



# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 16 September 2015

**location:** Council Chambers  
17 Burrawan Street  
Port Macquarie

**time:** 5.30pm

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

**Council's Vision**

A sustainable high quality of life for all.

**Council's Mission**

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

**Council's Corporate Values**

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

**Council's Guiding Principles**

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



**PORT MACQUARIE  
HASTINGS**

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

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

### Addressing Council on an Agenda Item:

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

- Completing the *Request to Speak on an Agenda Item at a Council Meeting*, which can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.
- On-line at <http://www.pmhc.nsw.gov.au/About-Us/How-Council-Works/Council-Committee-Meetings/Request-to-speak-on-an-Agenda-Item>

**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.pmhc.nsw.gov.au/About-Us/How-Council-Works/Council-Committee-Meetings/Request-to-speak-in-a-Public-Forum>

**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 16 September 2015

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15.04 Tender T-15-33 Ocean Drive - Design of Matthew Flinders to  
Greenmeadows Duplication

Adoption of Recommendations from Confidential Committee of  
the Whole



**PORT MACQUARIE  
HASTINGS**

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

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

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

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 19 August 2015 be confirmed.



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**PRESENT****Members:**

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

**Other Attendees:**

General Manager (Craig Swift-McNair)  
Director of Community and Economic Growth (Tricia Bulic)  
Director of Corporate and Organisational Services (Rebecca Olsen)  
Director of Development and Environment Services (Matt Rogers)  
Director of Infrastructure and Asset Management (Jeffery Sharp)  
Governance Support Officer (Bronwyn Lyon)  
Communication Engagement and Marketing Team Leader (Andy Roberts)

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The meeting opened at 5.33pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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

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**02 LOCAL GOVERNMENT PRAYER**

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Pastor Carl Moses from the Coastside Church delivered the Local Government Prayer.

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**03 APOLOGIES**

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Nil.

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**04 CONFIRMATION OF MINUTES**

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*RESOLVED: Levido/Intemann*

1. That the Minutes of the Ordinary Council Meeting held on 15 July 2015 be confirmed.
2. That the Minutes of the Extra-Ordinary Council Meeting held on 29 July 2015 be confirmed.
3. That the Minutes of the Extra-Ordinary Council Meeting held on 12 August 2015 be confirmed.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**05 DISCLOSURES OF INTEREST**

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Councillor Hawkins declared a Non-Pecuniary, Less Than Significant Interest in Item 13.09 - Liveable Neighbourhoods - East Port: Submissions Report and draft LEP (Amendment 33) and DCP for consideration, the reason being that Councillor Hawkins lives in the area.

Councillor Besseling declared a Pecuniary Interest in Item 13.09 - Liveable Neighbourhoods - East Port: Submissions Report and draft LEP (Amendment 33) and DCP for consideration, the reason being that Councillor Besseling owns property in the area.

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**06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS**

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*RESOLVED: Besseling*

That the Mayoral Discretionary Fund allocations for the period 1 July to 5 August 2015 inclusive be noted.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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There are no confidential attachments to reports for the Ordinary Council Meeting.

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**08 PUBLIC FORUM**

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The Mayor advised of applications to address Council in the Public Forum from:  
Ms Jenny Daniel regarding Bonny Hills Landcare, Environment, Volunteer, PMHC  
Listening.

Mr Bill Shelly regarding Demise of Landfall, Bartlett's Beach / Reserve.

*RESOLVED: Turner/Roberts*

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*

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**08.01 BONNY HILLS LANDCARE, ENVIRONMENT, VOLUNTEER,  
PMHC LISTENING**

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Ms Jenny Daniel addressed Council in regard to Bonny Hills Landcare, Environment,  
Volunteer, PMHC Listening.

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**08.02 DEMISE OF LANDFALL, BARTLETT'S BEACH / RESERVE**

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Mr Bill Shelly addressed Council in regard to Demise of Landfall, Bartlett's Beach /  
Reserve and answered questions from Councillors.

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**REQUESTS TO SPEAK ON AN AGENDA ITEM**

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

Item 12.05 - Mr Tony Thorne in support of the recommendation.

Item 12.05 - Mr David Mattick in support of the recommendation.

Item 13.09 - Ms M Chapman in opposition of the recommendation.

Item 13.11 - Mr Tony Richmond in support of the recommendation.

Item 13.11 - Mr Leo Koppers in opposition of the recommendation.

Item 13.11 - Mr Tony Lineham in support of the recommendation .

*RESOLVED: Griffiths/Roberts*

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

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Hawkins/Turner*

That Standing Orders be suspended to allow Items 12.05, 13.09 and 13.11 to be brought forward and considered next.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**12.05 DA2015 - 0343 ALTERATIONS AND ADDITIONS TO TOURIST AND VISITOR ACCOMMODATION (SAILS RESORT) INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) UNDER PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 638 DP 257052, NO 20 PARK STREET, PORT MACQUARIE**

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The Mayor tabled a late attachment for this item, being "*Developer Charges - Estimate*".

Mr Tony Thorne of King and Campbell Pty Ltd and representing Royal Bayside Pty Ltd, addressed Council in support of the recommendation and answered questions from Councillors.

Mr David Mattick of Royal Bayside Pty Ltd addressed Council in support of the recommendation and answered questions from Councillors.

*RESOLVED: Roberts/Hawkins*

That DA2015 - 0343 for alterations and additions to tourist and visitor accommodation (sails resort) including clause 4.6 objection to clause 4.3 (height of buildings) under Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 638, DP257052, No. 20 Park Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**13.09 LIVEABLE NEIGHBOURHOODS - EAST PORT: SUBMISSIONS REPORT  
AND DRAFT LEP (AMENDMENT 33) AND DCP FOR CONSIDERATION**

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

Councillor Besseling declared a Pecuniary Interest in this matter, vacated the Chair and left the room and was out of sight during the Council's consideration, the time being 6.17pm.

The Deputy Mayor assumed the Chair.

Ms M Chapman of All About Planning and representing the owners of No. 4 and 6 Burrawan Street, Port Macquarie, addressed Council in opposition of the recommendation and answered questions from Councillors.

*RESOLVED: Intemann/Griffiths*

That Council:

1. Note the submissions received during the exhibition of the proposed changes to the local environmental plan resulting from the Liveable Neighbourhoods East Port urban regeneration framework.
2. Endorse the attached planning proposal revised in response to issues raised in submissions.
3. Forward the revised planning proposal to the Department of Planning and Environment for advice on whether a new Gateway determination is required.
4. On receiving the above advice or a revised Gateway determination, publicly exhibit the revised planning proposal for a minimum of 28 days and in accordance with the Gateway determination if necessary.
5. Endorse the attached draft development control plan provisions relating to the East Port area based provisions.
6. Publicly exhibit the draft development control plan concurrently with the revised planning proposal for a minimum of 28 days.
7. Write to all persons who made a submission thanking them for their contribution and advising them of the further public exhibition.
8. Write to all landowners affected by a change under the revised planning proposal advising them of the public exhibition.
9. Receive a further report on the results of the public exhibition of the revised planning proposal and draft development control plan.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Mayor Besseling returned to the meeting, the time being 6.32pm.

The Deputy Mayor vacated the Chair and the Mayor resumed the Chair.

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**13.11 YALUMA DRIVE RESERVE MATERIAL PUBLIC BENEFIT APPLICATION**

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Mr Tony Richmond of Horizon Developments addressed Council in support of the recommendation and answered questions from Councillors.

Mr Leo Koppers, representing the residents of Heavenly Ridge, addressed Council in opposition of the recommendation.

Mr Tony Lineham, a resident of Crestwood Heights, addressed Council in support of the recommendation.

*RESOLVED: Levido/Intemann*

That this matter be deferred to enable a report to be brought back to Council's December 2015 meeting as to proposals for the development of the Yaluma Drive Reserve including consideration of issues relating to trees and safety, practical passive public use of the reserve, the relevance of the Heavenly Ridge Park, neighbourhood pathway connectivity, neighbourhood concerns, costings, and the work-in-kind contribution offered by the developer of the immediately adjoining estate.

*CARRIED: 6/3*

*FOR: Besseling, Cusato, Hawkins, Intemann, Levido and Turner*

*AGAINST: Griffiths, Roberts and Sargeant*

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**09.01 2015 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE**

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*RESOLVED: Intemann/Cusato*

That Council:

1. Grant approval for Mayor Besseling and Councillors Rob Turner and Adam Roberts to attend the 2015 Local Government NSW Annual Conference to be held in Rosehill from 11 to 13 October 2015.
2. Determine that Mayor Besseling and Councillors Rob Turner and Adam Roberts be Council's voting delegates for the Elections of Office Bearers and the Board of Local Government NSW at the Conference.
3. Determine that Mayor Besseling and Councillors Rob Turner and Adam Roberts be Council's voting delegates for voting on motions at the Conference.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **09.02 STATUS OF OUTSTANDING REPORTS TO COUNCIL**

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*RESOLVED: Sargeant/Griffiths*

That the information in the August 2015 Status of Outstanding Reports to Council be noted.

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

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## **09.03 SERVICES REVIEW PROJECT - PHASE 2: SERVICE LEVELS**

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*RESOLVED: Griffiths/Hawkins*

That Council endorse the Phase 2: Service Levels Methodology that will be used to undertake the organisation-wide Services Review project.

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

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## **09.04 MONTHLY FINANCIAL REVIEW FOR JULY 2015**

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*RESOLVED: Hawkins/Sargeant*

That Council adopt the adjustments in the "Financial Implications" section of the report for July 2015.

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

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**09.05 2014-2015 CARRY-OVER PROJECTS**

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*RESOLVED: Intemann/Levido*

That Council:

1. Adopt the 2014-2015 carry-over projects outlined in the report for inclusion in the 2015-2016 budget.
2. Amend the 2015-2016 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*

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**09.06 2014-2015 FINANCIAL STATEMENTS AUDIT**

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*RESOLVED: Hawkins/Sargeant*

1. That Council refer to audit the draft Financial Statements as at 30 June 2015.
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*

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**09.07 INVESTMENTS - JULY 2015**

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*RESOLVED: Intemann/Hawkins*

That Council note the Investment Report for the month of July 2015.

*CARRIED: 9/0*

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

*AGAINST: Nil*



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## 09.08 COUNCIL POLICY REVIEW - POLICY RESCISSIONS

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*RESOLVED: Griffiths/Cusato*

That Council rescind the following Policies:

- a. Access to Information
- b. Broadcasting of Council Meetings
- c. Council Documents and Reports
- d. Annual Reporting
- e. Airport Car Parking
- f. Release of Rating and Property Information
- g. Hazardous Waste Incidents
- h. Impounding of Cattle
- i. Impounding of Dogs
- j. Local Aboriginal Land Councils - Interim Consultation Policy regarding Council Works, DA's and Draft LEPs
- k. Noise from Recreational Trail Bike Use
- l. Provision of Kerbside Waste Collection Services to Dwellings Multi Unit Developments Commercial and Industrial Premises
- m. Temporary Occupation of Building During Erection of a Dwelling
- n. Use of Public Land for Vegetation Offsets
- o. Aggregation of Land Values for Rating Purposes
- p. Exercising Horses on Pilot Beach Dunbogan; and
- q. Frontage Works to Development.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## 09.09 2014-2015 OPERATIONAL PLAN END OF YEAR REPORT AS AT 30 JUNE 2015

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*RESOLVED: Intemann/Sargeant*

That Council:

1. Note the 2014-2015 Operational Plan end of year report as at 30 June 2015.
2. Note the 2014-2015 Carry Over report tabled under separate cover which will enable identified actions to be continued into the 2015-2016 Operational Plan.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**09.10 PORT MACQUARIE-HASTINGS ACCESS SUB-COMMITTEE  
MEMBERSHIP 2015**

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*RESOLVED: Turner/Intemann*

That Council:

1. Adopt the following changes to the Port Macquarie-Hastings Access Sub-Committee Terms of Reference:
  - a) The number of community members be increased from 12 to 14.
  - b) The quorum be six members.
  - c) Adopt the revised Terms of Reference.
2. Adopt the following new community members to the Port Macquarie-Hastings Access Sub-Committee:
  - a) Anthony Clarke.
  - b) Julie Haraksin.
  - c) Ian Irwin.
  - d) Ben Oultram.
  - e) Jeffrey Tapping.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**10.01 PLACEMENT OF WRITTEN MATERIAL ON PUBLIC PROPERTY -  
POLITICALLY MOTIVATED SIGNAGE**

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Councillor Hawkins left the meeting, the time being 07:18pm.

Councillor Hawkins returned to the meeting, the time being 07:20pm.

*RESOLVED: Cusato/Griffiths*

That Council note the report.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**10.02 RECOMMENDED ITEM FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - MAY MEETING**

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*RESOLVED: Besseling/Turner*

1. That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Mayor's Sporting Fund to: Mr Jack Page in the amount of \$100.00 as an encouragement award and in recognition of his invitation to participate in the 2015 West Ham United Oceania Academy National Camp and UK Football Experience.
2. That the Expressions of Interest to join the Mayor's Sporting Fund Sub-Committee received from Mr Nik James, Mrs Sue Reid and Mr Richard McGovern be accepted as members of the Sub-Committee.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**11.01 ECONOMIC DEVELOPMENT STRATEGY - SIX MONTHLY REPORT ON PROGRESS**

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*RESOLVED: Turner/Cusato*

That Council note the six monthly progress report on implementation of the 2013-2016 Port Macquarie-Hastings Economic Development Strategy.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**12.01 DA2015 - 0157- ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6 VARIATION TO BUILDING HEIGHT STANDARD - 3 PARTRIDGE STREET, PORT MACQUARIE**

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*RESOLVED: Levido/Cusato*

That the determination of DA 2015 - 157 for additions to dwelling including clause 4.6 variation to clause 4.3 building height under Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 423 DP 208523, No. 3 Partridge Street, Port Macquarie, be noted.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**12.02 QUESTION ON NOTICE - MERGING OF HASTINGS LGA COAST & ESTUARIES SUB-COMMITTEE AND HASTINGS LGA FLOODPLAIN MANAGEMENT SUB-COMMITTEE**

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*RESOLVED: Intemann/Hawkins*

That Council note that a report dealing with the merger of the Hastings LGA Coast & Estuaries Sub-Committee and the Hastings LGA Floodplain Management Sub-Committee is included in this agenda.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**12.03 MERGER OF THE HASTINGS LGA COAST & ESTUARIES SUB-COMMITTEE AND THE HASTINGS LGA FLOODPLAIN SUB-COMMITTEE**

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*RESOLVED: Sargeant/Cusato*

That Council:

1. Merge the Hastings LGA Coast & Estuaries Sub-Committee and the Hastings LGA Floodplain Sub-Committee to form the Coast, Estuary and Floodplain Advisory Sub-Committee.
2. Retain the existing membership of each Sub-Committee in the new Coast, Estuary and Floodplain Advisory Sub-Committee (but that vacancies in the Sub-Committees not be filled) and thank those members for their past and ongoing commitment to assisting Council.
3. Appoint Councillors Intemann and Griffiths to the Coast, Estuary and Floodplain Advisory Sub-Committee, with Councillor Intemann as Chairperson.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**12.04 LANDFILL GAS CAPTURE TRIAL**

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**MOTION**

*MOVED: Hawkins/Cusato*

That Council request the General Manager to prepare a revised, comprehensive report to the October 2015 meeting of Council noting the following:

1. The information is to be presented and packaged in the format of a business case and is to include data and commentary around the relevant experience of other councils in Australia, particularly in NSW and where most comparable with / relevant to PMHC.
2. In preparing the business case, staff are requested to include all significant relevant information known at the current time as well as provide informed advice with respect to its most likely impact and relevance to the business case to proceed with the trial.

**FORESHADOWED MOTION**

*MOVED: Levido*

That Council:

1. Register the Landfill Gas Capture Project at the Cairncross Waste Management Centre with the Clean Energy Regulator to ensure eligibility for Carbon Credits under the Emission Reduction Fund.
2. Include the project in the 2015 - 2016 Operational Plan, to be funded by \$200,000 from reserves held within the Waste Fund.
3. Retender the project as outlined in the report.

**THE MOTION WAS PUT**

*RESOLVED: Hawkins/Cusato*

That Council request the General Manager to prepare a revised, comprehensive report to the October 2015 meeting of Council noting the following:

The information is to be presented and packaged in the format of a business case and is to include data and commentary around the relevant experience of other councils in Australia, particularly in NSW and where most comparable with / relevant to PMHC.

In preparing the business case, staff are requested to include all significant relevant information known at the current time as well as provide informed advice with respect to its most likely impact and relevance to the business case to proceed with the trial.

*CARRIED: 5/4*

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

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**13.01 NOTICE OF MOTION - COUNCIL POOLS**

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*RESOLVED: Intemann/Levido*

That Council request the General Manager to report to the November 2015 Council meeting on the current condition of all Council controlled pools and pool facilities within the Local Government Area and the future maintenance and/or redevelopment plans for those pools.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**13.02 PROVISION OF SUITABLE TAXI RANK LAYBACKS OR RAMPS IN HORTON & HAYWARD STREETS, PORT MACQUARIE**

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*RESOLVED: Turner/Sargeant*

That the information in this report be noted.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**13.03 2015/16 OPERATIONAL PLAN - CONSTRUCTION OF MULTIPLE FOOTPATH/CYCLEWAY PROJECTS THROUGHOUT THE LOCAL GOVERNMENT AREA**

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*RESOLVED: Griffiths/Levido*

That Council:

1. Endorse the footpath/cycleway program for completion in 2015/2016 as described in this report.
2. Explore how the Access Committee prioritisation can be incorporated into the existing prioritisation process for footpaths/cycleways.

*CARRIED: 9/0*

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

*AGAINST: Nil*

Councillor Sargeant left the meeting, the time being 8.13pm.

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**13.04 PROPOSED NAMING OF AN AREA OF OPEN SPACE WITHIN THE SOVEREIGN HILLS LAND RELEASE**

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*RESOLVED: Cusato/Roberts*

That application be made to the Geographical Names Board to name an area comprising 9,000m<sup>2</sup> of park within Lot 401 Deposited Plan 1208753 as "Joeys Meadow".

*CARRIED: 8/0*

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

*AGAINST: Nil*

Councillor Sargeant returned to the meeting, the time being 8.15pm.

---

**13.05 LAND ACQUISITION AT THE INTERSECTION OF SHORELINE DRIVE AND MARIA RIVER ROAD**

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*RESOLVED: Levido/Intemann*

That Council:

1. Pursuant to Section 186 of the Local Government Act 1993 make application to the Minister for Local Government and The Governor for the compulsory acquisition of Lot 10 Deposited Plan 704834 for sewerage purposes.
2. Exempt all mines and minerals from the compulsory acquisition of Lot 10 Deposited Plan 704834.
3. On acquisition of Lot 10 Deposited Plan 704834, advertise the draft resolution "It is intended to classify Lot 10 Deposited Plan 704834 (land situated at the intersection of Shoreline Drive and Maria River Road) as operational land."

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**13.06 QUESTION ON NOTICE - PLAZA CAR PARK - CAR PARKING SPACES**

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*RESOLVED: Levido/Intemann*

That Council note the report.

*CARRIED: 9/0*

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

*AGAINST: Nil*



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**13.07 QUESTION ON NOTICE - PLAZA CAR PARK SITE**

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*RESOLVED: Intemann/Turner*

That Council note the report and attached letter to the Minister for Lands.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**13.08 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE**

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*RESOLVED: Sargeant/Levido*

That Council:

1. Note the Development Activity and Assessment System Performance Report for the fourth quarter of 2014-2015.
2. Issue a media release noting the very positive economic performance data as included in this report.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**13.10 RECREATIONAL BOATING UPDATE**

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*RESOLVED: Cusato/Griffiths*

That Council:

1. Receive and note the information in this report.
2. Request, through the General Manager, for the Roads and Maritime Services to bring forward options for priorities within the draft scope of investigations into the Camden Haven River and the Hastings River in line with the Recreational Plan adopted by Council.
3. Request the General Manager to report progress back to Councillors.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**14 QUESTIONS FOR NEXT MEETING**

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**14.01 TACKING POINT LIGHTHOUSE RESERVE AND LIGHTHOUSE BEACH  
ROAD EAST OF DAVIS CRESCENT**

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**Question from Councillor Roberts:**

In March 2015, via Item 13.10 of the Ordinary Council Meeting Agenda, Council unanimously resolved (as part of a three part resolution) to:

*'Seek grant funding for the future development of the staged works for Lighthouse Road east of Davis Crescent and precinct in accordance with the Tacking Point Lighthouse Reserve Master Plan.'*

Can the General Manager please provide copies of the specific funding requests to either or both the State or Federal Government(s) or related bodies, the responses received (if any) and outcomes of those requests to date.

**Comments by Councillor (if provided):**

Nil.

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**14.02 2015 CARRY-OVER PROJECTS REPORT**

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**Question from Councillor Roberts:**

In relation to the August 2015 Carry-Over Projects Report and the performance of Port Macquarie Hastings Council in delivering projects more broadly and noting the best result for capital works/project delivery by this Council in the last five financial years was \$45.5 million (2014/15) up \$3.3m on (2013/14).

Why was Council asked to approve a \$93m project budget in 2014/15 and again \$92m in 2015/16 if the organisation could only deliver half of that figure (\$45.5m) based on recent years' actuals?

**Comments by Councillor (if provided):**

Nil.

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**CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Levido/Cusato*

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

Item 15.01 Tender T-15-02 Provision of Plumbing Maintenance Services

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

Item 15.02 Tender T-15-34 Management of the Port Macquarie Companion Animal Impounding Facility

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

Item 15.03 EOI-15-05 Independent Members of the Town Centre Master Plan Sub-committee

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

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

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**ADJOURN MEETING**

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The Ordinary Council Meeting adjourned at 8.41pm.

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**RESUME MEETING**

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The Ordinary Council Meeting resumed at 8.45pm.

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**ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Griffiths/Intemann*

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

Item 15.01      Tender T-15-02 Provision of Plumbing Maintenance Services

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

**RECOMMENDATION**

That Council:

1.      Accept the tenders from the following suppliers to be appointed to a panel of suppliers for the provision of Plumbing Maintenance Services for a two (2) year period commencing 1 September 2015, with options to extend for up to a further two (2) x one (1) year periods:
  - a)      Affordable Plumbing is McCarron Plumbing.
  - b)      AJ & KC Cutcliffe.
  - c)      Tifes Plumbing Pty Ltd
2.      Accept the schedules of rates received from Affordable Plumbing is McCarron Plumbing, AJ & KC Cutcliffe and Tifes Plumbing Pty Ltd for the provision of Plumbing Maintenance Services.
3.      Affix the seal of Council to the necessary documents.
4.      Maintain the confidentiality of the documents and considerations in respect of Tender T-15-02.

Item 15.02      Tender T-15-34 Management of the Port Macquarie Companion Animal Impounding Facility

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

**RECOMMENDATION**

That Council:

1.      Accept the tender from RSPCA NSW for \$321,889 (excl GST) for the Management of the Port Macquarie Companion Animal Impounding Facility for a three (3) year period commencing 1 September 2015, with options to extend for up to a further two (2) x one (1) year periods.

- 
2. Affix the seal of Council to the necessary documents.
  3. Maintain the confidentiality of the documents and considerations in respect of Tender T-15-34.

Item 15.03 EOI-15-05 Independent Members of the Town Centre Master Plan Sub-committee

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

RECOMMENDATION

That Council:

1. Appoint new members in the listed representative positions, to the Town Centre Master Plan Sub-Committee, following completion of the current two (2) year membership term:
  - a) CBD Landowner - Mr John Gowing
  - b) Port Macquarie Chamber of Commerce representative - Mr Anthony Thorne
  - c) Access Committee representative - Mrs Sharon Beard
2. Commence the appointments by inviting the new members to the next Town Centre Master Plan Sub-Committee meeting on 26 August 2015.
3. Call an additional Expression of Interest for the appointment of a CBD Trader.

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

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The meeting closed at 8.46pm.

.....  
Peter Besseling  
Mayor

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Item: 05  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

Name of Meeting: .....  
Meeting Date: .....  
Item Number: .....  
Subject: .....  
.....

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

☐

**Pecuniary:**

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

☐

**Non-Pecuniary - Significant 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

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of land in which councillor or an associated person, company or body has a proprietary interest ( <i>the <b>identified land</b></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.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST</b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP ( <i>the <b>subject land</b></i> <sup>iii</sup> ) <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<sup>iv</sup> 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.

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Item: 06.01

Subject: MAYORAL MINUTE - MAYORAL DISCRETIONARY FUND  
ALLOCATIONS

Mayor, Peter Besseling

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### RECOMMENDATION

That the Mayoral Discretionary Fund allocations for the period 6 August to 2 September 2015 inclusive be noted.

### Discussion

#### Mayoral Discretionary Fund Allocations

The total commitment from the Mayoral Discretionary Fund from 6 August to 2 September 2015 inclusive was \$1,081.51.00.

This included the following:

Donation to St Columba Friends of Music	\$120.00
Donation to Hope Shop Fundraiser	\$200.00
Donation to Rise Above Cancer Fundraiser	\$200.00
Donation to Red & Blue Ball Student Heart Fundraiser	\$200.00
Civic Afternoon Tea for CWA of Australia Executive	\$296.51
Floral Wreath for Monument & Time Capsule Service at North Brother	\$65.00
	<u>\$1,081.51</u>

### Attachments

Nil

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**Item: 07****Subject: CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL  
MEETING****Presented by: General Manager, Craig Swift-McNair**

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That Council determine that the attachments to Item Numbers 13.01 and 13.03 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.**

**Discussion**

The following confidential attachment has been submitted to the Ordinary Council Meeting:

<b>Item No:</b>	13.01
<b>Subject:</b>	Three Villages Sewerage Scheme Independent Review
<b>Attachment Description:</b>	29 July 2015 Confidential Council Report
<b>Confidential Reason:</b>	If disclosed would confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).

<b>Item No:</b>	13.03
<b>Subject:</b>	Settlement Point Ferry - Out of Water Inspection and Maintenance (Slipping)
<b>Attachment Description:</b>	Birdon Quotation for Settlement Point Slipping
<b>Confidential Reason:</b>	If disclosed, prejudice the commercial position of the person who supplied it. Local Government Act 1993 - Section 10A(2)(d(i)).

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**Item: 08****Subject: PUBLIC FORUM**

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

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

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

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

## Ensuring Good Governance

### What are we trying to achieve?

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

### What will the result be?

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

### How do we get there?

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

## Ensuring Good Governance

**Item: 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 16 September 2015 up until the 2016 Local Government Ordinary Election.**
- 3. Elect the Deputy Mayor by way of 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 otherwise from exercising a function under this Section, or if no Deputy Mayor has been elected.*



## Ensuring Good Governance

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 (1) 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.

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.

## Ensuring Good Governance

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

There has been no external community engagement required for the subject of this report.

#### Internal Consultation

- General Manager.

## Ensuring Good Governance

### Planning & Policy Implications

There are no planning or policy implications as a result of this report.

### Financial & Economic Implications

There are no financial or economic implications as a result of this report.

### Attachments

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

## Ensuring Good Governance

**Item: 09.02**

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

**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 2015 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
Externally Restricted Funds in the Categories of Developer Contributions, Water, Sewerage and Domestic Waste Management (Item 09.03 - OC 17/06/15)		DCOS		Sep 2015
Port Macquarie Indoor Stadium Expansion - progress report (Item 15.04 - OC 15/07/15)		GM		Sep 2015
Three Villages Sewerage Scheme Construction - process of independent review. (Item 09.02 - EX-OC 29/07/15)		GM		Sep 2015
QON - Tacking Point Lighthouse Reserve & Lighthouse Beach Road East Of Davis Crescent (Item 14.01 - OC 19/08/15)		DCEG		Sep 2015

## Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
QON - 2015 Carry-Over Projects Report (Item 14.02 - OC 19/08/15)		DCOS		Sep 2015
Supply of Services to Council (Item 09.02 - OC 17/06/15)	Seeking further costings.	DCOS	Sep 2015	Oct 2015
Waste Audit - Results. (Item 12.06 - OC 16/07/14)		DDES	Oct 2015	Oct 2015
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 2015	Oct 2015
Development Contributions for Student Accommodation - results of trial. (Item 13.06 - OC 19/11/14)		DDES	Jun 2015	Oct 2015
Landfill Gas Capture Trial (Item 12.04- OC 19/08/15)		DDES		Oct 2015
Three Villages Sewerage Scheme Construction - options to deliver fit-for-purpose and value-for-money. (Item 09.02 - EX-OC 29/07/15)		DIAM		Nov 2015
NOM - Council Pools (Item 13.01 - OC 19/08/15)		DCEG		Nov 2015
Committees Review (Item 12.04 - OC 20/05/15)	Further consultation required with Councillors prior to consideration	DCOS	Jul 2015	Dec 2015
Council Policy Template Review (Item 09.07 - OC 15/07/15)		DCOS		Dec 2015
Water Fluoridation - request for detailed information on studies and programs. (Item 10.01 - OC 15/07/15)		DIAM		Dec 2015
Free Camping - Position Statement monitoring and engagement with free camping community. (Item 11.03 - OC 18/03/15)		DCEG	Feb 2016	Feb 2016



## Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Progress on Recreational Boating & RMS investigations for Hastings & Camden Haven Rivers (Item 13.10 - OC 19/08/15)		DCEG		Jun 2016
Development Contributions for Non Residential Development - outcome of trials. (Item 13.07 - OC 20/05/15)		DDES		Jul 2016
Draft Structure Plan for the Greater Sancrox Area - consideration/investigations of potential urban capability/serviceability / capacity of lands between Oxley Highway to north, Pacific Highway to west and Houston Mitchell Drive to south and viability of rural residential development in the Greater Sancrox area. (Item 13.07 - OC 18/02/15)		DDES	2016	2016

### Cyclic Reports

Report	Reporting Officer	Reporting Cycle
Monthly Financial Update	DCOS	Monthly
Investments	DCOS	Monthly
Mayoral Discretionary Fund Allocations	GM	Monthly
Development Activity and Assessment System Performance	DDES	Quarterly (Apr, Jul, Oct, Feb)
Glasshouse Quarterly Financial Report	DCOS	Quarterly (July, Oct, Feb, Apr)
Procurement Strategy - Progress Report (Item 08.10 - ORD 18/09/2013)	DCOS	Quarterly (July, Oct, Feb, Apr)
Glasshouse Strategic Business Plan - Progress Report	DCOS	Quarterly (Aug, Nov, Feb, May)
Delivery Program - Progress Report	DCEG	Biannual (Mar, Sept)
Operational Plan - Progress Report	DCEG	Biannual (May, Oct)

## Ensuring Good Governance

Report	Reporting Officer	Reporting Cycle
Economic Development Strategy - Progress Report (Item 10.03 - ORD 20/11/2013)	DCEG	Biannual (June, Dec)
Mayoral and Councillor Fees (Setting of)	GM	Annually (June)
MIDROC Strategic Plan 2013-2017 Outcomes (Item 08.03 - ORD 21/08/2013)	GM	Annually (July)
Annual Report of the Activities of the Mayor's Sporting Fund	DCEG	Annually (Aug)
Compliments and Complaints Annual Report	DCEG	Annually (Sep)
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	DCOS	Annually (Sept)
Audit Committee Annual Report	DCOS	Annually (Sept)
Annual Report of Disability Discrimination Act Action Plan	DCEG	Annually (Sep)
Annual Disclosure of Interest Returns	GM	Annually (Oct)
Payment of Expenses and Provision of Facilities to Councillors Policy for Adoption	DCOS	Annually (Nov)
Council's Annual Report	DCEG	Annually (Nov)
Annual Reporting of Contracts for Senior Staff	GM	Annually (Nov)

### Attachments

Nil

## Ensuring Good Governance

**Item: 09.03**

**Subject: DISCLOSURE OF INTEREST RETURN**

**Presented by: Corporate & Organisational Services, Rebecca Olsen**

### Alignment with Delivery Program

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

### RECOMMENDATION

**That the Disclosure of Interest return for Director Community and Economic Growth be noted.**

### Executive Summary

This report informs Council of the lodgement of a return disclosing the interests of a designated person which are required under section 445 of the *Local Government Act 1993*.

### Discussion

Section 445 of the *Local Government Act 1993*, requires Designated Persons to prepare and submit written returns of interests in accordance with section 449. The position of Director Community and Economic Growth is a designated person under the Local Government Act.

Section 450A(1) requires the General Manager to keep a Register of Returns and section 450A(2) requires the General Manager to table the Returns at the first Council meeting held after the last date for lodgement.

The Returns are then held in the Governance and Executive Services section of Council and, as required by section 6 of the *Government Information (Public Access) Act 2009*, are available for public inspection, by appointment.

The Return for the position of Director Community and Economic Growth will be tabled at this meeting.

### Options

Nil. Lodgement of a Return by a Designated Person is a requirement under section 445 of the Local Government Act.

### Community Engagement & Internal Consultation

#### Internal Consultation

- Group Manager Governance & Executive Services.



## **Ensuring Good Governance**

- General Manager.
- Director Community and Economic Growth

### **Planning & Policy Implications**

Nil.

### **Financial & Economic Implications**

Nil.

### **Attachments**

Nil

## Ensuring Good Governance

**Item: 09.04**

**Subject: COUNCIL MEETINGS DATES FOR 2016**

**Presented by: Corporate & Organisational Services, Rebecca Olsen**

### 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 2016 as the third Wednesday of each month (with the exception being no meeting scheduled in January, and an earlier meeting in December due to the proximity of Christmas) being 17 February, 16 March (Taking the Council to the Community - Wauchope), 20 April, 18 May, 15 June, 20 July, 17 August, 21 September, 19 October (Taking the Council to the Community - Laurieton), 16 November, and 14 December.**

### Executive Summary

It is proposed that the Council Meeting Schedule for 2016 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 2016 on a cycle of the third Wednesday of each month (with the exception being no meeting scheduled in January, and an earlier meeting in December due to the proximity of Christmas).

The proposed meeting schedule for 2016 is as follows:

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

## **Ensuring Good Governance**

### **Options**

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

### **Community Engagement & Internal Consultation**

- General Manager.
- Governance Support Officer.

### **Planning & Policy Implications**

Nil.

### **Financial & Economic Implications**

Nil.

