



Ordinary Council

Business Paper

date of meeting: Wednesday 20 July 2016

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.

Community Vision

A sustainable high quality of life for all

Community Mission

Building the future together
People Place Health Education Technology

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 20 July 2016

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**PORT MACQUARIE
HASTINGS**

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

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

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

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

Item: 03**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 15 June 2016 be confirmed.

PRESENT**Members:**

Councillor Peter Besseling (Mayor)
Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
Councillor Justin Levido
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)
Group Manager Governance and Executive Services (Blair Hancock)
EA to the Mayor / Minute Taker (Linda Kocis)
Communication Engagement and Marketing Team Leader (Andy Roberts)

The meeting opened at 5.31pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

The Reverend Ken Fenton from the Trinity Anglican Church delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Turner/Hawkins

That the apology from Councillor Adam Roberts be accepted. Councillor Roberts being absent on approved leave.

CARRIED: 8/0

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

04 CONFIRMATION OF MINUTES

RESOLVED: Hawkins/Cusato

That the Minutes of the Ordinary Council Meeting held on 18 May 2016 be confirmed.

CARRIED: 8/0

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

05 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Besseling

That the Mayoral Discretionary Fund allocations for the period 4 May to 1 June 2016 inclusive be noted.

CARRIED: 8/0

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

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Levido/Griffiths

That Council determine that the attachment to Item Number 09.08 considered as confidential, in accordance with Section 11(3) of the Local Government Act.

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Sargeant and Turner
AGAINST: Nil

08 PUBLIC FORUM

Nil.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

Item 13.01 - Ms Peta Pinson in opposition of the recommendation.

Item 13.05 - Mr Jason Clifton in support of the recommendation.

RESOLVED: Cusato/Turner

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

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Sargeant and Turner
AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Griffiths/Hawkins

That Standing Orders be suspended to allow Items 13.01 and 13.05 to be brought forward and considered next.

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Sargeant and Turner
AGAINST: Nil

13.01 QUESTION FROM PREVIOUS MEETING - COUNCIL STOCKPILING OF ROAD MATERIALS

Ms Peta Pinson addressed Council in opposition of the recommendation and answered a question from a Councillor.

RESOLVED: Turner/Levido

That Council:

1. Note the information provided in the report.
2. Provide a response to the matters raised in the address by Ms Peta Pinson.

CARRIED: 8/0

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

AGAINST: Nil

13.05 LOCAL ENVIRONMENTAL PLAN 2011 - ADMINISTRATIVE REFINEMENTS (AMENDMENT NO 38)

Mr Jason Clifton, of Hops and Tales Brewery, addressed Council in support of the recommendation.

RESOLVED: Sargeant/Hawkins

That Council take the necessary steps under Sections 58 and 59 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan 2011 (Amendment No 38) - Administrative Refinements.

CARRIED: 8/0

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

AGAINST: Nil

09.01 LAND DEVELOPMENT APPROVALS PROCESS REVIEW

RESOLVED: Hawkins/Levido

That Council:

1. Note the information contained within the Land Development Approvals Process Review report.
2. Support the priority recommendations for implementation as contained within the report.
3. Request that the General Manager table a report at the December 2016 Council Meeting detailing progress to-date on implementation of the priority recommendations, as well as detailing the implementation program for the remaining recommendations to come from the Land Development Approvals Process Review.

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Sargeant and Turner
AGAINST: Nil

09.02 SERVICES REVIEW PROJECT - PHASE 3: BUSINESS IMPROVEMENT

RESOLVED: Intemann/Hawkins

That Council endorse the Phase 3: Business Improvement Methodology that will be used to undertake the next phase of the organisation-wide Services Review Project.

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Sargeant and Turner
AGAINST: Nil

09.03 STATUS OF OUTSTANDING REPORTS TO COUNCIL

RESOLVED: Levido/Sargeant

That Council note the information in the Status of Outstanding Reports to Council report.

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Sargeant and Turner
AGAINST: Nil

09.04 DISCLOSURE OF INTEREST RETURN

RESOLVED: Sargeant/Turner

That the Disclosure of Interest return for the Building Surveyor Compliance be noted.

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Sargeant and Turner
AGAINST: Nil

09.05 DELEGATED AUTHORITIES - CERTIFICATE OF IDENTIFICATION ISSUED UNDER THE SWIMMING POOLS ACT 1992

RESOLVED: Turner/Cusato

That the seal of Council be affixed to the certificates of identification issued under the Swimming Pools Act 1992, for the following Council staff:

- Martin Garnett (Building Surveyor Compliance).

CARRIED: 8/0

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

AGAINST: Nil

09.06 INVESTMENTS - MAY 2016

RESOLVED: Hawkins/Levido

That Council note the Investment Report for the month of May 2016.

CARRIED: 8/0

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

AGAINST: Nil

09.07 MONTHLY FINANCIAL REVIEW FOR MAY 2016

RESOLVED: Hawkins/Griffiths

That Council adopt the adjustments in the "Financial and Economic Implications" section of the Monthly Financial Review for May 2016 report.

CARRIED: 8/0

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

AGAINST: Nil

09.08 REQUEST FOR BAD DEBT WRITE-OFF

RESOLVED: Intemann/Sargeant

That the accounts outlined in the Request for Bad Debt Write-off report be written off as "bad debts not recoverable".

CARRIED: 8/0

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

AGAINST: Nil

09.09 2016 - 2017 OPERATIONAL PLAN, SCHEDULE OF FEES AND CHARGES, REVENUE POLICY AND RATING MAPS

RESOLVED: Besseling/Intemann

That Council:

1. Amend the recommended One Year Operational Plan, as attached to the Council Agenda, to include the addition of \$500,000 for rural road vegetation clearing with a focus on improved safety outcomes.
2. Adopt the One Year Operational Plan 2016 - 2017, as amended, which reflects the changes outlined in the 2016 - 2017 Operational Plan, Schedule of Fees and Charges, Revenue Policy and Rating Maps Report.
3. Note the 2016 - 2017 budget position of a \$840,219 shortfall which will be reported to Council monthly during the financial year.
4. Adopt the Revenue Policy 2016 - 2017 as attached to the Council Agenda, excluding the onsite effluent annual charges which are the subject of a separate report in this meeting agenda.
5. Adopt the Schedule of Fees and Charges 2016 - 2017, including the rates and annual charges as attached to the Council Agenda, incorporating changes outlined in this report - excluding the onsite effluent annual charges which are the subject of a separate report in this meeting agenda.
6. Set the interest rate on overdue rates and charges at 8% from 1 July 2016 in accordance with the Office of Local Government directive.
7. Enter into total borrowings of \$3.425 million as outlined in the Financial Implications section of the report.
8. Adopt the 2016 - 2017 Rating Maps as attached to the Council Agenda.

CARRIED: 8/0

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

AGAINST: Nil

09.10 2016 - 2017 ONSITE SEWAGE MANAGEMENT FEES

RESOLVED: Turner/Cusato

That Council:

1. Adopt the following fees, for renewal of onsite sewage management approvals, as part of the 2016 - 2017 Schedule of Fees & Charges:
 - Low risk systems - \$35 pa.
 - Medium risk systems - \$70 pa.
 - High risk systems - \$100 pa.
 - Small commercial systems - \$200 pa.
 - Large commercial systems - \$250 pa.
2. Note that the necessary amendments to the Operational Plan documentation will be made prior to final publication.
3. Write to owners of onsite sewage management systems advising of the new fee structure and confirming the details of monitoring activities to be undertaken by Council.

CARRIED: 7/1

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

AGAINST: Griffiths

10.01 RECOMMENDED ITEM FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - MAY 2016 MEETING

RESOLVED: Besseling/Cusato

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

1. Jessica Hayes in the amount of \$230.00 to assist with the expenses she would have incurred travelling and competing as part of the North Coast Open Girls Football Team to compete at the CHS State Football Championships held in Dee Why from 31 May to 2 June 2016 inclusive.
2. Samantha Mead in the amount of \$230.00 to assist with the expenses she would have incurred travelling to and competing as part of the North Coast Open Girls Volleyball Team to compete at the CHS State Volleyball Championships held in Bathurst from 2 May to 5 May 2016 inclusive.

CARRIED: 8/0

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

AGAINST: Nil

10.02 DRAFT CULTURAL PLAN

RESOLVED: Sargeant/Intemann

That Council:

1. Place on public exhibition the Draft Cultural Plan commencing from 16 June 2016 for a minimum of 28 days.
2. Note that a further report will be tabled at the August 2016 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 8/0

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

AGAINST: Nil

10.03 2016 HERITAGE FESTIVAL REPORT

RESOLVED: Intemann/Sargeant

That Council note the information provided in the 2016 Heritage Festival report.

CARRIED: 8/0

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

AGAINST: Nil

10.04 PORTRAITS OF MEMORY EXHIBITION CLOSURE REPORT

RESOLVED: Intemann/Sargeant

That Council note the information provided in the Portraits of Memory Exhibition Closure Report.

CARRIED: 8/0

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

AGAINST: Nil

10.05 2016 ARTWALK EVENT

RESOLVED: Sargeant/Turner

That Council note the information in the 2016 Artwalk Event report.

CARRIED: 8/0

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

AGAINST: Nil

11.01 TASTINGS ON HASTINGS - PREVIOUS EVENT COMPARISONS

RESOLVED: Turner/Hawkins

That Council:

1. Note the information in the Tastings on Hastings - Previous Event Comparisons report.
2. Request the General Manager to bring a report back on the 2016 Tastings on Hastings event to the December 2016 Council Meeting.

CARRIED: 8/0

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

12.01 NOTICE OF MOTION - RECYCLING SERVICES FOR MULTI-UNIT DWELLINGS

RESOLVED: Intemann/Levido

That Council request the General Manager to provide a report to the August 2016 Council Meeting on progress and plans for improving recycling services for multi-unit dwellings.

CARRIED: 8/0

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

12.02 LOT 7 AND NO 40 READING ST, PORT MACQUARIE - REZONING AND DEVELOPMENT APPLICATION FOR SUBDIVISION

RESOLVED: Intemann/Griffiths

That Council:

1. Prepare a draft planning proposal as described in this report, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to amendments to the Land Zoning Map, Lot Size Map and Floor Space Ratio Map for Lot 7 DP 1142473, Reading Street, Port Macquarie.
 2. Forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56 - 58 of the Act.
 3. Request that the Director General of the Department of Planning & Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 59 of the Act in respect of the planning proposal.
-

CARRIED: 8/0

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

AGAINST: Nil

12.03 SUBMISSION ON THE NSW BIODIVERSITY REFORMS

RESOLVED: Besseling/Cusato

That Council forward a submission to the NSW Government in response to the public exhibition of the NSW Biodiversity Reforms.

CARRIED: 8/0

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

AGAINST: Nil

Item - 13.01 Question from Previous Meeting - Council Stockpiling of Road Materials
- has been moved to another part of the document.

13.02 CONCEPT DESIGN FORESHORE WALKWAY - BREAKWALL

RESOLVED: Hawkins/Griffiths

That Council:

1. Note the information contained in the report relating to the preparation of the Concept Plan for the Foreshore Walkway - Breakwall.
2. Place the Concept Design for the Foreshore Walkway - Breakwall on public exhibition for the period from 7 July 2016 to 19 August 2016.

CARRIED: 8/0

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

AGAINST: Nil

13.03 CONCEPT DESIGN FOR THE UPGRADE OF JOHN OXLEY DRIVE - WRIGHTS ROAD TO THE RUINS WAY

RESOLVED: Griffiths/Turner

That Council:

1. Note the information contained in this report relating to the preparation of the Concept Plan for the Upgrade of John Oxley Drive from Wrights Road to The Ruins Way.
 2. Note that the prepared concept design will be used as a corridor plan for decision making relating to activities or proposals that will impact upon the current and proposed John Oxley Drive corridor.
-

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Sargeant and Turner
AGAINST: Nil

13.04 LIVEABLE NEIGHBOURHOODS PROJECT: OPTIONS TO ENCOURAGE REDEVELOPMENT IN URBAN CONSOLIDATION AREAS

RESOLVED: Intemann/Turner

That Council:

1. Note the progress to-date on the review of potential incentives to promote urban consolidation in Port Macquarie.
2. Consider streetscape improvements to incentivise development in urban consolidation areas in the preparation of Council's 2017-2018 Operational Plan.

CARRIED: 7/1
FOR: Besseling, Cusato, Hawkins, Intemann, Levido, Sargeant and Turner
AGAINST: Griffiths

Item - 13.05 Local Environmental Plan 2011 - Administrative Refinements
(Amendment No 38) - has been moved to another part of the document.

13.06 DRAFT YIPPIN CREEK STRUCTURE PLAN

RESOLVED: Cusato/Turner

That Council:

1. Place on public exhibition the Draft Yippin Creek Report commencing from 16 June 2016, for a minimum of four weeks.
2. Note that a further report will be tabled at the August 2016 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Levido, Sargeant and Turner
AGAINST: Nil

13.07 RIVERPARK SANCROX PLANNING AGREEMENT

RESOLVED: Sargeant/Griffiths

That Council delegate authority to the General Manager to enter into and execute the Riverpark Sancrox Planning Agreement on behalf of Council.

CARRIED: 8/0

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

AGAINST: Nil

14 QUESTIONS FOR NEXT MEETING

14.01 MANAGEMENT ARRANGEMENTS FOR COUNCIL OWNED HALLS

Question from Councillor Intemann

What is the status and progress in reviewing the management arrangements for Council owned halls and when can Councillors expect a full report on this matter?

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Levido/Cusato

1. That pursuant to Section 10A - Sub-Sections 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-16-13 Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators

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-16-11 Provision of Linemarking (T251516MNC)

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 New Port Macquarie - Hastings Environmental Laboratory located at the Charles Sturt University Campus

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 Council Owned Land in William Street, Port Macquarie (PIN 34119)

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.

Item 15.05 Standard & Poors

This item is considered confidential under Section 10A(2)(e) of the Local Government Act 1993, as it contains information that would, if disclosed, prejudice the maintenance of law.

This item is considered confidential under Section 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Item 15.06 Tender T-16-20 Town Beach Park Amenities and Kiosk Funding Sources

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.

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: 8/0

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

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 7.10pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 7.23pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Cusato/Hawkins

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

Item 15.01 Tender T-16-13 Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators

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 Hire Services - Contract Plant, Ancillary Equipment and Plant Operators for a period 1 July 2016 to 30 June 2017 with a further twelve (12) month option available (at Council's sole discretion):

- Advance Sweepers Pty Ltd
- AJ & JA Wilson Family Trust
- Aqua Assets Pty Ltd
- