners apply clearing to its full extent. In the case of the Taskers Manufactured Home Village, the removal could reach 100% in spite of the KPoM that applies to the site. Similarly this could also see an 85% loss on the rest of this block bounded by Pacific Dve, Ocean St, Flynn St and Crisallen St, including clearing of the majority of the vegetation on the banks of Wrights Creek, one of Port Macquarie's most important urban habitat connections.

Cumulative widespread removal of vegetation will impact social and environmental values, as identified in the Community Strategic Plan, that are important to the community of the Port Macquarie-Hastings. Alarming, these impacts are not expected to be balanced by any significant reduction in bushfire risk given the extent and nature of the entitlement area.

Social Implications

Apart from the initial concerns raised by the PMHC submission and by other councils during the exhibition period, the 10/50 Code does not demonstrate or support a comprehensive risk management strategy. The clearing supported by the 10/50 Code may promote the belief that if these fuel reduction activities are undertaken, then no further actions are required. Bushfire protection requires a combination of measures to ensure preparedness. Communities could become more vulnerable and less resilient.

Previously, where residents were concerned as to perceived fire risk, an application could be made to the RFS for a Hazard Reduction Certificate. This process typically involved contact between homeowners and fire experts during a property inspection and meant vegetation was approved for removal only where it provided bushfire risk reduction. The authority could also assess other bushfire preparedness measures and ensure property owner awareness. The 10/50 Code removes this interaction which was helping build prepared communities and allows the removal of vegetation which may not be for bushfire risk mitigation purposes.

Research data from a number of fires in Canberra and Sydney consistently show that the majority of house loss is through ember attack and not through radiant heat or direct flame contact (Blanchi et al 2006; Blanchi and Leonard, 2005; Chen and McAneney, 2004; Leonard and Bowditch, 2003), which the 10/50 Code seeks to address.

The clearing promoted by the 10/50 Code does not acknowledge the role vegetation plays in providing fire protection and the limitations of the effectiveness of clearing. This is demonstrated by research of the CSIRO that suggests that when large fires hit a sudden break in fuel, the vertical convection column is broken and this can cause the flames to lie flat along the ground and reach forward. It has been previously acknowledged that trees and some vegetation can provide protection from strong winds and intense heat as well as filtering flying embers. Other RFS documents e.g. Standards for Asset Protection Zones and Planning for Bushfire Protection Landscaping principles, do not support broad-scale or indiscriminate clearing.

For a number of years RFS and government agencies have been working collaboratively to provide advice and education around bushfire risk mitigation which

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considers a suite of measures, as opposed to broad scale vegetation removal. The Code of Practice does not support any of this past work or take into consideration the importance of environmental sustainability. It does not support scientifically sound processes around risk mitigation.

The removal of all vegetation within 10 metres of a dwelling, may provide little effective bushfire protection, but could result in a very significant loss of amenity in the urban areas of the Port Macquarie-Hastings.

The cumulative loss of the natural environment across the whole LGA may result in a decrease in the attractiveness of our area as a tourism destination.

Many members of the community may interpret the 10/50 Code to mean all vegetation in an entitlement area poses a bushfire risk and not only clear their own land, but expect their neighbours to do the same. This would increase disputes between neighbours and additional financial hardship within the community.

Financial Implications

The following financial implications associated with the 10/50 Code have been identified.

Community:

- Increase in insurance premiums if vegetation is not cleared as allowable under the Code
- Vegetation removal increasing heating/cooling costs (there is research available on the impact of trees on the micro climate of urban areas and the benefits vegetation provides)
- Legal costs as a result of civil disputes between neighbours around clearing of vegetation
- Potential exists for trees to be removed for pernicious outcomes where neighbour wishes to have an outcome not related to bushfire risk e.g. improving views or leaf fall. Recent media on clearing in the leafy northern suburbs of Sydney demonstrates that this is already occurring
- Notices could be issued by the RFS for tree removal within 10 metres of a dwelling on the neighbours property, with the neighbour be required to remove at their own cost

Council:

- Additional clearing notices issued from RFS requiring immediate funding to implement works on public land
- Significantly increased maintenance burden to ensure continual vegetation suppression over larger areas
- The Code provides no clarity as to who is the responsible body for compliance. Some responsibility of compliance enforcement and monitoring to ensure clearing is only done according to the Code will inevitably fall to Council, having resource implications in an area already under significant pressure.

Looking After Our Environment

Legal Implications

A lack of certainty exists around the risk guidelines to be applied for requests for vegetation clearing, and how this will be supported by the RFS, as there has been no formal advice from the RFS on this matter.

Will property owners be liable in the courts for loss of property on their neighbours land from bushfire if they have not cleared vegetation in a 10/50 entitlement area? Does this allow insurance companies to refuse claims if there is property loss from bushfire and vegetation had not been cleared in a 10/50 entitlement area?

Uncertainty exists around who will bear responsibility for monitoring and reporting of breaches of the Code. What is the role of local government in enforcing legislation and potential conflicts between allowable clearing under Code and meeting of environmental obligations under other State and Federal legislation.

The application of the 10/50 Code across the state could be a referable matter under the EPBC Act as the actions at State level could result in significant impacts on the Koala and numerous other federally protected threatened species and EECs. This issue needs to be raised with Government to ensure a cohesive legal framework for the management of vegetation.

Operational Implications

Currently, bushfire risk mitigation works are implemented under the guidance of Council's the Bushfire Risk Management Plan which is updated every 5 years. Council is responsible for approximately 3,600 Ha of land.

Hazard assessments are undertaken on a priority basis and in response to customer requests. Works are assessed by Council's Bushfire Management Officer and/or RFS Community Safety Officer and a hazard and risk analysis is undertaken taking into consideration type and proximity of vegetation and the accepted risk matrix of likelihood and consequence. Consideration is also given to the NSW RFS Bushfire Environmental Assessment Code 2006. Works are then prioritised and undertaken as resources permit.

Currently asset protection zone maintenance occurs on over 25 Ha of Council Land. Hazard reduction is also undertaken by reduction of ground fuels. This is primarily funded by grants through the RFS.

Approaches by residents with requests for clearing in accordance with the 10/50 Code on adjoining Council land is an issue for which a position by Council is required. The concerns that exist around the lack of clarity of the 10/50 Code, the excessive extent of the entitlement area, impacts of important vegetation and pernicious intentions, require Council to implement a precautionary approach and on this basis it is recommended that consent be refused for any requests and the normal risk management approach be undertaken.

The adoption of the Code without effective consultation with local government or provision of mapping has resulted in a document that creates extreme uncertainty around the future operation of a number of Council Services.

No certainty has been provided about the continuation of a robust risk assessment process in the case of a hazard complaint made to the RFS about Council land. There has been no written advice provided to councils on the assessment process

Looking After Our Environment

for hazard complaints and whether occurrence in a 10/50 entitlement area will trigger different assessment guidelines.

Options

Options include:

- Not proceeding with making representations on this matter.
- Modifying the nature of the proposed representations.
- Adopting an alternative approach to requests for clearing on public land.

Given the significance of the issues raised in this report, it considered that the recommendations are an appropriate response for Council in the first instance.

Community Engagement & Internal Consultation

Internal consultation has been undertaken with the Executive and with staff in Environmental Services, Tree Management, Strategic Planning and Compliance & Enforcement.

Consultation has occurred with a considerable number of other NSW Council Bushfire Officers and consideration of submissions from other stakeholders including the Environmental Defenders Office.

Planning & Policy Implications

Implications for landuse planning and policy are identified in the 'Discussion' part of this report.

Under Section 63 of the Rural Fires Act, 1997 there are obligations for Council to manage bushfire risk on their land. Division 2A, Section 74E of the Act requires bushfire hazard complaints to be investigated by the RFS.

If a justified complaint is made about a bushfire hazard on public land, the RFS can issue a notice requiring work to be undertaken to deal with that hazard. These works take into account various parameters that allow risk reduction while preserving environmental values. The hazard complaint process has previously considered analysis of risk based on the Australia/New Zealand Standard. These guidelines and the consideration of the Bushfire Environmental Assessment Code for NSW are the source documents that determine Council's policy regarding bushfire risk mitigation on public land. These risk management principles and guidelines are used by the Bush Fire Management Committee (of which Council is a member), to produce the Bush Fire Risk Management Plan, a document that has, prior to the 10/50 Code, prioritised hazard reduction works in the Port Macquarie Hastings LGA. These arrangements are compromised and potentially made redundant by the implementation of the 10/50 Code.

The two parts of the Rural Fires Act pertaining to 10/50 and the Bush Fire Risk Management Plan are in conflict as one requires the application of risk mitigation treatments and the 10/50 undermines this process, as no risk assessment is required.

Looking After Our Environment

Financial & Economic Implications

Financial implications of this matter are outlined in the 'Discussion' part of this report.

Economic implications of the 10/50 rule and Code may include the economic costs associated with the loss of environmental values and amenity in our area. For example, the natural beauty of our area is a significant draw card for future residents and tourists. Inappropriate clearing overtime will impact local amenity and sense of place and may reduce the attractive of the area for tourisms and investment.

Impact on significant species like the koala, have the potential to damage the reputation of the area. The prominence of our iconic local koala population being an important tourism draw card.

Conversely, it is not expected that the introduction of the 10/50 Code is likely to have any significant positive economic impact. The benefit of the 10/50 Code from a bushfire protection perspective is marginal at best, as the current provisions do not serve to adequately deal with risk and may in fact increase risk as discussed in the body of this report.

Attachments

- 1 [View](#). PMHC Submission to the draft 10/50 Vegetation Clearing Code of Practice
- 2 [View](#). Maps 1 - 3
- 3 [View](#). Maps 4 - 9

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: QUESTION ON NOTICE - TEMPORARY LOW LEVEL BRIDGE AT TELEGRAPH POINT

Presented by: Infrastructure & Asset Management, Jeffery Sharp

RECOMMENDATION

That Council receive and note the information provided in this report.

Question from Councillor Cusato:

Is Council aware of the implementation of a low level bridge (2m above water level) in the Telegraph Point area across the river agreed to by Roads & Maritime Services and Waterways for the construction of the new Pacific Highway and as a result the closure of our waterway during this time?

Comments by Councillor (if provided):

Nil.

Response

Council had its first meeting with RMS/Lend Lease early August 2014 and the bridge was not raised at this time. Nothing further had been said prior to the community 'drop in' session the RMS held with the Telegraph Point Community 21 August 2014.

Since this 'drop in' session RMS has confirmed that at this stage Lend Lease is still working through the options for building the bridge over the Wilsons River. It is expected that a decision on the construction methodology will be reached in the next couple of months.

Further to this, RMS have provided the below responses to specific questions asked by Council staff on the matter.

Would a temporary bridge be a high-level or low-level bridge? How long would it be in place for?

If the construction methodology includes a temporary bridge it would be relatively low, preventing access underneath, however a navigational channel must be maintained around the temporary structure. The Scope of Works and Technical Criteria for the Oxley Highway to Kundabung project requires that 'a clear navigational channel of a minimum of 30 metres wide and 6 metres height clearance to be maintained during construction of both the Wilson River and Hastings River bridges. For the Wilson River navigational channel may be on either the north or

Planning and Providing Our Infrastructure

south arm of the river around Dalhanty Island'. The temporary bridge would be required for up to 24 months whilst the permanent bridge is built.

What would be the impact on waterway users?

As outlined above, regardless of the construction solution, a navigable channel will be maintained along the river. Some speed restrictions (eg 4 knots) would apply and appropriate navigation markers will always be in place.

What engagement has occurred with the community and what is planned?

We carried out early engagement with river users during the development of the project, including the water ski park and local water ski group. Representatives of these clubs also attended the Community Information Session held in Telegraph Point on Thursday 21 August. On-going engagement by the project team will continue with key river users during the construction process.

Once a decision is made about the construction methodology of the bridge, consultation will take place with river users including water skiers, event organisers and the oyster farmers. A key message will be that the river will remain open for use throughout construction; however there may be restrictions put in place in order to ensure safety of both river users and site workers.

Attachments

Nil

Planning and Providing Our Infrastructure

Item: 13.02

Subject: QUESTION ON NOTICE - ENERGY CONSUMPTION AND PORT
MACQUARIE LIBRARY

Presented by: Infrastructure & Asset Management, Jeffery Sharp

RECOMMENDATION

That Council note the information provided in the Question on Notice - energy Consumption and Port Macquarie Library report.

Question from Councillor

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.

Comments by Councillor

Nil

Response

2. The Government's Direct Action Plan for Climate Change was introduced as a replacement to the carbon pricing system, which was repealed on 17 July 2014, with effect from 1 July 2014.

Prior to this repeal, the proposed Direct Action Plan outlined support for solar power through the provision of \$500 million for the One Million Solar Roofs Programme; and a further \$50 million each for the Solar Schools and Solar Towns Programmes.

In implementing the 2014-15 Federal budget, no funding was allocated to either the One Million Solar Roofs program or the Solar Schools program. Funding for the Solar Towns program was dramatically scaled down to \$2.1 million for community solar projects, targeting RSL and bowls club type assets in marginal electorates.

The Government's existing Renewable Energy Target is currently under review. The potential outcome of this review is that existing subsidies for rooftop solar may be reduced or removed completely.

3. Full capacity is being realised from the existing Port Macquarie library solar installation. The original design maximised the outputs for the area and funding available.

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The system, commissioned in 2012, is a 98.980 kWp system annually producing approximately 155,992 kWh of power and making a saving of approximately 109.2 tons of CO2 per annum.

The following link provides up to date data on usage and savings.

<http://www.sunnyportal.com/Templates/PublicPageOverview.aspx?page=c1b1e7d6-9478-420e-833a-898260d28f0d&plant=5480e455-1cae-4cb5-b5a2-39f76e9f0410&splang=en-US>

Attachments

Nil

Planning and Providing Our Infrastructure

Item: 13.03

Subject: QUESTION ON NOTICE - FUNDS FROM ROADS AND MARITIME SERVICES ASSETS

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

RECOMMENDATION

That the report be noted.

Question from Councillor Intemann:

Could consideration be given to establishing a reserve specifically for funds from Roads and Maritime Services assets for future maintenance of roadsides and roundabouts.

Comments by Councillor (if provided):

Nil.

Response

If Council is of the mind to establish a reserve to preserve funding provided to meet the maintenance of previous RMS assets then this could be done following an appropriate resolution.

It should however be noted that within the current Road Renewal Reserve ledger, Council currently quarantines and independently reconciles funding and expenditure associated with RMS assets. This detail can be easily identified thereby eliminating the need for establishment of an additional reserve.

Attachments

Nil

Planning and Providing Our Infrastructure

Item: 13.04

Subject: 2014 STRATEGIC BUSINESS PLAN FOR WATER & SEWER

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.5.5 Deliver water and sewerage supply services to ensure public health and safety and environmental protection.

RECOMMENDATION:

That Council;

- 1. Adopt the Strategic Business Plans for the Local Water Utilities Water Supply and Sewerage Services.**
- 2. Provide a copy of the plans to the NSW Office of Water.**
- 3. Seek funding allocations previously approved under the NSW Country Towns Water Supply and Sewerage Services for the North Shore Sewerage Scheme.**

Executive Summary

In the view of the NSW State Government, a local water utility which demonstrates it has achieved the outcomes required by the NSW best practice management of water supply and sewerage framework will have effective and sustainable water supply and sewerage businesses.

The NSW Best Practice Management Framework involves the following elements:

1. Integrated Water Cycle Management;
2. Strategic Business Planning;
3. Regulation and pricing of water supply, sewerage and trade waste
 - Pricing
 - Developer charges
 - Liquid trade waste
4. Water conservation;
5. Drought management; and
6. Performance monitoring.

In line with this, Council has developed Strategic Business Plans for both Water Supply and Sewerage Services.

Discussion

Council will be pursuing funding towards the capital cost of backlog infrastructure under the NSW Country Towns Water Supply and Sewerage Program in the near future for the North Shore Sewerage Scheme. To secure funding we are required to comply with NSW Best Practice Management Framework.

Planning and Providing Our Infrastructure

An independent review undertaken in 2012 identified that Council required adopted Strategic Business Plans for water and sewerage undertakings, in order to be considered substantially compliant against the Best Practice Framework.

Since that time much work has been completed revising and updating the Strategic Business Plans for Council's Water Supply and Sewerage Services, culminating in the plans presented as part of this report.

The Strategic Plans as drafted meet the requirements on the NSW Best Practice Management Framework and include such things as the Levels of Service, Customer Service Plan, Total Asset Management Plan, Workforce Management Plan and Financial Plan for each service.

Options

Council can adopt the recommendation to adopt the Strategic Business Plans for Water Supply and Sewerage. Alternatively, Council also has the option of either deciding against adopting these plans, requesting new plans be developed or deferring adoption of these plans pending amendments being made.

Community Engagement & Internal Consultation

With respect to Strategic Business Plan, there is no formal approval procedure other than for Council to adopt their own plans. As these are working documents, there is no requirement to place these plans on public exhibition.

Copies of the plans are forwarded to the NSW Office of Water (NOW) for review against the best practice guidelines; however NOW do not provide formal approval.

Planning & Policy Implications

An action plan was developed as a result of the 2012 independent review, with additional actions including:

- Undertake the next phase of the Integrated Water Cycle Management plan;
- Update capital works plans for inclusion in the Developer Servicing Plans;
- Adopt the Developer Servicing Plans for water and sewer;
- Update demand management plan; and
- Review and update drought management plan.

The draft Integrated Water Cycle Management (IWCM) plan is currently with the NSW Office of Water comment and includes a review and update of the drought management plan.

An update of the demand management plan will be undertaken following the IWCM strategy phase.

The Developer Servicing Plans have been reported to Council in May 2014 and are currently on exhibition. Capital Works plans have been updated to inclusion.

Planning and Providing Our Infrastructure

Financial & Economic Implications

A review of sewerage tariffs remains outstanding as best practice sewerage pricing involves an appropriate sewer usage charge for non-residential customers, which is required for the estimated volume of discharge to the sewerage system, together with an access charge based on capacity requirements.

Currently Council does not levy a two-part tariff for non-residential sewer customers similar to water pricing.

Council's trade waste policy is currently under review and any changes to pricing will be subject to Council adoption and the need to be addressed within fees and charges.

Council will be pursuing funding towards the capital cost of backlog infrastructure under the NSW Country Towns Water Supply and Sewerage Program in the near future for the North Shore Sewerage Scheme.

Attachments

- 1 [View](#). DRAFT Strategic Business Plan Sewerage
- 2 [View](#). DRAFT Strategic Business Plan Water Supply

Planning and Providing Our Infrastructure

Item: 13.05

Subject: WAUCHOPE TRAFFIC MANAGEMENT STRATEGY

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.1.1 Plan, investigate, design and construct road and transport assets which include pedestrian, cyclist and vehicular needs.

RECOMMENDATION

That Council:

1. Defer all broader Wauchope Traffic Management planning until the upcoming Local Government Area Traffic Study is complete and the outcomes of the Oxley Highway Corridor Strategy and Oxley Highway Safety Review are known.
2. Develop a main street plan for High Street through the town centre, coordinated by Council's Place Making team, having regard to the principles outlined in the Roads and Maritime Service's document, *Sharing the Main Street - A Practitioners' Guide to Managing the Road Environment and Traffic Routes Through Commercial Centres Sharing the Main Street*.
3. Progress planning for the various short and medium term actions that were strongly supported through the engagement process and are warranted irrespective of outcomes of broader planning:
 - Plan the upgrade of the Beechwood Road / Waugh Street intersection
 - Plan the upgrade of the Cameron Street / Blackbutt Drive intersection
 - Plan the upgrade of the High Street / Blackbutt Drive intersection
 - Plan the upgrade of the Young Street / Campbell Street / Waugh Street intersection
4. Discontinue any future consideration of:
 - Changing the one-way direction of traffic flow on Oxley Lane
 - Examining the feasibility of Bain Street as an alternative east-west through route, including a new road connection from Beechwood Road
5. Accept the Roads and Maritime Service's position that the following actions will not be considered by the Roads and Maritime Service in the short or medium term and are not financially or practically viable:
 - Oxley Highway bypass of Wauchope, either to the north or south of the town
 - Replacement of the Oxley Highway level crossing with a flyover

Planning and Providing Our Infrastructure

Executive Summary

This report is to provide Council with the outcome of the review and assessment of the community response to the proposals within the draft Wauchope traffic Management Strategy following community exhibition and community meeting.

As can be seen from the recommendations, information and discussion presented for Council's consideration within this report, the community engagement process undertaken to date has not provided clear data with which to prepare a final Wauchope Traffic Management Strategy.

Given a number of critical planning documents are still to be completed and released by the RMS for the Oxley Highway, and that Council is also undertaking a Local Government Area Wide Study including long term traffic models preparation of an overall traffic strategy for Wauchope at this time would be premature. The RMS have also provided specific clarification to a number of issues and the details are contained within the body of the report. In general there is no planning for any works/upgrades to the Oxley Highway in the short or medium term.

The RMS will however support Council's efforts to improve the pedestrian amenity and safety of High Street through the town centre. They have provided \$20,000 in funding for the investigation and development of a suitable scheme, and may provide further funding for implementation.

Through the engagement process it was identified that there are a few intersection treatments/upgrades that were supported but have no specific impact on an overall traffic strategy that can be planned for future implementation separately to a wider traffic strategy.

Discussion

Introduction

Over the last few years Council has been developing a Wauchope Traffic Management Strategy with a primary aim of reducing traffic, particularly heavy vehicles, through the core of Wauchope town centre. Most recently this involved a community engagement process in February/March 2014. The outcomes of the process were inconclusive both in response to the technical measures proposed and the engagement process itself.

This report recommends an appropriate approach for moving forward in the development of a Wauchope Traffic Management Strategy.

This report should be read in conjunction with recent Council reports on the issue:

21 May 2014	Update on Wauchope Traffic Management Strategy
16 October 2013	Wauchope Traffic Management Strategy
15 May 2013	Wauchope CBD Road Bypass
20 February 2013	Wauchope Town Centre Road Bypass

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Note: The term “link road” generally refers to a proposed road connection from High Street at the railway line immediately west of the level crossing to Cameron Street opposite Oxley Lane. One of the options is illustrated below.



The term “Wauchope Optional Deviation” or “Southern Deviation Route” refers to the entire route from High Street at the railway line via the proposed link road, then via Cameron Street and Blackbutt Drive to the Oxley Highway.

Options

Council has a number of options available in considering the future direction of the subject of this report, such as continue on and determine an outcome from the recent engagement process, await further information from the overall traffic study with RMS input or totally shelve all options and outcomes from the Wauchope Traffic Management Study.

Staff have considered all these options in presenting the information contained within and consider that the recommendations presented best meet the overall intent and outcome of the current issues.

Community Engagement & Internal Consultation

Recent Engagement Process

A history of the recent engagement process is summarised below:

7 August 2013	Councillor Briefing session
27 August 2013	Stakeholder workshop



Planning and Providing Our Infrastructure

16 October 2013	Report to Council Meeting. Council resolution: 1. Note the contents of the report including the comments and response from the workshop as part of the document. 2. Place on exhibition the Wauchope Traffic Management Strategy report inviting community comment, noting the exhibition will include a community and stakeholder information session. 3. Following exhibition, receive a further report detailing the feedback from the exhibition and recommendations to progress actions for the Wauchope Traffic Management Strategy.
5 February 2014	Media release advising of the public exhibition and community meeting
17 February 2014	Public exhibition of draft Wauchope Traffic Management Strategy commenced
20 February 2014	Community meeting
21 March 2014	Public exhibition period closed
21 May 2014	Report to Council Meeting outlining current progress of the assessment of submissions from the public exhibition. Council resolution that the report be noted.
30 July 2014	Councillor Briefing session following assessment of public exhibition submissions and review of the process to date.

Issues with Engagement Process

Following the community exhibition period and community meeting Council received a large number of single submissions and petitions, as well as considerable information completed at the community meeting.

Results of the questionnaire completed by approximately 85 people at the workshop are included as an attachment. Note that some people did not respond to all 18 questions and others in attendance did not complete a questionnaire.

A large volume of written submissions were received, as well as the collection of information created at the engagement evening in Wauchope. The original submissions and surveys are provided as an attachment to this report, as are the summary assessments of the responses provided on the proposals.

Assessment of the information received through the community engagement process into precise and clear data has been difficult due to:

- The combined submissions received during the exhibition totals 233 pages.
- A number of form petitions were received and these contain duplications.
- Additional form petitions were received after the closing of submissions.
- The intent of some of these petitions is unclear as some form sheets have specific information redacted (blacked out) from the submission sheet.
- 85 questionnaires were completed at the community meeting; however this did not represent all of the approximately 120 people in attendance.

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- Submissions have been received both before and after the formal exhibition period.
- Multiple submissions have been received from some people.
- Many of the submissions relate only to an objection to the installation of traffic signals at the intersection of High Street / Cameron Street and provide no commentary on the remainder of traffic management options provided in the draft strategy.
- The vague nature of some responses.
- The generalist nature of some of the options makes it difficult for the community to give decisive feedback.

In addition, a number of responses received were not centred around a response to the draft Traffic Management Strategy but instead focused on the community engagement process:

- Some have the view that the process has been flawed and that the community has not been given an opportunity to openly voice their issues. This relates both to the formal exhibition period and community meeting, and also the stakeholder workshop in August 2013.
- Others, however, have expressed the view that the community engagement process has been dominated by a small minority and that any findings may not be representative of the broader community. In particular, some felt intimidated at the community meeting and were not able to freely express their opinions.
- Some have asked why previous investigations and studies seem to have been largely disregarded.

Regardless of the differing views provided on the engagement process undertaken to date, it is evident that the process has not provided the outcomes that Council was seeking to achieve, in particular providing clear data upon which Council can make firm decisions.

Discussion

A review of the community engagement process was carried out with all staff involved. Following an assessment of the information received through the engagement process and a review of the process itself, a number of questions need to be considered, including:

- Is the information received useful in assisting to determine an overall strategy for managing traffic within Wauchope and surrounds?
- How representative is the data and information received?
- Where information is lacking or unclear how can we gain that information in a form that is useful in determining future actions?
- Is the draft traffic management strategy actually responding to the main issues the local community has with traffic in and around Wauchope?
- If not, should the current process be stopped and the entire project revised or potentially started again from the beginning?
- If the process is started from the beginning, can the recently gathered information be used to assist in a new process and how does Council respond to the current submissions that people have taken time to make?

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- What form should further community engagement processes take, ensuring all residents can feel free to make their comment and to have as many people involved and representative of the entire community as possible?

Conclusions from Engagement Process

Notwithstanding the issues associated with the community engagement process, the following can be concluded from the submissions received:

General Comment / Statement

- On-street parking is critical to the operation of the town centre.
- The High Street / Cameron Street roundabout and associated landscaping is an attractive and important component of the Wauchope streetscape.
- The community has diverse views on the allocation of the available and finite High Street road reserve in terms of a balance between footpath width, on-street parking and number of traffic lanes.
- There appears to be reasonable support for accepting relatively high traffic flows through the town centre, including an acceptance of the traffic congestion that occurs during peak periods, as a necessary aspect of a vibrant main street for a town the size of Wauchope. This view appears to be partly attributable to the fact that heavy vehicle volumes have reduced over the last 10 or 20 years.

Matters Supported

- There is strong support to improve conditions for pedestrians through the town centre with a focus on possible changes to the two existing zebra crossings.
- The current direction of traffic flow on Oxley Lane is appropriate.
- A roundabout at the intersection of Beechwood Road / Waugh Street is supported.

Matters Not Supported

- Traffic signals at the High Street / Cameron Street intersection is not supported, at least in the short term.
- Use of Bain Street as an alternative east-west traffic route is not supported.

The engagement highlighted that, in any future engagement process, Council needs to clearly explain to the community the following:

- The likely traffic conditions in 10 or 20 years time as a result of growth in the Wauchope area and that "Do nothing" is likely to have undesirable consequences.
- The reasons for abandoning plans for a two-way link road between High Street at the railway line and Cameron Street.
- The reasons why a full Wauchope bypass and railway overpass are not realistic options.
- The High Street road reserve between property boundaries is a finite width and there needs to be trade-off between footpath width, on-street parking and number of traffic lanes.
- The rationale for considering traffic signals as a future control for the High Street / Cameron Street intersection.

Planning and Providing Our Infrastructure

- The lengthy time involved in the process of preliminary investigation, concept design, detailed design and final construction of a major project such as a new road connection or traffic signals; and the need to undertake advance planning.
- The relationship between RMS and Council in managing traffic in and around Wauchope.

History of Traffic Management Planning for Wauchope

The broader history of traffic management planning for Wauchope is briefly described below.

Wauchope Traffic Study, ERM Mitchell McCotter for Council, 1996

- Identified the need for a streetscape approach to High Street through the town centre.
- Identified the need to investigate a town centre bypass as a long term option but highlighted that approximately only 20% of traffic through the town centre is potentially “bypassable” traffic.
- Recommended the installation of a roundabout at the High Street / Cameron Street intersection and this was subsequently installed. Pedestrian zebra crossings were also subsequently relocated.
- A roundabout at the intersection of High Street / Hastings Street was also recommended as a longer term action but this has never been implemented.
- Recommended further investigation of a two-way link between High Street at the railway line and Cameron Street.

Wauchope CBD Master Plan, 2005

- Development of a streetscape plan for High Street including pedestrian crossings, angle parking on the southern side of the road and concept design for improvements to the High Street / Hastings Street intersection. The latter involved retention of a give way arrangement with kerb extensions rather than a roundabout as proposed in the 1996 study.
- Report recommended that streetscape actions can only be implemented if town centre traffic volumes are reduced by implementing the southern deviation route.

Oxley Highway Deviation Study, TTM for Council, 2008

- Investigated the southern deviation route including the two-way link road from the railway line to Cameron Street, Cameron Street and Blackbutt Drive to High Street.
- Highlighted future traffic generation particularly from the Yippin Creek residential land release area.
- Concluded that the deviation project would attract sufficient traffic to make it a worthwhile project.
- An issue with the two-way link road option is the compromise in safety and efficiency of High Street at the level crossing.

Wauchope Framework Plan, Council, 2009

- Prepared on the basis that the link road would occur within five years.

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- Highlighted that the roundabout at the intersection of High Street / Cameron Street creates issues for pedestrians.
- Highlighted that vehicle movement dominates the town centre streetscape with a wide carriageway and little opportunity for wide footpaths, outdoor retailing uses, landscape or trees.

Wauchope Optional Deviation - Review of Environmental Factors, 2010

- The 2008 TTM report formed an appendix to the Review of Environmental Factors (REF).
- Found that the 'Do nothing' option would result in significant traffic congestion in the town centre in the future resulting in a decrease in amenity.
- Council determined that a full Wauchope bypass was not financially viable and given the current and 20 year projected traffic volumes was not warranted.
- The REF found that the proposed construction of a new road between High Street and Cameron Street, the intersection improvements and other minor works associated with the proposed deviation route is unlikely to have a significant detrimental effect on the environment.

Wauchope's Strategic Study, AECOM for Roads and Maritime Services, 2012

- RMS commissioned AECOM to undertake an independent traffic study adopting a network approach rather than solely focussing on the link road.
- Expressed concern that the TTM model overestimated the proportion of trips that would be attracted to the link road.
- Supported the TTM 2008 view that the link road would introduce a new conflict point at the level crossing site with minimal improvements to the long term safety and efficiency of the wider road network.
- Found that the new High Street / Link Road intersection adjacent to the railway line would fail to accommodate forecast traffic volumes due to problems with the right turn for eastbound traffic.
- Found that a variation of the link road concept, a one-way westbound option, is technically feasible. This, however, may not meet Council's objectives of significantly reducing traffic flows on High Street through the town centre.
- Found that, based on the current road network, the High Street / Cameron Street roundabout would experience considerable congestion at peak periods well before 2028. This impact would be largely unchanged by a one-way westbound link road.
- Recommended traffic signals at the High Street / Cameron Street intersection as a means of distributing some traffic away from the town centre, improving pedestrian safety and addressing capacity constraints of the existing roundabout.

The "Road Authority"

The Oxley Highway (known as High Street through Wauchope) is a State Road whilst all other roads in and around Wauchope are Local roads. Roads and Maritime Services (RMS) therefore exercises the function of Road Authority for High Street. In practice, RMS is responsible for managing and maintaining efficient traffic flow, whilst Council is responsible for managing on-street parking, footpaths and the broader streetscape environment.

Planning and Providing Our Infrastructure

RMS consent is required for any works proposed by Council that will alter the physical infrastructure or traffic regulation on the highway. RMS are therefore unlikely to approve any works that have a significant impact on Oxley Highway traffic flow. In addition, Council cannot perform construction or maintenance work on the Oxley Highway travel lanes because we are not approved contractors.

Council exercises the function of Road Authority for all other roads in Wauchope. This means that Council can implement traffic management devices such as roundabouts, subject to the approval of the Local Traffic Committee.

Roads and Maritime Services Position

Following the completion of the community engagement process, Council has requested Roads and Maritime Services (RMS) clarify their position on a number of key issues. Their response is summarised below:

- An Oxley Highway bypass of Wauchope, which would be the responsibility of RMS, either to the north or south of the town, is not being considered in the short or medium term.
- Replacement of the Oxley Highway level crossing with a flyover is not being considered in the short or medium term.
- The *Oxley Highway Corridor Strategy* and *Oxley Highway Safety Review*, which both relate to the entire Oxley Highway corridor from Port Macquarie to the Newell Highway, will be released in late 2014 and may provide relevant information for Wauchope traffic management considerations.
- RMS supports Council's efforts to improve the pedestrian amenity and safety of High Street through the town centre. They have provided \$20,000 in funding for the investigation and development of a suitable scheme, and may provide further funding for implementation.
- Traffic signals are not currently warranted at the High Street / Cameron Street intersection and it is RMS practice to extend the functional life of an asset as much as possible. RMS highlight, however, that traffic signals may be an appropriate treatment in the future if and when traffic and pedestrian volumes increase.

Technical Discussion

On the basis of the findings of the community engagement process, the previous traffic studies and recent advice from the RMS, the following is a technical discussion in relation to a number of key issues.

Wauchope Outer Bypass

Only a small proportion of High Street traffic is actually Oxley Highway 'through' traffic that is seeking to completely bypass Wauchope. The majority of truck traffic has an origin or destination in and around Wauchope. A full bypass would not be economically viable because it would not attract enough traffic to justify the cost of construction. RMS have repeatedly stated that they have no intention of investigating a full bypass. These are usually only considered for 'M' or 'A' class routes (e.g. Pacific Hwy M1/A1, New England Hwy A15 etc) and not 'B' routes (e.g. Oxley Hwy B56).

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Flyover of Railway Line

Due to the flat nature of the area around the railway line, with the main roads and railway line at the same level, an Oxley Highway flyover of the railway line would need long approach ramps to obtain the necessary 4.8m clearance over the railway tracks. Such a bridge would be very costly to construct and would involve significant land acquisition. It would have major impacts on existing land uses in Wauchope and would completely change the aesthetic character of the town.

High Street to Cameron Street Link Road

A link road between High Street immediately west of the railway line and Cameron Street would only remove a small proportion of traffic from the town centre. This is because the majority of town centre traffic either has a trip purpose within the town centre itself, or is generated from the north-western areas such as Yippin Creek, Riverbreeze, Beechwood and beyond. The link would mainly be utilised by traffic that is seeking to completely bypass Wauchope or is generated from the southern residential areas or the industrial zone.

TTM (2008) found that the two-way link road option would compromise the safety and efficiency of High Street and the level crossing. AECOM (2012) supported this view finding that the link road would introduce a new conflict point at the level crossing site with minimal improvements to the long term safety and efficiency of the wider road network. The intersection with Cameron Street would not have sufficient capacity in the future to accommodate right turn movements.

Council staff and the RMS are of the view that the two-way link road option is not technically feasible because of constraints in the vicinity of the level crossing, and the unacceptable safety risks. However, AECOM confirmed that a one-way westbound link road option is possible because it eliminates the difficult right turn movement for eastbound traffic at the railway line. Two sub-options are possible: an all-movement intersection at Cameron Street or a banning of the right turn from the link road into Cameron Street. Such options, however, may not sufficiently reduce traffic through the town centre to justify the cost of construction.

Council staff and the RMS are of the view that a one-way link road option is worthy of further consideration.

High Street through the Town Centre

Current traffic volumes in the Wauchope area are included as an attachment. Inspection of both current and historical data shows that traffic growth and movement is largely centred around movements to the east of Wauchope (i.e. between Wauchope and the Pacific Highway and Port Macquarie). It also shows that a considerable proportion of large trucks already avoid the town centre and that truck volumes have not increased significantly over the last 20 years. It is likely these growth trends will continue as development occurs in and around Wauchope.

Town centre environments are complex locations requiring a balanced approach to a range of issues. A possible way forward would be to develop a number of main street masterplan options for High Street between Hastings Street and Wallace Street. The RMS document, *Sharing the Main Street - A Practitioners' Guide to Managing the*

Planning and Providing Our Infrastructure

*Road Environment and Traffic Routes Through Commercial Centres*¹, is an appropriate guide to follow. It highlights the complex balance between the movement function and the frontage access function of a main street, recognising that people using these areas have a range of needs:

- Pedestrians need to be able to cross safely and conveniently;
- Visitors need to be able to park;
- Motorists and cyclists need to be able to move safely through the centre;
- Businesses need to attract customers;
- Transport operators need space for loading and unloading;
- People with impairment need to be able to use the area safely and comfortably;
- The community needs an attractive and safe centre to visit and to meet; and
- Public authorities need to keep costs down.

Such masterplan options would give the community a tangible basis to evaluate the impacts on safety, traffic flow, parking, landscaping/streetscape, footpaths, pedestrian crossings, buses, business impacts etc. A multi-disciplinary **Place Making** process is suggested to bring together disciplines such as urban design, transport planning, development planning, design engineering etc with the whole community not just those with personal interests.

Options for Future Engagement

The proposed Wauchope Traffic Management Strategy as publicly exhibited in February/March 2014 is a complex mix of short, medium and long term actions. It is unlikely that an overall strategy can be easily adopted and therefore moving forward may involve a range of separate or linked actions. The following table discusses a number of possible actions considered in leading to a proposed recommendation.

¹ http://roadsafety.transport.nsw.gov.au/downloads/sharingthemainstreet_dl1.html

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Potential Action	Description	Discussion
1	Use the results of the recent community engagement process to develop a final Traffic Management Strategy	Not recommended because: <ol style="list-style-type: none"> 1. Various short, medium and long term actions cannot be treated as one overall action. 2. Engagement process to date has had a number of shortcomings.
2	Abandon ongoing planning for the Wauchope Traffic Management Strategy actions	<ul style="list-style-type: none"> • May be an appropriate course of action in the short term but Council has an ongoing responsibility for transport planning across the region. • Some individual actions could be further progressed as discussed below.
3	Re-start the Traffic Management Strategy process from the beginning	<ul style="list-style-type: none"> • May be an appropriate course of action but need to determine what to do with information gained through the recent process.
4	Defer all broader Wauchope Traffic Management planning until the upcoming LGA Traffic Study is complete and the outcomes of the Oxley Highway Corridor Strategy and Oxley Highway Safety Review are known	<ul style="list-style-type: none"> • Wauchope traffic management issues would be addressed in a holistic manner based on current data, detailed traffic modelling and testing of various options. • The LGA Traffic Study will take approximately 2 years to complete.
5	Proceed with further planning for the link road but as a one-way westbound link only from High Street to Cameron Street	<ul style="list-style-type: none"> • A one-way westbound link may be feasible subject to further testing and assessment of the project benefits versus the project costs.
6	Develop a main street plan for High Street through the town centre adopting principles outlined in the <i>Sharing the Main Street</i> document	<ul style="list-style-type: none"> • Project could be undertaken as a <i>Place Making</i> project. • RMS have expressed a willingness to support this action, particularly with a view to improving pedestrian amenity and safety.

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Potential Action	Description	Discussion
7	<p>Progress planning for the various low-cost short and medium term actions that were strongly supported through the engagement process, i.e:</p> <ul style="list-style-type: none"> • Upgrade the Beechwood Rd / Waugh St intersection (roundabout proposal specifically supported by RMS) • Upgrade the Cameron St / Blackbutt Dr intersection • Upgrade the High St / Blackbutt Dr intersection • Upgrade the Young St / Campbell St / Waugh St intersection 	<ul style="list-style-type: none"> • Actions can be implemented in isolation from other elements of the Strategy and do not compromise any future traffic management options.
8	<p>Discontinue any future consideration of:</p> <ul style="list-style-type: none"> • Review the current one-way direction of traffic flow on Oxley Lane • Examine the feasibility of Bain Street as an alternative east-west through route, including a new road connection from Beechwood Road 	<ul style="list-style-type: none"> • Recent engagement process indicated these are not preferred options. • Actions are not necessary for the future management of traffic in Wauchope.
9	<p>Accept the RMS position that the following actions will not be considered by the RMS in the short or medium term and are not financially or practically viable:</p> <ul style="list-style-type: none"> • Oxley Highway bypass of Wauchope, either to the north or south of the town • Replacement of the Oxley Highway level crossing with a flyover 	<ul style="list-style-type: none"> • Eliminating these options from future consideration would enable clearer focus on developing realistic and financially viable solutions.

On the basis of the discussion contained within the table above and elsewhere in this report, the following recommendations are proposed:

1. Defer all broader Wauchope Traffic Management planning until the upcoming LGA Traffic Study is complete and the outcomes of the Oxley Highway Corridor Strategy and Oxley Highway Safety Review are known.
2. Develop a main street plan for High Street through the town centre, coordinated by Council's Place Making team, having regard to the principles outlined in the *Sharing the Main Street* document.
3. Progress planning for the various short and medium term actions that were strongly supported through the engagement process and are warranted irrespective of outcomes of broader planning, i.e:
 - Upgrade the Beechwood Road / Waugh Street intersection
 - Upgrade the Cameron Street / Blackbutt Drive intersection
 - Upgrade the High Street / Blackbutt Drive intersection
 - Upgrade the Young Street / Campbell Street / Waugh Street intersection
4. Discontinue any future consideration of:
 - Changing the one-way direction of traffic flow on Oxley Lane
 - Examining the feasibility of Bain Street as an alternative east-west through route, including a new road connection from Beechwood Road

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5. Accept the RMS position that the following actions will not be considered by the RMS in the short or medium term and are not financially or practically viable:
 - Oxley Highway bypass of Wauchope, either to the north or south of the town
 - Replacement of the Oxley Highway level crossing with a flyover

Planning & Policy Implications

Ongoing planning for a Wauchope Traffic Management Strategy is a core responsibility of Council. Good transport planning is necessary in:

- improving accessibility, mobility, transport choice and social equity
- supporting economic and regional development
- ensuring that efficient (and effective) land-use decisions are made
- improving road safety, social and environmental quality and fostering sustainability of infrastructure and the environment
- shaping patterns of development that support communities and neighbourhoods.

The proposed recommendations are consistent with the intent of Council's LGA Traffic Study which is currently in the development stage, and also Council's intention to adopt a Place Making approach for important community spaces such as town centres.

Financial & Economic Implications

The LGA Traffic Study is funded in Council's 2014-15 Operational Plan. RMS have provided \$20,000 in funding for the investigation and development of a suitable scheme to improve the pedestrian amenity and safety of High Street through the town centre.

Traffic management works that may arise from the Strategy are currently unfunded. Investigation works for this project by Transport and Stormwater Network are also currently unfunded.

Attachments

- 1 [View](#). Wauchope Traffic Volumes
- 2 [View](#). Short Term Actions Survey Summary
- 3 [View](#). Medium Term Actions Survey Summary
- 4 [View](#). Long Term Actions Survey Summary
- 5 [View](#). Combined Responses to the Draft Wauchope Traffic Management Strategy 2014
- 6 [View](#). Combined Submissions from the 2013 Stakeholder Meeting

Planning and Providing Our Infrastructure

Item: 13.06

Subject: ROAD SAFETY REPORT 2013-14

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.2.1 Plan and implement traffic and road safety programs and activities addressing pedestrian, cyclist and vehicular needs.

RECOMMENDATION

That Council receive and note the Road Safety Report 2013-2014 for the Port Macquarie-Hastings Local Government Area.

Executive Summary

The purpose of this report is to provide Council with an overview of road safety initiatives and outcomes achieved during 2013-2014 for the Port Macquarie-Hastings Local Government Area (LGA).

Discussion

Background

In the order of 400 reported traffic crashes occur in Port Macquarie-Hastings LGA each year. Approximately half of these crashes involve injuries to vehicle occupants, pedestrians or cyclists.

Council is the roads authority for regional and local roads in Port Macquarie-Hastings LGA. NSW Roads and Maritime Services (RMS) is the roads authority for state roads.

Council has an important role to play in the area of road safety and RMS funds local councils to deliver road safety community behavioural and educational focused projects to their residents and to raise the profile of road safety within the local government area. By developing effective, coordinated locally based road safety initiatives, the program addresses specific road safety issues in local communities. Integral to this approach is the Road Safety Officer (RSO) position.

Council employs a full-time RSO who has a wide role encompassing not only behavioural road safety education, but also influencing the construction and management of infrastructure to improve the safety of road users. The RSO works across engineering, community services, planning, communications and customer service areas, and provides links to the community stakeholders, community groups, local health and police officers, all of whom contribute to road safety over the long term.

Planning and Providing Our Infrastructure

The RSO is located in Council's Transport & Stormwater Network Section of Council and is also tasked with providing road safety advice on special events, bus routing and facilities.

The Local Government Road Safety Program (LGRSP) is administered by RMS regional officers who, with support from corporate program managers, provide guidance and assistance to council RSOs in the development and implementation of their projects. All RSOs have access to the LGRSP database which contains project reports for educational and behavioural projects carried out by council road safety officers across NSW.

Crash Data Statistics

RMS road crash data is provided annually to Council. It is utilised when auditing various locations, identifying blackspots, responding to customer requests, making road related grant applications and highlighting trends over time.

A summary of the number of reported crashes for the most recent five-year period for Port Macquarie-Hastings LGA is presented below.

Year	Fatal	Injury	Non-casualty (towaway)	Total
2009	2	175	206	383
2010	4	181	189	374
2011	2	186	166	354
2012	5	166	198	369
2013	3	185	206	394

RMS Funded 2013/14 Projects

The following RMS funded projects were undertaken in 2013/14:

Share the Road

Objective: To improve road safety through awareness, attitude and behavioural change.

Description: A targeted education campaign, utilising print media, TV and radio, to inform both cyclists and motorists of their rights and responsibilities whilst travelling on the road.

Night Rider

Objective: To ensure transport options are safe, functional and meet access needs.

Description: A Night Rider bus service for the Christmas - New Year holiday period that enabled people to get home safely from Port Macquarie CBD without having to drive when possibly intoxicated.

Speed Check

Objective: To improve road user behaviour by getting people to reduce speed and drive to the conditions.

Description: Positioning of Variable Message Sign (VMS) and mobile speed display at various locations followed up by Police enforcement where necessary.

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RMS Funded 2014/15 Projects

Council has received RMS funding for the following projects to be undertaken in 2014/15:

Drink Driving No Way

Objective: To reduce alcohol involvement in all crashes.

Description: Analysis of crash data to determine high risk locations for alcohol-related crashes. A subsequent targeted educational campaign, via specific organisations and agencies, incorporating a number of behavioural initiatives.

Safe Roads Safe Speeds

Objective: To reduce speed involvement in all crashes.

Description: Analysis of crash data and collection of speed data to determine high risk locations for speed-related crashes. Road safety audit of identified high risk roads. Determination of appropriate infrastructure countermeasures and identification of suitable behaviour modification programs.

Options

Council has in partnership with RMS committed to funding of the Road Safety Program since 2003. The NSW based program is reviewed annually by RMS in consultation with respective Councils within the RMS regions.

Details of the program is defined annually via a formal agreement. Council has the option to continue to be involved or withdraw from the program.

Community Engagement & Internal Consultation

The RSO has regularly engaged with the following groups and organisations:

- NSW Police
- Schools
- Bicycle User Groups
- Aged Care providers
- Resident groups
- Community transport providers
- Community organisations.

Planning & Policy Implications

Road Safety for all levels of Government has in recent years been the focus of transport and road infrastructure planning and policy. In the past the focus has been more towards engineering solutions to address capacity problems usually resulting in high cost infrastructure works. There is now recognition by road service policy makers and providers there needs to be a balance between safety and capacity driven outcomes.

Council's design staff are a critical link between local road planning and delivery in terms of ensuring appropriate road safety standards are met. Council's RSO and traffic staff are consulted on the road safety aspects of Council's road planning and construction designs.

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The behavioural and education aspects of road safety needs to be reinforced on an ongoing basis as part of road related policy making and implementation.

Financial & Economic Implications

The RSO position is funded 50/50 by Council and the RMS which includes salary, salary on-costs, travel and training. RMS also provides 100% funding for a limited number of annual road safety projects which are approved in accordance with RMS criteria.

Provision has been made within the current financial year operating budget for the continuation of Council's funding for this position.

Attachments

Nil

Planning and Providing Our Infrastructure

Item: 13.07

Subject: LAKE ROAD BLACKSPOT FUNDING

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.2.1 Plan and implement traffic and road safety programs and activities addressing pedestrian, cyclist and vehicular needs.

RECOMMENDATION

That Council:

1. **Accept the \$400,000 State Government, Roads & Maritime Services' "Blackspot" Network and Safety Program funding grant to address vehicle crashes and safety issues on Lake Road at the intersections with Acacia Avenue, Chestnut Road and Blackbutt Road.**
2. **Implement the Roads and Maritime Services' Grant Funded treatments, being the construction of a median in Lake Road to restrict right turns into/out of Acacia Avenue and Chestnut Road and the construction of a roundabout at the Lake Road / Blackbutt Road intersection to facilitate traffic movements and increase safety.**

Executive Summary

There is significant vehicular safety issues at the intersections of Lake Road with Acacia Avenue and Chestnut Road that have been evident for a number years as well as a growing safety issue at the intersection with Blackbutt Road.

Previously proposed measures to implement a median in Lake Road to prevent right turn movements and improve traffic safety at the intersections with Acacia Avenue and Chestnut Road were deferred, pending a Federal Blackspot Funding application.

Whilst Council was unsuccessful in receiving funding from the Federal Blackspot program, funding has been made available through the State Program for "Blackspot" locations.

This funding is a 50/50 arrangement with Council and provides for the construction of a roundabout at the intersection of Lake Road and Blackbutt Drive (for both crash reduction and facilitation of vehicle movements), and a median in Lake Road from the roundabout at Blackbutt Drive to the east of the Chestnut Road intersection.

Discussion

The matter of traffic safety at the Acacia and Chestnut intersections with Lake Road has previously been presented to Council. Previous proposed measures to implement a median in Lake Road to prevent right turn movements and improve

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traffic safety at the intersections with Acacia Avenue and Chestnut Road were deferred, pending a Federal Blackspot Funding application. Some minor measures were implemented to restrict right turn movements out of Acacia Avenue and Chestnut Road, allowing left turn only movements into Lake Road.

At the ordinary Council meeting of 12 December 2012 Council resolved a follows:

12.07 LAKE ROAD INTERIM TRAFFIC IMPROVEMENTS

RESOLVED: Cusato/Sargeant

1. *That Council carry out works to create a left turn only lane out of Acacia Avenue into Lake Road and a left turn only lane out of Chestnut Road into Lake Road.*
2. *That Council defer the Lake Road interim traffic improvements discussed in this report until the determination of Council's application for Lake Road improvements under the Federal Black Spot Program 2012/13.*

CARRIED: 9/0

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

AGAINST: Nil

This deferral was in the most part due to community concerns relating to perceived loss of access to businesses due to the loss of the right turn movements without a facility for vehicles to undertake a u-turn movement in the immediate vicinity. The roundabout at Central Road is of acceptable distance to the east; however it was perceived that the roundabout at Jindalee Road to the west was too far from the Acacia/Chestnut Road intersections.

As the median restricts right turn movements into and out of Acacia Ave and Chestnut Rd a roundabout is required within the immediate vicinity at each end of the median to facilitate traffic movements. The roundabout allows vehicles approaching from either direction that would normally turn right to perform a u-turn to access these roads as well as business in Lake Road fronting the median. Currently a roundabout exists at Central Road to the east however a roundabout is required to the west of the median and as such the roundabout at the Blackbutt Road intersection will be constructed.

Following the December 2012 resolution, application was made for Federal Blackspot funding. Council was unsuccessful in receiving funding from the Federal Blackspot program in the 2012/13, 2013/14 & 2014/15 financial years. However funding has been made available for the current 2014/15 financial year through the NSW State Network & Safety Program for blackspot locations. This 50/50 funding arrangement provides sufficient external funding to allow for the construction of the roundabout at Blackbutt Rd and the installation for the median island in Lake Road.

Options

Council can adopt the recommendations as presented within this report or determine an alternate resolution, noting that the funding offered by the Roads and Maritime

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Services (RMS) is contingent on the construction of both the median island in Lake Road and the Roundabout at Blackbutt Rd

Community Engagement & Internal Consultation

The Council report on this matter presented in December 2012 and the subsequent resolution followed community engagement relating to this matter.

Planning & Policy Implications

There are no planning or policy implications

Financial & Economic Implications

The funding offered is on a 50/50 basis. The total estimated project value is \$800,000 and the RMS is offering \$400,000. Council has been able to identify own sources funds of \$400,000 to match the funding offered.

Attachments

Nil

Planning and Providing Our Infrastructure

Item: 13.08

Subject: RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -
TRAFFIC PRIORITY - CHAPMAN STREET AND GRANITE STREET
PORT MACQUARIE

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.1.1 Plan, investigate, design and construct road and transport assets which include pedestrian, cyclist and vehicular needs.

RECOMMENDATION

That Council approve the placement of a give-way sign and hold line in Granite Street at its intersection with Chapman Street, Port Macquarie.

Executive Summary

The Local Traffic Committee met on 6 August 2014, reached majority support on Item 06 (attached) and now submits the above recommendation for Council consideration.

MAJORITY SUPPORT:

Council – Y

RMS – Y

Police – Y

Local Member for Port Macquarie (Rep) – AB

Attachments

1 [View](#). Item 06 Local Traffic Committee 2014 08 06

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Item: 13.09

Subject: RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -
LANEWAY CLOSURE NANGARA PLACE PORT MACQUARIE

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.1.1 Plan, investigate, design and construct road and transport assets which include pedestrian, cyclist and vehicular needs.

RECOMMENDATION

That Council:

1. Pursuant to Section 116 of the Roads Act 1993 No. 33 close the public laneway in Nangara Place, Port Macquarie to vehicle access, by the erection of a suitable barrier such as bollards.
2. Notify adjoining property owners of this intended course of action.

Executive Summary

The Local Traffic Committee met on 6 August 2014, reached unanimous support on Item 08 (attached) and now submits the above recommendation for Council consideration.

UNANIMOUS SUPPORT:

Council – Y

RMS – Y

Police – Y

Local Member for Port Macquarie (Rep) – Y (Proxy)

Attachments

1 [View](#). Item 08 Local Traffic Committee 2014 08 06

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Item: 13.10

Subject: **RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -
COMBOYNE VILLAGE FAIR 2014**

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.1.1 Plan, investigate, design and construct road and transport assets which include pedestrian, cyclist and vehicular needs.

RECOMMENDATION

That Council approve the proposed road closures and parking restrictions associated with the 2014 Comboyne Village Fair, subject to the following conditions:

1. That the event be categorised as a Class 2 special event.
2. That the event organiser advertise, at no cost to Council, the road closures associated with the event in the local print media for a period not less than 14 days advising of the time and duration of the road closures.
3. That the event organiser advertise the event by undertaking a letter box drop to all affected residents & businesses directly affected by the road closure advising of the event and the proposed actions to be undertaken to mitigate the impact of the road closures.
4. That the Traffic Control and Traffic Management Plans as submitted with the event application be implemented, and any modifications to the plans be approved by Council prior to the running of the event.
5. That the event organiser obtains written approval from the NSW Police.
6. That the event organiser notify the NSW Ambulance, NSW Fire and the State Emergency Services of the proposed road closures.
7. That the event organiser notifies local Transport Services (Bus Companies, Taxis) of the proposed road closures.
8. An RMS accredited (Yellow card) person is to be used for the establishment and removal of the traffic control devices;
9. Qualified traffic controllers (RMS-Blue or Grey card) are to be used to control traffic.
10. That the event organiser abides by any other condition that Council and the Police may impose.
11. That the event organiser submit to Council prior to the commencement of the event evidence of Public Liability Insurance which is valid for the duration of the event, including placement and removal of traffic control devices.

Executive Summary

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The Local Traffic Committee met on 6 August 2014, reached unanimous support on Item 09 (attached) and now submits the above recommendation for Council consideration.

UNANIMOUS SUPPORT:

Council – Y

RMS – Y

Police – Y

Local Member for Oxley (Rep) – Y

Attachments

1 [View](#). Item 09 Local Traffic Committee 2014 08 06

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Item: 13.11

Subject: RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -
TASTINGS ON HASTINGS 2014

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.1.1 Plan, investigate, design and construct road and transport assets which include pedestrian, cyclist and vehicular needs.

RECOMMENDATION

That Council approve the proposed road closures associated with the 2014 Tastings On Hastings, subject to the following conditions:

1. That the event be categorised as a Class 2 special event.
2. That the event organiser advertise, at no cost to Council, the road closures associated with the event in the local print media for a period not less than 14 days advising of the time and duration of the road closures.
3. That the event organiser advertise the event by undertaking a letter box drop to all affected residents & businesses directly affected by the road closures advising of the event and the proposed actions to be undertaken to mitigate the impact of the road closures.
4. That the Traffic Control and Traffic Management Plans as submitted with the event application be implemented, and any modifications to the plans be approved by Council prior to the running of the event.
5. That the event organiser obtains written approval from the NSW Police.
6. That the event organiser notify the NSW Ambulance, NSW Fire and the State Emergency Services of the proposed road closures.
7. That the event organiser notifies local Transport Services (Bus Companies, Taxis) of the proposed road closures.
8. An RMS accredited (Yellow card) person is to be used for the establishment and removal of the traffic control devices;
9. Qualified traffic controllers (RMS-Blue or Grey card) are to be used to control traffic.
10. That the event organiser abides by any other condition that Council and the Police may impose.
11. That the event organiser submit to Council prior to the commencement of the event evidence of Public Liability Insurance which is valid for the duration of the event, including placement and removal of traffic control devices.

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Executive Summary

The Local Traffic Committee met on 6 August 2014, reached majority support on Item 10 (attached) and now submits the above recommendation for Council consideration.

MAJORITY SUPPORT:

Council – Y

RMS – Y

Police – Y

Local Member for Port Macquarie (Rep) – AB

Attachments

1 [View](#). Item 10 Local Traffic Committee 2014 08 06

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Item: 13.12

Subject: RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - LAKE CATHIE PUBLIC SCHOOL - OCEAN DRIVE INTERSECTION

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.1.1 Plan, investigate, design and construct road and transport assets which include pedestrian, cyclist and vehicular needs.

RECOMMENDATION

That Council:

1. Note that Committee members will review the Lake Cathie Public School intersection on Ocean Drive design plans and provide feedback to Council's Group Manager Transport and Stormwater Network by 13 August 2014.
2. Authorise Council's Group Manager Transport and Stormwater Network to provide appropriate feedback to New South Wales Public Works via Council's Development Engineer.
3. Request the developers via Council's Development Engineering Coordinator, to resubmit the plans with line marking as per Austroads Standard to this committee for review.
4. Notify the developers via Council's Development Engineering Coordinator, that the request for a the section of Ocean Drive to be allocated as a School Zone as noted on the plans, should not be shown but should be discussed with the Roads and Maritime Services separately.

Executive Summary

The Local Traffic Committee met on 6 August 2014, reached majority support on Item 11 (attached) and now submits the above recommendation for Council consideration.

MAJORITY SUPPORT:

Council – Y

RMS – Y

Police – Y

Local Member for Port Macquarie (Rep) – AB

Attachments

1 [View](#). Item 11 Local Traffic Committee 2014 08 06

Planning and Providing Our Infrastructure

Item: 13.13

Subject: LAND ACQUISITION - 12 PALMVIEW PLACE, PORT MACQUARIE

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

Alignment with Delivery Program

5.2.1 Plan and implement traffic and road safety programs and activities addressing pedestrian, cyclist and vehicular needs.

RECOMMENDATION

That Council:

1. **Pay compensation in the amount of \$500 (GST Exclusive) to the registered proprietor of Lot 11 Deposited Plan 777087 (12 Palmview Place, Port Macquarie) for the acquisition of that part of Lot 11 Deposited Plan 777087 more particularly described as Lot 1 in Plan of Acquisition Deposited Plan 1195206.**
2. **Authorise the General Manager pursuant to Section 377 of the Local Government Act 1993 to sign**
 - a. **the Contract for Sale**
 - b. **Land and Property Information Transfer form.**
3. **On the acquisition of Lot 1 Deposited Plan 1195206 dedicate it as public road pursuant to Section 10 of the Roads Act 1993.**

Executive Summary

A report to consider the payment of compensation for the acquisition of land at 12 Palmview Place, Port Macquarie arising from the construction of a pedestrian walkway linking the Hastings Public School and Kennedy Drive.

Discussion

To assist in the safer movement of pedestrians between the Hastings Public School and Kennedy Drive, Port Macquarie a pedestrian walkway was constructed earlier this calendar year. The location of the constructed road pavement in the cul-de-sac of Palmview Place did not provide sufficient width for the walkway to be constructed fully within the road reserve. A small amount of private land, totalling 4.5m² has been used, with the consent of the landowner to complete the construction of the walkway where it passes 12 Palmview Place pending the acquisition of the 4.5m² area of land by Council. The land to be acquired is depicted as Lot 1 in Plan of Acquisition Deposited Plan 1195206.

Compensation for the acquisition of Lot 1 Deposited Plan 1195206 has been assessed by Council's consulting valuer and an offer made and accepted in the assessed amount. The matter of the land acquisition and payment of compensation is now reported to Council for formal approval.

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Options

Nil.

Community Engagement & Internal Consultation

There has been consultation with the registered proprietor of the land to be acquired.

Planning & Policy Implications

The land acquisition has been carried out having regard to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Financial & Economic Implications

Council's consulting valuer has assessed fair compensation for the acquisition of the land at \$500 (GST Exclusive). An offer in this amount has been made to, and accepted by, the landowner.

In addition to the payment of monetary compensation for the land, legal fees will also be incurred by Council as part of the land conveyance. These fees are estimated in the amount of \$1,500.

There is funding available in the current budget to meet these costs.

Attachments

1 [View](#). Plan of Acquisition DP1195206. Lot 1 to be acquired.

Planning and Providing Our Infrastructure

Item: 13.14

Subject: REQUEST FOR FORMAL RECOGNITION OF THE NAME "SPENCERS CUTTING"

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

Alignment with Delivery Program

5.1.1 Plan, investigate, design and construct road and transport assets which include pedestrian, cyclist and vehicular needs.

RECOMMENDATION

That Council support the request to formally recognise the name "Spencers Cutting" as an Historic Site.

Executive Summary

A report to consider a request for the formal recognition of the name "Spencers Cutting".

Discussion

A request has been received for the formal recognition of the name "Spencers Cutting." Informally, Spencers Cutting is a name often applied to that part of the Oxley Highway generally between Rawdon Island Road and Zanardis Lane. An extract from the request is attached to this report.

The applicant has provided newspaper extracts from November 1905 reporting on an armed robbery of a mail coach at the scene known as Spencers Cutting. The name is not an officially recorded name and the applicant seeks Council's support in their application to the Geographical Names Board for the name to be officially recorded.

The Geographical Names Board is the State Authority responsible for applying names throughout the State. The Board encourages applications from the public to name features/sites such as the one the subject of this report. The Board advises the public to seek support for a naming proposal from the relevant local council.

In this instance, the Board has verbally advised Council staff that the only appropriate way to formally recognise the name, is for Spencers Cutting to be recorded as an historic site. The applicant has advised this is acceptable.

Options

There is the option to:

1. Support the application

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2. Not support the application.

Community Engagement & Internal Consultation

There has been consultation with the applicant and with the Geographical Names Board.

Planning & Policy Implications

There are no planning & policy implications.

Financial & Economic Implications

There are no financial & economic implications.

Attachments

- 1 [View](#). Extract from application requesting recognition of the name "Spencers Cutting"

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Item: 13.15

Subject: ACQUISITION OF EASEMENT FOR SERVICES - BEECHWOOD ROAD, ROSEWOOD

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

Alignment with Delivery Program

5.5.3 Plan, investigate, design and construct sewerage assets.

RECOMMENDATION

That Council:

1. **Pay compensation in the amount of \$2,500 (GST Exclusive) to the owner of Lot 103 Deposited Plan 1129720 for the acquisition of an easement for services 5 metres wide as depicted "A" in Plan of Acquisition Deposited Plan 1195880.**
2. **Delegate to the General Manager Authority to sign:**
 - a. **Contract For Sale/Deed of Acquisition**
 - b. **Land and Property Information Transfer Granting Easement Form.**

Executive Summary

A report to consider the payment of compensation for the acquisition of an easement for services to be created as part of the recently completed Beechwood Small Towns Sewerage Scheme.

Discussion

The provision of a town sewerage service to Beechwood has necessitated the pumping of that sewage through a pipe connecting Beechwood to the Wauchope Treatment Plant. For the vast majority of the length of this pipe, it has been buried within the shoulder of the road reserve and as such no easement is required.

However, along that part of Beechwood Road generally between the intersection of Rosewood Road and Letterewe Road, the pipe has been buried within private property on the southern side of Beechwood Road. An easement is desirable to identify the location of the pipe to the affected property owners and to ensure ready access for maintenance.

The location of the pipe and the easement has been surveyed in a plan of acquisition registered as Deposited Plan 1195880. A copy of the plan is attached to this report.

Council is required to pay compensation to the affected land owners for the acquisition of the easement. Compensation assessments have been conducted by Council's consulting valuer and written offers made to the affected land owners. There are four properties affected by the easement acquisition and to date, the

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owner of one property, Lot 103 DP1129720 has provided written acceptance of the Valuer's compensation assessment. The location of the easement to be acquired within Lot 103 DP1129720 is shown in the attached plan. Once negotiations with the remaining owners are concluded, these will be then reported to Council.

Options

Given the requirement for the easement and given there has been an acceptance to the offer of compensation, it is considered there are no options.

Community Engagement & Internal Consultation

There has been consultation with the owner of Lot 103 DP1129720 regarding the acquisition of the easement.

Planning & Policy Implications

The Acquisition of the easement has been conducted having regard to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Financial & Economic Implications

Council's Consulting Valuer has assessed fair compensation for the acquisition of the easement within Lot 103 DP1129720 in the amount of \$2,500 (GST Exclusive). An offer in this amount has been made to, and accepted by the land owner. There is funding available within the current budget allocation for the payment of the compensation amount plus the legal costs that Council will incur in having its legal representative prepare the necessary documents to ensure Council becomes the registered beneficiary of the easement.

Attachments

1 [View](#). Plan of Acquisition Deposited Plan 1195880

2 [View](#). Location of Easement within Lot 103 DP1129720

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Item: 13.16

Subject: NEW DEVELOPMENT SERVICING PLANS FOR WATER SUPPLY AND SEWERAGE

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

5.5.1 Plan, investigate, design and construct water supply assets.

RECOMMENDATION

That Council:

1. **Adopt the new Development Servicing Plans for Water Supply and Sewerage.**
2. **Apply the new developer charges provided for in the Development Servicing Plans immediately.**
3. **Revoke the Hastings Water Supply Administration Levy Development Servicing Plan 2006.**

Executive Summary

Council engaged consultants HydroScience Consulting Pty Ltd to undertake a review of Council's water supply and sewerage services Development Servicing Plans (DSPs). On 21 May 2014 Council resolved to place new draft DSP documents on public exhibition.

This report provides details of the outcomes of the public notification and recommends adoption of the new DSPs and new developer charges.

Discussion

Council resolved at the meeting of 21 May 2014 (Item 13.11) to exhibit new draft DSPs for water and sewerage. The new DSPs have been prepared by specialist engineering consultancy HydroScience Consulting Pty Ltd based on anticipated population/urban growth and asset and capital works data provided by Council. The DSPs provide for a developer charge which is an upfront charge levied on new development to recover part of the infrastructure costs for water supply and sewerage to service new development. A copy of the draft DSPs are attached.

Developer charges are levied based on an Equivalent Tenement (ET). One ET is the demand of a 'normal' residential lot with a single detached dwelling. Water and sewer developer charges apply to residential and non-residential uses.

The new developer charges are based on the Capital Charge minus a Reduction Amount. The Capital Charge is a percentage of the cost of providing existing water or sewer growth assets (constructed/provided in the last 30 years), and future growth

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assets proposed in the next 10 years. The Reduction Amount is a component of the annual charge (water and sewerage rates) on each property that is used towards new capital works and renewal of existing assets.

$$\text{Developer Charge} = \text{Capital Charge} - \text{Reduction Amount}$$

The proposed developer charges also include a cross subsidy amount. A cross subsidy means a reduction in the calculated developer charge and is income forgone from developer charges that has to be raised from annual charges. Table 1 shows that the calculated water supply developer charge for Long Flat and Telegraph point are significantly higher than other areas. Applying a developer charge at this level would likely limit any further development in these areas. Applying a consistent charge of \$9,320 for water supply results in an average cross subsidy per assessment, per year of less than \$0.50c.

In relation to sewerage services for Kew/Kendall and Camden Haven, the calculated developer charge of \$8,999 is \$5,463 higher than for the remainder of the DSP areas. To provide a consistent developer charge of \$3,536 for sewerage results in an average cross subsidy per assessment, per year of approximately \$9.00.

The local government area has been divided into areas called service areas that are served by a separate water supply distribution system or a separate sewerage treatment works. Council may elect to agglomerate service areas where the Capital Charge in different service areas are within 30% of each other. The agglomerated service areas are listed in Table 1.

Table 1. Proposed agglomeration of service areas and current and proposed water supply and sewerage developer charges.

DSP Areas	Service Areas	Current DSP Charge (per ET) 1 August 2014	Calculated Developer Charge (per ET)	Proposed DSP Charge (per ET)	Change
Water Supply					
WDSP1	Long Flat Telegraph Point	\$10,022	\$21,402	\$9,320	-\$702
WDSP2	Comboyne Hastings including Port Macquarie, Wauchope, Camden Haven, Development Areas 13: Thrumster, 14:Lake Cathie/Bonny Hills, 15: Camden Haven	\$10,022	\$9,320	\$9,320	-\$702
Sewerage					
SDSP1	Kew/Kendall, including Area 15 & Herons Creek Dunbogan (Camden	\$4,688	\$8,999	\$3,536	-\$1,152

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	Haven)				
SDSP2	Wauchope, including Beechwood	\$4,171	\$3,536	\$3,536	-\$635
	Lake Cathie/Bonny Hills	\$4,688		\$3,536	-\$1,152
	Port Macquarie including Lighthouse Beach, Thrumster, North Shore	\$4,171		\$3,536	-\$635

The proposed developer charges under the draft DSPs are \$702 lower for water and between \$635 and \$1,152 lower for sewer compared with the current developer charges.

The main reason for the reduction in the proposed developer charges is the change in the calculation methodology provided in the draft 2012 guidelines. Some of the changes that affect the developer charges include:

- Assets included in the calculation are for a shorter period (10 year of capital works program, instead of 30 years)
- The calculated Reduction Amount (the net present value of the capital component of the annual charges) is significantly higher, thus reducing the calculated developer charge.

The new charges, if adopted, would commence immediately and would be indexed quarterly in line with the Consumer Price Index. Developer charges levied under the DSPs will be reviewed after a period of 5 to 6 years.

Under Council's existing Hastings Water Supply Administration Levy DSP, a 1.6% levy on water supply developer charges has applied since 2006. The aim of the levy was to address administration costs associated with preparation and maintenance of the DSPs. These costs are incorporated into the new DSP calculations and in accordance with new guidelines a separate Administration Levy DSP is longer proposed. It is recommended that Council revoke the Hastings Water Supply Administration Levy DSP 2006. This will provide an additional saving for developers of \$160 per ET.

Options

Council could decide to proceed with adoption of the new DSPs and implement new developer charges. Alternatively, Council could decide not to proceed which would delay the introduction of new developer charges.

Community Engagement & Internal Consultation

The draft DSPs and background document were placed on public notification for 30 working days (six weeks) during July and August 2014.



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Notice of the exhibition and information session was provided in the newspaper and the draft DSPs, background document and supporting information were available on Council's web site and at Council offices during the exhibition period. The Urban Development Institute and Housing Industry Association were notified in accordance with the guidelines. Also, applicants who had applied for planning approval or a water compliance certificate in the past 12 months were also informed.

There were 215 visitors to the web site information who undertook 114 actions to gain more information. Of those who sought more information (some did more than one action) 18 looked at Volume 1 - Development Servicing Plans on Exhibition, 8 looked at Volume 2 - Background and 8 looked at the May 2014 council report.

An information session was held on Thursday 24 July 2014. The session was attended by two development industry consultants.

No submissions were received.

The Group Manager Water and Sewer and Director Engineering Services along other specialist infrastructure staff have been consulted.

Planning & Policy Implications

The DSPs have been prepared in accordance with the *Developer Charges Guidelines for Water Supply, Sewerage and Stormwater (2012) - Consultation Draft* prepared by NSW Office of Water (NOW). Council could have chosen to prepare the DSPs under the old guidelines however NOW advised that it was appropriate to use the draft guidelines.

The new Development Servicing Plans and proposed developer charges support the provision of infrastructure in accordance with the Delivery Program and Operational Plan.

The new DSPs will replace *Port Macquarie-Hastings Development Servicing Plans: Water Supply 2006* and *Port Macquarie-Hastings Development Servicing Plans: Sewerage Services 2005*.

As noted above it is also proposed that Council repeal the *Hastings Water Supply Administration Levy DSP 2006*.

Financial & Economic Implications

It is proposed to apply the new charges immediately. A decision to not adopt the new Development Servicing Plans for water supply and sewerage would delay introduction of reduced developer charges.

The introduction of the new charges are not expected to have a significant adverse financial or economic impact. Charges have been calculated on the basis of the revenue requirements for planned infrastructure. The decrease in charges may have a minor positive impact on housing affordability.

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Attachments

1 [View](#). Draft Development Servicing PLans for Water Supply and Sewerage

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Item: 13.17

Subject: THRUMSTER NEIGHBOURHOOD PLANNING: MIXED ZONING CHANGES

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

5.4.2 Review planning instruments and strategies to ensure currency and facilitate sustainable development outcomes whilst acknowledging the impact on community affordability.

RECOMMENDATION

That Council:

- 1. Forward the attached planning proposal in relation to changes to the land zones at Thrumster 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 *Environmental Planning and Assessment Act 1979*.**
- 2. 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 for the planning proposal.**

Executive Summary

On 16 April 2014, Council resolved to, among other things, prepare a planning proposal to make necessary changes to the local environmental plan to reflect recent neighbourhood planning at Thrumster.

The purpose of this report is to seek Council approval to send a Planning Proposal to the Minister for Planning seeking a Gateway Determination and to carry out subsequent state and community engagement.

On 15 August 2014, the Thrumster neighbourhood planning provisions for South Oxley came into effect. Neighbourhood planning for Thrumster is now complete, with the exception of part of the North Oxley neighbourhood (Barton Ridge East), which will be the subject of neighbourhood planning in 2014/15.

Much of the neighbourhood planning has occurred in the six years since the land zoning map was finalised and adopted.

Neighbourhood planning has identified new or revised locations for key facilities such as local centres and regional playing fields. As such, changes to the relevant land zoning map are needed to ensure the local environmental plan aligns with the desired neighbourhood structure at Thrumster.

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The proposed changes comprise a relocation of two neighbourhood centres, the transfer of regional playing fields from South Oxley to a consolidated position in North Oxley, and a minor extension of a residential development area in Partridge Creek.

The Strategic Land Use Planning team has prepared the attached draft Planning Proposal to facilitate these changes.

Council has three options available.

1. To forward the proposal as attached to the Minister.
2. To forward an amended proposal to the Minister.
3. Not to forward the proposal to the Minister.

Feedback on the proposed changes has been sought from key stakeholders. However no broad community engagement has been undertaken at this stage. Changes to the draft land zones have been made in response to the feedback received to date. It is recommended that Council proceed to exhibition of the draft Planning Proposal.

Discussion

On 16 April 2014, Council resolved as follows:

RESOLVED: Intemann/Levido

That Council:

1. *Publicly exhibit the attached draft Development Control Plan, incorporating revised planning controls for Thrumster and new planning controls for the South Oxley neighbourhood, for a minimum of 28 days in accordance with clause 18 of the Environmental Planning and Assessment Regulation 2000.*
2. *Receive a further report including a 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.*
3. *Prepare a planning proposal to make the necessary changes to the Port Macquarie-Hastings Local Environmental Plan 2011, as outlined in this report.*

CARRIED: 8/0

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

AGAINST: Nil

This report deals with item 3 above.

On 12 June 2008, Council adopted the Area 13 Thrumster Development Control Plan. This document sets the planning framework for six distinct neighbourhoods and provided guidance on preparing neighbourhood plans for each.

On 22 October 2008, neighbourhood plans for North Oxley and the Thrumster Town Centre were completed.

On 24 December 2008, the Land Zoning Map came into effect as part of the relevant local environmental plan. The zones remain unchanged today.

On 13 December 2013, neighbourhood plans for West Lindfield, and the Partridge Creek Residential and Industrial Neighbourhoods were completed.

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On 15 August 2014, the neighbourhood planning provisions for South Oxley came into effect as part of the refreshed and reformatted Development Control Plan chapter for Thrumster.

Apart from a precinct plan for Barton Ridge East, to be completed mid next year, neighbourhood planning for Thrumster is now complete.

Neighbourhood layout was looked at more closely as part of the planning work for the Partridge Creek, West Lindfield and South Oxley neighbourhoods, made since the land use zones were mapped. In particular, new or revised locations for playing fields and neighbourhood shops have been identified.

Changes to the land use zone maps are needed to ensure the local environmental plan maps align with the desired neighbourhood structure at Thrumster. The process to amend the local environmental plan is to first prepare a Planning Proposal, submit it to the Department of Planning for a Gateway Determination and then comply with the state and public consultation and any other requirements specified in the resulting determination. The proposal may be amended as necessary during this consultation process.

Staff have prepared the attached draft Planning Proposal (the proposal) in accordance with the department's *guide to preparing planning proposals* for Council's consideration prior to seeking a Gateway Determination (Attachment 1). The purpose of the proposal is to facilitate the desired zone changes and consequential changes to other local environmental plan maps.

The first draft mapping prepared for initial stakeholder consultation included zones for new local parks identified in the development control plan. After further analysis however, these were removed from the package. Their inclusion would be premature given the final subdivision layouts are not in place and the land needs to be accurately described in order to be acquired by Council later. There is sufficient guidance in the development control plan to identify the location, size and type of park required. Once a subdivision plan is approved and satisfactory arrangements are in place to dedicate the land to Council, the precise land boundary can be rezoned accordingly. This approach avoids further adjustment of zone boundaries later.

The issue of accuracy is of less importance for the village centre zones given there is some flexibility allowed under the local environmental plan.

The specific changes proposed are listed below.

1. Relocate the B1 Neighbourhood Centre Zone in the Partridge Creek Residential neighbourhood about 200 metres south, to align with boundaries identified in consultation with the relevant landowner during the neighbourhood planning phase.
2. Relocate the B1 Neighbourhood Centre Zone in the South Oxley neighbourhood about 130 metres north to align with boundaries identified in consultation with the relevant landowner during the neighbourhood planning phase.

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3. Remove the RE1 Public Recreation Zone in the South Oxley neighbourhood in response to a revised approach on delivery of regional playing fields.
4. Reconfigure the layout of the RE1 Public Recreation Zone and adjoining R1 General Residential Zone in the North Oxley neighbourhood to accommodate additional playing fields relocated from the South Oxley neighbourhood.
5. Reconfigure the R1 General Residential Zone and the R5 Large Lot Residential Zone in the Partridge Creek Residential area to facilitate an additional 5,600 square metres of development area.
6. Amend the Minimum Lot Size Map as necessary to reflect the above zone changes.

The zone changes are shown in the draft map at Part 4 of the attached proposal (Attachment 1).

Note that should the zone changes be approved, consequential changes will also be made to the relevant development control plan maps that show land use zones. These changes do not need public exhibition as they will only reflect the adopted local environmental plan zones.

Options

Council is the 'relevant planning authority' under the *Environmental Planning and Assessment Act 1979* (the Act) for making and amending the local environmental plan.

Under sections 55 and 56 of the Act, after preparing a Planning Proposal, Council may forward it to the Minister. As such, Council has three options available.

1. To forward the proposal as attached to the Minister.
2. To forward an amended proposal to the Minister.
3. Not to forward a proposal to the Minister.

Option 1 is the preferred option. The proposed changes outlined in the attached proposal help to align the land use zones with the strategic intent of the area and more recent neighbourhood planning.

Not forwarding the proposal to the Minister will leave the local environmental plan inconsistent with the preferred neighbourhood layout and risks confusion or delay for development proponents and development assessment staff.

On receiving the proposal, the Minister or her delegate will then determine, among other things, whether the matter should proceed and what state and public consultation is required. Should the Minister determine the proposal can proceed; the Gateway Determination will set out any such requirements as conditions on the determination.

Further to Option 1 above, Council approval is also sought to carry out any state or public consultation specified in the Gateway Determination. A report summarising the consultation, submissions and any proposed changes to the Planning Proposal will be presented to Council after state government and community engagement has been completed.

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Community Engagement & Internal Consultation

The purpose of this report is to seek Council's approval to forward the proposal to the Minister for a Gateway Determination. No broad community engagement has been undertaken at this stage; however key stakeholders have been consulted about the proposed changes.

On 6 August 2014, the first draft mapping changes were sent to Hopkins Consultants Pty Ltd and King and Campbell Pty Ltd, local planning firms that were involved in the planning for the relevant neighbourhoods, asking for feedback.

On the same day, Mr Tony Thorne, Director King and Campbell Pty Ltd, provided an email response relating to a proposed local park in the Partridge Creek Residential neighbourhood (Attachment 2). Mr Thorne, representing the interests of Council as a landowner, raised concern about the impact the timing of the proposed zone change. In particular, Mr Thorne was concerned about the impact on the potential offset value of Council-owned land in a pending bio-certification process. However as mentioned earlier, zones for local parks were removed in a subsequent draft of the proposal for reasons unrelated to Mr Thorne's comment. Mr Thorne's comment is therefore redundant and has not been considered further at this time.

On 8 August 2014, Mr Michael Mowle, Managing Director Hopkins Consultants Pty Ltd, provided an alternative layout for the proposed B1 Neighbourhood Centre Zone (Attachments 3 and 4). The alternative layout is considered acceptable and the draft mapping has been adjusted accordingly.

On 18 August 2014, King and Campbell Pty Ltd submitted an additional zone change request on behalf of Mr and Mrs Gray, owners of land on the eastern corner of John Oxley Drive and Thrumster Street (Attachments 5 and 6). The request relates to a proposed subdivision of land which is split zoned R1 General Residential with a minimum lot size of 450 square metres, and R5 Large Lot Residential with a minimum lot size of 8,000 square metres.

A pre-lodgement meeting relating to the future subdivision application was held with Council staff on 5 August 2014. The proposal seeks to extend the development area identified in the Thrumster development control plan provisions by about an additional 5,600 square metres to the north into what is now the R5 Large Lot Residential Zone portion of the lot. The proposed addition to the R1 General Residential Zone would accommodate a perimeter road and four additional dwelling lots. A layout is shown in Attachment 4.

In support of their request, King and Campbell have shown the following:

- The proposed R1 General Residential Zone would not result in the loss of significant trees.
- The remaining unconstrained land on the R5 Large Lot Residential Zone is of sufficient size to accommodate a dwelling without loss of significant trees. Ancillary structures and outbuildings can be accommodated within the bushfire protection area without loss of significant vegetation.
- Further subdivision of the remaining R5 lot would be prohibited by the local environmental plan.
- Future residential occupation of all proposed lots would not require further clearing in order to satisfy current bushfire protection guidelines.

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In addition, the Strategic Land Use Planning team notes the following:

- The proposed residential layout does not alter the strategic intent for development identified through the development control plan.
- The proposed residential area is within a mapped Core Koala Habitat area. The supporting information submitted by King and Campbell demonstrates residential development in the new area can comply with the relevant Koala Plan of Management provisions.
- The proposed layout facilitates efficient development of the area by maximising the use of otherwise unconstrained land.
- A restriction on the use of the new lot in the R5 Large Lot Residential Zone would be required to control the dwelling location. This is normally done as a condition of subdivision approval.

The request to include this zone change in the planning proposal is supported in principle by staff. However, including this matter in the planning proposal does not imply an approval of the subdivision application described earlier. This is a separate matter for development assessment.

Based on the assessment above, the proposed change has been incorporated in the draft mapping.

Broad community engagement and consideration of further submissions will be carried out as part of the standard Gateway process. A submissions report will be presented to Council on completion of all engagement activities, anticipated in February 2015.

The final draft park changes have been reviewed and endorsed by the Group Manager Recreation and Buildings.

As Council owns land in the area, a full description of Council's land interests will be included with the public exhibition material to ensure transparency and accountability.

Planning & Policy Implications

The relevant Community Strategic Plan action is 5.4 *Plan settlements to accommodate a range of compatible land uses and projected population growth*. The associated outcome is to have "employment and population growth that is clustered within urban centres". The proposal contributes to this outcome by fine tuning the alignment of land use zones to reflect the outcomes of more detailed neighbourhood planning.

The proposed zone changes remain consistent with Council's strategic land use planning framework, notably the Urban Growth Management Strategy and the Development Control Plan provisions for Thrumster.

There are no significant planning or policy implications arising from the proposed changes.

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Financial & Economic Implications

The preparation and implementation of local environmental plan amendments relating to Thrumster is identified in action 5.4.2.1 in Council's Operational Plan for 2014-2015. Completion of the work in the manner outlined in this report is able to be undertaken within Council's Strategic Land Use Planning section in consultation with other divisions of Council. The work is funded as a scheduled project within Council's Strategic Planning Program for 2014-2015. The anticipated completion date is November 2015.

If adopted, the zone changes will contribute to a suite of planning tools that aim to facilitate a vibrant place that will contribute to the positive economic outcomes throughout the ongoing development of Thrumster.

Attachments

- 1 [View](#). Planning Proposal: Thrumster Mixed LEP changes
- 2 [View](#). Email from Mr Tony Thorne, King and Campbell
- 3 [View](#). Email from Mr Michael Mowle, Hopkins Consultants
- 4 [View](#). Hopkins proposed zone change
- 5 [View](#). Letter from King & Campbell - additional zoning request
- 6 [View](#). King & Campbell proposed zone change

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Item: 13.18

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 for the planning proposal.

Executive Summary

This report relates to the Sails Resort and Port Macquarie Marina sites on Park Street, Port Macquarie. The sites form part of the Settlement City Precinct, which is considered in a Structure Plan adopted by Council in 2009.

Council received a submission regarding the planning provisions for the Sails Resort site (e.g. zone and height of building provisions) during exhibition of draft Development Control Plan provisions for the Settlement City Precinct in 2012. The submission from All About Planning on behalf of Sails Resort sought a split zone on the Sails site to permit permanent residential development above active ground floor retail/commercial on part of the site fronting Park Street, whilst retaining the dominant tourist use on the majority of the Sails site.

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On 17 July 2013, Council resolved to; "Prepare a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act, as 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)." The description of the planning proposal was indicatively 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.

Council sought further input from representatives of Sails Resort and from NSW Crown Lands during preparation of the draft Planning Proposal. No reply was received from NSW Crown Lands. Submissions from All About Planning in relation to the Sails Resort site proposed a greater area to permit mixed use development and an increase of the existing 11metre and 16 metre height limits on the site up to approximately 27 metres.

At the Ordinary meeting of Council held 18 June 2014, Council resolved to defer consideration of the Planning Proposal pending consultation with Crown Lands.

Submissions have now been received from All About Planning on behalf of Sails Resort, and from NSW Crown Lands and Land Dynamics on behalf of Mekmere Pty Ltd, in relation to the Marina site. All parties request a more comprehensive review of planning controls for the two sites.

The key issues relate to:

- the proposed height of development and impact on views from surrounding areas,
- the depth of commercial and permanent residential development,
- the long term use of the sites for tourist oriented development,
- community access to the foreshore, and
- the extent to which a review of planning for the Sails and Marina sites would trigger the need for a complete review of the adopted Settlement City Precinct Structure Plan.

It is concluded that the draft planning proposal reported to Council in July provides increased flexibility for commercial and permanent residential development along Park Street, consistent with the with the principles of the adopted Structure Plan. The retention of a tourist zone and building heights below the natural skyline are fundamental to the Structure Plan for the area.

A review of these issues would involve a complete review of planning for the Settlement City Precinct which was not contemplated by Council and which is not necessary, given that the Structure Plan was only adopted in 2009. Minor amendments to the location of the proposed B3 and SP3 zone boundary can be considered during exhibition of the draft Planning Proposal.

Accordingly, it is recommended that Council proceed to refer the draft Planning Proposal as initially drafted for gateway determination and subsequent community engagement.

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Discussion

History

The Settlement City Precinct Structure Plan was adopted by Council in 2009 following extensive community and stakeholder engagement. The aim of the Structure Plan is to provide a framework for future development in the Settlement City Precinct on issues including building heights, foreshore access, connectivity and activation.

Since 2009, Council has prepared a development control plan (DCP) for the Precinct, based on the adopted Structure Plan. Minor amendments have been made to height and floor space ratio provisions in Port Macquarie-Hastings Local Environmental Plan 2011 (PMH LEP 2011) on land owned by Kmart Pty Ltd on the corner of Park Street and Warlters St.

Council received a submission from All About Planning on behalf of Sails Resort at the time that the draft DCP was exhibited, seeking a split zone on the Sails site to permit permanent residential development above active ground floor retail/commercial on part of the site, whilst retaining the dominant tourist use on the majority of the Sails site.

In summary, the assessment of this submission by staff concludes that:

- there is some merit in providing a split B3 Core Business and SP3 Tourist. This will require an amendment to PMH LEP 2011, including an assessment of the amount of land that should be zoned to permit a wider range of business and residential uses. The predominant objective is to facilitate long term tourist oriented use of the Sails site as a whole.
- Sails is one of the few remaining sites located on the foreshore of the Hastings River and, as such, it has been zoned for tourist use to reflect its current use.
- Staff do not support the request to allow greater heights for the site as the current heights are consistent with the adopted Structure Plan. As previously advised, the Panthers roof currently breaches the skyline and is viewed as the exception, not the rule. The Warlters/Park Streets corner site has been identified for an iconic building to balance the height and scale of the Panthers building and act as marker to the site. Lower building heights are identified nearer the foreshore to step buildings down closer to the river. Furthermore, these heights are consistent with the existing height limit of the adjoining Port Marina.
- A FSR of 2:1 would be appropriate having regard to the 16 metre height limit that currently applies to the site and any proposed change to a B3 zone in that location. Accordingly, it is proposed that an amendment to FSR be addressed in conjunction with an LEP amendment in relation to the B3 zone, as proposed above.

On 17 July 2013, Council resolved in part to:

3. Prepare a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act, as 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).

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The purpose of the planning proposal was primarily 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.

Staff commenced preparation of a planning proposal on the basis of the above resolution in consultation with Sails and input was sought from NSW Crown Lands in relation to the Marina site.

A concept proposal was presented by All About Planning and the owners of Sails Resort and it was requested 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 11 metre and 16 metre height limits on the site up to approximately 27 metres.

Staff 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. The proposed height variation was particularly significant because the Height of Building provisions have been 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.

There was no response from NSW Crown lands in relation to the proposed LEP amendment for the Marina site.

A report including a draft planning proposal and review of the Sails resort submission was presented to Council on 18 June 2014. Council resolved to defer the planning proposal pending consultation with Crown Lands. A copy of the Council report and Minute are included as Attachment 1.

The Council resolution is include here for reference:

RESOLVED: Besseling/Roberts

That Council defer consideration of the Planning Proposal for the amendment of the zone (LZN) and Floor Space Ratio (FSR) provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to Lot 638 DP257052 (Sails Resort) and Lot 639 DP257052 (Port Marina), pending consultation with Crown Lands.

CARRIED: 7/0

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

Submissions have now been received from NSW Crown Lands and Land Dynamics on behalf of the lessee of the Marina site, Mekmere Pty Ltd. A copy of the submissions from All About Planning, Crown Lands and Land Dynamics/Mekmere Pty Ltd are included as Attachments 4, 5 and 6.

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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 (8 storeys) in height. 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.
- The Crown have indicated broad support for the planning proposal but suggest a more generous depth of land for rezoning for Port Marina.
- Land Dynamics on behalf of Mekmere Pty Ltd propose that growth in retail and commercial business on the Port Marina site is best explored through a comprehensive review of the relevant planning controls and key community aspirations for the site. Mekmere Pty Ltd is seeking a comprehensive review of the current planning controls for the site and consideration of a mixed use zone over the entire site to maximise flexibility for ongoing and future use of the waterfront marina site.

These submissions are discussed below.

Current Local Environmental Plan Provisions

The Current LEP controls for the Sails and Port Marina sites 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.

Draft Planning Proposal

The draft Planning Proposal (Attachment 4) which was reported to Council on 18 July 2014 proposes an amendment to the PMH LEP 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*. The proposed B3 zone would permit range of commercial uses consistent with the adopted *Settlement City Structure Plan 2009* and shop-top residential development, which is currently prohibited in the tourist zone.

The draft Proposal 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.

Review of Submissions

In reviewing the draft Planning Proposal, Council staff have assessed the submissions from the landowners and have identified the following key issues:

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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 and Marina complexes have direct frontage and exclusive access along most of their frontage to the Hastings River, the *Settlement City Precinct Structure Plan 2009* and the *Settlement City Precinct DCP* propose that public access options be considered in conjunction with any proposals for redevelopment of the site.

The Structure Plan and DCP show indicative public promenades from the eastern tip of the Sails site 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 submissions from All About Planning and Land Dynamics do not articulate how or to what extent public foreshore access could be provided and guaranteed for the longer term. Land Dynamics, on behalf of Mekmere Pty Ltd, suggest that opportunities for delivering future public access to the foreshore could be achieved through a comprehensive review of the planning framework to achieve the 'highest and best potential' for the two 'underdeveloped' sites.

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 applications for the foreshore part of the Sails Resort and Port Marina sites. The proposed B3 Commercial Core zone consolidates the commercial development which already exists along part of the Park Street frontage on the Marina site and retains the balance of the site as zone SP3 Tourist to reflect the importance of retaining a tourist presence in this location.

Any change in relation to the provision of open space and public access to the foreshore would trigger the need for a review of the Settlement City Precinct as a whole. No change is proposed in the draft planning proposal.

Depth of land to be rezoned

The Settlement City Structure Plan and development control provisions, promote street oriented development and primary active frontages along Park Street frontages for Sails Resort and Port Marina sites. In keeping with these provisions, the proposed depth of land identified for conversion from *SP3 Tourist* to *B3 Commercial Core* has been set at approximately 40 metres from the Park Street frontage to ensure a realistic balance between tourism and commercial or permanent residential development. The intent being that these uses do not prevail over primary tourism related uses along the water's edge.

For these reasons staff do not support an increase in the depth of land proposed to be converted from *SP3 Tourist* to *B3 Commercial core*.

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.

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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 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 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. 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.

Recent approvals - Kmart and Walters Street rezoning

To support the request for a comprehensive review of the planning controls for Sails Resort and Port Marina sites, Land Dynamics contend that following the rezoning of the Walters Street site in 2011, the Sails Resort and Port Marina sites are the only sites in Port Macquarie retaining a tourist orientation.

At the time of conversion to the Standard Instrument LEP in February 2011, the Settlement City Precinct was converted from 2T1 (Tourist) to SP3 Tourist. The St Josephs School site was subsequently rezoned to B3 Commercial Core in June 2011 as part of a proposal to expand the Port Macquarie CBD to permit retail and commercial development consistent with Council's adopted retail hierarchy and Structure Planning for Settlement City Precinct.

The draft Planning Proposal does not envisage expansion of zone B3 Commercial Core over the whole of the Sails Resort and Port Marina sites for reasons listed elsewhere in this report.

Conclusion

It is concluded that the draft planning proposal reported to Council in July provides increased flexibility for commercial and permanent residential development along Park Street, consistent with the with the principles of the adopted Structure Plan. The retention of a tourist zone and building heights below the natural skyline are fundamental to the Structure Plan for the area.

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A review of these issues would involve a complete review of planning for the Settlement City Precinct which was not contemplated by Council and which is not necessary, given that the Structure Plan was only adopted in 2009. Minor amendments to the location of the proposed B3 and SP3 zone boundary can be considered during exhibition of the draft Planning Proposal.

Accordingly, it is recommended that Council proceed to refer the draft Planning Proposal for gateway determination and subsequent community engagement.

Options

Council could opt to:

1. Proceed with the draft planning proposal as recommended.
2. Defer the draft planning proposal pending a comprehensive review of planning for the Settlement City Precinct.
3. Amend the draft planning proposal to incorporate the planning controls proposed by the owners of Sails Resort, Crown Lands and the lessee of the Port Marina,
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 planning provisions as proposed by the owners and Lessee of the Sails and Marina sites.

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

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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.

The Planning Proposal is expected to have a positive economic impact by maintaining the tourism oriented use of the sites and by enabling supporting commercial and residential development opportunities (that will also integrate within the broader precinct).

Attachments

- 1 [View](#). 2014 06 08 Council Report and Minute - Sails Resort and Port Marina
- 2 [View](#). 2013 07 17 Council Meeting Minute - Sails Resort and Port Marina
- 3 [View](#). Draft Planning Proposal - Sails Resort and Port Marina
- 4 [View](#). Submission - All About Planning - Sails Resort and Port Marina
- 5 [View](#). Submission - Crown Lands - Sails Resort and Port Marina
- 6 [View](#). Submission - Land Dynamics - Sails Resort and Port Marina

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-14-29 Hastings River at Koree Island Aquatic Biological Monitoring

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-14-29 Hastings River at Koree Island Aquatic
Biological Monitoring**

**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