### **Attachments**

Nil

## Ensuring Good Governance

**Item: 09.05**

**Subject: RECOMMENDED ITEM FROM AUDIT COMMITTEE - AUDIT COMMITTEE ANNUAL REPORT 2014-2015**

**Presented by: Corporate & Organisational Services, Rebecca Olsen**

### 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 2014-2015.**

### Executive Summary

The Audit Committee met on 13 August 2015 and presented its Annual Report. The Committee reach consensus on Item 14 - Audit Committee Annual Report 2014-2015 and now submits the above recommendation for Council consideration.

The 2014-2015 Audit Committee Annual Report outlines the activities undertaken by the Committee during the 2014-2015 period.

The Committee's role and responsibilities are:

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

### Attachments

1 [View](#). 2014-2015 Audit Committee Annual Report

## Ensuring Good Governance

**Item:** 09.06

**Subject:** RECOMMENDED ITEM FROM AUDIT COMMITTEE - LEGISLATIVE COMPLIANCE 2014-2015

**Presented by:** Corporate & Organisational Services, Rebecca Olsen

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### Alignment with Delivery Program

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

### RECOMMENDATION

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

#### Executive Summary

The Audit Committee met on 13 August 2015. The Committee reached consensus on Item 11 - Legislative Compliance 2014-2015 and now submits the above recommendation for Council consideration.

The Audit Committee has previously supported mechanisms to monitor legislative compliance.

The Office of Local Government releases an annual Calendar of Compliance and Reporting Requirements for councils. This calendar includes all key deadlines for strategic management tasks for all general purpose councils in NSW. The attached report when originally developed was based on the Calendar of Compliance and Reporting Requirements but has subsequently been expanded to include additional tangible legislative requirements.

Attached to this report is the annual legislative compliance report for 2014-2015.

#### Attachments

1 [View](#). Legislative Compliance Report 2014-2015

## Ensuring Good Governance

**Item: 09.07**

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

**Presented by: Corporate & Organisational Services, Rebecca Olsen**

### 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 25 September 2015 until 22 October 2015, the draft Payment of Expenses and Provision of Facilities to Councillors Policy.**
- 2. Note that a further report will be tabled at the November 2015 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 been undertaken by 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 25 September 2015 until 22 October 2015, 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.



## 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 2014 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.

The existing Policy has been updated to reflect the changes to travel allowances and incidentals in line with the relevant Australian Tax Office taxation determination. Payment of Expenses and Provision of Facilities to Councillors Policy is provided as Attachment 1.

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 for 28 days from 25 September 2015 until 22 October 2015. Council will accept submissions from the public on the draft Policy during this period.

## Ensuring Good Governance

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 2015 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 25 September 2015 until 22 October 2015. This is 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;
- Director, Corporate & Organisational Services; and
- 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 2015-2016 budget for the payment of expenses and provision of facilities to Councillors.

### Attachments

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



## Ensuring Good Governance

**Item: 09.08**

**Subject: MAKING OF COUNCIL POLICY**

**Presented by: Corporate & Organisational Services, Rebecca Olsen**

### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council adopt the Making of Council Policy, as attached.**

#### Executive Summary

At the Ordinary Council Meeting held on 15 July 2015, Council resolved to:

### 09.07 MAKING OF COUNCIL POLICY

*RESOLVED: Intemann/Griffiths*

That Council:

1. Place on public exhibition from 24 July 2015 to 21 August 2015 (28 days) the draft Making of Council Policy document.
2. Accept submissions from the public during the exhibition period.
3. Include in the Policy, for exhibition, a clause in Part 5 requiring an annual Council Policy status report to Council.
4. Request the General Manager to provide a report in December 2015 on the review of the Council's Policy template, with the review having particular emphasis on:
  - a) Removing superfluous sections/headings and information; and
  - b) Increasing the prominence of the Policy Statement section of the template.

*CARRIED: 8/0*

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

*AGAINST: Nil*

The Policy on the Making of Council Policy provides an open and transparent statement as to how the Council will establish, amend and rescind its Policy.

Following a review of this policy which resulted in a series of proposed amendments, the above-mentioned resolution was made. Hence, the draft Making of Council Policy was updated to include a clause in Part 5 requiring an annual Council Policy status report to Council and was publically exhibited from Friday, 24 July 2015 to Friday, 21 August 2015 (28 days). No submissions were received during the exhibition period.

## Ensuring Good Governance

A separate Report in response to Resolution 4 will be presented to the December 2015 Council Meeting on the review of Council's Policy template.

### Discussion

The Council at the request of Councillor Intemann resolved to review the Policy entitled 'Proposing New Policy, Amending Existing Policy and Rescinding Obsolete Policy' at the November 2014 Ordinary Meeting of Council. The review was to include emphasis on:

- Establishing the need for any new Policy.
- Councillor involvement in Policy making.
- Regular Policy reviews.

A thorough review was undertaken of the 'Proposing New Policy, Amending Existing Policy and Rescinding Obsolete Policy'. Significant changes include:

1. The Policy being renamed to 'Making of Council Policy'.
2. Policy has been completely rewritten.
3. Definitions of 'Policy', 'procedure' and 'guideline' have been incorporated.
4. The proposed Policy review cycle is within the first 12 months of an Ordinary Local Government Election and a minimum of every four (4) years.

This is to ensure each new Council reviews its Policy making framework in the first 12 months of its term.

5. The currently adopted 'process' is proposed to be renamed a 'procedure'.
6. It proposes to include the public exhibition of Policy intended for rescission.

This has been included, as this is the current practice of the Council.

7. A requirement for an annual Council Policy status report to Council.

### Establishing the need for any new Policy

The proposed Policy includes as the first phase 'Establish Need'. It is at this point where a determination is reached regarding the appropriate course of action required to address the subject issue or matter.

This is a critical decision point, as a valid and appropriate determination may be that it is not a Policy document that is required.

### Councillor involvement in Policy making

A Councillor(s) can become involved in Policy making at the 'Drafting' phase, by way of presentation of a Council report for the purposes of adoption of a draft Policy for exhibition purposes.

Councillors, then, remain involved in the Policy 'Consultation' and 'Authorisation' phases and where necessary the 'Communication' and 'Implementation' phases.

Councillors can, however, also instigate the Policy making process itself.

## Ensuring Good Governance

A Councillor can proposed a motion (Notice of Motion) requesting the General Manager research a particular Policy area and present a future report to Council for consideration.

Summary of a Councillors involvement in the Policy making process:

- Instigate/Request.
- Input to ('Drafting' phase).
- Authorisation.
- Communication (where appropriate).
- Implementation (where appropriate).

### Regular Policy reviews

The proposed Policy includes a standard two (2) year review cycle for Policy, unless there is justification within a specific Policy for an alternative review cycle.

Notification of Policy review cycles to Policy responsible officers is proposed to be the responsibility of the Governance and Executive Services section, which also have custodianship of the Council Policy Register.

### Further Background Information

For further information, reference can be made to the report (Item 09.04) presented to the October 2014 Ordinary Council Meeting which provided additional detail on Council Policy making and the Council Policy review processes.

### Review of Councils Policy Template

A report is scheduled to be presented to the December 2015 Ordinary Meeting of Council on a review of the Policy template. The review will have particular emphasis on:

- a) Removing superfluous sections/headings and information; and
- b) Increasing the prominence of the Policy Statement section of the template.

### **Options**

Council currently has an adopted position on Council Policy, the 'Proposing New Policy, Amending Existing Policy and Rescinding Obsolete Policy'.

Council can elect to note this report, which will result in the status quo remaining.

### **Community Engagement & Internal Consultation**

Community engagement was undertaken in adherence to Council's Community Engagement Policy, the community consultation plan was based around Council informing and consulting with the community.

The Policy was publicly exhibited from 24 July 2015 to 21 August 2015.

## Ensuring Good Governance

### Internal Consultation

- Councillor Intemann;
- General Manager;
- Director Corporate and Organisational Services; and
- Group Manager Governance and Executive Services.

### **Planning & Policy Implications**

This report recommends the adoption of the draft Making of Council Policy following public exhibition.

The draft Policy proposes how all future new, amendments, review and rescission of Council Policy will occur.

### **Financial & Economic Implications**

Nil.

### **Attachments**

1[View](#). Draft Making of Council Policy

2[View](#). Draft Making of Council Procedure

## Ensuring Good Governance

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**Item:** 09.09

**Subject:** NOTICE OF MOTION - ZERO BASED BUDGETING

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

### RECOMMENDATION

That the General Manager bring a report back to the November meeting of Council on the benefits and impacts of implementing a zero based budgeting approach and the potential alignment of this approach to the current service level work being undertaken.

**Comments by Councillor** (if provided)

Nil.

### Attachments

Nil



## Ensuring Good Governance

**Item: 09.10**

**Subject: NOTICE OF MOTION - CAPITAL WORKS PROJECTS PROGRAM**

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

### RECOMMENDATION

**That the General Manager report to the October 2015 Council Meeting on options to expand Council's capacity to better respond to the demands of the 2015-2016 and subsequent financial years' capital works projects program.**

### Comments by Councillor (if provided)

It is evident that Port Macquarie-Hastings Council has, in recent times, not been able to deliver the full adopted capital works projects that have been budgeted for or promised.

For example:

- In the 2014-2015 financial year, Council delivered \$45.5m of an adopted \$93.6m. Some \$48.1m less than was adopted by Council in that financial year.
- In 2013-2014, approximately \$20m was carried over to the 14/15 budget for capital works projects.
- In February 2015, \$41m of the capital works projects budget was carried over to 2015-2016.
- In August 2015, another \$20m was carried over to 2015-2016.
- The adopted capital works projects budget amount for 2015-2016 was \$92m prior to the August 2015 carry over of \$20m.

If the current trend of delivering only approximately half of the adopted budget remains unchecked, the backlog of required infrastructure renewal or upgrades will continue to grow. Also, the costs of projects will continue to grow or the scope of works may be reduced due to the rising costs.

It is critical that Council, through the General Manager, urgently re-evaluates the 2015-2016 capital works program and associated budget to seek new and or innovative ways to ensure projects that were adopted and promised to be delivered, are actually delivered.

This notice of motion seeks the support of Councillors to ensure that this trend of lack of delivery of adopted projects is remedied as a priority, through seeking the General Manager's plan to turn the situation around.

## **Ensuring Good Governance**

**Attachments**

Nil

## Ensuring Good Governance

**Item: 09.11**

**Subject: QUESTION ON NOTICE - 2015 CARRY-OVER PROJECTS REPORT**

**Presented by: Corporate & Organisational Services, Rebecca Olsen**

### RECOMMENDATION

**That Council note the response to the Question on Notice concerning the delivery of the 2014/15 capital works projects.**

#### **Question from Councillor Roberts**

In relation to the August 2015 Carry-Over Projects Report and the performance of Port Macquarie Hastings Council in delivering projects more broadly and noting the best result for capital works/project delivery by this Council in the last five financial years was \$45.5 million (2014/15) up \$3.3m on (2013/14).

Why was Council asked to approve a \$93m project budget in 2014/15 and again \$92m in 2015/16 if the organisation could only deliver half of that figure (\$45.5m) based on recent years' actuals?

#### **Comments by Councillor (if provided):**

Nil.

#### **Response**

At the time of Council adoption of the 2014-2015 budgets, there was an expectation that a considerable number of projects within the works program would be delivered within the financial year.

Despite this expectation, it is normal practice that some projects remain incomplete at year end, requiring budgets to be carried over into the next financial year. A number of reasons exist why not all projects are not completed within the financial year which include the following:-

#### Operational Considerations

Many operational considerations impact on Councils' ability to deliver projects as scheduled. Such considerations can include weather impacts, disaster events, competing projects which may divert resources away from scheduled delivery, resourcing implications (eg staff absences and vacancies), third party impacts beyond the control of Council (eg project partners) and market forces (eg availability and cost of materials/contractors etc).



## Ensuring Good Governance

These operational considerations impact the projects timelines including a delay to project commencement leading to the inability to deliver the project within the financial year.

### Budget Development Timeframes

The Council budget each year commences development in the August prior to the financial year to which it relates. It is often difficult to estimate so far in advance what impact any of the above operational considerations may have on project delivery, resulting in the potential to not deliver the full project within the anticipated 2014-2015 program.

### Multi-year Projects

Many projects, due to scheduled commencement in the latter part of a financial year or to the size and scale of the project, may have always been intended to be a project which spans over more than one financial year. Projects that have design and construction elements can often span financial years.

Within the 2014-2015 works program a number of large projects existed which due to their size and scale were always intended to be multi-year projects. These include Stingray Creek Bridge, Houston Mitchell Drive, Port Macquarie Indoor Stadium, Ocean Drive duplication, Dunbogan Flood Access, Sancrox Reservoir and Kew Transfer Station.

### Future considerations

As reported to the Ordinary Meeting of Council on 19<sup>th</sup> August 2015 (Item 9.05 2014-2015 Carry-Over Projects) Council remains committed to ensuring that where appropriate, improvements to processes and practices are achieved.

Phased capital budgets have been introduced within 2015-2016 works program budgets for the first time. The implementation of regular monitoring through the phasing of capital budgets will assist in the early detection and management of potential carry-overs during the current year.

In preparation for the upcoming 2016-2017 budget process, it is intended to tighten the process further. Heightened consideration will be given to the organisations resourcing capability during development of the works program for the next financial year.

It should be noted that whilst ongoing improvements will be made to the budget process with a view to reducing the quantum of carry-overs, some level of carry-over should still be expected for the reasons outlined in this report.

### **Attachments**

Nil

## Ensuring Good Governance

**Item: 09.12**

**Subject: MONTHLY FINANCIAL REVIEW FOR AUGUST 2015**

**Presented by: Corporate & Organisational Services, 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 2015.**

### Executive Summary

This report will detail the monthly budget adjustments as at 31 August 2015.

The Council adopted budget position as at 1 July 2015 was a shortfall of \$850,000.

During the month of August 2015 there were several budget adjustments which did not change the budget shortfall position of \$850,000.

### Discussion

#### Monthly Budget Adjustments as at 31 August 2015

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 2015-2016 budget along with proposed movement of funds to accommodate any changes.

#### Monthly Budget Review Summary

<b>Original Budget as at 1 July 2015</b>	<b>Shortfall</b>	<b>(\$850,000)</b>
Plus adjustments:		
July Review	Balanced	\$0
August Review	Balanced	\$0
<b>Forecast budget position for 30 June 2016</b>	<b>Shortfall</b>	<b>(\$850,000)</b>

#### August Adjustments

## Ensuring Good Governance

The following adjustments reflect grant receipts, transfers between accounts, reserves movements, etc that have no impact on the budget position (for example grant receipts have an associated expenditure budget):

Description	Notes	Funding Source	Amount
Grant Funding	1	Grants	\$941,467
Council Resolutions	2	Grants & Reserves	\$60,000
Transfers between projects	3	Loan & Reserves	\$2,300,000

With reference to the August 2015 adjustments, the following is noted:

1. Included in this review are a number of adjustments to grant funded projects:
  - a. 2015/16 CDAT Drug Action Week - \$1,000
  - b. Rocks Ferry Reserve Pontoon - \$80,000
  - c. Westport Park Reserve Boat Ramp - \$400,000
  - d. Public Library Development Grant - \$10,467
  - e. Contaminated Lands Waste Management Grant - \$450,000
2. Council received a grant offer from Hastings Landcare of \$30,000 for the control of Riparian Vine Weeds. At the Council meeting on 15 July 2015 (Item 12.01) it was resolved to accept the grant offer of \$30,000. An additional \$30,000 has been allocated to cover Council's portion of the project and transferred from the Environmental Levy Reserve.
3. An amount of \$2,300,000 has been transferred from the Development & Environment budget to the Infrastructure & Asset Management budget to ensure that constructions works continue at the Cairncross Waste Facility. The proposed loan facility is yet to be drawn down.

It should also be noted that:

- Any overspends greater than \$50,000 and 2% of the project budget are reviewed and approved by the Executive Group, being their function to oversee operational activities and approve operational actions.
- Any potential 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

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

## Ensuring Good Governance

### Responsible Accounting Officer Statement

The approved budget shortfall for 2015-2016 adopted in the Operational Plan was \$850,000. The adjustments included in this report will maintain this position. The shortfall position is considered an un-satisfactory result for the year. Budgets will need to be closely monitored during the year with a view to reducing this shortfall.

### **Attachments**

1 [View](#). 2015-2016 August Budget Review

## Ensuring Good Governance

**Item: 09.13**

**Subject: INVESTMENTS - AUGUST 2015**

**Presented by: Corporate & Organisational Services, 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 note the Investment Report for the month of August 2015.**

#### Executive Summary

- Total funds invested as at 31 August 2015 equals \$204,692,381.65
- Year-to-date investment income of \$1,227,408 is 27.78% of the total annual budget.
- In line with Council's Investment Policy, the total portfolio has performed above benchmark levels.
- All funds are allocated and/or held for specific purposes. Funds are either required to be spent in accordance with legislation, grant agreement or developer contribution plan specifications; or are held for delivery of specific projects or for specific purposes.

#### Discussion

This report provides details of and certifies that all funds that Council has invested under Section 625 of the Local Government Act 1993, as at 31 August 2015, with all investments made in accordance with the Act, Regulations and Council's Investment Policy.

As at 31 August 2015, the investments held by Council totalled \$204,692,381.65 and is attributed to the following funds:

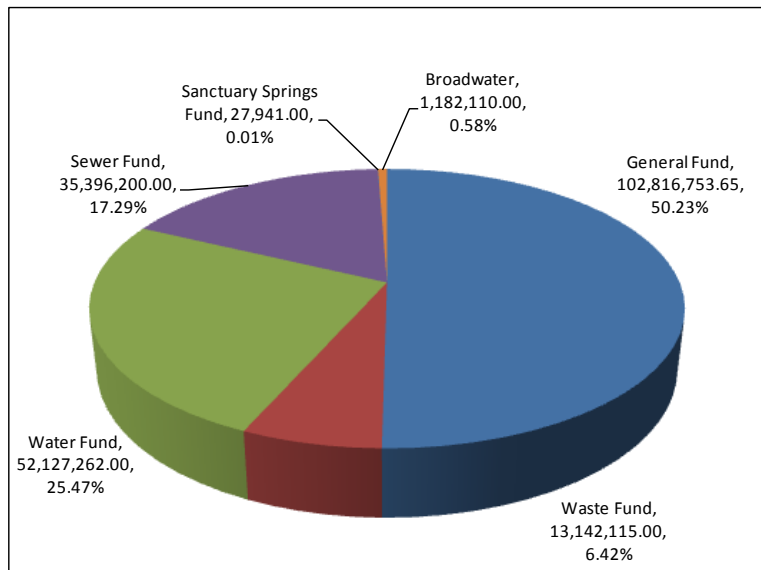
General Fund	102,816,753.65
Waste Fund	13,142,115.00
Water Fund	52,127,262.00
Sewer Fund	35,396,200.00
Sanctuary Springs Fund	27,941.00
Broadwater	1,182,110.00
	<b>204,692,381.65</b>



## Ensuring Good Governance

These monies are predominantly restricted funds from loans, s94 contributions and other avenues which are committed for future works. These funds may be spent in the shorter or longer term depending on whether they are allocated to specific projects or held to accumulate to allow for larger works. The totals will fluctuate dependent on the status of individual projects. With regard to determining the total quantum of unrestricted funds, the confirmed balance as at 30 June 2015 is currently being determined as part of finalisation of Council's 2014 -2015 Annual Financial Statements.

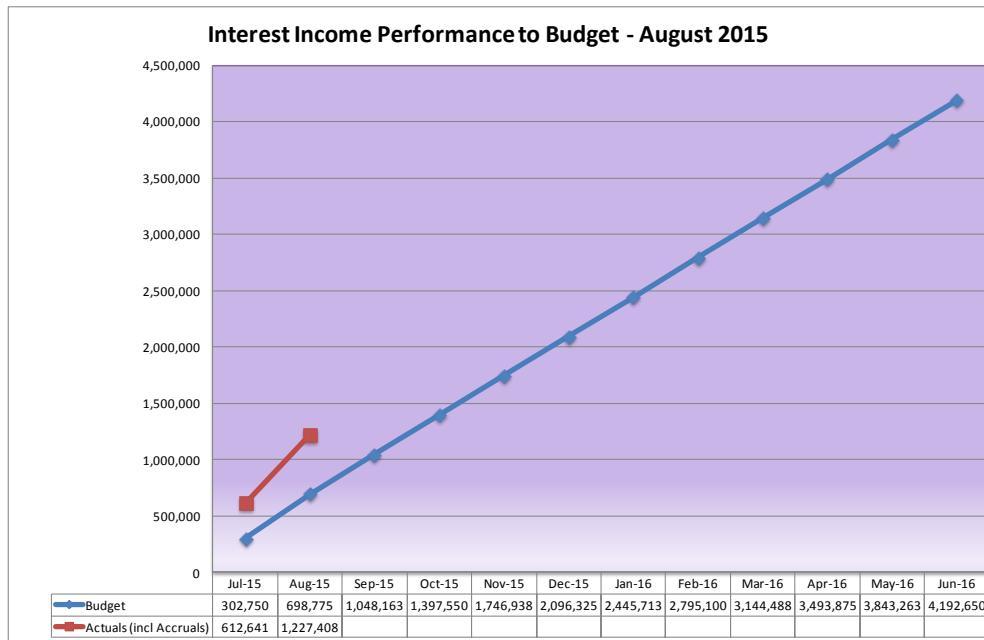
### Investments by Fund - as at 31 August 2015



### Portfolio Performance

- Council's total investment portfolio performance for August 2015 was 1.38% above the benchmark (3.60% against 2.21%). Benchmark being the Bank Bill reference rate as quoted at month end in the Australian Financial Review.
- The total year-to-date investment income of \$1,227,408 is 27.78% of the total annual budget of \$4,192,650.

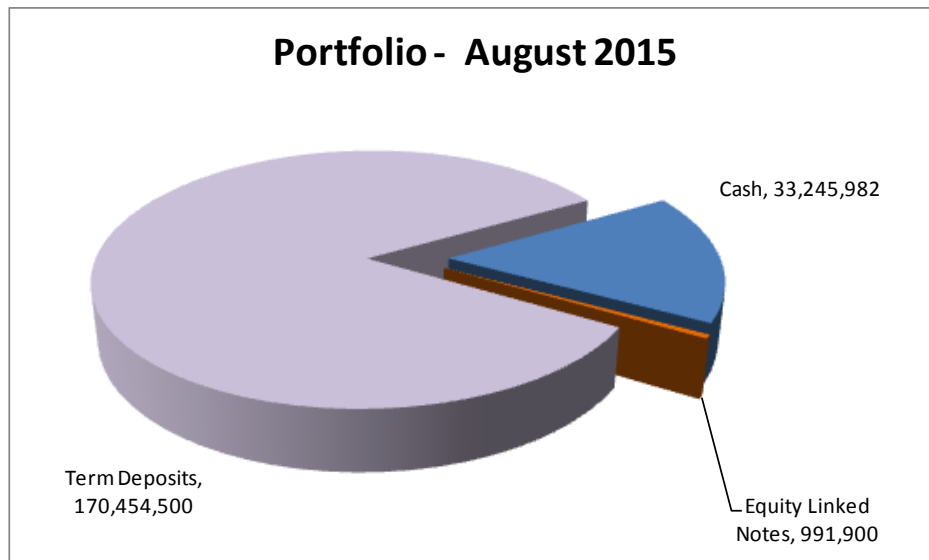
## Ensuring Good Governance



These year-to-date and actuals 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 a Capital Protected Equity Linked Note. The total term deposits represent 83.3% of the total investment portfolio. As at 31 August 2015, the total investment portfolio was \$204,692,381.65 from \$192,291,034.78 as at the end of July 2015.



### 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.

## Ensuring Good Governance

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	\$95,554,500	56.06%	40.00%	100.00%
1 - 3 years	\$68,900,000	40.42%	0.00%	60.00%
3 - 5 years	\$6,000,000	3.52%	0.00%	30.00%
5+ years		0.00%	0.00%	15.00%
<b>Grand Total</b>	<b>\$170,454,500</b>	<b>100.00%</b>		

*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 and are shown in the table below:

Rating Framework 	Total	% Held	Maximum % Policy	Variance
A	41,554,500	24.38%	60.00%	35.62%
AA	109,900,000	64.47%	100.00%	35.53%
BBB	19,000,000	11.15%	15.00%	3.85%
Below BBB		0.00%	0.00%	0.00%
<b>Grand Total</b>	<b>170,454,500</b>	<b>100%</b>		

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

Credit Unions are regarded as ADI's (Authorised Deposit Taking Institutions) and generally do not have ratings. Under the regulation of Australian Prudential Regulation Authority (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.

### Capital Protected Equity Linked Note - Emu

Council currently holds one capital protected product (CCPI) note, being Emu with a face value of \$1 million. This product will mature October 2015.



## Ensuring Good Governance

Whilst originally this product had the potential to be a risky investment, with the correction in the financial markets during the global financial crisis, this deal 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.

### Investment Portfolio by Maturity Date - as at 31 August 2015

## Ensuring Good Governance

Inv Name	Type	Purchase Date	Maturity Date	Yield	Face Value	
Bank of Queensland	TD	6-Sep-13	6-Sep-15	4.20%	4,000,000	
Investec Bank (Australia) Limit	TD	13-Sep-13	14-Sep-15	4.29%	4,000,000	
Bank of Queensland	TD	10-Oct-14	10-Oct-15	3.50%	5,192,500	
Westpac Banking Corporation	TD	23-Oct-14	23-Oct-15	3.83%	3,000,000	
Westpac Banking Corporation	TD	29-Aug-14	29-Oct-15	3.76%	4,000,000	
Credit Union Australia	TD	12-Nov-14	12-Nov-15	3.60%	2,000,000	
ANZ Bank	TD	13-Nov-12	13-Nov-15	4.70%	2,000,000	
National Australia Bank	TD	25-Nov-14	25-Nov-15	3.62%	2,000,000	
ANZ Bank	TD	26-Nov-14	26-Nov-15	3.63%	2,000,000	
ANZ Bank	TD	12-Sep-14	12-Dec-15	3.67%	3,000,000	
National Australia Bank	TD	17-Dec-14	17-Dec-15	3.60%	2,000,000	
National Australia Bank	TD	17-Dec-14	17-Dec-15	3.60%	3,000,000	
National Australia Bank	TD	16-Sep-14	19-Jan-16	3.68%	3,000,000	
National Australia Bank	TD	23-Feb-15	22-Feb-16	3.18%	5,000,000	
Westpac Banking Corporation	TD	23-Oct-14	23-Feb-16	3.94%	4,000,000	
National Australia Bank	TD	9-Mar-15	9-Mar-16	3.15%	8,000,000	
ANZ Bank	TD	26-Nov-14	28-Mar-16	3.63%	2,000,000	
National Australia Bank	TD	28-Mar-14	28-Mar-16	4.20%	2,000,000	
Westpac Banking Corporation	TD	20-Aug-14	11-Apr-16	3.74%	4,000,000	
Bank of Queensland	TD	17-Apr-15	17-Apr-16	3.10%	3,000,000	
Commonwealth Bank	TD	10-May-13	9-May-16	4.50%	1,000,000	
Newcastle Permanent	TD	13-May-15	12-May-16	3.00%	4,000,000	
Commonwealth Bank	TD	13-May-13	13-May-16	4.50%	1,000,000	
Commonwealth Bank	TD	27-May-13	27-May-16	4.55%	1,000,000	
Bank of Queensland	TD	16-Sep-14	16-Jun-16	3.70%	3,000,000	
National Australia Bank	TD	18-Jun-15	20-Jun-16	2.98%	2,000,000	
Westpac Banking Corporation	TD	20-Jun-13	20-Jun-16	4.51%	3,000,000	
National Australia Bank	TD	9-Mar-15	11-Jul-16	3.15%	6,000,000	
Bendigo Bank	TD	22-Jul-15	22-Jul-16	3.00%	362,000	
Bendigo Bank	TD	22-Jul-15	22-Jul-16	3.00%	2,000,000	
St George Bank	TD	21-Aug-15	21-Aug-16	2.98%	5,000,000	
Bank of Queensland	TD	13-Sep-13	13-Sep-16	4.55%	3,000,000	
Westpac Banking Corporation	TD	14-Sep-11	14-Sep-16	6.05%	7,000,000	
Newcastle Permanent	TD	23-Oct-14	24-Oct-16	3.75%	5,000,000	
Rabobank	TD	11-Nov-11	11-Nov-16	6.30%	2,000,000	
Westpac Banking Corporation	TD	11-Nov-11	11-Nov-16	6.22%	3,000,000	
National Australia Bank	TD	26-Nov-14	28-Nov-16	3.65%	2,000,000	
National Australia Bank	TD	17-Dec-14	19-Dec-16	3.65%	2,000,000	
National Australia Bank	TD	17-Dec-14	19-Dec-16	3.65%	3,000,000	
ING Bank (Australia) Limited	TD	20-Dec-11	20-Dec-16	6.16%	3,000,000	
National Australia Bank	TD	23-Feb-15	23-Feb-17	3.18%	4,000,000	
Bank of Queensland	TD	9-Mar-15	9-Mar-17	3.15%	6,000,000	
Westpac Banking Corporation	TD	12-Mar-14	12-Mar-17	4.38%	3,000,000	
Bank of Queensland	TD	17-Apr-15	17-Apr-17	3.10%	2,000,000	
National Australia Bank	TD	12-May-15	12-May-17	3.08%	4,000,000	
Newcastle Permanent	TD	13-May-15	12-May-17	3.10%	4,000,000	
Bank of Queensland	TD	18-Jun-15	18-Jun-17	3.05%	2,000,000	
National Australia Bank	TD	18-Jun-15	19-Jun-17	2.99%	1,900,000	
Bendigo Bank	TD	22-Jul-15	24-Jul-17	3.10%	4,000,000	
Westpac Banking Corporation	TD	4-Sep-14	4-Sep-17	4.07%	2,000,000	
ANZ Bank	TD	13-Nov-12	13-Nov-17	4.87%	2,000,000	
Bank of Queensland	TD	20-Jun-13	20-Jun-18	5.00%	4,000,000	
Westpac Banking Corporation	TD	4-Sep-14	4-Sep-18	4.22%	4,000,000	
Rabobank	TD	20-Jan-15	20-Jan-19	3.90%	2,000,000	
Total TD's					\$170,454,500	
Cash Fund						
Westpac Business Cash						
Reserve Account	CASH			2.70%	\$33,245,982	
Capital Protected Equity		Purchase Date	Maturity Date			Comment /
Linked Notes	Rating			Valuation	Face Value	Protection
Emu Note	A-	26-Oct-05	30-Oct-15	99.190	\$1,000,000	\$991,900 Commerzbank
Total Cap Protected Notes					\$1,000,000	\$991,900
Total Portfolio					\$204,700,482	\$204,692,382

## Ensuring Good Governance

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

The portfolio continues to retain a level of liquidity through the cash component total of \$33,245,982 and the Capital Protected investment. This month despite additional investment the cash balance increased as a result of a large redemption, two interest payments at month end and with increased rating income due to the recent dispatch of the 2015-16 Rates Notice. Increased investments will be made in September to reduce these cash balances significantly.

It should be noted that funds currently within the Westpac Business Cash Reserve Account are attracting an interest rate of 2.7% being the current cash rate plus 0.7% (based on the cash rate drop on 5 May 2015).

The largest sector of the portfolio is the term deposit allocation of \$170,454,500 (last month \$170,454,500) or 83.3% of the total.

### Options

This is an information report.

### Community Engagement & Internal Consultation

Council uses 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 positions from various institutions.

### Planning & Policy Implications

Nil.

### Financial & Economic Implications

Should benchmark levels not be reached, then this may result in budget cuts in other areas to fund the shortfall.

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

Council's total investment portfolio performance for August 2015 was 1.38% above the benchmark (3.60% against 2.21%) and year-to-date income at 27.78% of the total annual budget.

It should be noted that investment income is noted as a gross amount. Section 97(5) of the Local Government Act 1993 indicates that any security deposit held with Council must be repaid with interest accrued. These security deposits will only relate to bonds held for security to make good damage done to works.

## Ensuring Good Governance

The overall investment income will be adjusted at financial year end by the total interest refunded on repayment of bonds. As Council constantly receives and refunds bonds, it is difficult to accurately determine the quantum of these refunds. This financial year Council has refunded bonds with an associated interest component of \$3,722.48 will be monitored and advised monthly.

### Certification

I hereby certify that the investments listed within this report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

*Monika Bretmaisser*  
*Responsible Accounting Officer*

### **Attachments**

Nil

## Ensuring Good Governance

Item: 09.14

Subject: **EXTERNALLY RESTRICTED FUNDS IN THE CATEGORIES OF DEVELOPER CONTRIBUTIONS, WATER, SEWERAGE AND DOMESTIC WASTE MANAGEMENT.**

Presented by: Corporate & Organisational Services, Rebecca Olsen

### 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:

1. **Note the information within the report.**
2. **Request the General Manager to list reserve balances for a Councillor Briefing session as part of the 2016/2017 budget development process.**

### Executive Summary

At the Ordinary Council Meeting held on 17 June 2015, Council resolved:

*RESOLVED: Levido/Intemann*

*That the General Manager bring a report back to the September 2015 Meeting of Council dealing with Externally Restricted Funds in the categories of Developer Contributions, Water, Sewerage and Domestic Waste Management and for this report to include:*

1. *Balances held as at 30 June 2015 in each of the above-mentioned External Restrictions.*
2. *Brief details of the composition of each restriction including individual Contribution Plans and the funds held in each category/Plan.*
3. *An explanation as to how funds held within these External Restrictions are expended.*

**CARRIED:** 6/2

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

Council holds funds in reserve within the categories of developer contributions, water, sewerage and waste. These reserves ensure that cash flow exists to meet ongoing operational needs for water, sewer and waste, and also to provide a funding source for both the renewal of existing infrastructure and the construction of additional infrastructure required to accommodate future population growth.

This report will provide details to address the resolution above.



## Ensuring Good Governance

### Discussion

Council holds funds in reserve in the categories of Developer Contributions, Water, Sewerage and Domestic Waste Management. Funds held in these reserves can only be applied for the purpose they were raised and are categorised as Externally Restricted funds with year end balances identified in Note 6(c) of Council's Annual Financial Statements.

Accumulating funds within these reserves assists in the provision of funding for major capital investment significantly beyond the ability of Council to fund in any single budget period. Funds held in the externally restricted reserves for water, sewerage, waste (including domestic waste) and development contributions relate to the renewal of existing infrastructure, and to construct infrastructure required to accommodate future population growth.

### Current balances

All Council restrictions (including external restrictions) are identified in Note 6(c) of the Annual Financial Statements, with opening and closing year balances and movements reported.

The draft 2014-2015 Annual Financial Statements reveals unaudited balances as at 30 June 2015, as compared to 30 June 2014, for the following externally restricted funds:-

Externally Restricted Fund	Balance at 30 June 2014 (\$'000)	Balance at 30 June 2015 (\$'000)
Developer Contributions	43,432	51,540
Water Reserve Fund	21,036	27,419
Sewerage Reserve Fund	20,983	21,688
Waste Reserve Fund	9,126	10,050
<b>Total</b>	<b>94,577</b>	<b>110,697</b>

### Composition of each restriction

#### 1. Developer Contributions

Note 17 of the Annual Financial Statements relates to developer contributions and identifies opening and closing year balances with associated income and expenditure movements. As at 30 June 2015, the unaudited amounts for developer contributions totalling \$51.54m, allocated by purpose, were as follows:-

## Ensuring Good Governance

	Opening Balance \$'000	Contributions received during year		Interest & investment income earned during year \$'000	Expended during year \$'000	Balance before internal borrowings \$'000	Internal borrowings during the year \$'000	Held as restricted asset \$'000
		Cash \$'000	Non cash \$'000					
<b>Section 94 Plans</b>								
Roads	2,219	2,763	0	71	910	4,143	0	4,143
Parking	3,829	51	0	98	9	3,969	0	3,969
Open Space	2,848	1,845	0	88	397	4,384	0	4,384
Community Facilities	761	1,809	0	39	961	1,648	0	1,648
Other	1,092	173	0	28	0	1,293	0	1,293
Administration Levy	0	194	0	0	194	0	0	0
<b>Total S94 under plans</b>	<b>10,749</b>	<b>6,835</b>	<b>-660</b>	<b>324</b>	<b>2,471</b>	<b>15,437</b>	<b>0</b>	<b>15,437</b>
S94 not under plans	658	39	0	17	0	714	0	714
S94A levies	310	175		9	0	494	0	494
Planning agreements	445	1,255	-694	17	815	902		902
Section 64	31,270	4,833	-375	787	2,897	33,993		33,993
<b>Totals</b>	<b>43,432</b>	<b>13,137</b>	<b>-1,729</b>	<b>1,154</b>	<b>6,183</b>	<b>51,540</b>	<b>0</b>	<b>51,540</b>

Council levies development contributions under section 94 and section 94A of the NSW Environmental Planning and Assessment Act, 1979. Developer contributions for water supply and sewerage services are levied pursuant to Section 64 of the Local Government Act 1993.

Development contributions are a funding mechanism available to Council that permits the levying of contributions to provide new or upgraded public amenities, facilities or infrastructure that will be required to meet the future demand created as a result of the additional development. Contributions are typically paid as a monetary contribution, dedication of land or through works in kind construction by developers.

The types of new or upgraded public amenities and facilities include:-

- Public open space including local neighbourhood parks and district sporting fields;
- Public road network including new roads, intersections, cycle ways and footpaths;
- Water supply networks incorporating major water trunk mains and reservoirs;
- Sewerage networks including major pump stations, sewerage rising mains and sewage treatment plants;
- Community facilities including district community centres eg. the Glasshouse; and
- The upgrading of public car parking facilities within main urban centres.

As these development contributions are levied for a specific purpose, they can only be used for that purpose, highlighting the importance for separation of funds.

Council currently holds a number of adopted contribution plans for public services and amenities which are required to meet the demand of development and associated population growth within the community. Contributions are calculated as part of the development assessment process, that is, either via a Development Application or Complying Development Certificate. Contribution Plans calculate a levy based on a user pays principle with the charge being the cost of services required to cater for projected population growth.



## Ensuring Good Governance

With original contribution rates calculated at the development of the plan, rates are adjusted on a quarterly basis and based on the associated CPI increase for the previous quarter. These rates are published on Council's website. Council's Administration Levy Contributions Plan applies a levy of 2.2% to all s94 contributions to fund Council's s94 operations.

The current Council adopted development contributions plans as noted under s94 Contributions are as follows. A more detailed summary outlining specific balances within each plan is attached.

Contribution Plan	Detail
PMHC Administration Building Contribution Plan 2007	Extension and alteration to Council's administration centre and depot in Port Macquarie
Port Macquarie-Hastings Administration Levy Contribution Plan	Sets a levy on all s94 contributions to fund Council's development contributions operations. The full amount of the income is generally expended each financial year
Port Macquarie Hastings Major Roads Contribution Plan	Contributions for Regional Arterial Roads and for specific local road contributions for Port Macquarie, Wauchope, Lake Cathie/Bonny Hills, Camden Haven & Sancroix/Thrumster
Hastings River Drive Contribution Plan for Traffic Facility Works	Provides for the upgrading of Hastings River Drive as a result of expansion of adjacent industrial and commercial uses
Section 94 Settlement City Precinct Roads Contributions Plan	The plan specifies developer contributions that apply to new development in relation to road and intersection works to accommodate further development in the Settlement City precinct
Section 94 Local Roads Contributions Plan – Area 13 (Thrumster), Area 14 (Lake Cathie/Bonny Hills) and Area 15 (Camden Haven)	The plan specifies developer contributions that apply to new residential development in relation to local road and intersection works to accommodate future development in the urban grown areas.
Innes Peninsula Contribution Plans – Road Works	Local road upgrading works in the Innes Peninsula area of Port Macquarie are covered by this plan
Kings Creek Contributions Plan	Applies to the rural residential area of Kings Creek adjacent to Wauchope and includes works for roads and community facilities
The Bain Dairy Contributions Plan	Applies to the River Breeze subdivision area at Wauchope to provide for Traffic and cycling facilities
Port Macquarie-Hastings Open Space Contributions Plan	This plan updates Council open space works program that includes local parks and regional sporting fields
Laurieton Walkway Contribution Plans	Allows recoupment of the cost of the installation of a walkway from adjacent Commercial development in Laurieton
Port Macquarie-Hastings Contribution Plan 1993	Parking facilities in Laurieton, Wauchope and Port Macquarie Commercial Areas
Port Macquarie-Hastings Community, Cultural & Emergency Service Facilities	The plan provides for the funding of a wide range of community, cultural and emergency service facilities including multipurpose community centres, libraries, Rural Fire Service, State Emergency Service and Surf Life Saving.
PMHC s94A Levy Contribution Plan 2007	This plan imposes levies on commercial and industrial development over the value of \$100,000. Money paid to the Council under a condition authorised by this plan is to be applied by the Council toward meeting the cost of the public facilities that will be or have been provided within the Commercial and Industrial areas of the LGA

### 2015 - 2016 Works Program

In the current works program, a total of \$4,439,846 of Section 94 development contributions been applied to the funding of the following projects:-

## Ensuring Good Governance

Project Description	Detailed Description	Project Location	Section 94 Funding
Wauchope Swimming Pool	Upgrade of 50m Pool	Wauchope	155,000
Port Macquarie Pool	Design	Port Macquarie	166,650
Beechwood Road	Preconstruction for upgrades of segments 20, 40 and 50	Beechwood	71,060
Flynns Beach Seawall	Undertake Construction/Delivery - Upgrade	Port Macquarie	156,980
Port Macquarie Historic Cemetery	Upgrade Stage 1	Port Macquarie	23,283
Port Macquarie Indoor Stadium	Expansion	Port Macquarie	200,000
Googik Track	Undertake Construction/Delivery - Shared walkway/cycleway - Stage 2	Port Macquarie	23,250
Skate Park, Wauchope	Undertake Design/Construction/Delivery - Replacement of Infrastructure at end of useful life.	Wauchope	27,830
Westport Reserve	Undertake Design/Construction/Delivery - Boatramp Upgrade Stage 2	Port Macquarie	100,000
Lake Road - Intersection with Blackbutt	Roundabout	Port Macquarie	300,000
Calwalla Reserve	Undertake Design/Construction/Delivery - Playground replacement at end of useful life.	Port Macquarie	8,370
Regional Master Planning	Undertake Design/Preconstruction - Preparation of Master Plans for Regional Facilities	Regional	75,000
Vince Inmon Sporting Complex	Undertake Design/Construction/Delivery - Replacement of Floodlighting and Sporting Infrastructure at end of useful life.	Laurieton	40,000
Lake Cathie Bonny Hills Regional Sporting Complex (Site 23)	Undertake Design/Preconstruction	Lake Cathie/Bonny Hills	278,761
Timbertown Estate	Undertake Design/Construction/Delivery - Playground replacement at end of useful life.	Wauchope	10,120
Dunbogan Flood Access Road		Dunbogan	798,000
Houston Mitchell Drive	Stage 2 - Ocean Drive to 2.65km East (Matching to Previous Stage 1) Stage 3 - Pacific Highway to Long Point Drive (Matching to Previous Stage 1)	Lake Cathie	2,005,542
		<b>Total</b>	<b>4,439,846</b>

Note 17 of the Annual Financial Statements also breaks down in further detail the Projected future contributions of each of the contributions under plan, the projected cost of works still outstanding, and the over/under funding of each plan. As at 30 June 2015, there is a (draft) shortfall of \$23.43m between the projected total future contributions and projected total costs of works. Reasons for this shortfall include development contributions for older consents not in line with current rates, development costs increasing at a greater than the indexed contribution rates and additional development costs due to factors beyond Council's control.

Council is required to fund this shortfall. This time period for this funding is currently indeterminate however there is no requirement to fund the full shortfall immediately. Therefore it is critical that contribution plans are reviewed on a regular basis and aligned to Council's works programs. Works may need to be delayed as a result of these shortfalls. The 2015-2016 operational plan has identified a full review the

## Ensuring Good Governance

Open Space and Roads contribution plans. Project plans for this review are currently being prepared.

Section 64 Water and Sewer contributions of \$11,255,638 funding have also been applied to the current works program, as follows:-

Fund	Project Description	Detailed Description	Project Location	Section 64 Funding
Water Fund	Sancrox 20ML Reservoir	Undertake Construction /Delivery - 20ML reservoir to service the Sancrox & Area 13 industrial and residential development areas	Hastings	2,237,782
Sewerage Fund	Port Macquarie Reclaimed WTP upgrade for growth	Complete upgrade for growth.	Port Macquarie	100,000
Sewerage Fund	Thrumster RW Interim supply Rising Main to Thrumster Reservoir	Undertake Construction - Rising Main to Thrumster Reservoir (7000m of DN300mm)	Thrumster	1,500,000
Sewerage Fund	Thrumster Reclaimed Water Trunkmains	Undertake Construction - Thrumster Reclaimed Water Trunkmains - Various	Thrumster	220,000
Sewerage Fund	Small Towns Sewerage Program - North Shore	Undertake Preconstruction/Construction/Delivery - Provision of centralised sewerage systems for North Shore to overcome pollution from on-site disposal systems.	North Shore	2,000,558
Water Fund	Water Pump Station Upgrades	Undertake Delivery - Upgrade WPS for Growth	Hastings	100,000
Water Fund	Dam	Investigation into disused quarry for future dam storage	Hastings	247,298
Water Fund	Granite Street No.2 20ML Reservoir	Undertake Construction/Delivery - 20ML reservoir to replace existing 19ML Granite Street reservoir to allow for extensive internal floor repairs of the existing 19ML concrete reservoir. Additional filtered water storage	Port Macquarie	3,000,000
Water Fund	Sancrox Reservoir to Area 13 Trunkmain 750mm	Construction of 3600m of DN750 trunkmain from Sancrox Reservoir to east of Pacific Hwy	Wauchope	1,500,000
Water Fund	Sancrox Area 13 (Trunk Mains Various)	Undertake Construction/Delivery - Trunk mains to service new development in the Area 13	Wauchope	350,000
		<b>Total</b>		<b>11,255,638</b>

### Application of funds to future works

Following application of allocated 2015-2016 funds, the forecasted balance as at 30 June 2016 is as follows (noting that future contributions are not factored in):

Fund	Balance at 30 June 2015 (\$'000)	15/16 Works (\$'000)	Balance (\$'000)
Section 64 (Water and Sewer)	33,993	11,255	22,738
Section 94 Development Contributions	17,547	3,642	13,905

As will be shown in the following sections, the remaining funds within Section 64 contributions for Water and Sewer will be required for large infrastructure works.

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The remaining funds for Section 94 and 94A works remain specific to the associated purpose (e.g. roads, open spaces, parking etc) and have been allocated within Council's forward works programs. These allocations may change as new project opportunities present where the funds may be reapplied.

### 2. Water

The Water Fund generates income based on water and user charges along with targeted project based grant funding. Water charges are charged to its ratepayers based on consumption through a two tier water pricing tariff.

These charges provide the income stream for the installation, maintenance, and operation of the entire water supply infrastructure including dams, treatment plants, reticulation networks, reservoirs and pump stations covering Port Macquarie, Wauchope, Camden Haven, Telegraph Point, Comboyne and Long Flat. All legislative frameworks, limit of responsibilities, tariff structures, water accounts, concessions and general information relating to the Port Macquarie Hastings Council water supply business are documented in the Water Supply Policy 2015, adopted by Council on 15 July 2015.

A Development Servicing Plan for Water and Sewerage 2014 - adopted by Council in September 2014 enables Council to levy Section 64 Water Supply Developer Contributions where anticipated development will, or is likely to, increase the demand for water supply, sewerage and reclaimed water services. The purpose of this DSP being to allow Council to meet required levels of service and set out a schedule and program of proposed works to meet increasing demands for a 'town water' supply generated by development. The Section 64 Water Supply Developer Contributions are maintained within a separate fund to the Water Fund.

The Water Fund also maintains a four year forward works program for both recurring maintenance along with new/and or renewal asset works in addition to a 20 year water supply capital works program. Funding for the forward works program comes from both the Water fund and the Section 64 Water Supply Developer Contributions. The four year forward works program are reflected as capital projects within yearly budgets and are identified based on the current demands and future requirements of the community, taking into consideration both population growth and environmental considerations such as weather patterns (eg. droughts). The 20 year works program identifies capital works for renewals based on assets older than 30 years. In addition to this, Council continues to undertake secure yield studies to assist with the determination of future works to improve current water yields, which results in continuous review and updating of the timing and expenditure of these identified works.

In this financial year, anticipated works programs total \$16m.

In summary, the income derived from the Water Fund covers the costs of operating the water supply activity. Any remaining funds are quarantined in Reserve for the purposes of future capital works.

It has been identified that there is significant capital work required into the future with future water treatment plants at Port Macquarie Dam and Cowarra being explored, along with an ongoing comprehensive maintenance and renewal program of the vast



## Ensuring Good Governance

water network. It is envisaged that all reserves held within Water Fund will be required to fund these works into the future.

These projects will be dependent on both funds available within the Water reserve fund and the developer contributions under s64 Water Supply Developer Contributions, which collectively totalled \$49.9m as at 30 June 2015.

### 3. Sewerage

The Sewerage fund generates income based on annual connection charges to all properties connected or capable to be connected to the sewerage system.

Properties such as major regional shopping centres, caravan parks, flats, retirement homes, motels, clubs, hotels, schools and backpacker hostels are required to pay an additional charge based on the amount of water consumed. Properties with an on-site effluent management system will be charged an on-site effluent management fee.

Funds within the Sewerage Fund are expended in line with the forward works program, which are determined based on the Development Servicing Plan (DSP) for Water and Sewerage 2014 - adopted by Council September 2014, and along with other projects identified by Councillors as priorities (eg. Small Town Sewerage Schemes). As identified within the Water fund, the DSP will enable Council to levy contributions where anticipated development will, or is likely to, increase the demand for water supply, sewerage and reclaimed water services. Funding for the forward works program comes from both the Sewer fund and the Section 64 Sewerage Services Developer Contributions.

The Sewerage Works program has identified new works as a result of anticipated population growth (namely Areas 13,14 & 15), provide services which are currently not available (Small Town Sewerage Scheme) and undertake renewal work to replace existing assets.

The forward works program identifies new/and or renewal asset works along with recurring maintenance/replacement works such as sewerage pump replacements, rehabilitation, sewerage relining programs and reclaimed water upgrades.

In summary, the income derived from the Sewer Fund covers the costs of operating the sewerage business activity. Any remaining funds are quarantined in Reserve for the purposes of future capital works.

In this financial year, the budgeted works program for Sewer fund totals \$16m.

All sewerage projects are dependent on both funds available within the Sewerage reserve fund and the developer contributions under s64 Sewerage Supply Developer Contributions, which collectively totalled \$33.233m as at 30 June 2015. There is a large impending infrastructure demand which has been identified and hence it is envisaged that funds held in reserve will be required to provide funding for this purpose.

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### 4. Waste

The Waste fund (incorporating an element of domestic waste) generates income from annual waste charges and user pays charges at waste facilities.

Funds within the Waste Fund are expended in line with the forward works program which is based on Council's 2011 - 2015 Waste and Resource Management Strategy November 2011 (due for revision this financial year). In 2015 -16 financial year, \$3.3m has been allocated to the expansion of waste facilities including Cairncross Waste Management Facility (\$2.9m) and the new Kew Transfer Station (\$300k).

Ongoing financial modelling is undertaken to ensure sufficient funds are available within the Waste Reserve fund to cover ongoing operational expenditure and the future capital works program. The Waste Reserve fund as at 30 June 2015 totalled \$10.05m.

Proposed future works include upgrading the Kingfisher Waste Transfer Station and construction of a new Waste Transfer Station at Lake Cathie/Bonny Hills.

### Final Considerations

This report highlights key infrastructure requirements within Water, Sewerage and Waste Management which are beyond the ability of Council to fund in any single budget period. It will therefore be necessary for Council to maintain reasonable reserve levels to ensure these current and future infrastructure commitments, as required by current and future community needs, are adequately funded when required.

Council will need to ensure these restricted reserves hold sufficient funds to both construct and maintain these future infrastructure requirements, both in the short and long term, to provide an adequate level of service for the existing community, allow for population growth and risk minimisation of any asset failure. Loan borrowings may still be required to supplement the funding provided by reserves.

### **Options**

This report is for information purposes.

### **Community Engagement & Internal Consultation**

There has been no community engagement. Discussions have occurred with the Group Manager Financial Services, Group Manager Environmental Services, Group Manager Water and Sewer, Director Corporate & Organisational Services, Director Infrastructure & Asset Management and the Director Development & Environment.

### **Planning & Policy Implications**

There are no planning and policy implications.

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### Financial & Economic Implications

This report discusses the current balances and planned use for funds available within the current external restrictions for developer contributions, water, sewerage and waste management.

Council holds funds in reserve within the categories of developer contributions, water, sewerage and waste. These reserves ensure that cash flow exists to meet ongoing operational needs for water, sewer and waste, and also to provide a funding source for both the renewal of existing infrastructure and the construction of additional infrastructure required to accommodate future population growth.

### Attachments

1 [View](#). PMHC Developer Contributions Plan Summary Table



## Ensuring Good Governance

**Item: 09.15**

**Subject: FOURTH SIX MONTHLY DELIVERY PROGRAM (2013 - 2017)  
REPORT**

**Presented by: Community & Economic Growth, Tricia Bulic**

### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council note the fourth six monthly progress report on the Delivery Program 2013 - 2017.**

### 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 the actions that have been taken relative to the objectives contained within the Delivery Program 2013 - 2017.

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

It provides information on progress and achievements against the objectives detailed in the Delivery Program 2013 - 2017 and provides a snapshot of Council's progress in the second year of the program.

### Discussion

#### Delivery Program 2013 - 2017: Fourth Six Monthly Progress Report

The Delivery Program 2013 - 2017 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. Objectives within the four year Delivery Program represent what the Council aims 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 and activities that will be undertaken each financial year to deliver the overall objectives in the Delivery Program and ultimately contribute to achieving the vision and goals outlined in the long term Community Strategic Plan.

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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 each six months the actions that have been carried out, Council and community are able to see the progress made in achieving Delivery Program objectives.

Like all documents within the Port Macquarie-Hastings Council Integrated Planning suite, the Delivery Program 2013 - 2017 is streamed into themes - the Guiding Principle of Ensuring Good Governance and across 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 contains a number of results statements describing the outcomes Council envisages will be achieved at the conclusion of its term in office.

This is the fourth six month reporting phase related to the four year Delivery Program 2013 - 2017. It provides a snapshot of the second year of the Delivery Program implementation, assessing the 2014 - 2015 Operational Plan.

### 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:

- More than \$1,000,000 has been received in grant funding (excluding Federal Assistance Grants) to contribute to projects across the region;
- Financial statements, investment portfolios and quarterly budget reviews have all been reported to Council as scheduled;
- More than 80 community engagement activities including face to face, online and hardcopy techniques have influenced Council decision making;
- More than 97,000 over the counter enquires and more than 117,000 calls were managed through Customer Services Offices during 2014 - 2015.
- Council's social media platforms are followed by greater than 3,500 people and over 2,500 users are registered on the engagement portal, PMHC Listening extending Council's reach;

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- Over 2,300 Development Applications, Constructions Certificates and Complying Development Certificates were determined within agreed processing times;
- Work, Health and Safety targets achieved for lost time injuries and workers compensation are well below the established NSW local government benchmarks;
- The Listening and Engaging with the Community and Taking the Council to the Community Programs have been delivered to regional areas;
- An easy to read Community Report Card was produced and distributed as part of the Annual Report. It provides a snapshot of key achievements against the Operational Plan 2014 - 2015 actions and a summary of audited financial statements;
- Investment returns have exceeded the Office of Local Government benchmark and all financial reporting has been completed in line with legislation.

### *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:

- More than 4,800 students participated in Beach Safety Education Programs;
- A wheelchair accessible fishing platform at Dunbogan was constructed with \$100,000 assistance from a State Government grant funding package and our local libraries have purchased spoken word book players for the vision impaired;
- Over \$140,000 was distributed to 27 Community Groups to make improvements across the region;
- More than 600 bookings were made and approved to hold events across the region in parks, reserves and at local sporting fields;
- Events for Seniors Week, Youth Week, NAIDOC Week and Reconciliation Week provided opportunities, social connections and support for a broad range of our community;
- More than 485,000 visitors have attended our local libraries and over 16,000 new books have been purchased or donated;
- More than \$15,000 has been raised at the Mayor's Sporting Fund events for distribution to young athletes who excel in their chosen sport;
- Community events held across the region have included Countdown to Christmas, Moonlight Movies and Australia Day celebrations bringing the community together;
- A new all abilities playground at Westport Reserve was opened.

### *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;

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- Business and industry sectors across the local government area are well supported and growing;
- Tourism visitation numbers are increasing.

### Achievement Highlights:

- The Construction, Manufacturing, Transport and Warehouse Industry Action Plans were developed;
- Implementation of the Major Events Strategic Action Plan. 10 major events hosted contributing in excess of \$25M to the local economy;
- RV friendly status has been achieved at Kendall and Wauchope;
- A free camping trial was completed with implementation ongoing;
- Operating revenue for Council Business units which include the Glasshouse, Airport, Commercial Operations and Innes Gardens has increased by over 8% compared with the previous year;
- More than 220,000 passengers were recorded at Port Macquarie Airport with over 5,700 aircraft movements during the year.
- Achievements in planning milestones for Cassegrain Wines and associated tourism development included completion of planning amendments;
- Solar power was installed at the Glasshouse and Rural Fire Service Headquarters;
- Completion of the of Local Environmental Plan (LEP) and Development Control Plan (DCP) amendments for the Birdon Marine Precinct.

### *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 the local government area;
- There is increased usage of reclaimed water across the local government area;
- Our sewerage system is efficient and environmentally compliant.

#### Achievement Highlights:

- More than 1,000 hectares of land has been treated for invasive weeds and over 1,500 kilometres of weed dispersal routes treated as part of the Weed Management Program;
- Over 930 hectares of bush regeneration has been undertaken across the region;
- The new domestic waste collection service was implemented with household recycling increasing by 8 per cent overall contributing to reduction in landfill;
- Over 70 kilometres of control has been undertaken on vine weed on fresh and estuarine waterways;
- Vegetation management has been undertaken as part of the overall Bushland Open Space Management Strategy;
- The Development Assessment Panel provides a transparent and efficient legislative process;
- Effluent quality requirements of Environmental protection Licences were slightly below target under EPA licence limits;
- Compliance has been met for verification monitoring programs relating to reclaimed water quality targets.



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### *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:

- \$1,700,000 of scheduled construction works completed from Bains Bridge to Rosewood Road, on Beechwood Road;
- Footpaths across the region including Bain St Wauchope, The Parade North Haven, Main St Kendall, Short St from Clarence St to William St and Findlay Ave interchange Port Macquarie have been repaired and rehabilitated;
- \$1.5M Loggy Creek Bridge replacement on Pembroke Road completed;
- More than \$500,000 invested in new 'missing link' footpath/cycleways throughout the region including Castle St Laurieton, Bain St Wauchope, Cameron St Wauchope, Comboyne St Kendall, Home St, Lord St, Murray St, Hyndman St and Lake Rd Port Macquarie;
- \$275,000 of refurbishment works completed on community halls including: Beechwood and Laurieton School of Arts Halls, Port Macquarie Senior Citizen Centre, Wauchope Youth Hall and the North Haven Community Hall;
- Completion of the Kooloonbung Creek shared cycleway valued at more than \$200,000;
- Completion of Fairmont Gardens subsurface drainage valued at \$75,000;
- Restoration works complete on the access steps at Flynns Beach valued at \$100,000;
- Sealed Road Maintenance Program has been completed including resealing of 64 kilometres of road in Lake Cathie, Bonny Hills and Lakewood equating to over 7.29 per cent of the total sealed road network;
- Concept designs are underway for the Comboyne, Long Flat and Telegraph Point Small Town Sewerage Scheme;
- High traffic road resurfacing has been completed in Cameron St Wauchope and Hastings River Drive Port Macquarie;
- Upgrades to playgrounds, park furniture and accessible toilets have been completed across the region and include Hudson Ave, John Dick Reserve, Ostler Park, Oxide St Reserve, Oxley Beach Reserve, Oxley Oval, Pilot Beach, Rainbow Beach Reserve and Westport Reserve;
- Maintenance programs for parks, reserves, sports fields and boating infrastructure have been carried with a focus on the maintenance of parks furniture, gardens, vegetation management and sports fields;
- Completion of community engagement and a draft proposal in relation to planning amendments for neighbourhood planning at Thrumster (Area 13) have been complete;
- Preparation of planning amendments for Port Macquarie Central Business District and the Town Beach Precinct have been completed;
- Water Supply asset improvements include Rosewood road chlorination plant replacement, augmentation to the Water Treatment Plant Wauchope, Hastings District telemetry augmentation works, ongoing water supply installations to new and business premises, rolling program of customer water meter renewals,

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rolling program of renewal for existing water pumping stations, flow meter installations and upgrades and Bonny Hills Water Pumping Station construction.

Further details can be found in the attachment to this report providing information on the achievements against the objectives in the Delivery Program 2013 - 2017.

### 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
- Integrated Planning and Reporting Development Officer
- The General Manager, Directors, Group Managers and staff reporting against the 2014 - 2015 Operational Plan which provided data for the Delivery Program Progress Report.

### Planning & Policy Implications

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

### Financial & Economic Implications

Monthly financial reports to Council align with the reporting period referenced in this report.

### Attachments

1 [View](#). Fourth Six Monthly Delivery Program 2013 - 2017 Progress Report as at 30 June 2015.

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**Item: 09.16**

**Subject: COMPLIMENT AND COMPLAINTS ANNUAL REPORT 2014-2015**

**Presented by: Community & Economic Growth, Tricia Bulic**

### 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

**Council notes the Compliments and Complaints Annual Report for 2014-2015.**

#### Executive Summary

In 1998 Port Macquarie-Hastings Council adopted a compliments and complaints management system.

As a result, all compliments and complaints received within the annual reporting period are tabled for council's information.

This report summarises all compliments and complaints received across the financial year from 1 July 2014 to 30 June 2015.

A total of 212 written compliments and favourable comments for Council staff were received during the 2014-2015 reporting period which is eight (8) per cent less than the 258 compliments received during 2013-2014.

A total of 41 complaints were received, with 40 complaints resolved during this reporting period - nine (9) per cent than 2013-2014 (45 complaints). This also compares favourably with the 67 complaints received in the reporting period 2012-2013.

Analysis of this data indicates a positive and consistent trend in reducing complaints received. While written compliments have also lessened there has also 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 Communication and Engagement team in conjunction with Customer Service to ensure delivery of a consistent message.

There was a one (1) per cent increase in number of referrals received during 2014-2015 (26,514) compared to the 2013-2014 (26,332) reporting year.



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### Discussion

#### Compliments for Staff

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

The attached Port Macquarie-Hastings Council Summary of Compliments and Complaints 2010/2011 - 2014/2015 provides an overall summary categorising compliments by the basis for the compliment and the business unit in which the staff member/s works.

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

Exceptional Service Delivery	89%
New Council Initiative	5%
Successful Partnership	4%
Community Relations Enhancement	2%

Recognition of successful partnerships between Council staff and external parties was highlighted through compliments from the Sydney Dance Company (Glasshouse team); Environment Protection Authority, Illegal Dumping Workshop (Waste and Compliance team); Clarence Street Food Festival (Place Making team), North Shore Progress Association Grass Mowing Project (Recreation and Building team), North Shore Progress Association NSW Government Community Grants proposal (Infrastructure delivery)

“Community relation enhancements” recognised by members of the community during this reporting year included providing free internet at our libraries, delivery of the Herons Creek Heritage and Tourist Trail, and installation of the Wauchope planter boxes.

Council’s Community and Economic Growth Division recorded the greatest number of compliments - 77 of the 212 received this year. Importantly, 54 of these related to the Recreation and Building team.

The top five business units to be recognised through compliments were:

Recreation and Buildings	26%
Roads	24%
Customer Service	9%
Building and Development	8%
Transport and Stormwater, Compliance and Water Services	6% (each)

Three business units showed notable increases in their trend of compliments this year: Building and Development (from 8 to 17 compliments) and Transport and Stormwater staff (from 5 to 12 compliments) Compliance (from 5 to 12 compliments). There was also an increase for General PMHC recognising all Council Staff or multiple business units (from 2 to 6 compliments).

Compliments in recognition of all Council staff related to:

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- The Salvation Army thanking Council staff for the Christmas hamper donation;
- A resident expressing how impressed he is with the service and how well Council maintains the roads, parks and other facilities considering the size of the area;

Compliments for staff is one way to measure the community's satisfaction with services delivered by Council.

### Complaints against Council Services

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 2013. Complaints are differentiated from action requests (referrals) which are defined as "the request for provision of a Council service".

The attached "Port Macquarie-Hastings Council Summary of Compliments and Complaints 2010/2011 - 2014/2015", provides an overall summary categorising complaints by the reason the customer lodged the complaint (complaint objective) and by the business unit responsible to resolve the complaint.

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

A total of 41 complaints were received in this reporting period - representing a decrease of 9 per cent from the 45 complaints received in 2014-2015, and a 39 per cent decrease from the 67 received in 2012-2013.

A total of 40 complaints were finalised in 2014-2015 - a finalisation rate of 99 per cent. This compares with the 98 per cent finalised in 2013-2014. 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. Due to the relatively small number of complaints recorded each year, any changes will appear significant in percentage terms.

There was a decrease in complaints from 2013-2014 to 2014-2015 in the following objectives:

- Service to be provided dropped from 16 complaints to 2;
- Change in practice/policy or procedure dropped from 8 complaints to 5.

There was an increase in complaints in the following complaint objectives:

- Register concern/dissatisfaction increased from 17 complaints to 21;
- Receive an explanation/apology increased from 3 complaints to 8;
- Costs/Fees refund increased from 1 complaint to 4 (*these related to the new bin roll out and increased cost of ferry tickets*);

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Of the 40 complaints resolved in 2014-2015, 27 of these complaints (69 per cent) were resolved within 7 days, with 10 complaints (25 per cent) resolved in 28 days and three complaints (5 per cent) resolved in greater than 28 days.

The number of complaints resolved within 7 days (69 per cent) was a significant improvement from the 56 per cent resolved within 7 days in 2013-2014.

### General

The 9 per cent 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 & Customer Service Policy which focuses on:

- The importance of every member of staff providing consistent levels of internal and external customer service;
- How each member of staff can impact on improving service delivery to our customers.

The Customer Experience Charter & Customer Service Policy is also presented to new employees during the induction program and forms part of the employee handbook.

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 Experience Charter and Customer Service Policy is ongoing. A session on the Customer Experience Charter and Customer Service policy forms part of the new staff induction program and is being incorporated in the new employee handbook. Development of further training opportunities is underway.

### **Planning & Policy Implications**

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

### **Financial & Economic Implications**

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

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### Attachments

- 1 [View](#). Port Macquarie-Hastings Council Summary of Compliments and Complaints 2014 2015

## Ensuring Good Governance

**Item: 09.17**

**Subject: ANNUAL REPORT ON THE ACTIVITIES FOR THE MAYOR'S SPORTING FUND 2014 - 2015**

**Presented by: Community & Economic Growth, Tricia Bulic**

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### Alignment with Delivery Program

2.9.1 Provide a range of sporting and recreational opportunities.

### RECOMMENDATION

**That the information outlined in the Annual Report on the activities of the Mayor's Sporting Fund 2014 - 2015 report be noted.**

### Executive Summary

For the period 1 July 2014 to 30 June 2015, the Mayor's Sporting Fund Sub-Committee provided financial assistance in the amount of \$16,359.00 to young elite athletes who competed at State, National and International sporting competitions.

The Wayne Richards Sporting Scholarship for 2015 was awarded to local swimmer Ms Mekayla Everingham.

Three major fund raising events were successfully coordinated and delivered during the 2014-2015 financial year.

### Discussion

In the 12 month period from 1 July 2014 to 30 June 2015, the Mayor's Sporting Fund Sub-Committee received a total of 30 applications covering 15 different sports. Our athletes have travelled extensively throughout Australia and overseas attending State Titles, National Championships and selection events for World Championships.

Our Local Government Area was represented at various events including the Australian Age Swimming Championships and the All Schools Swimming Championships held in Sydney, the National Hockey Championships held in Brisbane, the Australian Basketball Championships (Women's) held in Victoria, the NSWCHS Rugby Union Championships held in Sydney, the All Schools Sports Triathlon Championships held in Victoria and the Mersey Valley Road Cycling Tour held in Tasmania.

A number of local athletes also gained selection in Development Squads for a variety of sports including basketball, soccer, touch football, volleyball and swimming providing a wider appreciation of their sport at a higher level.



## Ensuring Good Governance

The Mayor's Sporting Fund Sub-Committee continues to work closely with local businesses and continues to seek innovative ideas to ensure the Fund remains well known throughout the Port Macquarie-Hastings region. Through a media partnership with Prime7, a television advertisement, featuring the Mayor and Olympic Gold Medallist and Mayor's Sporting Fund recipient Ryley Batt, is regularly screened on Prime7. Television advertisements promoting all fund raising events have also been produced and aired by Prime7 in the lead up to each of these events. 2MC/StarFM also provides ongoing support through regular radio advertisements which are produced and aired in the lead up to the fund raising events. Port News also provides ongoing support with promotion of the fund raising events via the local newspapers.

### The Wayne Richards Sporting Scholarship 2015

The calling for applications for the Wayne Richards Sporting Scholarship (WRSS) 2015 opened on 27 October 2014. Applications were received online via Smarty Grants until midnight on 31 January 2015.

A total of 10 applications were successfully lodged online with four (4) applications commenced but not completed. All applications successfully lodged met the criteria set down and therefore proceeded through to the assessment stage. An email was sent to each applicant who had commenced their application but not completed it, encouraging them to return online, complete and submit their application prior to the 31 January 2015 deadline.

The Wayne Richards Sporting Scholarship Presentation Evening was held at the Glasshouse on Wednesday 4 March 2015. Invitations to attend this event were extended to all applicants (whose applications were completed and successfully submitted), the Mayor, Councillors, the General Manager, members of the Mayor's Sporting Fund Sub-Committee, sponsors and supporters of the Mayor's Sporting Fund and past WRSS recipients. An invitation was also extended to members of the Richards Family.

Local swimmer Mekayla Everingham was named the recipient of the Wayne Richards Sporting Scholarship for 2015. The value of the scholarship is \$4,000.00. Local tri-athlete Samuel Lewis was announced as this year's runner up receiving a one off payment of \$500.00.

Mekayla's achievements during 2014 included again gaining selection into the NSW Emerging Talent Swim Squad, her third consecutive year, and competing at the NSW Age Swimming Championships bringing home Gold in both the 100m and 200m breaststroke event in her age division.

All applicants, their family and friends attended the presentation evening, along with Luke Richards representing the Richards Family and 2010 WRSS recipient Ryley Batt. Video messages were received from 2009 WRSS recipient Lauren Kitchen and 2012 WRSS recipient Madi Roberts and these were played during the event.

### Fund Raising Activities

During the 12 month period, three major fund raising events were successfully co-ordinated and staged. These were the "Go for Gold" Trivia Night, the 16<sup>th</sup> Annual

## Ensuring Good Governance

Coca-Cola Mayor's Sporting Fund Golf Day Challenge and the 9<sup>th</sup> Annual Mayor's Sporting Fund Golden Thong Bowls Day.

Advice received at the end of 2014 indicated that due to changes within the local division of Coca-Cola Amatil Pty Ltd, sponsorship of the Golf Day could no longer be sustained. Since that advice, the Mayor's Sporting Fund Sub-Committee have been working to secure a new sponsor of the Golf Day with approaches made to a number of local business houses. Successful lobbying has resulted in Eagles Insurance Brokers coming on board as Naming Rights Sponsor of this event for the next three years (2015, 2016 & 2017) with a further two year option. A sponsor for the Mayor's Sporting Fund Golden Thong Bowls Day is still being sought.

Raffles, 100 Club and novelty events were staged at all three fund raising events with the majority of prizes kindly donated by local businesses.

### "Go for Gold" Trivia Night

The Mayor's Sporting Fund Sub-Committee determined through its regular monthly meetings to reintroduce a trivia night to the annual fund raising events calendar for the Mayor's Sporting Fund.

As 2014 was a Commonwealth Games year, the "Go for Gold" Trivia Night was scheduled to be held at St Columba Anglican School's - Iona Centre on Friday 1 August 2014. This event was well supported with 14 tables being sold resulting in over 100 people attending the event. A great night was had by all with just under \$3,000 being raised on the night.

### 16<sup>th</sup> Annual Coca-Cola Mayor's Sporting Fund Golf Day

A total of 34 Teams took to the greens on Friday 28 November 2014 as part of the 16<sup>th</sup> Annual Coca-Cola Mayor's Sporting Fund Golf Day. Five (5) holes on the course were sponsored by local Port Macquarie business houses in the lead up to the event. Various local businesses also kindly donated items for prizes on the day or for the charity auction. The afternoon was a great success with \$9,610.00 being raised on the day.

The 17<sup>th</sup> Annual Coca-Cola Mayor's Sporting Fund Golf Day will be held on Friday 27 November 2015 at Port Macquarie Golf Club.

### 9<sup>th</sup> Annual Mayor's Sporting Fund Golden Thong Bowls Day

A total of 23 teams registered and headed out to the rinks at Port City Bowling Club on Friday 27 March 2015 to play in the 9<sup>th</sup> Annual Mayors Sporting Fund Golden Thong Bowls Day. The majority of teams got into the spirit of the event by dressing up. The event was a great success with \$3,100 being raised on the day.

A new Naming Rights Sponsor for this event is still being sought and the Mayor's Sporting Fund Sub-Committee hopes to secure a Naming Rights Sponsor prior to the event being staged in 2016.

The 10<sup>th</sup> Annual Mayor's Sporting Fund Bowls Day will be held on Friday 1 April 2016 at the Port City Bowling Club.



## Ensuring Good Governance

### Options

Nil

### Community Engagement & Internal Consultation

Mayor's Sporting Fund Sub-Committee

### Planning & Policy Implications

The Mayor's Sporting Fund activities comply with the "Funding and Support provided to the Community Policy".

### Financial & Economic Implications

The Mayor's Sporting Fund Sub-Committee continues to conduct fund raising activities to provide sufficient funds to offer financial assistance to the young elite athletes of the Port Macquarie-Hastings region.

### Attachments

1 [View](#). 2014-2015 MSF Financial Year Breakdown

## 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

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**Item:** 10.01

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

**Presented by:** Community & Economic Growth, Tricia Bulic

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### 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 the Wauchope High School's Girls Open Football (Soccer) Team in the amount of \$750.00 to assist with the expenses the team incurred competing at both the CHS Semi Finals and CHS State Finals held in Sydney on 5 August and 19 August 2015 respectively.

### Executive Summary

The Mayor's Sporting Fund Sub-Committee met on 27 August, reached consensus on Item 08 (attached) and now submits the above recommendation for Councils consideration.

### Attachments

1 [View](#). Extract of Item 08 from MSF 26 August 2015 Meeting

## Looking After Our People

**Item: 10.02**

**Subject: WAUCHOPE MAIN STREET PLAN**

**Presented by: Community & Economic Growth, Tricia Bulic**

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### Alignment with Delivery Program

2.1.1 Provide leadership in implementing safety initiatives.

### RECOMMENDATION

**That Council:**

- 1. Endorse the Wauchope Main Street Plan and place on public exhibition for a period of 28 days.**
- 2. Note the commencement of works for the upgrades to pedestrian safety following the development of detailed designs.**

### Executive Summary

Earlier this year, Port Macquarie-Hastings Council in partnership with Roads and Maritime Services (RMS) engaged the services of a consultant to develop an Urban Design Concept Plan for the main street of Wauchope.

The Wauchope Main Street Plan was prepared with engagement with the Wauchope Community, Wauchope Chamber of Commerce, Wauchope Business Network, Port Macquarie-Hastings Council and RMS.

The Plan identifies works to improve the urban structure on the main street and associated intersections of Wauchope so that walking and cycling trips are convenient, pleasant and safe and the character of the town and landscape is enhanced and respected.

RMS are the key drivers of this project and have indicated that further funding will be available to complete various stages of this plan once Council and the Community have endorsed the proposal.

### Discussion

In March 2015, Council received a grant (\$60,000) from RMS to assist in the development of an Urban Design plan for High Street in Wauchope. John Mongard Landscape Architects were engaged through Councils procurement process and commenced work with Council in May 2015.

The town and community maintain a strong sense of civic pride, a creative culture, deep connections to the landscape and cultural heritage of the area. Vehicle and pedestrian movements within the Wauchope main street has steadily increased in recent years.

## Looking After Our People

Community and business stakeholders have raised concerns about the safety, amenity and economic impacts of the current traffic and pedestrian conditions. As a result, a number of plans have been prepared over the past six years including the Wauchope Framework plan and the Draft Transport Strategy report released in 2014. The Wauchope Business community has also produced its own priority plans for the area, *Community Strategic Plan - Wauchope Report, October 2010* - Wauchope Chamber of Commerce and Industry Inc - 2446 Looking Forward. The reviews identified short and long term strategies including infrastructure improvements in the Wauchope town centre to enable safer walking and cycling.

The NSW Government, Transport for NSW and Roads and Maritime Services, have recently introduced an Active Transport Program. The Active Transport Program provides potential funding opportunities for infrastructure improvements and enables the State Government to work with councils to make walking and cycling safer, more convenient and enjoyable transport options that benefit everyone.

The overall urban design vision for Wauchope Main Street is to create a lively town that celebrates its river, forest and people.

To create a pedestrian friendly main street, Wauchope needs to implement traffic calming, improved pedestrian crossings and reduce congestion at key places. Streets will be made more legible and comfortable using a whole-of-town approach. In the process, public spaces can become greener gathering spaces increasing people attachment to their place.

Great streets move beyond roads and footpaths and become place experiences and destinations. Wauchope should celebrate its timber heritage and great forest trees. Sitting areas could feature local timber created by locals. With intersection improvements new public spaces and gathering places will be created. This will enable an activated street and places for public art, alfresco dining and additional planting areas.

The Wauchope Main Street Plan also looks at the Wauchope town more broadly and looks at better connection to the river through cycling and interpretive signage, as well as streetscape treatments.

Some of the key proposals include:

- Reducing speed in the heart of the town centre to 40km/hr;
- Creating gateway entrance to the town centre (east and west) with planting and pavement treatments;
- Hastings Street intersection improvements;
- Bransdon Street intersection improvements
- Relocation of the two pedestrian crossings;
- Line marking for car parking to make more efficient use of space;
- Loading Zones;
- 15 minute parking areas;
- Improved signage for off street parking in the areas
- Reorganised Taxi Ranks; and
- Oxley Lane to be redirected - one way traffic to achieve more efficient use of space.



## Looking After Our People

RMS has indicated approval for a grant of \$300,000 for the initial stages of works to be completed in the 15/16 financial year. Further funding may be available when the plan has been endorsed by Council. Prior to any works done on site additional detailed design work is required. Council has commenced investigations into the development of detailed design work through our Transport and Stormwater Networks team.

It should be noted that Council has no specific budget set aside for works for High Street, Wauchope. The RMS funding will only cover particular aspects relating to road safety.

### Options

That Council seeks additional clarification and work on the concept prior to public exhibition.

### Community Engagement & Internal Consultation

Engagement with the community was completed over five day from 28 May - 3 June 2015 with a pop-up shop front location on High Street, Wauchope. Over 180 people attended the shop and the community workshops, which included the following events:

- A retailers and traders breakfast;
- Community evening meeting;
- A senior year primary school workshops;
- Door to door informal interview with main street shop fronts; and
- Workshops with Council staff, Managers and Councillors.

The engagement generated some clear ideas and direction from the community including:

- Pedestrian safety;
- Speeding traffic;
- Poor state of the footpaths in High Street;
- Lack of character or theme in the main street;
- Lack of destination qualities in the town centre. Despite having an emerging boutique precinct a strong community co-op, magnificent river and great forest setting;
- Car Parking; and
- Perceived lack of road - maintenance and funding.

The next stage of engagement will be managed by RMS to ensure the community is aware of the outcomes of the plan and the proposed staging and funding of any future works.

### Planning & Policy Implications

The Wauchope Main Street plan is in line with the adopted Wauchope Framework plan of 2009. The material palette and tree species chosen are in line with the framework and supported by the community.



## Looking After Our People

### Financial & Economic Implications

RMS has provided initial support for the project with \$60,000 contribution for the development of the Urban Design. Council contributed \$10,000.

RMS has also announced its support and funding for the first stages of implementation of the project with \$300,000 being provided for the project.

It is anticipated that Council and RMS will continue to partner in this project into the future to enable the vision to be achieved.

There may also be opportunities for the Council, the local community and Chamber of Commerce to co - create aspects of the proposed concept including:

#### *Council Contribution:*

- Action from Cultural Plan - Developed public art that reflects timber history and story of town through Community assisted workshops - this would be part of the Council creative program budget in 16/17 financial year
- Materials for Community groups to develop public art, seating and other infrastructure - this would be part of the Council place making program budget.
- Council has a current budget allocation for new bins of \$10,000 in the adopted 15/16 budget

#### *Community Contribution:*

- Labour to produce infrastructure items such as seating, garden beds, bike racks and public art through Men's Shed, High School and Wauchope Arts
- Participation in development of bespoke pieces for Wauchope Main Street.
- 

#### *Chamber of Commerce*

- Council to work with the Executive and members of the Chamber to see what they can contribute to improving the street including facade improvements, management/ maintenance of garden areas, footpath treatments, street activation and alfresco dining opportunities.

### Attachments

1 [View](#). Wauchope Main Street Plan - September 2015

## Looking After Our People

**Item: 10.03**

**Subject: DISABILITY DISCRIMINATION ACT (1992) ACTION PLAN 2009-2018  
ANNUAL REPORT**

**Presented by: Community & Economic Growth, Tricia Bulic**

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### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council:**

- 1. Note the Annual Report.**
- 2. Note the attached DDA Action Plan Budget report and the identified funding gaps.**

### Executive Summary

In the Port Macquarie-Hastings area, 4826 of our residents identify as living with a permanent disability. This equates to 6.6% of our residents, which is significantly higher compared to the national average of 4.6%. There are 7,710 carers who give unpaid care assistance and support their loved ones or friends (12.9% of our residents). Our community also has the fifth highest prevalence of dementia in Australia.

The Disability Discrimination Act (DDA) Action Plan is reviewed on an annual basis with a report submitted to Council. Teamed with the Access Strategy, Council continues to pursue active management of the fundamental right of all citizens in the Port Macquarie-Hastings to have an opportunity to participate socially, culturally, economically, physically and politically in the life of our community.

### Discussion

PMHC has a strong commitment to improving and upgrading its facilities and services and has made significant improvements to disability access, which are noted in this report.

Key achievements for 2014-15 include:

- Construction and launch of the Westport Park all abilities playground including wheelchair accessible pirate ship, music play, water play and carousel;
- Co-ordination of six Access Sub-Committee meetings;
- Delivery of Falls Prevention Awareness workshops;
- Access Committee conducted 10 Access Friendly business visits;

## Looking After Our People

- Advocating for special needs groups (Port Macquarie Dementia Friendly Community, Disability Interagency Network);
- \$100k grant Fisheries NSW for construction of Dunbogan wheelchair friendly fishing platform;
- Celebration of International Day of People with Disability - launch of wheelchair fishing platform;
- Construction of 1.2m 'missing link' footpaths including
  1. Port Macquarie - Murray St, Lake Rd, Lord St and Hindman St, Wauchope - Cameron St and Bain St
  2. North Haven - Ocean Drive and The Parade
  3. Laurieton -Castle St and Bold St;
- Construction of 2.1m shared path due to being a key 'schools to schools' path network including
  - Kew - Kendall Rd
  - Kendall - Comboyne St;
- Creation and launch of the "7 Big Ideas" Disability Strategy and awarded Highly Commended at LGNSW Awards;
- Regular Alzheimer's Art appreciation and guiding program at Glasshouse;
- \$70k Accessible Arts NSW program linking artists with people with disability;
- Installation of five new wheelchair accessible bus shelters;
- Construction of Camden Haven Hall public accessible toilet and shower and linking footpath to accessible parking;
- Installation of wheelchair accessible car park at Port Macquarie Court House;
- Large -print library books and audio books are allocated 30% of the library collections budget; and
- Ongoing monitoring of accessible car parks by the Rangers.

A summary of the projects of the DDA Action Plan together with cost estimates is attached. This highlights the gap between all of the actions identified and the costings, although you will note some of the items are of a low priority or dependent on state or federal funding. There is an active strategy to apply for grants to support the delivery of the Action Plan. Examples include the \$100k Fisheries NSW grant for the Dunbogan wheelchair fishing platform and the \$50k Sport and Recreational grant to undertake the Westport Park all Abilities Playground.

The plan is reviewed annually by the Group Managers and priorities determined jointly by the Access Committee and those responsible for the budget.

### Options

That Council ask for further information.

### Community Engagement & Internal Consultation

Input has been obtained from the relevant service delivery Group Managers.

### Planning & Policy Implications

This activity is consistent with:

- The PMHC Disability Discrimination Act (1992) Action Plan 2009-2018;
- The "7 Big Ideas" PMHC Disability Strategy; and

## Looking After Our People

- "Towards 2030" Community Strategic Plan and the 2013-2017 Delivery Program focus area of 'Looking after our People'.

### Financial & Economic Implications

We are now six years into the implementation of the ten year DDA Action Plan and progress has steadily been made. The Action Plan is aspirational and needs the injection of funding from State and Federal Government to be accomplished however much has been achieved and council staff are working together to help remove barriers to accessing council facilities, events, information, engagement and services. The \$500,000 commitment for new footpaths in 2015/16 is welcomed and will make a huge difference in linking people to their community.

### Attachments

1 [View](#). Annual DDA Monitoring and Budget

## Helping Our Community Prosper

### What are we trying to achieve?

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

### What will the result be?

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

### How do we get there?

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



## Helping Our Community Prosper

Item: 11.01

Subject: 2015-2016 COMMUNITY GRANTS PROJECTS FOR ENDORSEMENT

Presented by: Community & Economic Growth, Tricia Bulic

### Alignment with Delivery Program

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

### RECOMMENDATION

That Council:

1. Pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2015-2016 Round 1 to:

Organisation Name	Project	Funding
<b>General:</b>		
Camden Haven Dragon Boat Club	Boat Regatta	\$3,380
Camden Haven Lantern Club	Event seating	\$2,027
Port Macquarie Art & Craft Centre	Cabinets and saws	\$6,000
Rhythm Review	Costumes	\$2,293
Lions Club Port Macq Tacking Pt.	Fitness Station	\$10,000
Kendall Community Centre	Community Festival	\$3,075
Kendall Tennis Club	Umpire chairs	\$1,542
King Creek Rural Fire Brigade	Deck and air conditioning	\$5,233
Comboyne Community Assoc.	Dairy museum costs	\$7,238
	Sub Total	\$40,788
<b>Christmas and New Year's Eve Events:</b>		
Long Flat Public School P&C	Community Celebration	\$400
Lake Cathie-Bonny Hills Lions Club	Xmas Carol Evening	\$2,400
Port Macquarie City Church	Xmas on Town Beach	\$5,000
Wauchope Chamber of Commerce	Community Celebration	\$4,000
Beechwood Public School P&C	Community Celebration	\$1,539
Christian Outreach Centre	Westport Park Carol Evening	\$5,000
Camden Haven Chamber	Community Celebration	\$2,500
	Sub Total	\$20,839
<b>Non Council Owned Halls:</b>		
Pappinbarra Progress Assoc.	Repainting the hall	\$6,394
Upper Hastings Sporting Comm	Wheel chair access ramp	\$6,421
	Sub Total	\$12,115
<b>Environment:</b>		
Camden Haven Landcare	Riverbank Regeneration	\$2,000



## Helping Our Community Prosper

Port Macquarie Landcare	Weed Management	\$5,000
Port Macquarie Landcare	Volunteer Management	\$5,000
Friends of Kooloonbung Creek	Weed management	\$10,000
	Sub Total	\$19,212

**Total Allocated                      \$92,954**

2. Agree to the recommendations of the Assessment Panel and reallocate \$4,039 from the Community Grant General fund into the Christmas and New Years Eve Event's Fund.
3. Approve the following allocations dependant on:
  - a. Comboyne Community Centre grant dependent of obtaining DA approval.
  - b. Lions Club Port Macquarie and Tacking Point grant dependent on obtaining Council approval and providing second quotes.
  - c. King Creek Fire Brigade grant dependent on approval from NSW Rural Fire Service.

### Executive Summary

Over 120 community members attended the four Community Grant Information sessions held in June, 2015.

Forty four applications were submitted across all categories of the grant round. Of these the above twenty-two were endorsed by the Assessment Panel as successful.

### Discussion

A total of \$92,954 is available in 2015-2016 Round 1 for the Community Grants program as follows:

- General Grants for a range of innovative projects which align with the *Port Macquarie-Hastings Towards 2030 Community Strategic Plan* (\$52,903);
- Environmental Grants for environmental restoration work on public bushland (\$19,212)
- Christmas and New Years Eve Events Grants for assistance to run Christmas and New Years Eve events across the Port Macquarie-Hastings local government area (\$20,839)

The Community Grant Guidelines 2015-2016, available on Council's website, set out the objectives, eligibility and assessment criteria, and other information for the grant round. On-line applications were submitted on *SmartyGrants*, a best practice on-line grants management system.

Information sessions were held in Port Macquarie, Laurieton and Wauchope in June, 2015.

Applications opened on 29 June 2015 and closed on 7 August 2015. A total of forty four applications were received of which twenty eight were in the General category, five in the Environmental category, two in the Place Making category, seven in the

## Helping Our Community Prosper

Christmas and New Years Eve Events category and two in the Non Council Owned Halls category.

Assessment of applications was undertaken in two stages. Stage 1 was a check against eligibility criteria, restrictions and supplementary information and Stage 2 was an assessment of projects against the criteria as published in the *Community Grant Guidelines*.

The Place Facilitator-Grants Officer completed a preliminary assessment for Stage 1 and Stage 2 of the General; Christmas and New Years Eve Events and, Place Making and Non Council Owned Halls grant applications. Council's Ecologists complete Stage 1 and Stage 2 of the initial assessment process for the Environmental grants.

Two projects which have been endorsed by the Assessment Panel are still required to submit further information before they will be eligible for funding; the information due to the nature of the request will take further time to collect. The required documentation required is:

- Comboyne Community Centre - awaiting DA for project
- Lions Club Port Macquarie and Tacking Point - project approval from Council and second quotes

On 1<sup>st</sup> September 2015 following Stage 1 and Stage 2 of the preliminary assessments, applications were considered by the Assessment Panel with the endorsed applications forwarded to Council for approval.

Christmas and New Years Events was oversubscribed by \$4,839. Due to the popularity, community benefit and desire for an even distribution across the LGA it was recommended that this overspend is reallocated from the Community Grant General fund.

### Next Steps

Letters will be forwarded to the successful and unsuccessful applicants. Successful applicants will also be contacted by telephone. Unsuccessful applicants will be given the opportunity to request feedback on their application.

Comboyne Community Centre and Lions Club Port Macquarie and Tacking Point Lions Club will be given the opportunity to submit the necessary supplementary information.

On 8<sup>th</sup> October 2015, from 12pm the successful applicants will attend a public event whereby they will be presented with their cheques by the Mayor. Councillors are invited to attend this event to be held in the Function Room.

### **Community Engagement & Internal Consultation**

No external community engagement occurred as part of the assessment process.

Internal consultation included:

## Helping Our Community Prosper

### Assessment Panel Members:

Mr Craig Swift-McNair, General Manager  
 Mr Matt Rogers, Director Development and Environment  
 Ms Tricia Bulic, Director Community and Economic Growth  
 Mr Jeffery Sharp, Director Infrastructure & Asset Management  
 Ms Rebecca Olsen, Director Corporate and Organisational Services; and  
 Ms Lucilla Marshall, Group Manager, Community Place

The following were consulted as a part of the initial assessment process:

Rebecca Montague-Drake and Thor Aaso, Ecologists for environmental projects  
 Paul Koch, Place Facilitator-Grants Officer  
 Rebecca Doblo, Landscape Architect with regards to Lions Club Port Macquarie and  
 Tacking Point Lions Club's proposed project.

No external community engagement occurred as part of the assessment process.

### Planning & Policy Implications

The grant process is consistent with *Council's Funding and Support provided to the Community Policy (July 2013)*.

### Financial & Economic Implications

A summary of funding outcomes is provided in Table 1.

Table 1:

Grant Category	Funds Allocated	Funds for Further Allocation
General Community	\$52,903	\$72,415
(inc. Place Making & Non Council Halls)		
Christmas & NY Events	\$20,839	\$0
Environmental	\$19,212	\$0
<b>Total</b>	<b>\$92,954</b>	<b>\$72,415</b>

### Attachments

1 [View](#). 2015-2016 Round 1 Community Grant Overview

## 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:** GRANT OFFER FROM THE MID NORTH COAST WEEDS  
COORDINATING COMMITTEE

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

### Alignment with Delivery Program

4.1.1 Implement and advocate a range of proactive programs for the environmental management of lands within the local government area .

### RECOMMENDATION

**That Council:**

1. **Accept a grant offer of \$12,000 from the Mid North Coast Weeds Coordinating Committee for the Control of Salvinia.**
2. **Amend the 2015-16 Operational Plan to include this project.**

### Executive Summary

The Mid North Coast Weeds Co-ordinating Committee has offered a \$12,000 (excluding GST) grant to Port Macquarie-Hastings Council for the ongoing control of the Salvinia outbreak in the upper Maria River / Connection Creek floodplain to assist Council with the control of this noxious weed.

Council has been carrying out control works in response to the Salvinia weed infestation for the past 2 years. Works have included installing booms and restricting vessel access to affected parts of the river and carrying out spray control to kill the weed. This additional funding will provide valuable assistance to the ongoing control the infestation. Salvinia has the potential to create severe environmental damage and has the ability to completely choke waterways. Continued action to control the infestation is considered critical.

### Discussion

In 2012, extensive flooding resulted in the outbreak *Salvinia molesta* infesting 15km of the Upper Maria River and low-lying land private rural properties. This grant offer provides funding to undertake a joint control programme on public and private lands with Kempsey Shire Council, National Parks and Wildlife and rural landholders.

Council has been carrying out control works in response to the weed infestation. Works have included installing booms and restricting vessel access to affected parts of the river and carrying out spray control to kill the weed. This additional funding will provide valuable assistance to control the infestation. Salvinia has the potential to create severe environmental damage and has the ability to completely choke waterways. Continued action to control the infestation is considered critical.



## Looking After Our Environment

### Options

Council could choose to not accept this grant offer. Declining this offer will impact on Council's ability to control this noxious weed and to assist rural landholders in undertaking control works on private land.

### Community Engagement & Internal Consultation

There has been ongoing consultation and cooperation between PMHC, Kempsey Shire Council and the National Parks and Wildlife Service, Landcare and the rural landholders.

Some concern has been expressed by a small number of landowners who have their access to the river restricted by the weed control booms. While this impact is regrettable, the consequences of allowing *Salvinia* to be transported beyond the current control zone would be significant in terms of impact to the river environment and on Council resources to manage the problem.

Based on current progress of control work, it is expected that the downstream booms should be able to be removed this financial year. Should strong El Nino conditions continue, saltwater penetration into the upper reaches of the waterway may result in the removal of all booms in the same period.

### Planning & Policy Implications

There are no planning or policy implications as a result of this report.

### Financial & Economic Implications

Matching funds from Council's 2015-16 are not required in order to accept this grant offer. The grant will supplement Council's operational weed control budget.

Since 2013, the control of *Salvinia* in the Maria River and adjoining floodplain has cost \$75,000.

### Attachments

Nil



## Looking After Our Environment

**Item:** 12.02

**Subject:** DA2015 - 0030 - ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6  
OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT  
MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT  
LOT 377 DP 236950, 31 VENDUL CRESCENT, PORT MACQUARIE

**Report Author:** Matt Rogers

<b>Property:</b>	Lot 377 DP 236950, 31 Vendul Crescent, Port Macquarie
<b>Applicant:</b>	Wayne Ellis Architect
<b>Owner:</b>	A J Brinkman
<b>Application Date:</b>	15 July 2015
<b>Estimated Cost:</b>	\$367,582
<b>Location:</b>	Port Macquarie
<b>File no:</b>	DA2015 - 0030
<b>Parcel no:</b>	24362

### Alignment with Delivery Program

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

### RECOMMENDATION

That it be recommended to Council that DA2015 - 0030 for additions to dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) of Port Macquarie-Hastings Local Environmental Plan 2011, at Lot 377, DP 236950, 31 Vendul Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Delete condition B(8)
- Additional condition in section B of the consent to read: ' The balustrade on the second floor deck is to be constructed of opaque glass panels/walls joining floor and railing.'

### Executive Summary

This report considers a development application for additions to a dwelling at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following initial exhibition of the application, two (2) submissions were received.

The application was reported to Council's Development Assessment Panel (DAP) on 22 April 2015 whereby the following occurred (minutes from meeting):

## Looking After Our Environment

*DAP was unable to reach consensus.*

*David Fletcher moved the following motion:*

*'That the application be deferred to enable the applicant to investigate reducing the void height between the first and second floor to 300mm and a corresponding reduction in overall roof ridge height be made'.*

*David Troemel and Dan Croft supported the motion.*

*Paul Drake did not support the motion.*

*The dissenting recommendation from Paul Drake was:*

*'That it be a recommendation to Council that DA2015 - 0030 for additions to dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) of Port Macquarie-Hastings Local Environmental Plan 2011, at Lot 377, DP 236950, 31 Vendul Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions with amendments to conditions of consent as follows:*

- Amend condition A(4) by adding an additional numbered point to read; 'Building works are to be undertaken so as not to result in the damage or loss of existing vegetation on the site.'*
- Additional condition in Section B of the consent to read: 'Prior to release of the construction certificate, the plans are to be amended to provide for opaque glass to the windows of the second floor ensuite and wardrobe.'*

The application was then reported to Council on 20 May 2015 and Council resolved:

**RESOLVED:** *Levido/Intemann*

That Council:

1. Defer the determination of DA2015 - 0030 for additions to dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) of Port Macquarie-Hastings Local Environmental Plan 2011, at Lot 377, DP 236950, 31 Vendul Crescent, Port Macquarie, to allow for amended plans to be submitted.
2. Refer the application to the Development Assessment Panel for determination in accordance with the Development Assessment Panel Charter.

**CARRIED:** 8/0

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

**AGAINST:** Nil

Amended plans were received on 15 July 2015 and the application was subsequently re-notified.

## Looking After Our Environment

Following exhibition of the revised application, three (3) submissions were received. These included a revised submission from one of the previous objectors and a new objection from another neighbour. The third submission was from an original objector who no longer objected to the revised design.

As a result of the above, the application was again reported to DAP on 26 August 2015 whereby the following was resolved:

*That it be recommended to Council that DA2015 - 0030 for additions to dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) of Port Macquarie-Hastings Local Environmental Plan 2011, at Lot 377, DP 236950, 31 Vendul Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:*

- Delete condition B(8)
- Additional condition in section B of the consent to read: 'The balustrade on the second floor deck is to be constructed of opaque glass panels/walls joining floor and railing.'

Council is required to make a determination on the development application due to the extent of the proposed building height variation.

## 1. BACKGROUND

## Existing sites features and Surrounding development

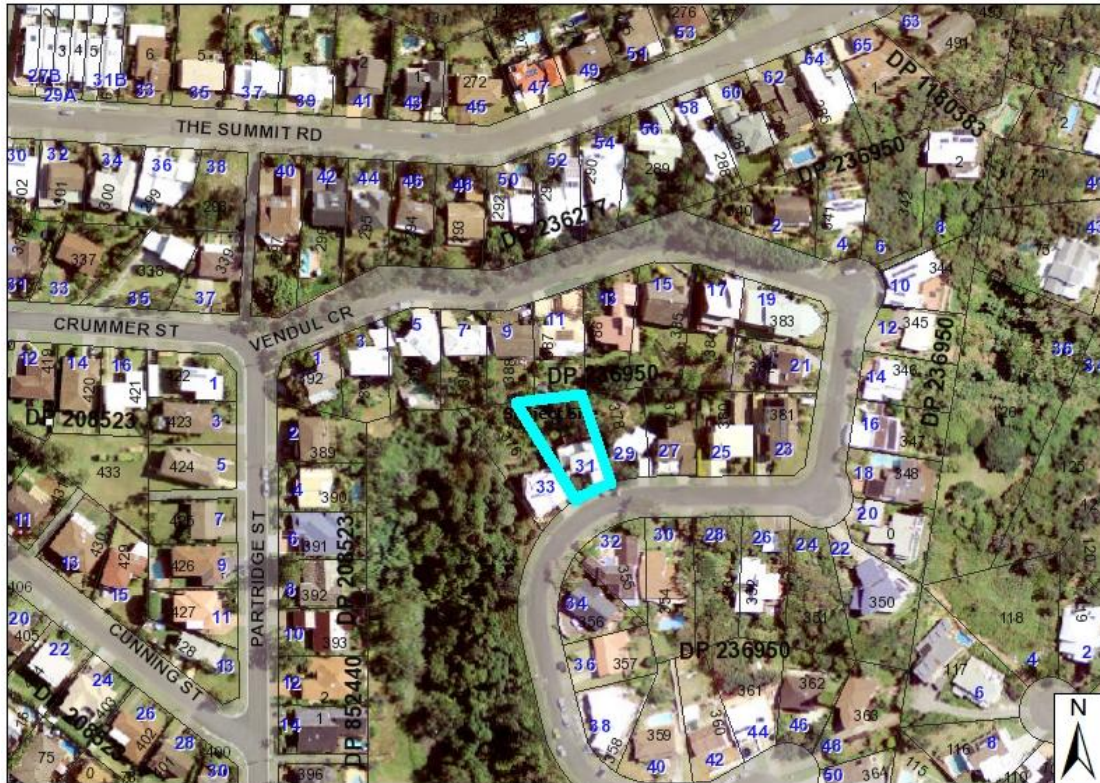
The site is zoned R1 General Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:





## Looking After Our Environment

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



## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Additions to a single dwelling comprising 3 levels.
- Clause 4.6 variation is proposed to Clause 4.3 (Height of Buildings) of Port Macquarie-Hastings Local Environmental Plan 2011.

The revised plans that were received following the deferral decision at Council comprise the following key changes:

- The second floor living area facing the street has been reduced in size and replaced with a deck. The deck will contain a roof but open sides. Larger windows have also been utilised on the south elevation facing the new deck area.
- The height of the development has increased from 12.996m to 13.262m.
- The second floor rear deck area has been reduced in size.
- Internal second floor area reduced and shifted to the rear.
- Second floor eastern side setback reduced.
- Garage and study increased in size on first floor.

Refer to attachments at the end of this report.

## Looking After Our Environment

### Application Chronology

- 22/1/2015 - Application lodged with Council.
- 30/1/2015 to 12/2/2015 - Exhibition period.
- 30/1/2015 - Copy of exhibition material provided to neighbour.
- 12/2/2015 - Inspection of adjoining property 33 Vendul Crescent carried out by assessing officer.
- 13/2/2015 - Council staff requested additional information on the statement of environmental effects, bushfire assessment, revised plans and details of screening. Site inspection requested.
- 18/2/2015 - Inspection of adjoining property 29 Vendul Crescent carried out by assessing officer.
- 25 to 26/2/2015 - Applicant provided partial response to additional information request by providing revised statement of environmental effects and comment on screening. Revised plans and bushfire report to follow.
- 3/3/2015 - Following a request from one of the neighbours an update on the status of the application was provided by the assessing officer.
- 18 to 19/3/2015 - Bushfire report submitted by the applicant but was not accepted by Council staff. Revised report requested.
- 27 to 30/3/2015 - Discussion with neighbour regarding status of the application and process.
- 31/3/2015 - Site inspection of property completed. Revised bushfire report submitted by applicant. Additional detail on balustrade provided by the applicant to demonstrate screening.
- 1/4/2015 - Revised plans submitted in response to Council's request for additional information dated 13/2/2015. Further discussion between Council staff and the applicant regarding clarifying the revised plans. A further updated set was provided.
- 7 to 8/4/2015 - Neighbour requested a copy of the revised plans and update on status of DA. Response and copy of plans provided to the neighbour by the assessing officer.
- 15 to 22/4/2015 - Discussions with objector about pending DAP meeting and report.
- 22/4/2015 - Application reported to DAP. DAP was unable to reach a consensus. The matter was referred to the Council meeting to be held on 20/5/2015.
- 15/5/2015 - Applicant requested to speak to Mayor. Mayor's office advised applicant to email concerns. In addition, applicant could speak at the Council meeting.
- 19 to 20/5/2015 - Applicant requested the proposal be deferred pending discussions with one of the objectors and potential design changes. Discussions were also had with Council staff and one of the objectors about the deferral process. Both objectors put forward a submission letter for Councillor consideration at the meeting. At the Council meeting, it was resolved that the application be deferred pending design changes.
- 25/5/2015 and 9/6/2015 - Emails sent to applicant for timeframe on revised plans.
- 30/6/2015 to 16/7/2015 - Discussion with applicant regarding revised plans.
- 21/7/2015 to 3/8/2015 - Revised plans were re-notified. Following exhibition of the revised application, three (3) submissions were received.



## Looking After Our Environment

### 3. STATUTORY ASSESSMENT

#### Section 79C(1) Matters for Consideration

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

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

#### **State Environmental Planning Policy 26 - Littoral Rainforests**

Under Clause 4(1), the SEPP applies to:

- (a) land enclosed by the outer edge of the heavy black line on the series of maps held in the Department and marked "State Environmental Planning Policy No 26—Littoral Rainforests (Amendment No 2)", and
- (b) land not so enclosed but within a distance of 100 metres from the outer edge of that heavy black line except residential land and land to which [State Environmental Planning Policy No 14—Coastal Wetlands](#) applies.

In terms of Clause 4(1)(b) above, the land is residential and also not subject to the SEPP.

Based on the above, the SEPP does not apply to this development.

#### **State Environmental Planning Policy 44 - Koala Habitat Protection**

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

#### **State Environmental Planning Policy 55 – Remediation of Land**

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

#### **State Environmental Planning Policy 62 - Sustainable Aquaculture**

In accordance with clause 15C, given the nature of the proposed development, proposed stormwater controls and its location; the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries

#### **State Environmental Planning Policy 71 – Coastal Protection**

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

In accordance with clause 5, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

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

- a) any restricted access (or opportunities for access) to the coastal foreshore



## Looking After Our Environment

- b) any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast;
- c) any identifiable adverse impacts on any known flora and fauna (or their natural environment);
- d) being subject to any identifiable adverse coastal processes or hazards;
- e) any identifiable conflict between water and land based users of the area;
- f) any identifiable adverse impacts on any items of archaeological/heritage;
- g) reduce the quality of the natural water bodies in the locality.

In particular, the site is located within an area zoned and already developed for residential purposes. It is considered that the height and bulk of the proposed dwelling additions are consistent with others in the area and would blend in with the existing house forms, especially when viewed from the public domain.

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

In accordance with clause 6, a BASIX certificate (number A208975\_02) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

### **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

The subject SEPP does not apply as the proposal has been lodged as a standard development application.

### **Port Macquarie-Hastings Local Environmental Plan 2011**

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

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

The objectives of the R1 zone are as follows:

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

In accordance with clause 2.3(2), the proposal is consistent with the zone objectives, particularly as the proposal is a permissible landuse and is consistent with the established residential locality. The additions result in a house type and density that provides individual variations but is consistent with the overall bulk and scale of other surrounding houses.

In accordance with clause 4.3, the maximum overall height of the proposal from ground level (existing) is 13.262m which does not comply with the standard height limit of 8.5m applying to the site. The height was checked against the contours of the site and nominated finished floor levels and found to be accurate.

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Pursuant to Clause 4.6(3), consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

As a result of the above, the applicant submitted a Clause 4.6 variation to the standard based on the following reasons:

1. Level 2 is existing and is currently a bedroom, ensuite and robe. The proposed addition is an extension of this level by adding a kitchen and living area. The resultant height difference is minimal but the extent of the area exceeding the height limit has been increased.
2. The slope on the subject site and adjoining properties falls away dramatically from the street and hence the pole type construction. As described in point 1, a height variation already exists and a similar concession has been afforded to the existing residence and also neighbouring properties.
3. To obtain reasonable views, access and orientation, the residence needs to have floor levels relative to the street frontage, as proposed.
4. The proposal does not adversely affect the neighbouring properties in respect of views or privacy. This application is conscious of the past privacy issue and has taken steps via distance and screening to avoid any privacy conflict.
5. The completion of this residence will provide for better outcomes in respect to liveability, views attainable and orientation.
6. The revised proposal has been specifically formulated to consider the views from the eastern neighbours front deck. Manipulation of the height and setback have enabled a proposal that the eastern neighbour is agreeable with.

Having considered the application and Clause 4.6 variation, the proposal is considered acceptable for the following reasons:

1. The building design has had regard for views from adjoining properties and does not create any significant impact. In addition, areas of the design that do create a partial impact on the key southern view from 29 Vendul Crescent, generally comply with the height limit (i.e. the area of the building towards the street). Refer to view sharing comments later in this report.
2. The bulk and scale of the development is consistent with other development in the immediate area.
3. The site is steep and strict compliance with the standard is difficult to achieve and unreasonable.
4. The building contains open areas and articulation to break up the bulk of the building.
5. The north south aspect of the properties along this section of Vendul Crescent will ensure overshadowing impacts are minimal.
6. Windows and outlook from the development are focused on the rear yard and distant views to the south/south west rather than adjoining neighbours. Windows on side boundaries have either been minimised, have obscure glass, are small in size, use hoods around windows to restrict angle of view, are associated with low activity areas or are to be screened. The existing deck has screening conditioned under a previous application while the new second level

## Looking After Our Environment

deck is further setback from adjoining properties and will employ thick balustrades to eliminate downward views.

7. The revised design has pulled the front of the building back, created a deck and raised the roof height. As can be seen in the attachments. The purpose of these changes are to allow the eastern neighbour to see through the deck area and retain the distant southern view. This change was brought about via discussions and agreement between the applicant and eastern neighbour. The further increase in height (approx 300mm) will not create any significant new impact.
8. The design provides a suitable height that has regard for the current legislative height controls and what has actually been built in the area to date. Compliance with the standard would be unreasonable in this case due to the surrounding examples of non compliance and the design difficulty associated with the steep slope.

As per Planning Circulars PS 08-003 & 08-014, Council has assumed concurrence for dealing with variations to height controls. Concurrence from the Department of Planning and Environment is therefore not required. However, the variation is over 10% of the standard and will therefore need to be determined by Council as per the circulars.

Based on the above, the development is consistent with the height control objectives and also the zoning objectives as discussed previously in this report. It is recommended that the Clause 4.6 variation to Clause 4.3 be supported.

In accordance with clause 4.4, the applicant originally nominated a floor space ratio of 0.46:1, which complied with the maximum 0.65:1 floor space ratio applying to the site. Council staff calculated the revised floor plans to have a maximum floor space ratio of 0.6:1, which also complies. The amended design has reduced the floor area further with the FSR being approximately 0.55:1.

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

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

None relevant.

**(iii) any Development Control Plan in:**

**Port Macquarie-Hastings Development Control Plan 2013**

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.2	Articulation zone: • Min. 3m front setback • 25% max. width of dwelling	Refer to comments below.	N/A
	Front setback (Residential not R5 zone): • Min. 4.5m local road	The development and surrounding properties already have building elements forward of the 4.5m requirement. On the subject site,	No but acceptable.

## Looking After Our Environment

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

	Requirements	Proposed	Complies
		<p>the existing garage is forward of the 4.5m requirement.</p> <p>There is an addition to the garage proposed but it is considered minor and is positioned behind the façade of the existing garage.</p> <p>The south west tip of the proposed second floor deck also encroaches onto the front setback by approximately 300mm for an area of 0.2m<sup>2</sup>.</p> <p>The remainder of the building and additions will be setback the required 4.5m.</p> <p>Based on the above, the two variations are considered minor and will not be readily evident from the street when compared to the other existing variations in the street. The streetscape will therefore not be adversely affected.</p>	
3.2.2.3	<p>Garage 5.5m min. and 1m behind front façade.</p> <p>Garage door recessed behind building line or eaves/overhangs provided</p>	Refer to above comment.	No but acceptable.
3.2.2.4	<p>4m min. rear setback.</p> <p>Variation subject to site analysis and provision of private open space</p>	The development is setback over 4m from the rear boundary.	Yes
3.2.2.5	<p>Side setbacks:</p> <ul style="list-style-type: none"> <li>• Ground floor = min. 0.9m</li> <li>• First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> </ul>	<p>As the development is predominately raised on stilts, the 3m setback requirement is the more relevant standard to utilise. In particular, little of the development is actually located on ground level.</p> <p>As a result, the proposed development contains variations on both side boundaries. Where the variations occur, privacy is</p>	No, but acceptable.



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

	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> <li>Building wall set in and out every 12m by 0.5m</li> </ul>	<p>considered to have been retained via the use/conditioning of a combination of compliant separation, screens, obscure glass windows, positioning of room types, high sill windows, hoods around windows and wider balustrades to restrict angle of views. Openings have also been provided to focus on the properties rear yard or distant vistas, rather than neighbouring properties.</p> <p>In addition, whilst variations are proposed, there are significant portions of the building that are setback further than the required 3m. This also helps to provide articulation and reduced bulk.</p> <p>The north south orientation of the lots ensures suitable solar access to key living areas.</p> <p>There are also no unarticulated sections exceeding 12m.</p>	
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. Grade and directly accessible from ground floor living area.	<p>The development contains over 35m<sup>2</sup> open space area and a 4m x 4m area directly accessible from a living room. Due to the stilt design addressing slope, access to ground level open space is via the side of the house.</p> <p>The proposed deck areas more than compensate for such a site constraint with deck areas exceeding 35m<sup>2</sup>.</p>	Yes
3.2.2.7	<p>Front fences:</p> <ul style="list-style-type: none"> <li>If solid 1.2m max height and front setback 1.0m with landscaping</li> <li>3x3m min. splay for corner sites</li> <li>Fences &gt;1.2m to be 1.8m max. height for</li> </ul>	<p>A 2.1-2.2m high front courtyard fence is proposed. The variation to height is created by the steep downward slope away from the street and by the development stepping up onto a deck area.</p> <p>The variation is offset to a degree by having a greater 1.5m setback to the street and provision of</p>	No, but acceptable.

## Looking After Our Environment

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

	Requirements	Proposed	Complies
	<p>50% or 6.0m max. length of street frontage with 25% openings</p> <ul style="list-style-type: none"> <li>• 0.9x0.9m splays adjoining driveway entrances</li> <li>• Front fences and walls to have complimentary materials to context</li> </ul>	<p>landscaping. In addition, due to the downward slope, the fence will have the appearance of being only 1.8m high from the street (i.e. the lower part of the fence will be obscured by the slope of the land). Based on the above, the variation to the fence will not impact on streetscape while at the same time the fence will define the frontage and provide privacy to the residents. The upstairs living areas with street facing windows will maintain suitable street surveillance.</p> <p>While the fence is considered acceptable, there appears to be little reason for the steps up to a deck that then step back down to the front door. By keeping a level entry through to the front door, the front fence could be reduced further.</p> <p>need one or can this comment come out?</p>	
3.2.2.8	No chain wire, solid timber, masonry or solid steel front fences	None proposed.	
3.2.2.10	<p>Privacy:</p> <ul style="list-style-type: none"> <li>• Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. i.e. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed</li> <li>• Privacy screen required if floor level &gt; 1m height, window</li> </ul>	<p>Direct views between living areas of adjacent dwellings and also living areas to private open space areas have been avoided via the use/conditioning of a combination of compliant separation, screens, obscure glass windows, positioning of room types, high sill windows, hoods around windows and wider balustrades to restrict angle of views. Openings have also been provided to focus on the properties rear yard or distant vistas, rather than neighbouring properties.</p> <p>Refer to attached Privacy Plan at the end of this report, which contains notations on how privacy is retained. The main points on the plan being:</p>	Yes



## Looking After Our Environment

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

	Requirements	Proposed	Complies
	side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m	<ul style="list-style-type: none"> <li>- The rear deck area separation is 12m, especially to the western neighbour. A small encroachment within the 12m radius would occur if a person stood in the south western corner of the rear deck at 31 Vendul Crescent and a person stood in the north eastern corner of the rear deck on 33 Vendul Crescent and each person made a conscious effort to look at each other.</li> <li>- 12m radius exists vertically from second floor rear deck to adjoining ground floor open space.</li> <li>- The front deck and windows on the second floor look over the street and roof of 33 Vendul Crescent.</li> <li>- All other windows will need to either opaque glass, hoods or screening.</li> </ul>	

### ***DCP 2013: General Provisions***

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	The proposed development contains limited concealment and entrapment areas. Where concealment areas are created, surveillance is provided either by the dwelling or the street. In addition, the owner has the option of installing sensor lights and CCTV if necessary.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	The use of the stilt design has eliminated the use of any major cut or fill.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Yes
2.5.3.3	Parking in accordance	The dwelling retains in excess of	Yes

## Looking After Our Environment

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

	Requirements	Proposed	Complies
	with Table 2.5.1. 1 space per single dwelling (behind building line)	one parking space within the garage.	

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied. Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.

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

None relevant.

iv) any matters prescribed by the Regulations:

#### **New South Wales Coastal Policy**

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

#### **Demolition of buildings AS 2601 - CI 66 (b)**

To be conditioned to comply.

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

None relevant.

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

#### **Context & Setting**

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area.
- While there will be a partial impact on view sharing from 29 Vendul Crescent, it is considered within an acceptable level. The key view to the south west from 29 Vendul Crescent is retained.

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- There is no adverse privacy impacts (refer to discussion under DCP section above and submission section below).
- There is no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

### View Sharing

During the original public exhibition period, concern surrounding view loss was raised. The following comments were provided in relation to view sharing within the DAP report on 22 April 2015:

“An inspection of neighbouring properties and a view sharing image provided by the applicant triggered the need for consideration of view impacts in this case. It should be noted that the use of height poles etc was not considered warranted in this case as the plans and existing roof profile made it possible to delineate onsite where the new building will go and associated view impact.

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

Using the principles of NSW Land and Environment Court case law - *Tenacity Consulting v Warringah 2004 NSW LEC 140*, the following comments are provided in regards to the view impacts using the 4 step process to establish whether the view sharing is acceptable.

#### Step 1

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

Comments: The view corridor from the affected residence at 29 Vendul Crescent is orientated towards the south, south west and west toward Lighthouse Beach, Lake Cathie, Bonny Hills, Laurieton and Dunbogan, including hinterland areas to the west. Overall, 29 Vendul Crescent enjoys both ocean, land water interface and hinterland views. Included in the hinterland views are the mountain features of North Brother and Jolly Nose. The view of North Brother and Jolly Nose are considered to have iconic views aspects.

#### Step 2

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

Comments: Views are enjoyed from 29 Vendul Crescent across the front boundary. The views are enjoyed from both standing and sitting positions

## Looking After Our Environment

from various parts of the dwelling with the most prevalent being from the upstairs living area and balcony.

### Step 3

*Assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

Comments: The extent of the impact upon the views enjoyed from 29 Vendul Crescent are considered to be acceptable for the following reasons:

- The existing views of the ocean, land/water interface and North Brother will remain virtually unaffected from key living areas.
- While parts of the hinterland view will be lost, the design does maintain partial hinterland views. The hinterland views are not considered as iconic or important as the land water views.
- Only part of the view to Jolly Nose will be lost depending on where one stands in the living room and adjoining balcony. In addition, the section of the proposed dwelling which creates the view loss impact on Jolly Nose complies with the height requirements.
- Where views are impacted more substantially is from the lesser use areas of the house.
- The majority of view loss occurs across a side boundary which is considered to have lesser determinative weight.

### Step 4

*Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Comments: The proposal contains a number of variations. However it is considered that the variations do not result in any adverse loss of view. As detailed above, key views from the primary living area will still be retained."

The view sharing issue was a matter of discussion at the previous DAP meeting and concern was raised over the neighbour to the east (29 Vendul Crescent) potentially losing views.

As a result, the applicant requested the determination of the application be deferred to allow further investigation and discussions with the neighbour.



## Looking After Our Environment

The revised design has since been agreed upon by the applicant and neighbour. The key changes to the design are:

- Conversion of the second floor southern living space to a deck. This results in the front façade of the dwelling being pushed back and even more of the south west view being retained.
- Raising the roof to allow the view to be retained between the floor of the deck and roof. Refer to Drawing 1.4 in the attachments.

Based on the above changes and previous comments, the proposed development is considered to achieve satisfactory view sharing.

### **Access, Transport & Traffic**

The proposal will be unlikely to have any adverse impacts in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

### **Utilities, Water, Sewer & Stormwater**

The proposed development will not impact on existing services.

### **Soils**

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

### **Air & Micro-climate**

The operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution.

### **Flora & Fauna**

Construction of the proposed development will not require removal/clearing of any significant vegetation. In particular, the design is predominately contained within the footprint of the existing building, especially towards the rear of the site and location of the noted littoral rainforest area (Council's Vegetation Mapping). Standard conditions will also be imposed to deal with erosion and sediment control during works.

In addition, at the previous DAP meeting it was suggested that a condition be added to ensure that no damage to vegetation occurs. Such a recommendation has been incorporated into the revised conditions.

Based on the above and imposition of site management conditions, the development is unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Section 5A of the Act is considered to be satisfied.

### **Waste**

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated.

### **Energy**

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX.



## Looking After Our Environment

### Noise & Vibration

Construction noise impacts are considered capable of being managed via standard construction hour conditions/restrictions.

Being a residential property, no adverse occupation noise will occur.

### Natural Hazards

The site is identified as being bushfire prone. The applicant has submitted a bushfire report, which recommends a Bushfire Attack Level (BAL) of BAL 29. Asset Protection Zones are provided either onsite or via adjoining properties, which is accepted practice in existing built up areas. The details provided are acceptable and to be reinforced via conditions.

In addition to the above, the allowable clearing under the 10/50 bushfire rule would apply to the existing dwelling.

### Contamination Hazards

Refer to comments on SEPP 55 above in this report. No impact.

### Safety, Security & Crime Prevention

The proposed development contains limited concealment and entrapment areas. Where concealment areas are created, surveillance is provided by the dwelling or street. In addition, the owner has the option of installing sensor lights and CCTV if necessary.

### Social Impact in the Locality

Given the nature and type of development proposed, no adverse social impacts foreseen.

### Economic Impact in the Locality

No adverse impacts. Likely positive impacts can be attributed to the construction of the development and associated flow on effects (i.e. maintained employment in the construction industry and associated expenditure in the area).

### Site Design and Internal Design

The proposed design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

### Deposited Plan and 88B Instrument

The deposited plan and 88B instrument for the site were created in 1968. There is a restriction on the subject lot and adjoining lots that no buildings be allowed forward of a nominated point. This does not appear to have been enforced with various developments encroaching on such an area not only on the subject site but adjoining properties.

### Construction

While there may be some standard short term impacts associated with a construction site (i.e. loss of off street parking due to construction workers, construction noise etc), no long term impacts to neighbouring properties will occur. In addition, standard conditions will be recommended to restrict hours of construction.

## Looking After Our Environment

### **Cumulative Impacts**

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

The height of the building and variation is consistent with other houses in the area as property owners address the steep terrain.

### **(c) The suitability of the site for the development:**

While there are a number of variations proposed, it is considered that suitable justification has been provided in this case to ensure the development is consistent with other development in the area. In this regard, the development is considered to still satisfy relevant planning controls for the area and is not expected to impact adversely on the wider public interest.

Site constraints have been adequately addressed and appropriate conditions of consent recommended.

### **(d) Any submissions made in accordance with this Act or the Regulations:**

Following exhibition of the revised application, three (3) submissions were received. These included a revised submission from one of the previous objectors and a new objection from another neighbour. The third submission was from an objector to the original plans, who no longer objected to the revised design.

The issues raised in the original submissions have been included in the table below along with any amending comments or new issues from the revised exhibition period:

## Looking After Our Environment

Submission Issue/Summary	Planning Comment/Response
<p>Height variation not acceptable and should be reduced.</p> <p>There is no precedent for such a variation and bulk.</p> <p>The void between the first and second floor is unnecessary. Should be 300mm.</p> <p>Height at 13.8m is a 62% variation.</p> <p>Height on plans not measured from highest point.</p> <p>Height variation is not minor.</p> <p>Changes zoning from R1 General Residential to R3 Medium Density Residential.</p> <p>Height is not required to obtain views.</p> <p>Level access is available without having to raise height, reduce setbacks etc.</p>	<p>Refer to comments on Clause 4.3 and Clause 4.6 in the LEP section of this report. The height variation is considered acceptable.</p> <p>The removal of the void will not result in a substantial change to the design that would create any noticeable improvement to surrounding areas. The void allows for the second storey to merge over the garage area and create a consistent floor level for the second storey (i.e. rather than a step up onto the deck area/area over the garage area). It is acknowledged that the void also helps with obtaining views.</p>
<p>Remove top deck and windows that face west or move back further.</p> <p>Loss of privacy to the western property via openings on western elevation.</p> <p>The western view from 31 Vendul Crescent will be lost in the near future as vegetation grows. Therefore, the focus of 31 Vendul Crescent to the west to obtain views will no longer be valid but will be done at the expense of long term privacy to 29 Vendul Crescent.</p> <p>The revised design pushes the development further to the rear, which creates views from 31 Vendul Crescent into the primary living area of 33 Vendul Crescent.</p> <p>Windows should have sill heights of 1.5m.</p>	<p>The revised design being pushed back does not change the original comments made on privacy. In particular, direct views between living areas of adjacent dwellings and also living areas to private open space areas have still been avoided via the use/conditioning of a combination of compliant separation, screens, obscure glass windows, positioning of room types, high sill windows, hoods around windows and wider balustrades to restrict angle of views. Openings have been provided to focus on the rear yard or distant vistas, rather than neighbouring properties. Refer to comments on 3.2.2.10 in DCP 2013 assessment.</p> <p>Comment on the view being lost in the future is also noted but it is felt that the design does not result in a loss of privacy.</p> <p>Based on the above, the location of the deck and windows are considered acceptable.</p>
The development proposes a number	The proposal has been lodged as a

## Looking After Our Environment

of variations to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Council should ensure compliance.	development application and is subject to merit assessment under PMH LEP 2011 and the guidance of PMH Development Control Plan 2013. The provisions of the Code SEPP do not apply.
Setback to western 7.5m high wall to be moved to a 1.7m setback or the wall height reduced.  Wall will create loss of sun and wind tunnelling.	The wall and setback are no different to an 8.5m high compliant wall on a dwelling being setback at 900mm, which is allowed under DCP 2013 (subject to a merit assessment). The setbacks have been assessed on merits in the DCP 2013 section of this report.  While the above is still relevant, there does not appear to be any reason for the steps up onto a deck area that then step back down for the front door. As a result, this area is to be conditioned to be level from the front fence entry to the front door with any western wall height being subject to a height of 1.8m above the revised floor level. This will result in a minor reduction in the height of the wall, whilst still retaining privacy.
The proposed Colorbond fence is to be removed from the plans.  Impact of fence on littoral rainforest.	Council does not regulate the fencing and therefore the agreement to install such a fence is a civil matter to be determined under the <i>Dividing Fences Act 1991</i> .  The installation of the fence will also be subject to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Provided the fence design complies with the SEPP, there is nothing stopping the fence being located in the littoral rainforest area.
Privacy screens and windows should meet State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.  It is noted that following the revised exhibition period, the objector now wants the screening to comply with DCP 2013.  Privacy screens on plans do not comply with DCP 2013.	While the SEPP does not apply, it was originally agreed that where screening was proposed on the plans, it will be conditioned to meet the requirements in the SEPP to ensure consistency and a referenced standard to check compliance. The DCP and SEPP screening requirements are relatively similar and no issue is raised with conditioning the screening comply with the DCP.
Garage used for storeroom for business and not garage. This results in cars being parked on the road. Council should condition vehicles be	A garage has been nominated on the plans. Should the garage be changed to a different use, than such an issue can be investigated as a separate compliance



## Looking After Our Environment

parked in proposed parking areas.	<p>matter.</p> <p>In addition, it is not Council practice to require cars (associated with dwellings) to be parked in garages. Council provides home owners the option to park in their garage or legally on the street. The key is that parking area is provided off street, which in this case the development has done so.</p>
Lighting to be specified so as not to create light pollution.	<p>Light spill is common in residential areas with people having different lifestyles and work times. However, the key is to ensure a light is not directed specifically at an adjoining property. As a result, a condition will be imposed that any external lighting is not directed onto adjoining properties.</p>
The development should reduce floor level sizes and move them towards the street.	<p>The floor space ratio of the property complies with the legislative standard. In addition, the bulk of the building is consistent with others in the area.</p> <p>In terms of moving the development towards the street, this would result in view loss to 29 Vendul Crescent. It is considered that the current design achieves a suitable mix of view sharing, privacy and amenity.</p>
The application should be submitted in Mr Perri's name instead of A Brinkman.	<p>Anyone can lodge a development application provided they obtain land owner consent. In this case the application was lodged by Wayne Ellis Architects and has the consent of the listed owner A Brinkman.</p>
Privacy and soil erosion to be monitored during construction.	<p>Standard soil erosion conditions will be conditioned and can be monitored and checked by Council's Compliance Team during construction.</p> <p>The context of maintaining privacy during construction is a difficult one. It is not possible to maintain 100% privacy during construction as parts of the building may not be in place. For example, it is not possible and would have little value installing obscure glass into a window if the frame is not finished. The open frame may create privacy implications but this is standard on construction sites and is normally only a short term impact.</p>
<p>Genuine builder to be used and monitored.</p> <p>Previous work was done onsite without approval and in a dodgy manner.</p>	<p>It is a requirement of the Construction Certificate process that a licensed builder or an approved owner builder be utilised.</p> <p>Applicant will be conditioned to provide structural certification of existing</p>



## Looking After Our Environment

Will the previous work hold up to the additions?	components of the building and their ability to accept the additional load.
The report does not include correct house numbers.	Noted. A revised report has been submitted correcting the street numbers.
Height should be validated before the release of the construction certificate.	The applicant has already had a survey done to establish levels. As an alternative, Council staff suggest that the height should be checked at the frame stage and this has been conditioned. If it is found to be incorrect, there is still time to amend the design to comply.
The deck floor sizes are too large for the block. The sizes need to be verified.	Council controls do not contain a maximum limit on allowable deck areas. Therefore, the deck areas proposed are compliant. The issue is to consider privacy, which has been dealt with previously in this report. Floor areas and dimensions have been checked by Council staff and are considered accurate. The applicant had a different floor space ratio to the assessing officer but this does occur from time to time. Both the applicant and assessing officer's FSR figures were still below the permitted standard.
<p>The development size and reduced setbacks will create overshadowing.</p> <p>Loss of two and a half hours of sun in the morning to 33 Vendul Crescent.</p>	<p>Following a site inspection, it is considered that due to the terrain of the area, orientation of lots and location of key living areas on adjoining properties; the development will not create any adverse overshadowing.</p> <p>While lower use areas will be overshadowed, the key living areas and yard spaces will remain predominately unaffected as required by DCP 2013.</p> <p>The outdoor living area underneath the driveway of 33 Vendul Crescent and located on the southern side of the house is already significantly shaded. The location of the area under the driveway by its very nature is a heavily shaded area and receives very little sun penetration from the east.</p> <p>Some overshadowing will occur in the early morning. However, due to the orientation of the lots, access to more than 3 hours sun will start to occur from late morning/midday onwards.</p>
Views from study into 29 Vendul Crescent. Suggest screening.	Applicant has agreed to use obscure glass on the study windows and this will be

## Looking After Our Environment

	reinforced through conditions.
The development should use muted colours and avoid bright reflective materials.	Given the views involved, it is agreed that they should not be hampered by reflective surfaces. Therefore, the use of muted non reflective colours will be conditioned.
The top floor windows should be screened to ensure the view from 29 Vendul Crescent is not looking into 31 Vendul Crescent.	<p>The applicant has utilised and will be conditioned to utilise a combination of high sill windows, obscure glass windows and hoods around windows on the eastern elevation to control the angle of views and provide screening. Conditions have been imposed to further reinforce such screening techniques.</p> <p>The rooms on the eastern elevation are also predominately low use areas (i.e. bedrooms, toilets).</p> <p>Potential does exist for a person using the living area/deck of 29 Vendul Crescent to look into the southern part of the second floor living area and deck of 31 Vendul Crescent. However, the two owners have agreed on such a design. Screening could be installed but would result in the view from 29 Vendul Crescent being impacted the same as the original design.</p>
Noise from deck areas.	The application is for a standard residential use. Noise from the decks, backyard etc will be the same as what can occur from any residential property.
Damage to property, amenities, quiet and quality of life.	The above assessment is considered to demonstrate that the proposed development will not create any significant adverse impact on the area.
Development is not consistent with others in Vendul Crescent.	The height and FSR of the development are not out of character with the area. Houses in the area are also of an age where they will be subject to alterations and re-development in the near future. This has already begun to occur in the surrounding area.
<p>The development will impact on the littoral rainforest.</p> <p>Is an EIS required?</p> <p>SEPP 26 requires copies of the development to be forwarded to the Director of National parks.</p>	Refer to comments on SEPP 26 and Flora and Fauna above in this report.
Front courtyard is a deck and breaches front and side boundary	The front courtyard presents as a fenced courtyard to the street rather than a deck

## Looking After Our Environment

setbacks.	and has been considered as such for the purposes of front setback requirements.  Along the side boundary, where the development presents as a deck, side setbacks were considered and are detailed in the DCP 2013 assessment above in this report.
If development is to be considered, the following should occur: <ul style="list-style-type: none"> <li>- Void removed.</li> <li>- Western boundary adhere to DCP guidelines and privacy controls.</li> <li>- Redesign top floor to reduce bulk and scale.</li> <li>- Limit deck areas.</li> <li>- Privacy screens as per DCP.</li> <li>- Prevent full height windows.</li> <li>- Re-evaluate the design and front setback/deck.</li> <li>- Site analysis report.</li> <li>- Part 5a, seven part test for littoral rainforest area.</li> <li>- Remove front west side wall/deck area.</li> </ul>	Suggestions noted. Assessment is for the application as submitted.

### (e) The Public Interest:

As detailed throughout the above report, the proposed development suitably satisfies relevant planning controls and is unlikely to impact on the wider public interest.

### 4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

There is an existing dwelling onsite with no additional dwellings or lots proposed. Therefore, contributions do not apply in this case.

### 5. CONCLUSION

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

## Looking After Our Environment

### Attachments

- 1 [View](#). DA2015 - 0030 DAP Plans Including Privacy & View Comments
- 2 [View](#). DA2015 - 0030 Recommended DA Conditions
- 3 [View](#). DA2015 - 0030 Submission - Laing 04022015
- 4 [View](#). DA2015 - 0030 Submission - Laing 09022015
- 5 [View](#). DA2015 - 0030 Submission - Laing 12022015
- 6 [View](#). DA2015 - 0030 Submission - Laing 07042015
- 7 [View](#). DA2015 - 0030 Submission - Laing 22042015
- 8 [View](#). DA2015 - 0030 Submission - Laing 18052015
- 9 [View](#). DA2015 - 0030 Submission - Laing 03082015
- 10 [View](#). DA2015 - 0030 Submission - Laing 19082015
- 11 [View](#). DA2015 - 0030 Submission - Laing 25082015
- 12 [View](#). DA2015 - 0030 Submission - Laing 26082015
- 13 [View](#). DA2015 - 0030 Submission - Robertson
- 14 [View](#). DA2015 - 0030 Submission - Williams

## Looking After Our Environment

**Item:** 12.03

**Subject:** DA2015 - 0230 - DEMOLITION OF DWELLINGS, LOT CONSOLIDATION, BOUNDARY ADJUSTMENT, COMMERCIAL PREMISES AND CONSTRUCTION OF RESIDENTIAL FLAT BUILDING FOR THE PURPOSES OF SENIOR HOUSING - LOT 3 DP 347796, LOT 4 DP 347796, LOT 1 DP 1053812, LOT 1 DP 151300, LOT 1 DP 795534, LOT: 1 DP 390610, LOT 1 DP 121189, LOT 1 DP 393967, LOT 1 DP 782560, LOT 1 DP 995637, LOT 1 DP 709967, LOT 10 DP 861177, LOT 11 DP 861177, LOT 12 DP 861177 & LOT 13 DP 861177, YOUNG, HASTINGS, AND CAMERON STREETS, WAUCHOPE

**Report Author:** Matt Rogers

**Property:** Lot 3 DP 347796, Lot 4 DP 347796, Lot 1 DP 1053812, Lot 1 DP 151300, Lot 1 DP 795534, Lot: 1 DP 390610, Lot 1 DP 121189, Lot 1 DP 393967, Lot 1 DP 782560, Lot 1 DP 995637, Lot 1 DP 709967, Lot 10 DP 861177, Lot 11 DP 861177, Lot 12 DP 861177 & Lot 13 DP 861177, Young, Hastings, and Cameron Streets, Wauchope

**Applicant:** Hopkins Consultants Pty Ltd

**Owner:** H. E Swift & W.G & J. A Hain & Wauchope RSL Club Ltd

**Application Date:** 2 April 2015

**Estimated Cost:** \$13,482,854

**Location:** Wauchope

**File no:** DA 2015 - 0230

**Parcel no:** 29210, 41146, 3551, 29215, 29214, 29212, 29213, 25876, 41145, 8318, 8315, 48892, 29551, 29550, 29549

### Alignment with Delivery Program

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

### RECOMMENDATION

That it be recommended to Council that DA 2015 - 0230 for a demolition of dwellings, lot consolidation, boundary adjustment, commercial premises and construction of residential flat building for the purposes of Seniors Housing, at Lot 3 DP 347796, Lot 4 DP 347796, Lot 1 DP 1053812, Lot 1 DP 151300, Lot 1 DP 795534, Lot: 1 DP 390610, Lot 1 DP 121189, Lot 1 DP 393967, Lot 1 DP 782560, Lot 1 DP 995637, Lot 1 DP 709967, Lot 10 DP 861177, Lot 11 DP 861177, Lot 12 DP 861177 & Lot 13 DP 861177, Young, Hastings, and Cameron Streets, Wauchope, be determined by granting consent subject to the recommended conditions, with an additional condition in Section A of the consent to read:



## Looking After Our Environment

**‘An appropriate protocol is to be in place for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development.’**

### Executive Summary

This report considers a development application for demolition of dwellings, lot consolidation, boundary adjustment, commercial premises and construction of residential flat building for the purposes of Senior Housing at the subject site. The application includes a Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of Port Macquarie -Hastings Local Environmental Plan 2011.

The Department of Planning and Infrastructure circular PS08-014 reminds councils of their assumed concurrence role in relation to SEPP 1 and Clause 4.6 LEP variations. As the variations sought in this application are greater than 10%, the application is required to be determined by full Council. The Department's circular PS 08-003 provides for the Director General's assumed concurrence for variations of the nature sought.

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

Following exhibition of the application, no submissions have been received.

The proposal was considered by Council's Development Assessment Panel on 26 August 2015. At the meeting the Panel resolved:

*‘That it be recommended to Council that DA 2015 - 0230 for a demolition of dwellings, lot consolidation, boundary adjustment, commercial premises and construction of residential flat building for the purposes of Senior Housing, at Lot 3 DP 347796, Lot 4 DP 347796, Lot 1 DP 1053812, Lot 1 DP 151300, Lot 1 DP 795534, Lot: 1 DP 390610, Lot 1 DP 121189, Lot 1 DP 393967, Lot 1 DP 782560, Lot 1 DP 995637, Lot 1 DP 709967, Lot 10 DP 861177, Lot 11 DP 861177, Lot 12 DP 861177 & Lot 13 DP 861177, Young, Hastings, and Cameron Streets, Wauchope, be determined by granting consent subject to the recommended conditions and as amended below:*

- *Delete condition A(15)*
- *Delete condition B(22)’*

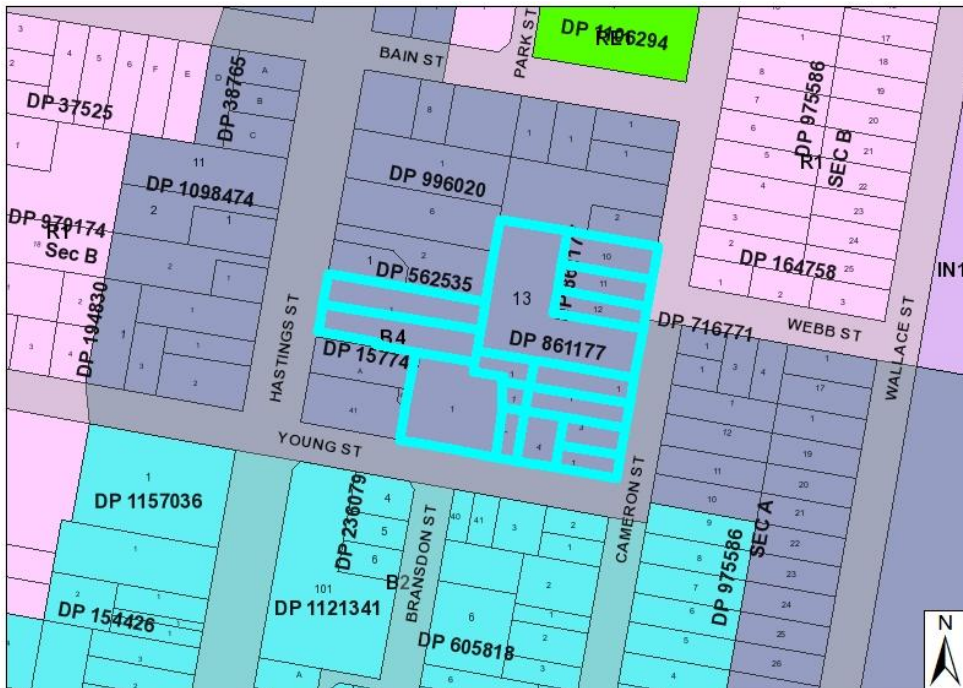
Subsequent to the DAP meeting, it was realised that deletion of condition A(15) by the DAP was inconsistent with the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Condition A(15) is a direct reference to Clause 23 of the SEPP, requiring a gambling management plan to be in place where seniors housing is located on the site of a registered club. As reflected in the recommendation of this report, condition directly referencing Clause 23 of the SEPP needs to be added to Section A of the consent as follows:

**‘An appropriate protocol is to be in place for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to**

minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development.'

## Existing sites features and Surrounding development

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



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

## Looking After Our Environment



### 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition of 4 existing dwellings
- Lot consolidation
- Construction of a 3 storey residential flat building for the purposes of Seniors Housing comprising 45 x 2-bedroom units.
- Construction of commercial premises at ground level of the residential flat building
- A clause 4.6 Objection to Clause 4.3 (Height of Buildings) of PMHC local Environmental Plan 2011.

Refer to attachments at the end of this report.

#### Application Chronology

- 2 April 2015- Application lodged
- 20 May 2015 - Proposal considered by SEPP 65 Design Review Panel.
- 26 May 2015 - Comments from Design Review Panel received.
- 1 April 2015 - Additional information requested from applicant.
- 17 June 2015-Additional Information received Applicant (Architect and Landscape architect)

### 3. STATUTORY ASSESSMENT

#### Section 79C(1) Matters for Consideration

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

- (a) The provisions (where applicable) of:



## Looking After Our Environment

### (i) any Environmental Planning Instrument:

#### State Environmental Planning Policy 55 – Remediation of Land

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

#### State Environmental Planning Policy 62 - Sustainable Aquaculture

Given the nature of the proposed development and proposed stormwater controls the proposal will be unlikely to have any adverse impact on existing aquaculture industries within the adjoining Hastings River.

#### State Environmental Planning Policy 64 - Advertising and Signage

The application includes new building identification signage to the main entry. In accordance with clause 7, this SEPP prevails over LEP 2011 in the event of any inconsistency. The following table assesses the specific requirements of this policy.

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The proposed entrance signage is consistent with the objectives of the policy.	Yes
Schedule 1(1) Character of the area.	The entrance signage is consistent with the character of the area.	Yes
Schedule 1(2) Special areas.	The signage will not detract from any identified special areas.	Yes
Schedule 1(3) Views and vistas.	The entrance signage will not obscure any important views or vistas.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The size and form of the entrance signage is appropriate to the streetscape.	Yes
Schedule 1(5) Site and building.	The signage is compatible with scale and characteristics of the site and buildings.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	No devices or logos proposed.	Yes
Schedule 1(7) Illumination.	No illumination nominated however it reasonable to assume the entrance signage will be illuminated at night. No adverse impacts anticipated.	Yes

## Looking After Our Environment

Schedule 1(7) Safety.	The signage will not reduce safety to road users or pedestrians.	Yes
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### State Environmental Planning Policy 65 - Design Quality of Residential Flat Development

The applicant attended a pre-lodgement meeting with Council on the 5<sup>th</sup> March 2014 and again on 2<sup>nd</sup> December 2014. Some amendments were made to the design in response to the initial feedback from the DRP prior to lodgement of the DA.

In accordance with clause 30, the submitted DA was referred to the DRP to seek further advice. The DRP met on 20 May 2015 to review the design of the proposal. In summary the following advice and recommendations were made by the panel:

- The proposal's overall planning was supported but needs refining.
- The DRP generally supports the apartment layout although they are considered very open plan, limiting furniture placement. Too many single aspect apartments that have limited environmental performance.
- Landscaping shown, though largely exotic and additional plantings could be provided in the carpark areas - recommend communal landscaping be increased and species to be selected that are a feature of Wauchope.
- The entry sequence needs redesign and more secure relationship to the street and less complexity within the building. Additional entries from the street would be highly desirable.

The following table provides the detailed advice provided by the DRP and comments and in response by Council assessment staff. It should be noted that the comments provided by the DRP have been made with regard to the Residential Flat Design Code (RFDC):

DRP comment	Comments in response
<b>1. Relationship to the context of the proposal</b>	
The DRP notes that there are two height controls and the development generally meets these controls.	Noted.
<b>2. The scale of the proposal</b>	
The DRP notes that the building will present as one of the largest buildings in Wauchope, though from the street the relatively low street wall ( three storeys) set back and with some vertical modulation will ameliorate the scale from the street. The low roof pitch will, however, present as a flat roof from the street.	Noted. Building is also stepped down towards adjoining lower scale development.
<b>3. The built form of the proposal</b>	
The DRP notes that the overall strategy of the courtyard is supported however the location of the carparking around the perimeter of the courtyard limits the active frontage to this space.	Site is limited by proximity of flood planning and groundwater making excavation of the site impractical. Commercial uses will promote a more active frontage.
The floor plates of the proposal are quite	Considered width is acceptable- largely



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wide due to the back to back nature of the main wings resulting in 64% of the apartments with only one aspect. Most of the apartments greater than 8m recommended by RFDC. Solar access limited.	storage area- non- habitable areas to rear of apartments or open through room.
7m setback from street takes away from potential of internal courtyard	Considered that 7m setback reduced impacts on streetscape and bulk and scale of building.
The proposed commercial areas along the street not good retail design and no internal servicing available.	Commercial floor areas are very limited and are anticipated to be small scale businesses ancillary/supportive to the use of the building for Seniors Living. Limited deliveries are anticipated.
<b>4. The proposed density</b>	
The DRP notes that the proposed density is 1.07:1 with up to 1.5:1 permitted. Notes that above ground parking limits floor space available.	Noted. Groundwater table limits underground parking feasibility. Overall density considered to represent an efficient use of the site.
<b>5. Resource and energy use and water efficiency</b>	
The DRP notes deep apartments with one aspect will not support good ventilation and energy use.	Noted. Apartments have flexible floor plans and variation of 1-2 m with most 8.9m min- considered acceptable.
The DRP notes and supports the access cores are naturally well lit and ventilated through large and generous stair towers.	Noted.
Onsite water storage and reuse supported.	Noted
<b>6. The proposed landscape</b>	
The DRP notes Landscape plan provided with species indicated, however the Panel notes that none are habitat species and some may not be appropriate as palms drop limbs, can be noisy and provide little shade.	Noted. Can be addressed by condition requiring amended landscape plan prior to the issue of a Construction Certificate. Solar access to be maximised- shaded areas available under pool area- appropriate balance can be achieved.
More trees required in RSL carpark	Condition
DRP notes RFDC recommends 25-30% of the site to be communal space.	Consider central courtyard area, pool and community room provide high quality space are adequate and it is intended for facilities at RSL to be utilised. Parks, pool and community facilities are located in close proximity providing additional communal opportunity.
<b>7. The amenity of the proposal for its users</b>	
Mention of solar access and amenity again	Noted.
Layout of apartments limit furniture placement.	Floor plans are open plan with options for closing in additional bedroom. Consider that open plan living will

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	promote light and ventilation.
Concern inadequate circulation through the proposal. Street entrances are really off to the side and consider tower structure on corner awkward. Multiple building entries would be more desirable.	Applicant proposes good way finding signage and a buzzer system. Main street entry and alternate through to RSL car park and RSL considered acceptable. Commercial building also improve street appearance to provide entry point appearance.
Courtyard meets width requirements under RFDC but appropriate planting or offset balconies could improve amenity	Noted- landscaping will soften potential issues.
Ground floor west facing apartments have no cover outdoor terraced and no shading to windows.	Applicant conceded that shading appropriate and will provide on CC plans and suggest condition.
<b>8. The safety and security characteristics of the proposal</b>	
Location of living spaces overlooking street should provide some safety and security but ideally should be set further forward.	Noted
The main entry courtyard will need good signage to indicate which entry is which.	Applicant intends to provide way-finding signage - condition recommended.
<b>9. Social issues</b>	
Reliance on people meeting in the courtyard as main area of social interaction but landscape plan does not seem conducive to this aim.	The proposed development provides a community room and swimming pool area and is proposed to be operated in conjunction with the RSL with a close relationship with the facilities at the club and this development proposed. The site is close to facilities (parks and swimming pool and is centrally located in Wauchope providing additional social opportunities.
Indicated that the RSL facilities would be available for use by the residents. Council to confirm compliance in relation to SEPP and spatial, location and adjacency requirements	Condition confirmation of availability and agreement.
<b>10. The aesthetics of the proposal</b>	
The DRP notes that the elevations have been modulated to give balance between the long horizontal nature of the street and western elevations with vertical bays and gable roof forms which tend to jar with the boxy stair/lift towers. The low roof pitch will not generally be perceived at ground level close up to the building.	Noted consider the materials used will provide an interesting and complimentary design within the streetscape. maintenance of timber features may present an issue long term.
The commercial tenancies appear as an afterthought and require reconsideration.	Commercial spaces have been requested by Council. Will provide space for ancillary/supportive uses e.g. hairdresser

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On balance, it is considered that the information provided by the applicant following the DRP meeting has satisfactorily addressed the issues raised. There are not considered to be any specific or a cumulative impacts as a result of the amended design that would be of sufficient grounds to refuse the application. Where relevant, conditions of consent have been recommended in response to DRP matters.

In accordance with clause 30(2), the proposal has adequately addressed the design principles contained in the Residential Flat Design Code. The following table provides an assessment against the design quality principles:

### SEPP 65 design principles

Requirement	Proposed	Complies
Principle 1: Context	Design of the proposal responded to the desired future character of the area as Mixed use business development. Proposals are generally consistent with the built form controls DCP2013 subject to supporting variations where discussed later in report and will be of an appropriate scale, reflecting desirable future aspects within the existing locality undergoing transition.	Yes. The proposed building design is compatible with existing development and the desired future character of the area as stated in the relevant planning and design policies. It is considered the building will contribute to the quality and identity of the area.
Principle 2: Scale	Design of proposal is satisfactory in terms of future desired bulk and height and is suitable to the scale of the existing adjoining and adjacent buildings, adjacent streets and scale of potential re-development of surrounding sites.  This area of Wauchope is undergoing transition and the proposal will be consistent with the identified future character of the locality.  The proposal incorporates a variation to the LEP controls for building height, which is considered acceptable - refer to clause 4.6 of LEP comments in report below.  The Design Review Panel have considered the height and bulk of the proposed building to be acceptable in the streetscape.	Yes. The height and scale of the building is considered to be appropriate having regard to the desired future character of the area. The height and scale is considered to be compatible with the adjacent RSL building.
Principle 3: Built form	Design of proposal will achieve a satisfactory built form for the sites and buildings' purpose in terms of building alignments, proportions, building type and the manipulation of building elements. Design of proposals have responded to and will define the existing public domain.	Yes. The building is considered to achieve an appropriate built form and incorporates interesting building elements and treatments that will compliment the

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	Significant contribution will be made to the existing desired future character of streetscapes and will provide a satisfactory amount of internal amenity and outlook.	streetscape.  Yes. The proposed internal unit layouts provide for internal amenity.
Principle 4: Density	Density of proposal development will be appropriate to the site and its context within a locality. The proposal is for a floor space ratio (FSR) of 1.07 which complies with the 1.5:1 FSR for the site.	Yes. It is considered that the design has adopted an appropriate density that is sustainable and consistent with surrounding densities
Principle 5: Resource, energy and water efficiency	Design of proposal will be energy efficient. The development incorporates passive solar design principles, is capable of providing efficient appliances and mechanical services and adequate provision of deep soil zone areas have been provided.	Yes. BASIX certificate has been provided demonstrating that the design satisfies acceptable energy and water efficiency measures.  Suitable waste management conditions recommended for demolition.  Ground flood landscaping is proposed.
Principle 6: Landscape	Landscape design will result in greater aesthetic quality and amenity for future occupants of the development. Landscape designs will build on the existing site's natural and cultural features generally in accordance with DCP 2013. Landscape designs will enhance the development's natural environmental performance by co-coordinating water and soil management, solar access and micro-climate. Landscape designs will optimise usability, privacy and social opportunity, equitable access and satisfactory respect for existing neighbour's amenity, and provide for practical establishment and long term management.	Can comply. While potential issues have been identified with the suitability of some of the species proposed, the overall landscaping proposal is considered satisfactory for the purposes of the DA. It is recommended that concerns be addressed in an amended landscape plan prior to the issue of a Construction Certificate.
Principle 7: Amenity	Design of proposal will provide a satisfactory amount of residential amenity with appropriate room dimensions and shapes, adequate access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook	Yes. The layout of the units has taken advantage of the northern orientation with an emphasis of natural sunlight and ventilation north facing glazing and



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	and a satisfactory level of accessibility subject to compliance with recommended conditions regarding access grades/levels.	<p>balconies and the internal courtyard.</p> <p>The design and layout will provide a good level of amenity.</p> <p>All units are accessible and available from the ground floor via lifts.</p> <p>Building depth is satisfactory.</p> <p>All units include a sufficient amount of private open space. Communal space is available at ground level with access to RSL facilities and nearby pool and park.</p>
Principal 8: Safety and security	Design of proposal will optimise safety and security, both internally to the development and with respect to its relationship with the public domain.	Yes. The proposal adequately addresses the principles of Crime Prevention Through Environmental Design.
Principal 9: Social dimensions	Design of proposal has responded to the existing social context and needs of the local community in terms of lifestyles, and access to social facilities.	Yes. The proposal positively contributes to the social and housing affordability opportunities in Wauchope.
Principle 10: Aesthetics	<p>Aesthetics of proposal has appropriate composition of building elements, textures, materials and indicative colours which reflect the use, internal design and structure of the development.</p> <p>The sample board provides examples of the colours, textures and finishes.</p>	Yes. The colours and materials provided on the sample board/palette indicate a contemporary high quality design and finish. It is considered that the aesthetics of the building will respond appropriately to the surrounding environment and context of the existing and desired character of the locality

Overall, the proposal is considered to satisfy the design quality principles of SEPP 65.

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

A BASIX certificate (number 608468M) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a



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condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

### State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Clause	Proposed	Complies
<b>4. Land to which Policy applies</b>		
<p>Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:</p> <p>(a) development for the purpose of any of the following is permitted on the land:</p> <p>(i) dwelling-houses,</p> <p>(ii) residential flat buildings,</p> <p>(iii) hospitals,</p> <p>(iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or</p> <p>(b) the land is being used for the purposes of an existing registered club.</p>	<p>The site is zoned B4 within the urban context of Wauchope. Development is proposed on a site that is currently utilised for residential purposes and adjoins a registered club.</p>	Yes
<b>5. Relationship to other environmental planning instruments</b>		
<p>If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.</p>	<p>Consistent with other planning instruments.</p>	Yes
<b>8. Seniors</b>		
<p>In this Policy, <i>seniors</i> are any of the following:</p> <p>(a) people aged 55 or more years,</p> <p>(b) people who are resident at a facility at which residential care (within the meaning of the <a href="#">Aged Care</a></p>	<p>The development is proposed to be occupied by seniors. A restriction on the occupation of the units in accordance with the SEPP will be applied in the conditions of approval for the development.</p>	Yes

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<a href="#"><u>Act 1997</u></a> of the Commonwealth) is provided,  (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.		
<b>9. People with a disability</b>		
In this Policy, <i>people with a disability</i> are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.	The development is proposed to be occupied by seniors. A restriction on the occupation of the units in accordance with the SEPP will be applied in the conditions of approval for the development.	Yes
<b>10. Seniors housing</b>		
<p>In this Policy, <i>seniors housing</i> is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:</p> <ul style="list-style-type: none"> <li>(a) a residential care facility, or</li> <li>(b) a hostel, or</li> <li>(c) a group of self-contained dwellings, or</li> <li>(d) a combination of these,</li> </ul> <p>but does not include a hospital.</p> <p>Note. The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing.</p> <p>Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 18 provides that seniors housing may be used for the accommodation of the following:</p> <ul style="list-style-type: none"> <li>(a) seniors or people who have a disability,</li> <li>(b) people who live within the same household with seniors or people who have a disability,</li> </ul>	The proposal is defined as self contained dwellings.	Yes

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<p>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</p> <p>Relevant classifications in the <i>Building Code of Australia</i> for the different types of residential accommodation are as follows:</p> <p>(a) Class 3, 9a or 9c in relation to residential care facilities,</p> <p>(b) Class 1b or 3 in relation to hostels,</p> <p>(c) Class 1a or 2 in relation to self contained dwellings.</p>		
<b>13. Self-contained dwellings</b>		
<p>1) General term: “self-contained dwelling”</p> <p>In this Policy, a <i>self-contained dwelling</i> is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.</p> <p>(2) Example: “in-fill self-care housing”</p> <p>In this Policy, <i>in-fill self-care housing</i> is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.</p> <p>(3) Example: “serviced self-care housing”</p> <p>In this Policy, <i>serviced self-care housing</i> is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.</p>	<p>Each unit is provided with its own kitchen, living areas, laundry, bathroom and bedrooms.</p> <p>Occupants will live independently.</p>	Yes

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<b>18. Restrictions on occupation of seniors housing allowed under this Chapter</b>		
<p>(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:</p> <p>(a) seniors or people who have a disability,</p> <p>(b) people who live within the same household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</p> <p>(2) A consent authority must not consent to a development application made pursuant to this Chapter unless:</p> <p>(a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and</p> <p>(b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the <a href="#">Conveyancing Act 1919</a>, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).</p> <p>(3) Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.</p>	A restriction on the occupants in accordance with the SEPP will be applied as a condition of consent.	Yes
<b>19. Use of seniors housing in commercial zones</b>		
Development allowed by this chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the	The site is zoned B4 which permits residential flat buildings.	Yes

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ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes.	Provision of residential units are permissible on the ground floor within the zone.	
<p><b>23. Development on land used for the purposes of an existing registered club</b></p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that is used for the purposes of an existing registered club unless the consent authority is satisfied that:</p> <p>(a) the proposed development provides for appropriate measures to separate the club from the residential areas of the proposed development in order to avoid land use conflicts, and</p> <p>(b) an appropriate protocol for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development.</p> <p>(2) For the purposes of subclause (1) (a), some of the measures to which a consent authority may have regard include ( but are not limited to) the following:</p> <p>(a) any separate pedestrian access points for the club and the residential areas of the proposed development,</p> <p>(b) any design principles underlying the proposed development aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the proposed development.</p>	<p>The residential development is clearly defined and separated from the club areas. No shared entries are proposed.</p> <p>Acoustic treatments and barriers are proposed to limit conflicts.</p> <p>Management plans, education programs and mutual agreements are to be implemented between the sites.</p>	Yes
<b>26. Location and access to facilities</b>		



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<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p> <p>(2) Access complies with this clause if:</p> <p>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</p> <p>(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:</p> <p>(i) that is located at a distance of not more than 400 metres from the site of</p>	<p>The site is located centrally within the Wauchope township.</p> <p>Access to a variety of shops, services, community facilities and medical practitioners is available within short distances.</p> <p>Footpaths and access within the town centre have satisfactory grades. Public transport links are available within the town centre and to adjoining larger centres.</p> <p>Given the location and transport linkages available no transport service is required.</p>	<p>Yes</p>
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the proposed development and the distance is accessible by means of a suitable access pathway, and

(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and

(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),

and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).

Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.

(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:

(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,

(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,

(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres

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<p>at a time.</p> <p>(4) For the purposes of subclause (2):</p> <p>(a) a <i>suitable access pathway</i> is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and</p> <p>(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.</p> <p>(5) In this clause:</p> <p><i>bank service provider</i> means any bank, credit union or building society or any post office that provides banking services.</p>		
<b>28. Water and sewer</b>		
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p> <p>(2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.</p>	<p>Site is currently serviced. Applicant advises that they have conducted modelling in relation to water servicing.</p>	Yes
<b>30. Site analysis</b>		
<p>(1) A consent authority must not consent to a development application</p>	<p>A satisfactory site analysis has been prepared and</p>	Yes

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made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	forms part of the architectural plans.	
<b>31. Design of in-fill self-care housing</b>		
In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	The applicant has demonstrated consideration of the urban design guidelines. Satisfactory compliance demonstrated.	Yes
<b>32. Design of residential development</b>		
A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.	Addressed- also consideration of SEPP 65 principles completed.	Yes
<b>33. Neighbourhood amenity and streetscape</b>		
The proposed development should: (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage	The area has been zoned B4 to encourage a higher density and mix of commercial and residential development within the Wauchope town centre. The area is the transition point between the existing commercial and business development and the older smaller scale residential development.  The development has been	Yes



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<p>items that are identified in a local environmental plan, and</p> <p>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p> <p>(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</p> <p>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</p> <p>(f) retain, wherever reasonable, major existing trees, and</p> <p>(g) be designed so that no building is constructed in a riparian zone.</p>	<p>stepped down towards the smaller scale development and is located the south of this development which will assist in limiting the overshadowing and impact to these sites.</p> <p>The zoning permits a higher density and it is anticipated that future development will further define the character of the area.</p> <p>The development is also stepped back from the street in upper levels to reduce the dominance on the streetscape.</p> <p>Landscaping will be provided with in the streetscape and as a defining separation to the RSL club to soften and integrate the development within the street.</p> <p>The design is complimentary to the character of the area.</p> <p>No listed heritage items are located adjacent to the site however a heritage character exists within the precinct.</p> <p>A variation to the height limit is proposed and will be addressed further within the report.</p>	
<b>34. Visual and acoustic privacy</b>		
<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels</p>	<p>An acoustic report has been submitted and assessed by Councils EHO- appropriate conditions of consent have been applied</p>	Yes



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in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.  Note. The Australian and New Zealand Standard entitled AS/NZS 2107–2000, <i>Acoustics—Recommended design sound levels and reverberation times for building interiors</i> and the Australian Standard entitled AS 3671—1989, <i>Acoustics—Road traffic noise intrusion—Building siting and construction</i> , published by Standards Australia, should be referred to in establishing acceptable noise levels.		
<b>35. Solar access and design for climate</b>		
<p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p> <p>Note. AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.</p>	<p>It is considered that adequate solar access is available to adjoining residential sites. Overshadowing to the South is considered of minimal consequence due to the location of the larger RSL building to the South of the site.</p>	Yes
<b>36. Stormwater</b>		
<p>The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p>	<p>A stormwater management plan has been submitted with this application. On- site detention is proposed. The application has been assessed by Council's stormwater engineers and appropriate conditions of consent applied.</p>	Yes

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(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.		
<b>37. Crime prevention</b>		
<p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</p> <p>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</p> <p>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<p>A crime prevention assessment has been provided by the applicant.</p> <p>Limited access is available to the internal parts of the site and good surveillance is provided over the street areas as well as internal spaces within the courtyard.</p> <p>Surveillance cameras, lighting and security swipe cards are provided to residents to increase security.</p>	Yes
<b>38. Accessibility</b>		
<p>The proposed development should:</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>The residential component has its own clearly identifiable entry.</p> <p>Adequate parking available for residents and visitors with some dual usage of RSL and residential/commercial spaces.</p> <p>Casual surveillance available through entry points and courtyards.</p>	Yes
<b>39. Waste management</b>		
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	Waste storage proposed within basement	Yes
<b>40. Development standards—minimum sizes and building height</b>		

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<p>(1) General A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.</p> <p>(2) Site size The size of the site must be at least 1,000 square metres.</p> <p>(3) Site frontage The site frontage must be at least 20 metres wide measured at the building line.</p> <p>(4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted:</p> <p>(a) the height of all buildings in the proposed development must be 8 metres or less, and</p> <p>Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).</p> <p>(5) Development applications to which clause does not apply Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following:</p> <p>(a) the Department of Housing, (b) any other social housing provider.</p>	<p>Site area- 5,530.40m2 (residential /commercial)</p> <p>Site frontage- 68.17m(residential/commercial)</p> <p>RFB are permitted</p> <p>N/A</p>	<p>Yes</p>
<p><b>41. Standards for hostels and self-contained dwellings</b></p>		
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.</p>	<p>Accessibility report provided</p> <p>Lift provision made to</p>	<p>Yes</p>

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(2) Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.	ensure all units accessible	
<b>49. Standards that cannot be used to refuse development consent for self-contained dwellings</b>		
<p>A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:</p> <p>(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),</p> <p>(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</p> <p>(c) landscaped area: if:</p> <p>(i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or</p> <p>(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,</p> <p>(d) Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth</p>	<p>These controls cannot be used for reasons of refusal if satisfied.</p> <p>(a) Building height proposed to be exceeded- variation applied for and will be considered in greater detail within this report.</p> <p>(b) Density and scale - proposal has FSR of 1.07 consistent with LEP.</p> <p>(c) Formal landscaped area provided within the site however only 21.6% landscaped. Considered appropriate for development- high quality internal courtyard area and pool provided. Courtyards and deep soil zones provided that increase amenity that offsets landscaping shortfall. Additional planting may be provided to provide additional landscaping within the deep soil zones.</p> <p>(d) Deep soil zones- 21% provided which is greater</p>	<p>No- however considered satisfactory in context of development - refer to LEP comments in relation to building height.</p>



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of trees and shrubs on an area of not less than 15% of the area of the site (the *deep soil zone*). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,

(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,

(f) private open space for in-fill self-care housing: if:

(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and

(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,

Note. The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.

(g) (Repealed)

(h) parking: if at least the following is provided:

(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or

(ii) 1 car space for each 5 dwellings where the development application is

than the 15% required

(e) Solar access-30% can receive less than 3 hours direct sunlight. Slight shortfall to living areas for 48% of the units to 2.5- applicant states all POS areas will all receive minimum of 3 hours- considered satisfactory. Good attempt with internal courtyard made to maximise solar access.

(f) private open space provided - complies



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made by, or is made by a person jointly with, a social housing provider.  Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.	(h) 45x 2 bed units 45 spaces provided.	
<b>Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings</b>		
<p><u>Part 1 – Standards applying to hostels and self-contained dwellings</u></p> <p><i>1 Application of standards in this Part</i></p> <p>The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings.</p> <p><i>2 Siting standards</i></p> <p>(1) Wheelchair access If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.</p> <p>(2) If the whole of the site does not have a gradient of less than 1:10:</p> <p>(a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and</p> <p>(b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.</p> <p>Note. For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have wheelchair access as required by this subclause. If more than 50% of the site has a gradient greater than 1:10,</p>	Accessibility report provided- provision to be made to comply. Condition to be applied.	Yes

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development for the purposes of seniors housing is likely to be unable to meet these requirements.

### (3) Common areas

Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.

### 3 Security

Pathway lighting:

(a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and

(b) must provide at least 20 lux at ground level.

### 4 Letterboxes

Letterboxes:

(a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and

(b) must be lockable, and

(c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.

### 5 Private car accommodation

If car parking (not being car parking for employees) is provided:

(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and

(b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and

(c) any garage must have a power-

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operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

#### 6 Accessible entry

Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.

#### 7 Interior: general

(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.

(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.

(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.

#### 8 Bedroom

At least one bedroom within each dwelling must have:

(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:

(i) in the case of a dwelling in a hostel—a single-size bed,

(ii) in the case of a self-contained dwelling—a queen-size bed, and

(b) a clear area for the bed of at least:

(i) 1,200 millimetres wide at the foot of the bed, and

(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and

(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and

(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and

(e) a telephone outlet next to the bed

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on the side closest to the door and a general power outlet beside the telephone outlet, and

(f) wiring to allow a potential illumination level of at least 300 lux.

#### 9 Bathroom

(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:

(a) a slip-resistant floor surface,

(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,

(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:

(i) a grab rail,

(ii) portable shower head,

(iii) folding seat,

(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,

(e) a double general power outlet beside the mirror.

(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.

#### 10 Toilet

A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.

#### 11 Surface finishes

Balconies and external paved areas must have slip-resistant surfaces.

Note. Advice regarding finishes may

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be obtained from AS 1428.1.

### 12 Door hardware

Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.

### 13 Ancillary items

Switches and power points must be provided in accordance with AS 4299.

### Part 2 – Additional standards for self-contained dwellings

### 14 Application of standards in this Part

The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings.

### 15 Living room and dining room

(1) A living room in a self-contained dwelling must have:

- (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and
- (b) a telephone adjacent to a general power outlet.

(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.

### 16 Kitchen

A kitchen in a self-contained dwelling must have:

- (a) a circulation space in accordance with clause 4.5.2 of AS 4299, and
- (b) a circulation space at door approaches that complies with AS 1428.1, and
- (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:
  - (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),
  - (ii) a tap set (see clause 4.5.6),



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<p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven (see clause 4.5.8), and</p> <p>(d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets:</p> <p>(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</p> <p>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</p> <p>17 Access to kitchen, main bedroom, bathroom and toilet</p> <p>In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.</p> <p>18 Lifts in multi-storey buildings</p> <p>In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the <i>Building Code of Australia</i>.</p> <p>19 Laundry</p> <p>A self-contained dwelling must have a laundry that has:</p> <p>(a) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</p> <p>(c) a clear space in front of appliances of at least 1,300 millimetres, and</p> <p>(d) a slip-resistant floor surface, and</p> <p>(e) an accessible path of travel to any</p>		
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clothes line provided in relation to the dwelling.

### 20 Storage for linen

A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.

### 21 Garbage

A garbage storage area must be provided in an accessible location.

### Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2, the subject site is zoned B4 Mixed Use. In accordance with clause 2.3(1) and the B4 zone landuse table, the proposed development for Seniors Housing and Commercial Premises are permissible land uses with consent.

The objectives of the B4 zone are as follows:

- o *To provide a mixture of compatible land uses.*
- o *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- o *To ensure new developments make a positive contribution to the public domain and streetscape.*

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:

- o The proposal is a permissible landuse;
- o The development associated with the existing RSL club.
- o The development will provide additional variety of housing types in Wauchope that will be well situated and maximise walking opportunities to surrounding services.
- Clause 4.3, Clause 4.3 - This clause establishes the maximum “height of a building” (or building height) that a building may be built to on any parcel of land. The term “building height (or height of building)” is defined in the LEP to mean “*the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like*”. The term “ground level (existing)” is also defined in the LEP to mean “*the existing level of a site at any point*”.

The maximum overall height of the building above ground level (existing) is identified on the Height of Buildings Map and varies across the site. Approximately half of the site has a HoB limit of 11.5 m (yellow shaded ‘L’ area). The remainder of the site to the north (no’s 15-21 Cameron St has a HoB limit of 8.5m (green shaded ‘I’ area), as shown on the map extract below:

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*(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*

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Comment:

The visual impact of the building is considered satisfactory and has been reviewed by the Design Review Panel. See comments earlier under SEPP 65. View impacts and solar access are considered in detail later in this report under 'View Sharing' and 'Overshadowing'.

Potential privacy impacts are considered under the relevant DCP provisions below and have been satisfactorily addressed in the building design.

*(c) to minimise the adverse impact of development on heritage conservation areas and heritage items,*

Comment:

The subject site is not listed as a heritage conservation area however a number of dwellings have been assessed by Council's Heritage architect to be worthy of preservation. In recognition of this is recommended that a condition of consent be applied requiring photographic recording of the site and that it be recommended that the dwellings on numbers 15 & 21 Cameron St be preserved and relocated where possible.

*(d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.*

Comment:

Clause 4.6 – Development consent must not be granted for development that contravenes a development standard unless the Council is satisfied that the applicant's written request has adequately addressed the following matters:

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard*

As detailed above under clauses 4.3 and 4.4, the proposed development would satisfactorily achieve the objectives of the Height of Buildings and FSR standards and it is therefore considered that compliance with the development standard is unnecessary in the circumstances of the case.

There is considered to be sufficient justification on environmental planning grounds as follows:

- The part of the building exceeding the relevant height limit would not result in significant loss of views or solar access to adjoining properties.
- Privacy impacts are considered to have been satisfactorily managed in the design of the proposal.
- The development is well within the maximum FSR standard applying to the site

Clause 5.10, the site does not contain any listed heritage items or sites of significance. Notwithstanding this, given the older style dwellings proposed to be demolished, the application was referred to Council's Heritage advisor who provided the following comment:



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*'The proposal necessitates the demolition of 5 residential properties numbered 15 to 21 Cameron Street. The properties are owned by the RSL Club. Three of the said properties have cultural heritage value in their streetscape contribution as a record of early 20th century timber dwellings in the Wauchope town area. They are #21, #17, #15 Cameron Street appear to have been constructed pre World War 1. #19 is a later 1950-60s building, # 13 is a 1940 – 50s building and is clad with asbestos. Both buildings are considered of lesser streetscape contribution value, while collectively they provide a contiguous form on the street edge.*

*There is continuity of streetscape and building character, form and scale in this area of Cameron Street. Site consolidation will destroy the historical pattern of subdivision, which is an important element in defining the character of Wauchope residential areas on the commercial perimeter. The fact that three residences that have potential Environmental Heritage Value are proposed to be demolished as a result of this development again highlights that the Heritage Study is in desperate need for revision and expansion.*

*The heritage value of these buildings should be recognized. Wauchope representatives have been asking for more attention to be given to Wauchope and its character and its better promotion and articulation. Time and funds for the heritage advisor to follow this through have not been available. There is an urgent need for a heritage DCP for Wauchope and the controls over the town centre, either in the form of establishment of a heritage conservation area or character precinct or even individual review and listing of buildings to avail protection and to articulate the reasons for listing and preservation. the heritage list in schedule 5 of the LEP should not be static schedule.*

*The proponent could be asked to reconsider the redevelopment in the light of the potential heritage value of the buildings and redesign with a view to incorporate them, or seek appropriate sites for reuse and relocation as opposed to demolition.'*

The comments provided by Council's Heritage Advisor are acknowledged. In the absence of a statutory listing of the property under the LEP, there is considered insufficient grounds to request a redesign of the proposal to incorporate the dwellings. It is additionally considered that it would not be possible to sustain a refusal on heritage grounds given the lack of statutory weight. A condition of consent has been recommended to require photographic evidence to be collected prior to demolition and an advisory condition recommended that the dwellings be relocated if possible.

- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site

**(iii) any Development Control Plan in:**

**Development Control Plan 2013:**

Requirements	Proposed	Complies
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Chapter 2.3 Environmental Management		
2.3.3.1 Cut and fill max 1.0m	Cut and fill >1m change	Yes
2.3.3.2 - Max height retaining wall along road 1m. - Retaining wall and fence combination not to exceed 1.8m	No front retaining walls or fences proposed.	N/A
Chapter 2.4 Hazards Management	The site is not affected by any hazards.	N/A
Chapter 2.5 Traffic, Access, Parking		
2.5.3.2 Minimal driveway numbers and width	There are 3 driveways into the RSL site (2 from Young St and 1 from Cameron St) - one is shared between the two developments and there is one additional driveway into the accommodation site from Cameron St.	
2.5.3.3 Off-street parking <u>Residential</u> 1 space per 1 & 2 bed plus 1 visitor space per 4 units 45 x 2 bed units proposed = 45 spaces for units and 12 visitor spaces, which equates 67 spaces total.	Applicant has nominated 45 spaces for residents and no visitor spaces, which equates to a 12 space shortfall under the DCP. 26 disabled spaces are nominated throughout car park. The SEPP only requires 45 spaces. The SEPP overrides the DCP requirements.	No
<u>RSL Club</u>  1 per 6m2 of serviced floor area plus 1 per 2 employees.	Applicant has nominated 108 spaces including 4 disabled spaces. 6 of these spaces are located inside the proposed western boundary of the residential lot (Lot restrictions -88B-would need to identify car parking spaces to be available). A traffic study has been submitted however there appears to be discrepancies with the number of existing spaces on site and a resulting 9 space shortfall - refer to parking comments below.	No - refer to parking comments below
<u>Commercial</u>  1 per 30m2- 7 spaces required.	4 spaces nominated on RSL site-shortfall proposed of 3 spaces. Applicant suggests shared use of	No - refer to parking comments below

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2.5.3.9 Bicycle/motorbike parking provided	RSL.  Yes- under building	Yes
2.5.3.11 Contributions for parking	Wauchope Contribution Plan applies to the site.	Contributions proposed to cover 9 space shortfall
2.5.3.12 Landscaping car park areas	Additional landscaping is proposed within RSL parking. Remaining spaces contained in basement.	Yes
Chapter 2.6 Tree management	Questionable whether trees on adjoining site can be retained- tree root impacts to be assessed by arborist or propose removal.	Trees acceptable to be removed if required
Chapter 2.7 Social Impact and Crime Prevention	To be reviewed- report has been submitted.	Yes- acceptable
Chapter 3.3 Residential Flat Development		
3.3.2.1 Site analysis plan	Site analysis provided	Yes
3.3.2.3 Site plan	Site plan provided.	Yes
3.3.2.4 Front setback within 20% average of other existing setbacks or 3m where no adjoining development. Tourist development max setback 9m to allow a pool.	The front setback is more than 20% and less than 3m. Some 0 setback to Cameron St	No however upper level setback 7m- considered acceptable for street activation.
3.3.2.5 Balconies and building extrusions may encroach 600mm.	Development does not include balconies that encroach 600mm.	N/A
3.3.2.5 Primary openings aligned to street or to rear of site.	Development has openings on all facades. Hi-light windows to Southern elevation	Yes
3.3.2.7 Side setbacks 1.5m min for 75% building depth or 3m when adjoining strata.	Setbacks vary from 1.5m-6.026m except 0 setback to Cameron St	Yes

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Windows 3m setback		
3.3.2.6 Side walls adjoining strata articulated	Side walls articulated.	Yes
3.3.2.6 Rear setback 6m from building and sub basements.	>6m	Yes
3.3.2.7 & 3.3.2.8 Party wall development.	Not proposed.	N/A
3.3.2.11 Max. 18m building zone depth. Buildings sited across the frontage of site.	Internal unit length/depth does not exceed 18m.	Yes
3.3.3.12-14 Deep soil zones should extend width of site, minimum depth of 6m. Deep soil zones should accommodate advanced trees and integrated into stormwater.	6m setback to rear boundary available for deep soil zone	Yes
3.3.2.15 Overshadowing of neighbouring properties private open space and main living areas not reduced by 3hrs between 9 till 3 June 22.	No significant impact on adjoining properties. Residential properties are located to the north of the site and overshadowing will occur mainly to the RSL carpark.	Yes
3.3.2.16 Internal clothes drying space provided. Energy efficient heating and cooling provided. Preference for ceiling fans provided. Solar hot water systems provided. Photovoltaic arrays installed where practical	All units provided with balconies that could be used for clothes drying. Potential exists for communal ground floor area to serve as further drying space. Remainder unknown although site has potential.	Yes
3.3.2.17-20 Landscape plan provided. 35% Landscaping including 3m width	Landscape plan provided with mix of impervious and pervious materials and plantings. 3m widths provided with deep soil zones proposed through internal courtyard.	Yes
3.3.2.21 All dwellings at ground floor are encouraged to have 35m <sup>2</sup> in one area with min dimension 4m x 4m. Accessible from living area. Private open space may be	Ground floor units proposed with terrace and lawn areas. One unit is marginally under at 30.95m <sup>2</sup>	No - adequate useable space considered to be

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reduced where concentrated in communal areas. Separate area for onsite manager.		available noting small unit size and other communal facilities on
3.3.2.22 Balconies min 8m <sup>2</sup> and min dimension 2m with direct access to living area.	8m2 minimum achieved	Yes
3.3.2.23 Communal and private open space separated.	Areas separated by fencing and planter boxes.	Yes
3.3.2.24-26 Fence design	No front fence proposed. Side fences solid to 1.8m. Side fences will need to drop forward of the building line.	Capable of compliance
3.3.2.27 Opening separated by 3m. Busy noisy areas within apartment face street and quiet areas face rear. Noise uses coupled. Notifying residents of noise from key public spaces.	Development contains living areas facing boundaries and internal courtyard. Majority of noise uses coupled. Opening separated by 3m.	Yes
3.3.2.31 Direct views between main living areas of adjacent dwellings screened if within 9m or 12m radius and 12m radius to adjacent private open space Screening for windows, balconies within 3m of boundary.	Separation is in excess of 12 m and appears screens provided- landscaping to consider privacy	Yes
3.3.2.32-33 AS1428 access provided. Barrier free access to at least 20% of dwellings	Yes- report submitted	Yes
3.3.2.34-35 Social dimensions and housing affordability. - Developments should be located close to facilities - Provide a FSR of not less than 1:1 if FSR is greater than 1:1 - Variety of apartments, especially on ground floor for disabled access - Studio and 1 bedroom not to exceed 20%.	Development is located close to facilities and FSR exceeds 1:1.	Yes

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<p>3.3.2.37 Roof form</p> <ul style="list-style-type: none"> <li>- Lift over-runs and service plant integrated into roof</li> <li>- Outdoor recreation areas on flat roofs</li> <li>- Roof generate interesting skyline</li> </ul>	Lift shown on elevations. Lift not integrated slight feature overrun.	Yes
<p>3.3.2.38 Façade Composition &amp; Articulation</p> <ul style="list-style-type: none"> <li>- Balance of horizontal and vertical lines</li> <li>- Respond to environment</li> <li>- Defined base, middle and top</li> <li>- Mixture of windows</li> <li>- Variation in floor height</li> <li>- Set back top level</li> <li>- Reinforce human scale at street level</li> <li>- Balconies recessed.</li> </ul>	Development contains a mixture of balconies and window types. Balconies partially recessed. Top level setback with change in levels.	Yes
<p>3.3.2.40 Entries and corridors</p> <ul style="list-style-type: none"> <li>- Entrance identifiable</li> <li>- Entries provide transition from one area to the next including circulation areas.</li> <li>- Entrance sheltered and well lit.</li> <li>- Corridors 2.5m wide and 3m high</li> </ul> <p>Corridors short in length and avoid tight areas</p>	The entrance is identifiable and transitions into the internal area with clear sight to other circulation areas. Entrance is sheltered. Paving helps assist with way finding. Each group of units has entry foyer- no corridors.	Yes
<p>3.3.3.41-42 Balconies</p> <ul style="list-style-type: none"> <li>- Minimum 1 balcony per unit</li> <li>- Main balcony accessible from living room</li> <li>- Balconies designed to take advantage of environmental conditions</li> <li>- Allow views out but maintain privacy</li> <li>- Include weather protection elements</li> <li>- Balconies recessed</li> </ul>	Balconies designed to achieve requirements	Yes
<p>3.3.2.43 Laundries and Clothes Drying Facility</p> <ul style="list-style-type: none"> <li>- Screened, accessible and solar access</li> </ul>	No communal area proposed. Balconies will allow clothes drying.	N/A
	Mailboxes at the front are	Yes



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3.3.2.44 Mailboxes integrated into the design, secure and accessible.	accessible, integrated into entry and secure via surrounding natural surveillance.	
3.3.2.45 Safety & Security - Define public and private space - Well lit passage from car park - Views over public spaces and lobby areas - Avoid concealment areas	Public to private is defined by entry point. Balconies overlook public areas. Concealment areas limited.	Yes
3.3.2.46 Site Storage - Accessible and secure area in basement/car parking area. - Bike storage provided per dwelling	Facility provided in basement that is accessible, screened from the street and not located near any sensitive area	Yes
3.3.2.47 Waste Management - Bulk facility for development exceeding 6 units or where bins cannot fit on street - Bulk facility integrated into the design - Accessible but screened from the street - Does not adjoin private or communal open space, windows etc	Capable of compliance - condition	Yes

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

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

iv) any matters prescribed by the Regulations:

**Demolition of buildings AS 2601 - CI 66 (b)**

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

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

No Coastal Zone Management Plan applies to the subject site.

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

## Looking After Our Environment

### Context & Setting

The site has a general easterly street frontage orientation to Cameron Street. Adjoining the site to the north, west and east are residential allotments generally containing single storey dwellings and some small scale commercial businesses.

Adjoining the site to the south is the existing RSL building and commercial development.

### Access, Transport & Traffic

#### Roads

The existing RSL is situated on the corner of Cameron Street and Young Street. No works are proposed or required within Young Street, although the carpark will have access driveways on both roads.

Cameron Street, fronting the proposed residential flat building and commercial floorspace, is a sealed public road under the care and control of Council. It is a Commercial classified road with a 13m formation (two-way, two-lane flow and parking lanes) within an approximately 19m wide road reserve. The street has upright (SA type) kerb and gutter on both sides, and 1.2m wide footpath paving within the nature strip on both sides.

#### Traffic

A Traffic Impact Assessment (TIA) has been provided in relation to traffic generation rates and car parking impacts of the development proposal. The study provides likely traffic generation rates of 5 trips per dwelling per day, or 0.5 during the peak hour, based on data from the RMS Guide to Traffic Generating Developments (2002) relating to medium density and seniors living developments such as this one. For the 45 units this equates to 225 vehicle movements per day and 23 during the peak hour.

The approximately 200m<sup>2</sup> of commercial floor area is considered to have a minimal impact on traffic demand, in the report submitted by the applicant. Using a rate of 10 trips per day per 100sqm floor area as provided by the RMS Guide for office and commercial space, an additional 20 trips per day, or 4 during the peak evening period, is likely.

Based on the road classifications discussed above, the local road network has sufficient capacity to cater to the development.

### Access and Pedestrians

Vehicle access to the site is proposed through multiple (one-way) access driveways to Cameron Street. The TIA notes that there is adequate sight distance available to each driveway crossing proposed along Cameron Street. All accesses shall comply with Council AUS-SPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Due to the type and size of development, concrete footpath paving (minimum 2.5m wide) along the full frontage to Cameron Street will be required. The existing footpath may be widened if in suitable condition. The additional width is considered necessary to cater for the probable use by wheelchairs, prams and scooters associated with pedestrian traffic to and from the town centre area.

## Looking After Our Environment

### Parking and Manoeuvring

As discussed above, a Traffic Impact Assessment (TIA) has been provided in relation to traffic generation rates and car parking impacts of the development proposal.

The proposed site layout for the residential and public car parking spaces and aisles generally complies with the car parking standard AS 2890. A suitably qualified consultant will be required (by conditions of consent) to certify the spaces and aisles are compliant with AS 2890 at both the design and as-constructed phases of the project.

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available and conditions have been imposed to reflect these requirements.

The below table sets out the number of spaces counted (existing and proposed) with dimensions that comply with AS 2890. The table refers to the minimum requirements of the SEPP (Housing for Seniors or People with a Disability) 2004. The numbers are discussed in detail below.

	DCP (SEPP) minimum	Existing Count (Proponent)	Existing Count (Council)	Proposed	Shortfall
Residential units	(45)	-	-	45	-
Commercial	6.7	-	-	4	2.7
RSL	<i>Existing</i>	113	121	108	13

The proposed residential floor area meets the requirements of the SEPP and the 45 spaces can therefore be supported. It should be noted that Council considers the requirements of the SEPP a bare minimum and there is likely to be additional parking generated on the street by the residences. This provides less opportunity for other developments (such as the RSL) to use overflow parking within the public road.

Four parallel parking spaces are allocated for commercial use adjacent to the central access aisle, and the TIA submits that there is therefore a shortfall of 2.7 spaces based on the DCP floor area. However, it is proposed that the shortfall can be accommodated within the RSL carpark on the basis that the commercial floor space will only be used during the day (e.g. 8:30am-5:30pm), and that the RSL peak usage occurs between 5pm and 7.30pm. Based on the traffic counts mentioned in the TIA, this approach can be supported, and a standard condition of consent will limit the use of the commercial floor area to daytime hours. If operational needs dictate evening use of the commercial units, a S.96 modification to the DA will need to be submitted including details of how any parking shortfall will be accommodated.

A condition has also been recommended to ensure that 7 spaces (6.7 from the DCP) will be contained within the residential flat building allotment. Nothing in this condition prevents the operator of the RSL from line marking different spaces for commercial use as proposed. The condition is to ensure the commercial floor space has a legal entitlement to those spaces in the future (for example, if the RSL sells the flat building).

As no change to the existing floor area or operation of the RSL is proposed, the applicant has stated that the existing number of spaces onsite is deemed adequate (by virtue of previous planning approvals). This approach can be supported. The TIA

## Looking After Our Environment

also provides parking counts on two days, Friday the 13<sup>th</sup> and Saturday the 14<sup>th</sup> of February 2015. It is suggested that the carpark remains under 70% utilised during most events, except on Friday nights when raffles and members' draws occur, at which time the carpark is full and approximately 12 cars were counted parked on-street nearby. The report concludes that there is adequate capacity for any overflow within the street because the peaks occur after-hours.

The scope of the surveys conducted is considered by Council staff not to sufficiently represent the full demand profile for the RSL. However, any parking shortfall is considered quantifiable as follows.

The TIA has provided an existing count of 113 onsite spaces in use by the RSL. As the proposed reconfiguration of parking will result in 108 spaces for the RSL and 4 commercial spaces which can be used by the RSL during the evenings, the TIA implies that the resulting site shortfall will be 1 space.

However, the count of existing spaces by Council staff based on aerial photography is 121. This discrepancy appears to have arisen due to 6 spaces under a carport on the western boundary, and 2 spaces with faded line marking nearby. As shown in the above table, the proposal will therefore result in a reduction by 13 spaces within the RSL carpark compared to the existing scenario. Providing a credit for the 4 commercial spaces which can be assumed available during the evening, there is a resulting shortfall of 9 spaces which will occur at least weekly. It should be noted that the actual number of cars parking within the public road is even higher.

Council's s94 contributions plans provide a levy rate for shortfalls in required parking within town centre areas (applicable to this site), on the basis that in the future Council may have to fund additional parking facilities to accommodate on-street parking demand. Conditions of consent have been recommended requiring payment for a shortfall of 9 spaces.

### Water Supply Connection

Records indicate that the development site has multiple metered water services from the 100mm PVC water main on the same side of Cameron Street. This development may be able to be served from the existing 100mm PVC water main on the same side of Cameron Street.

Residential units are to each have an individual water meter. Metering arrangements will need to be discussed further, with the option for electronic reading from a central console (wired system) or with the new style wireless systems being preferred. Traditional metering arrangements would have individual water meters located in an easily accessed area (foyer). A master meter could be required at the property boundary.

Commercial units will need to be individually metered if there is a prospect of future strata subdivision. Individual metering of commercial units is recommended for usage management and avoidance of arguments.

It is understood that the tenure of the units will be along the lines of lifetime leases. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements.



## Looking After Our Environment

### Sewer Connection

The DA plans show the location of the existing sewer and the items mentioned in the prelodgment minutes have been considered in the design. Standard conditions will apply.

Detailed plans will be required to be submitted for assessment with the CC application.

### Stormwater

The site naturally grades towards the Cameron Street frontage and part of the frontage is currently serviced via Council pits located along the kerb.

As the area is a known stormwater hotspot, and due to the size of the development, the legal point of discharge is defined as a direct connection to Council's stormwater pit/pipeline within Cameron Street. The applicant has proposed a stormwater management plan which is acceptable in concept.

Some extension of Council's stormwater infrastructure may be required to service the site, and details will be assessed with a CC application for subdivision works to Council.

A detailed site stormwater management plan will also be required to be submitted for assessment with the S.68 application for internal drainage.

In accordance with Council's AUS-SPEC requirements, the following must be incorporated into the stormwater drainage plan:

- On site stormwater detention facilities
- Water quality controls
- Provision of inter-allotment drainage at the proposed western boundary of the lots, to prevent drainage from upstream lots impacting on the development, and to facilitate orderly development of the area in the future.

Refer to relevant conditions of consent.

### Other Utilities

Telecommunication and electricity services are available to the site and the developer will need to contact the utility authorities to have the development adequately serviced.

### Heritage

Refer to LEP comments relating to heritage.

### Other land resources

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

### Water cycle

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle

### Soils

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to standard condition requiring erosion and sediment controls to be in place prior to and during construction.



## Looking After Our Environment

**Air & Micro-climate**

The construction and/or operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

**Flora & Fauna**

Construction of the proposed development will not require any removal/clearing of any significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Section 5A of the Act is considered to be satisfied

**Waste**

A common bin storage area has been identified in the basement car park.. A condition is recommended requiring satisfactory arrangements for a private garbage collection service.

Standard precautionary site management condition recommended for construction phase of the project.

**Energy**

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX and Section J of the Building Code of Australia. No adverse impacts anticipated.

**Noise & Vibration**

No adverse impacts anticipated. Condition recommended restricting construction to standard construction hours.

**Natural Hazards**

No natural hazards identified that would impact on the proposed development.

**Contamination Hazards**

See comments earlier in this report under SEPP No. 55 - Remediation of Land.

**Safety, Security & Crime Prevention**

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

**Social Impact in the Locality**

Given the nature of the proposed development and its location the proposal is unlikely to result in any adverse social impacts. The proposal is considered to have significant social benefit through the provision of affordable and accessible housing that is in close proximity to services in Wauchope.

**Compliance or Otherwise with the DDA**

The development is capable of achieving compliance with the Building Code of Australia and Access to Premises Standards. Details of compliance would be required at the Construction Certificate stage.

## Looking After Our Environment

### **Economic Impact in the Locality**

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

### **Construction**

No potential adverse impacts identified to neighbouring properties with the construction of the proposal. Standard construction management conditions recommended.

### **Cumulative Impacts**

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

### **(c) The suitability of the site for the development:**

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

### **(d) Any submissions made in accordance with this Act or the Regulations:**

No written submissions have been received following public exhibition of the application.

### **(e) The Public Interest:**

The proposed development satisfies relevant planning controls and is unlikely to impact on the wider public interest.

## **4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services, car parking and administration buildings.

## **5. CONCLUSION**

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

## Looking After Our Environment

### Attachments

1 [View](#). DA2015 - 0230 Plans

2 [View](#). DA2015 - 0230. Recommended DA Conditions

## Looking After Our Environment

**Item:** 12.04

**Subject:** DA2015 - 0333 - DWELLING AND SWIMMING POOL, INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 9 DP 1069338, NO. 28 THE ANCHORAGE, PORT MACQUARIE

**Report Author:** Matt Rogers

**Property:** Lot 9 DP 1069338, No. 28 The Anchorage, Port Macquarie  
**Applicant:** D H & M R McDonald  
**Owner:** D H & M R McDonald  
**Application Date:** 21 May 2015  
**Estimated Cost:** \$1,024,650  
**Location:** Port Macquarie  
**File no:** DA2015 - 333.1  
**Parcel no:** 45308

### Alignment with Delivery Program

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

### RECOMMENDATION

**That the determination of DA 2015 - 0333 for a Dwelling and Swimming Pool, including Clause 4.6 Objection to Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 9, DP 1069338, No. 28 The Anchorage, Port Macquarie, be noted.**

### Executive Summary

This report is for Council's information and relates to the approval of the subject Development Application under delegation. Granting consent involved use of Clause 4.6 of Port Macquarie-Hastings Local Environmental Plan 2011 (LEP) to vary Clause 4.4 (Floor Space Ratio) by not more than 10%.

The proposal was considered by the Development Assessment Panel on 12 August 2015 and it was resolved:

*That DA 2015 - 0333 for a Dwelling and Swimming Pool, including Clause 4.6 Objection to Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 9, DP 1069338, No. 28 The Anchorage,*



## Looking After Our Environment

*Port Macquarie, be determined by granting consent subject to the recommended conditions.*

The proposed development resulted in a 9.2% variation from the 0.65:1 floor space ratio adopted for the site. The variation was considered to be minor and not to result in any significant adverse planning impacts. The character of nearby development and satisfactory bulk and scale of the proposal further supported the variation.

The Department of Planning and Infrastructure circular PS 08-003 provides for the Director General's assumed concurrence.

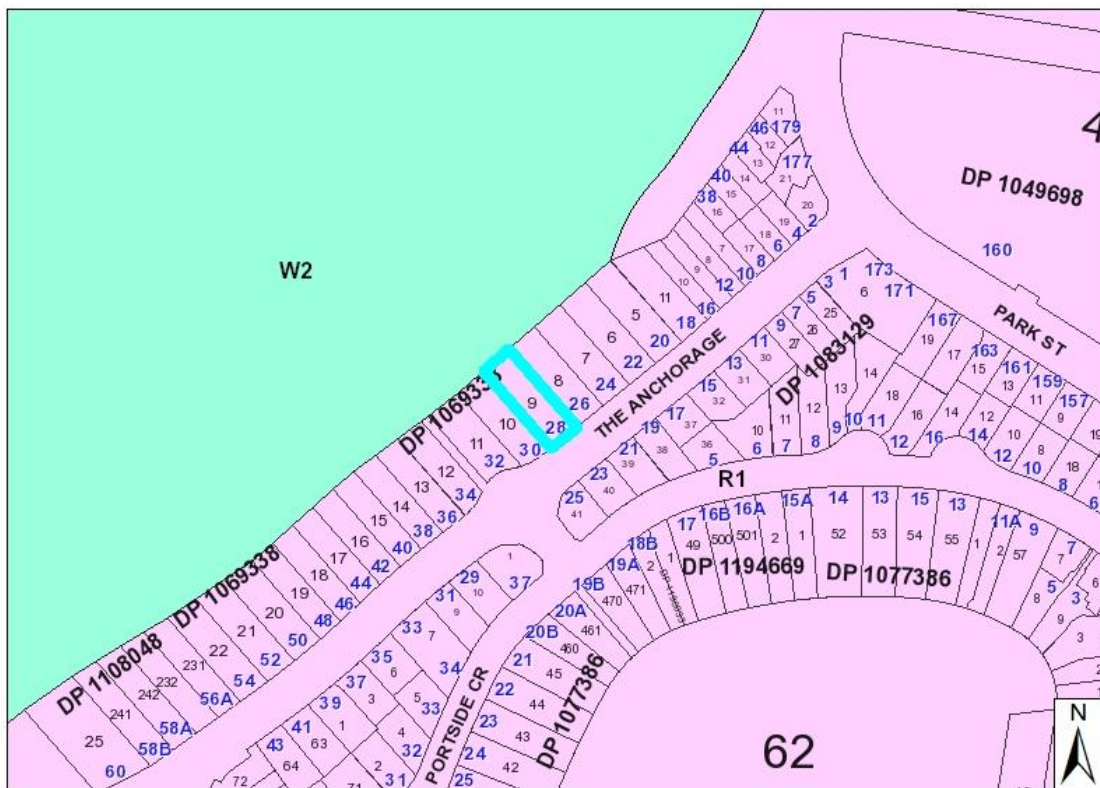
The Department's circular PS08-014 further reminds councils of their assumed concurrence role in relation to SEPP 1 and Clause 4.6 LEP variations. The circular advises that where Clause 4.6 variations are approved under delegated authority that Council be advised of the decision made and it be appropriately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

### 1. BACKGROUND

#### Existing sites features and Surrounding development

The site has an area of 685.1m<sup>2</sup>.

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



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



## Looking After Our Environment



### 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of a dwelling and swimming pool.
- The application includes a Clause 4.6 variation to Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011.

Refer to attachments at the end of this report.

#### Attachments

1 [View](#). DA2015 - 0333 Approved Plans

2 [View](#). DA2015 - 0333 DA Consent Approval

## Planning and Providing Our Infrastructure

### What are we trying to achieve?

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

### What will the result be?

- Supported and integrated communities.
- Infrastructure provision and maintenance that respects community expectations and needs.
- A natural environment that can be accessed by a network of footpaths, cycleways, coastal and hinterland walkways.
- Accessible, convenient and affordable public transport.
- Employment and population growth that is clustered within urban centres.

### How do we get there?

- 5.1 Create and maintain integrated transport system that eases access between population centres and services.
- 5.2 Ensure transport options are safe, functional and meet access needs across the Local Government Area.
- 5.3 Develop and enhance quality open space and recreational facilities.
- 5.4 Plan settlements to accommodate a range of compatible land uses and projected population growth.

## Planning and Providing Our Infrastructure

**Item: 13.01**

**Subject: THREE VILLAGES SEWERAGE SCHEME INDEPENDENT REVIEW**

**Presented by: General Manager, Craig Swift-McNair**

### Alignment with Delivery Program

5.5.3 Plan, investigate, design and construct sewerage assets.

### RECOMMENDATION

**That Council:**

- 1. Note the process and Terms of Reference for an independent project review for the Three Villages Sewerage Scheme.**
- 2. Request that the General Manager undertake an independent review of the Three Villages Sewerage Scheme in line with the process and Terms of Reference as included in this report.**
- 3. Request that the General Manager report the findings of the review to Council as soon as practicable following receipt of the report.**

### Executive Summary

The purpose of this report is to detail the process and the Terms of Reference (TOR) for an independent review of the Three Villages Sewerage Scheme (TVSS).

At an extraordinary meeting of the Village Sewerage Scheme Steering Group (VSSSG) held on Tuesday 15 July 2015, consensus from that meeting was to present a report to Council outlining the current construction estimates for the three villages sewerage schemes; the allocated budgets; funding opportunities and a value for money outcome. To this end a report was tabled at an extraordinary meeting of Council held on Wednesday 29 July 2015. For information and background, a confidential copy of the 29 July 2015 Council report is attached to this report (*This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2)(c)*).

At the above-mentioned extraordinary Council meeting held on 29 July 2015, the following was resolved by Council:

### RECOMMENDATION

**That Council:**

- 1. Apply for funding for the villages of Comboyne, Telegraph Point and Long Flat through the Restart NSW funding program.**
- 2. Remove the requirement for the sewerage schemes for the villages of Comboyne, Telegraph Point and Long Flat to be completed by September 2016, to explore re-design opportunities, new grant funding opportunities and other potential cost savings.**

## Planning and Providing Our Infrastructure

3. Request the General Manager provide a report to Council, as soon as reasonably practicable, as to options available to Council (including financial details) to deliver fit-for purpose and value-for-money sewerage schemes for the villages of Comboyne, Telegraph Point and Long Flat; and

4. Request the General Manager provide a report to the September 2015 meeting of Council as to the terms and process of an independent review to be undertaken as to the three villages sewerage scheme project (relating to Comboyne, Telegraph Point and Long Flat) as a case study for Council's design processes, financial estimates and project reporting including a recommendation as to the undertaking of the independent review.

**CARRIED:** 8/0

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

**AGAINST:** Nil

This report deals with the fourth resolution as detailed above and details the process and the TOR for an independent review of the TVSS.

### Discussion

By way of background, in 2004 options reports were prepared for the three villages sewerage schemes, including budget estimates. In 2013, an independent consultant was engaged to review the validity of the 2004 concepts, including legislative and effluent quality changes since 2004 and to revise the budget estimates. This review saw the budgets for the three individual projects increase. For information, concept plans have developed into concept designs, draft designs and finally to final design stage.

The VSSSG previously identified concerns with respect to overall project timing versus the cost of the schemes and this led to a confidential report to Council that was tabled at the 17 June 2015 Council meeting, which outlined potential risks to delivery.

Estimates for completion of the TVSS project have now increased significantly since the independent review of the concepts was undertaken in 2013 and a further concept study was undertaken in September 2014. The estimates are now far in excess of the adopted budgets for the projects and there is concern that the existing program may not meet a value-for-money, fit-for-purpose outcomes.

In light of the above information which was included in detail in the confidential report to Council at the extraordinary meeting held on 29 July 2015, Council has requested through resolution four (4) from the above-mentioned meeting that the General Manager give consideration to the process and TOR for undertaking an independent review of the TVSS project.

In line with the above request, following are the draft TOR for the independent review to be undertaken:

1. Review whether the Three Villages Sewer Scheme project has and is adhering to Council's current project management policy and framework.



## Planning and Providing Our Infrastructure

2. Review the documented deadlines and milestones for this project to determine if they are / were achievable and if they are regularly monitored.
3. Determine what role the Small Villages Sewer Scheme Steering Group has played in the development and monitoring of this project.
4. Determine if project risks have been adequately identified and effectively mitigated throughout this project.
5. Review Council's engagement of third parties for this project, specifically for the design components and for overall project management; to determine the adequacy of these third parties, their selection and engagement.
6. Review the effectiveness of the design processes undertaken for this project i.e. third party versus internal resources.
7. Review the history of this project from a funding perspective i.e. how the original estimates were determined and how these estimates have been updated as the project has progressed.
8. Determine how the project costs have been managed to ensure the project is completed within available budgets.
9. Determine whether the project cost estimation involved significant cost related risk and how this has been managed.
10. Determine if any value-for-money assessments have been undertaken throughout the life of this project to date;
11. Determine if the project budget was consistent with the project requirement, assumptions, risks and contingencies.
12. Determine whether there have been effective hold points and signoffs throughout the project to date.

In overall terms, the review will consider the governance and management of the project to date and will rely on Council documentation, relevant Council Officers and contractors where appropriate.

With regard to the process for undertaking an independent review, if Council resolves in line with the recommendation as included in this report, the General Manager will engage an independent consultant who has experience in project management and risk management to undertake the review.

The engagement is likely to take approximately one (1) to two (2) full weeks and will include meetings and discussions with key stakeholders of the project. At the end of the review, the consultant will provide a report to the General Manager including findings and recommendations for consideration. As stated in Recommendation 3 as included in this report, the General Manager will then table the review report, along with planned actions to Council as soon as practicable following receipt of the report.



## Planning and Providing Our Infrastructure

### Options

Council has the following options:

- Accept the recommendations as included in this report;
- Amend the TOR and / or process for the independent review of the TVSS or
- Choose not to undertake an independent review of the TVSS.

### Community Engagement & Internal Consultation

Internal consultation has taken place with the following people:

- Director Infrastructure and Asset Management;
- Director Corporate & Organisational Services and
- Group Manager Water & Sewer.

### Planning & Policy Implications

There are no direct planning or policy implications as a result of this report. However the findings of an independent review into the TVSS may inform the way in which Council manages future projects and it will provide a learning opportunity for the organisation as we strive to continuously improve our processes.

### Financial & Economic Implications

There are no direct economic implications as a result of this report. From a financial perspective, it is estimated that the independent review will cost approximately \$13,500 (excl GST) and it is anticipated that this will be funded from operational Sewer budgets.

### Attachments

- 1 [View](#). Council Report - Three Villages Sewer Scheme Construction Update - 29 July 2015 (Confidential)

## Planning and Providing Our Infrastructure

**Item: 13.02**

**Subject: RECOMMENDED ITEM FROM TOWN CENTRE MASTER PLAN SUB-COMMITTEE - SHORT STREET CAR PARK**

**Presented by: Infrastructure & Asset Management, Jeffery Sharp**

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### Alignment with Delivery Program

5.3.1 Plan, investigate, design and construct open spaces and recreational facilities.

### RECOMMENDATION

With respect to Item 6 - Short Street Car Park, that the Sub-Committee:

1. Express strong support for the activation of the Port Macquarie foreshore.
2. Ensure that any development on the site must be consistent with the Port Macquarie Town Centre Master Plan and the vision outlined in the Port Macquarie Hastings Development Control Plan .
3. Prioritise the progression of the Foreshore Plan with a focus on pedestrian connectivity with the broader CBD, particularly in the sector between William Street and the Town Green and present to Council for consideration and adoption.
4. Note that Council's 2013-2016 Economic Development Strategy highlights the importance of this activation - both in aiming to create 'vibrant and desirable places' and as specifically referenced in Action 8 of the Strategy.

### Executive Summary

The Town Centre Master Plan Sub-Committee met on 26 August 2015, reached consensus on Item 05 (06: Short Street Car Park) and now submits the above recommendation for Council consideration.

### Attachments

Nil

## Planning and Providing Our Infrastructure

**Item: 13.03**

**Subject: SETTLEMENT POINT FERRY - OUT OF WATER INSPECTION AND MAINTENANCE (SLIPPING)**

**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. Note the actions planned for the Out of Water Inspection and Maintenance (Slipping) of the Settlement Point Ferry.**
- 2. In accordance with Section 55 (3) (i) of the Local Government Act, 1993, due to the extenuating circumstances and unavailability of reliable and competitive tenders as described in this report, Council does not invite tenders for the Out of Water Inspection and Maintenance (Slipping) of the Settlement Point Ferry, as a satisfactory result would not be achieved.**
- 3. Accept the quotation from Birdon Pty Ltd to undertake the Out of Water Inspection and Maintenance (Slipping) of the Settlement Point Ferry for \$339,599.00 (ex GST).**
- 4. Appoint Birdon Pty Ltd to undertake any additional works as may be required by the NSW Maritime Surveyor to achieve a Certificate of Survey & Operation, and with approval from the Group Manager Transport & Stormwater Network, within the allocated budget for the ferry slipping.**
- 5. Appoint Birdon Pty Ltd to undertake any additional functional works as requested by the Group Manager Transport & Stormwater Network following the inspection to address other maintenance issues or improve the operation of the ferry service, within the allocated budget for the ferry slipping.**

### Executive Summary

Under compliance with the Marine Safety (Domestic Commercial Vessel) National Law Act 2012 it is a mandatory requirement that the Settlement Point Ferry be slipped for dry hull inspection every four years by a NSW Maritime Surveyor from Roads & Maritime Services.

In accordance with Section 55 (3) (i) of the Local Government Act, 1993, due to the extenuating circumstances and unavailability of reliable and competitive tenders as described in this report, Council did not invite tenders for the Out of Water Inspection and Maintenance (Slipping) of the Settlement Point Ferry, as a satisfactory result would not be achieved.

## Planning and Providing Our Infrastructure

A quotation from Birdon Pty Ltd to undertake the Out of Water Inspection and Maintenance (Slipping) of the Settlement Point for \$339,599.00 (ex GST) (based on a 5 week slipping period) was obtained. *Please refer to the confidential attachment titled 'Birdon Quotation for Settlement Point Slipping' which contains information that relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.. Local Government Act 1993 - Section 10A(2)(d(1)).*

The Settlement Point Ferry will be taken out of Service on Tuesday 20<sup>th</sup> October 2015 for a period of four to six weeks dependant on outcomes of the Maritime Surveyors Inspection.

During this time maintenance is carried out to meet any requirements of the Maritime Surveyor to achieve a Certificate of Survey and Operation as well as undertaking other maintenance or improvements identified by Council staff.

To manage the traffic impact caused by taking the Settlement point Ferry out of operation for a period of four to six weeks, the Hibbard Ferry will be relocated from Hibbard to Settlement Point.

The slipping of the ferries is a regular occurrence and has been successfully completed many times in the past.

### Discussion

The Settlement Point Ferry will be undertaking it's out of water slipping during October and November 2015.

As with all marine vessels, compliance with the Marine Safety (Domestic Commercial Vessel) National Law Act 2012 requires that the Settlement Point Ferry be slipped for dry hull inspection every four years by a NSW Maritime Surveyor from Roads & Maritime Services

Council's ferries are currently on a four year cycle and during this inspection the opportunity is taken to conduct maintenance work to meet the requirements of the survey. In addition, any other general maintenance or service upgrades that have been identified by Council's mechanics, that can't be done during the normal monthly servicing, are completed.

In accordance with Section 55 (3) (i) of the Local Government Act, 1993, due to the extenuating circumstances and unavailability of reliable and competitive tenders as described in this report, Council did not invite tenders for the Out of Water Inspection and Maintenance (Slipping) of the Settlement Point Ferry, as a satisfactory result would not be achieved.

Factors that Council considered would preclude a satisfactory result being achieved included:

- There is only one slipway with the necessary ship building, engineering and maintenance capability within the Port Macquarie-Hastings Council Local Government area (LGA).

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- To engage a provider outside of the (LGA) transportation of the ferry would involve a lengthy sea towing operation and breaking up of the vessel. Transportation by road is not possible.
- The ferry is a critical part of the transport infrastructure serving the North Shore area and minimising the time the vessel is out of service is a priority to Council.
- Due to the nature of the construction of this vessel and its operating environment, the extent of work to be undertaken cannot be determined until the vessel is slipped and an underneath and internal inspection of the hull is undertaken.

A quotation from Birdon Pty Ltd to undertake the Out of Water Inspection and Maintenance (Slipping) of the Settlement Point based on a 5 week slipping period for \$339,599.00 (ex GST) was obtained. This price is commensurate with the same works that have been undertaken in previous slipping of both the Settlement Point and Hibbard Ferries.

Apart from the out of water slipping both of Council's ferries undergo regular servicing on a monthly basis in accordance with the programmed maintenance developed for the Settlement Point and Hibbard Ferries.

Council's funding programme provides for each ferry to be slipped once in a four year cycle. That is, the Hibbard Ferry (15 vehicles) was last slipped in October 2012, and the Settlement Point in October 2011. It is now time that the Settlement Point Ferry (21 vehicles) be slipped and funding of \$650,000 has been provided in the current Works Programme for this necessary work.

The programme for these works will entail taking the Settlement Point Ferry out of service at 10.00am on Tuesday, 20 October 2015 for a period of approximately four to six weeks.

During this period the Hibbard Ferry will operate on a 24 hour basis (at Settlement Point for the reasons detailed below) to ensure continuity of service.

Due to the introduction of the traffic lights on Hastings River Drive at Boundary Street, and the increase in traffic in the general and surrounding areas it is not possible for this intersection to cater for the significant increase in traffic that would occur if all ferry traffic were to use the Hibbard Crossing.

The exaggerated high volume of traffic in peak periods will not allow enough queuing room for vehicles in either Boundary Street or Hastings River Drive. This will create a major traffic issue on Hastings River Drive for west bound traffic as the queue length will interfere with through movements. In addition, the level of storage in Boundary Street would be insufficient for vehicles exiting the ferry heading south, causing blockages for vehicles trying to exit the ferry, causing significant delays, confusion and driver angst.

In conjunction with this traffic issue the under river drilling for the new sewerage pipeline system, being constructed on the North Shore, will prevent the use of the vacant land to the west of Boundary Street. This land has previously been used to extend the traffic queues and provide car parking space on the southern side of the



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river for those residents that wished to leave one vehicle on the south side to reduce the traffic flow on the smaller ferry during the slipping period.

In considering ways to address the traffic issue, enquiries were made with the Roads & Maritime Services (RMS) to borrow the spare ferry they hold in the Hawkesbury River area. This ferry could then have been installed at Settlement Point removing the traffic issue and greatly reducing inconvenience to ferry users. Unfortunately the RMS will have two of its own Sydney based ferries out of water for overhaul during the same period meaning Council could not get access to the spare. This option could be considered again for the next slipping of the Hibbard Ferry. Indicative costs from the RMS for sea towing from Sydney to Port Macquarie is approximately \$50,000 plus additional costs for preparing the ferry for travel.

As such a decision has been taken to relocate the Hibbard Ferry to the Settlement Point crossing during the slipping period. This will then significantly reduce the traffic issue, however as the Hibbard is smaller than the Settlement Point Ferry and all traffic will need to use it, longer queues will still occur.

Moving the Hibbard Ferry will create a better and safer traffic outcome, however to achieve this move there will be a period of time when no ferry service will be available on the Tuesday 20<sup>th</sup> October. This will also be the case when the Settlement Point Ferry is placed back in service. This cannot be avoided as the Hibbard Ferry must be stopped and released from its cables and moved to Settlement Point, at which time the Settlement Point Ferry needs to be removed from its cables and the Hibbard Ferry connected. The Hibbard Crossing will not operate on Tuesday 20<sup>th</sup> October and all traffic will use Settlement Point ferry until it ceases operation at 10am. This allows for the Hibbard ferry to be disconnected and moved to Settlement Point early in the morning. This is done to reduce the length of time there is no ferry service and restrict the service outage time to a period out of peak times.

At this stage Council's mechanical staff are estimating a duration of approximately three to four hours to complete this switch, the period for which no ferry services will be available. This will be a key message in the information provided to the community about the ferry slipping.

During the slipping period residents will experience some inconvenience by only having one ferry operating for approximately four to six weeks, which has been the case in the past.

Static traffic control such as VMS boards and signage will be in place; however it is also proposed to use active on-site traffic control. Active traffic control will be in place at the time the ferry services are halted on the Tuesday morning. The extent to which this active traffic control will be required (number of days, and times) is currently unknown and staff will monitor how traffic is behaving to determine the final extent it is required. It is expected that regular travellers will readily adapt to the interim requirements.

The majority of the work to be undertaken to the ferry is proposed to be at the Port Macquarie Slipways (Birdons) and much of it by local sub-contractors. The ferry will receive a major overhaul to its structure where necessary, as well as its operating components, main drive mechanisms and engine being replaced. Necessary sandblasting, repairs and repainting with protective coatings will also be undertaken, as well as any works specifically identified by the RMS Marine Surveyor.

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The extent and final duration of these works will not be fully known until the ferry has been removed from the water at the slipways and inspections are undertaken by the RMS Marine Surveyor as well as Council and slipway staff.

### Options

Council has the option of accepting or amending the recommendations presented within this report, or rejecting the recommendations and determining an alternate resolution.

Council must have a current Certificate of Survey and Operation for the vessel in order to be issued with a licence to operate the Ferry. This can only be achieved through an out of water inspection. In exceptional circumstances the out of water inspection may be delayed however NSW Maritime then requires underwater dive inspections every 3 months until a dry dock inspection is made.

### Community Engagement & Internal Consultation

For this project it is key to provide adequate and timely information to the travelling public identifying the dates of the slipping, expected delays and actions to be implemented by Council.

Of specific concern is the time and date of commencement - 10.00am on Tuesday, 20 October 2015 - with an anticipated timeframe of four to six weeks. In addition the fact that to allow the changeover of the Hibbard Ferry to Settlement Point will result in no ferry services for a period of three to four hours after 10:00am on the Tuesday, and that the same issue will occur when the Settlement Point Ferry is put back into service. As the Hibbard will also be out of action from the end of Service Monday 19 October so that it can be moved first thing on the Tuesday morning, this will also require clear communication, as it will impact on both Hibbard and Settlement Point users.

A media campaign will be undertaken including letters to North Shore residents, a flyer that will be issued to ferry operators to hand out to ferry users, and electronic information for use on websites and other social media, both Council and community. Other communication can also occur through media releases as well as print and radio advertising as required to gain best coverage.

Variable Message Sign (VMS) boards will be placed at each of the ferries at the least 2 weeks prior to slipping to further remind and alert travellers to the planned closure.

Staff have also been making contact with parent/care givers of students on the North Shore who use the ferry to gain access to school buses. Staff will work with parents to manage access for school children. Contact has been made with Busways to determine any impacts, however as no bus services go over the ferry there are limited issues and the school buses from both ferry crossings travel to the same schools.

It is planned to provide a mini-bus service on the north shore to assist in managing the access to the ferries by the school children as well as normal travellers who may opt to travel across as pedestrians rather than using their car.

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Consultation has occurred with the Contractor who presently operates the ferry, about the arrangements during the maintenance slipping period. Emergency Services will be notified of the changes and outages required for changing over the two ferries.

Conditions will be monitored during the slipping period and the arrangements adjusted if required. As on previous occasions, every effort where possible, will be made to minimise the length of time that the Settlement Point Ferry is out of service as the disruption will cause inconvenience to regular travellers.

The attached draft Ferry Slipping Procedures include details on necessary engagement and informing of the community and stakeholders, as well as the overall process required in managing the slipping.

Internal consultation has occurred with:  
Director Infrastructure and Asset Management  
Group Manager Transport & Stormwater Network  
Group Manager Water & Sewer  
Group Manager Economic Development  
Council's Communications Team  
Recreation & Building  
Transport & Traffic Engineer  
Operations Manager Transport & Stormwater  
Fleet Manager

### Planning & Policy Implications

Nil

### Financial & Economic Implications

Council has allocated \$650,000 in 2015/16 Operational Plan for the slipping and maintenance of the Settlement Point Ferry.

### Attachments

- 1 [View](#). Birdon Quotation for Settlement Point Slipping (Confidential)
- 2 [View](#). Draft Settlement Point Ferry - Dry Dock Procedures

## Planning and Providing Our Infrastructure

**Item: 13.04**

**Subject: RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -  
IRONMAN 70.3 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 temporary road closures and traffic management arrangements associated with the 2015 Ironman 70.3 Triathlon on Sunday 18 October 2015, subject to the following conditions:

1. That the event organiser advertise, at no cost to Council, the following details of all road closures associated with this event in the local print media on separate days, at least twice (2) within 14 days prior to the event:
  - road closure times
  - duration of the road closures
  - alternative routes and access arrangements.
2. That the event organiser advertise the event by undertaking a letter box drop to all affected residents and businesses directly affected by the road closures at least 14 days prior to the event, advising the following:
  - event name
  - event times
  - contact details of at least two (2) people involved in the organisation of the Event, in case of an emergency
  - proposed actions to be undertaken to mitigate the impact of the road closures.
3. That the Traffic Management Plan dated 9 June 2015 and associated Traffic Control Plans dated 22 July 2015 be implemented. Any modifications to the plans must be agreed with Council prior to the running of the event.
4. That the event organiser abides by the written approval from the NSW Police dated 27 July 2015.
5. That the event organiser notify the NSW Ambulance, NSW Fire and the State Emergency Service of the proposed road closures at least 14 days in advance of the event.
6. That the event organiser notifies local Transport Services (Bus Companies, Taxis) of the proposed road closures at least 14 days in advance of the event.
7. An RMS accredited (Yellow card) person is to be used for the establishment and removal of the traffic control devices.
8. RMS accredited traffic controllers (Blue card) are to be used to control

## Planning and Providing Our Infrastructure

- traffic.
9. That the event organiser abides by any other condition that Council and the Police may impose at any time.
  10. That the event organiser submit to Council 14 days prior to the commencement of the event evidence of Public Liability Insurance for the amount of \$20 million, which is valid for the duration of the event, including placement and removal of traffic control devices.
  11. The event organiser must have this approval and the Traffic Management Plan and Traffic Control Plans described above on site at all times for the duration of the event.

### Executive Summary

The Local Traffic Committee met on 26 August 2015, reached consensus on Item 07 (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

### Attachments

1 [View](#). Item 07 Local Traffic Committee 2015 08 26



## Planning and Providing Our Infrastructure

**Item: 13.05**

**Subject: LAND ACQUISITION - RIVERSIDE DRIVE AND SHORELINE DRIVE, RIVERSIDE**

**Presented by: Corporate & Organisational Services, 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:**

- 1. Pay compensation in an amount totalling \$8,000 (GST Exclusive) to the owner of Lot 36 Deposited Plan 754451 and Lot 5 Deposited Plan 114288, Petergate Pty Ltd, for the acquisition of approximately 2,311m<sup>2</sup> of land for road purposes.**
- 2. Delegate to the General Manager authority to sign:**
  - a) Deed of Acquisition/Contract for Sale.**
  - b) Land and Property Information Transfer form.**
- 3. Dedicate the acquired lands as public road.**

### Executive Summary

A report to consider the acquisition of land on Riverside Drive and Shoreline Drive for road purposes.

### Discussion

As part of the investigative studies for the provision of the route of the pipeline for the North Shore Sewer Scheme, it has come to light that parts of the constructed Riverside Drive and Shoreline Drive are not located fully within the land set aside as the road corridor.

Research indicates that these anomalies are of decades standing. In the case of Riverside Drive, it would appear that the steady riverbank erosion since the road was first surveyed in the early 1800's has led to the road being reconstructed on private land in order to maintain a useable pavement width to allow vehicles to pass. Part of the original 1800's road reserve now lies below water level of the Hastings River.

The owner of the land upon which the constructed road is situated has requested that the land be acquired so that sections of the formed road will no longer be on private land. Council's consulting surveyor carried out a boundary identification survey to identify the anomalies between the property boundaries, fencing and the road pavement. A copy of the survey is attached. The survey identifies an area totalling approximately 2311m<sup>2</sup> that will need to be acquired from Lot 36 Deposited Plan 754451 and Lot 5 Deposited Plan 114288.

## Planning and Providing Our Infrastructure

### Options

On the basis that the land is required for the placement of the North Shore sewer pipeline and that there is a formed road pavement situated on private land, it is considered that a land acquisition is the only feasible alternative. Due to riverbank erosion, relocation of the road along Riverside Drive is not possible.

### Community Engagement & Internal Consultation

There has been consultation with the land owner and their legal representative. There has been internal consultation between the Infrastructure Services Division and the Corporate & Organisational Services Division.

### Planning & Policy Implications

The land acquisition is being carried out with regard to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

### Financial & Economic Implications

Using the boundary identification survey as a base, Council's consulting valuer has assessed the market value of the 2311m<sup>2</sup> at \$4,200 (GST Exclusive) but has discounted the value by an amount of 50% on the basis that the land to be acquired is low lying.

An offer in the amount of \$2,100 (GST Exclusive) has been declined by the landowner. In a recent meeting with the landowner and his legal representative, a counter offer in the amount of \$8,000 was made.

In this instance, all factors have been considered and on the basis of negotiations undertaken, project timelines and avoidance of the necessity (and cost) for a potential redesign of the sewer pipeline route, it is recommended that Council accept the counter offer of \$8,000. There is funding within the North Shore Sewer budget to meet the acquisition costs.

### Attachments

1 [View](#). Plan Depicting Location of Land to be Acquired

## Planning and Providing Our Infrastructure

**Item: 13.06**

**Subject: LIGHTHOUSE BEACH RESERVE IMPROVEMENTS**

**Presented by: Community & Economic Growth, Tricia Bulic**

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### Alignment with Delivery Program

5.3.1 Plan, investigate, design and construct open spaces and recreational facilities.

### RECOMMENDATION

**That Council:**

- 1. Adopt the plans: Lighthouse Beach Reserve Landscape Concept, Option 1 and 2 for exhibition purposes.**
- 2. Exhibit the plans for 28 days as outlined in this report.**
- 3. Request the General Manager report to the December 2015 Council meeting advising of the outcome of the community engagement.**

### Executive Summary

Tacking Point Lions Club (The Club) have approached Council to seek improvements to the Lighthouse Beach Reserve. Two plans have been developed by Council's Landscape Architect to shown how the requested elements can be incorporated in the park in the most functional and aesthetically pleasing way (Refer Attachments).

The improvements greatly enhance the area and provide much needed amenity at this highly used beach however they increase Council's maintenance liabilities.

The Club is committed to seeking funding to build the project over a number of stages. They currently have approval and sufficient funds to construct the fitness station and, if permitted, will continue to raise funds for future stages.

The plans propose to significantly change this area and should be exhibited to the general public to gauge community support.

### Discussion

The Club met with the Mayor in late 2013 to discuss a proposal for development to the Lighthouse Beach Reserve. They subsequently wrote to the Mayor and included a submission with a concept plan. The submission included exercise equipment, a large picnic pavilion, a BBQ pavilion, a small picnic pavilion, nature playground area, seating, wheelchair access, paths, entry signage and bike racks.

It also included details of their objectives, methodology for project management, insurances and plans for staging the project.

The project was given to Council's Landscape Architect in late 2014 who developed a plan for the area incorporating the Lion's Club wishes in a way that fits better with

## Planning and Providing Our Infrastructure

the park and needs of users. Several meetings have occurred with the Club to refine the design to a point that is mutually satisfactory.

Two concept plans are attached. The plans group elements together against the fence line to create an open turfed area that allows for flexible uses and easy maintenance. The playground is a simple “nature play” area with a swing, seating and a log obstacle course. Disabled access is considered with the installation of 2 disabled car parks, kerb ramp and accessible paths. Additional seating, signage, path networks, bins and bike racks make the park highly functional.

The main area of concern for Council staff is the scale of the shelters. The Club are very focussed on installing a large pavilion that could house up to 8 picnic settings. The reserve is narrow with limited space available for a shelter of that scale. It is acknowledged that there are limited picnic facilities for larger groups in the Lighthouse area and that if carefully designed and located, it could be accommodated within the space.

An alternative option (Option 2) has been included for Council’s consideration. This option has only small picnic shelters and no BBQs. The smaller shelters fit better in the space with the BBQs removed from this option.

The picnic shelters are approximately 3 metres in height. Due to the elevation of the residences opposite the park and the existing dune vegetation, the shelters will have minimal effect on view lines from the houses.

The Club has gained support from the Tacking Point Surf Life Saving Club and wish to start on installation of the exercise equipment as soon as possible. This has been supported by Council as Stage 1 of the project. They propose that the playground will be stage 2 with paths and picnic shelters to follow in future stages pending grant funding.

The Club have proven, through their work at Gaol Point and in installing three outdoor exercise station in Port Macquarie, that they are very capable of planning and implementing high quality open space improvements. They are motivated and committed to follow projects through to their conclusion. They plan to seek funding through various routes including grants and fundraising events. The Club members co-operate with Council staff and actively seek to satisfy any Council standards and requirements.

The reserve is currently in very poor condition with very worn areas of turf and a lack of seating and amenity for visitors. The improvements being proposed for Lighthouse Beach Reserve are ambitious but will provide an important community asset into the future at one of our most popular beaches.

### Options

Options available to Council include:

- a) Adopt either or both Landscape Concept Options and proceed to a 28 day exhibition period
- b) Adopt either plan and allow the Lions Club to continue to construct future stages as funding allows without an exhibition period
- c) Reject the Lions Club proposals to embellish the reserve

## Planning and Providing Our Infrastructure

### Community Engagement & Internal Consultation

Extensive engagement has occurred with the Tacking Point Lions Club. No wider community engagement has been undertaken by Council. The Club has consulted with the Tacking Point Surf Life Saving Club who are supportive. Internal consultation has occurred with Councils Place making team.

It is recommended that the plans are placed on public exhibition during October 2015 to ensure that we seek the view of the wider community. Exhibition would include a sign in the park showing the plan, a mail out to all residents directly opposite the park, and a page on PMHC Listening.

### Planning & Policy Implications

The proposal does not need planning approval. It is considered to be exempt development under SEPP (Infrastructure) 2007 Section 66(1)(a)(iv).

Through the Place Making concept, Council aims to create successful public spaces by listening to the community's ideas and supporting the community to turn their ideas into reality. The Lion's Clubs improvements at Lighthouse Beach Reserve are a prime example of the potential of place making.

The plans are aligned with Councils adopted Disability Discrimination Act Action Plan which proposes accessible paths within the reserve from the car park to the amenities block.

### Financial & Economic Implications

The Lions Club are committed to funding this project themselves and require no contribution from Council for the capital improvements. They have applied for a grant through Council's Community Grants Program for \$10,000 to contribute towards the fitness station. There are a range of other grants programs available for which the club could apply.

There will be an additional maintenance liability on Council once the area has been developed including quarterly playground inspections, power supply, maintenance and cleaning depending on which plan is adopted. The Club are not able to undertake ongoing maintenance of the facility except for a quarterly rubbish and graffiti removal and general tidy.

There is \$30,000 in the 2015/16 Operational Plan for the Lighthouse Beach Reserve. This funding is concentrated around the area adjacent to the Surf Club to coincide with the improvements they are making to the Clubhouse and environs.

### Attachments

1 [View](#). Lighthouse Beach Reserve Landscape Concept Option 1

2 [View](#). Lighthouse Beach Reserve Landscape Concept Option 2



## Planning and Providing Our Infrastructure

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**Item:** 13.07

**Subject:** QUESTION ON NOTICE - TACKING POINT LIGHTHOUSE RESERVE  
AND LIGHTHOUSE BEACH ROAD EAST OF DAVIS CRESCENT

**Presented by:** Community & Economic Growth, Tricia Bulic

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### RECOMMENDATION

**That Council note the information contained within this report.**

#### Question from Councillor Roberts

In March 2015, via Item 13.10 of the Ordinary Council Meeting Agenda, Council unanimously resolved (as part of a three part resolution) to:

*'Seek grant funding for the future development of the staged works for Lighthouse Road east of Davis Crescent and precinct in accordance with the Tacking Point Lighthouse Reserve Master Plan.'*

Can the General Manager please provide copies of the specific funding requests to either or both the State or Federal Government(s) or related bodies, the responses received (if any) and outcomes of those requests to date.

#### Comments by Councillor (if provided):

Nil.

#### Response

In response to this Council resolution, council staff have been monitoring grants programs which may apply to the delivery of the next stage of the Tacking Point Lighthouse Reserve Masterplan. There have been limited opportunities for council to apply for funding since March 2015. The only real opportunity for council to apply for funding for this project has been through the 2015 Community Building Partnership Program. However, council chose not to apply for funding through this program as the Rotary Club of Port Macquarie Sunrise (Rotary) had indicated that they were looking to make application for the same project. This was supported as their application includes a financial contribution from council of \$26,000 and \$4,000 from Rotary with \$29,640 being requested from the funding body. This application also includes in-kind contributions from Rotary.

While Council could have made application through this program, it was determined that the application from Rotary should be supported. This approach has been successful in delivering several stages of the Tacking Point Lighthouse Reserve Masterplan and is a great example of what can be achieved when council partner with the community to achieve agreed outcomes.

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Rather than lead these sort of projects, council should continue to support Rotary and other community groups, like the Lions Clubs of Port Macquarie & Tacking Point who have been granted funds to improve Gaol Point, to improve the quality of our public spaces.

Successful grant projects through the 2015 Community Building Partnership Program are yet to be announced.

In regard to grant programs that may allow for the upgrade of Lighthouse Road east of Davis Crescent, council has made application for funding through Round 2 of the National Stronger Regions Fund. Councils application was for the upgrade of Houston Mitchell Drive as it is considered to be a higher priority than the Lighthouse Road project.

No other grant funding programs have been targeted at this point in time.

### **Attachments**

Nil

## Planning and Providing Our Infrastructure

**Item: 13.08**

**Subject: 56 HIGH STREET WAUCHOPE PLANNING AGREEMENT**

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

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### Alignment with Delivery Program

5.4.1 Plan settlements to accommodate a range of compatible land uses that meets projected population growth for new and existing developments.

### RECOMMENDATION

**That Council note the report on the 56 High Street Wauchope Planning Agreement.**

#### Executive Summary

The purpose of this report is to advise Council of a recent voluntary planning agreement entered into under Section 93F of the *Environmental Planning and Assessment Act 1979* (as amended) in relation to a Development Application considered and approved by the Development Assessment Panel (DAP).

#### Discussion

At the Ordinary Council Meeting held on 22 October 2008 (Item 27), Council resolved as follows:

*“That the General Manager be given delegated authority to enter into a Voluntary Planning Agreement on behalf of Council where the development to which the Agreement relates is approved by Council’s Development Assessment Panel and the General Manager report to the next Council Meeting the results of the negotiations”.*

The 56 High Street Wauchope Planning Agreement was offered by C G Bowser and J A Bowser as part of a Development Application (DA2015/0228) for shop top housing at 56 High Street Wauchope.

The planning agreement provides for payment of a monetary contribution to be made in lieu of the shortfall of one on-site parking space. The contribution is to be used towards the cost of the provision by the Council of public car parking, or the upgrading of pedestrian or traffic facilities, in the local area of the Development.

The monetary contribution offered is the same amount that would normally apply under Council’s Car Parking Contributions Plan 1993. A state government imposed cap of \$20,000 per dwelling applies to the development for contributions imposed under Council’s s94 contributions plans. The combined total of normal s94

## Planning and Providing Our Infrastructure

contributions (open space, roads, community facilities and administration building) for the proposed dwelling plus a contribution in lieu of car parking would exceed the cap.

The planning agreement provides for the payment of approximately \$5,872 in contributions for car parking.

The DA was approved at the DAP on 12 August 2015 (Item 9) and the planning agreement was entered into on 18 August 2015.

### **Community Engagement & Internal Consultation**

The Planning agreement was placed on public notification from 26 June 2015 to 28 July 2015 in connection to DA2015/0228. No submissions were received in relation to the notification of the DA and the Planning Agreement.

### **Planning & Policy Implications**

The planning agreement was prepared and notified in accordance with relevant planning legislation and Council's Planning Agreements Policy.

### **Financial & Economic Implications**

The provisions of the planning agreement do not affect Council's financial position and are unlikely to have any adverse economic impact.

### **Attachments**

Nil

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**Subject: CONFIDENTIAL COMMITTEE OF THE WHOLE**

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**RECOMMENDATION**

1. That Council move into Confidential Committee of the Whole to receive and consider the following items:

**Item 15.01 Tender T-15-11 Provision of Legal Services**

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

**Item 15.02 Tender T-15-35 Mattress Collection and Recycling Services**

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

**Item 15.03 Tender T-15-18 Hastings River Drive Duplication  
Gordon to Aston Streets and Park Street Rehabilitation**

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

**Item 15.04 Tender T-15-33 Ocean Drive - Design of Matthew Flinders to  
Greenmeadows Duplication**

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

2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the 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.



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**Subject: ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL  
COMMITTEE OF THE WHOLE**

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**RECOMMENDATION**

**That the undermentioned recommendations from Confidential Committee of the Whole be adopted:**

**Item 15.01 Tender T-15-11 Provision of Legal Services**

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

**RECOMMENDATION****Item 15.02 Tender T-15-35 Mattress Collection and Recycling Services**

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

**RECOMMENDATION****Item 15.03 Tender T-15-18 Hastings River Drive Duplication Gordon to Aston Streets and Park Street Rehabilitation**

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

**RECOMMENDATION****Item 15.04 Tender T-15-33 Ocean Drive - Design of Matthew Flinders to Greenmeadows Duplication**

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

**RECOMMENDATION**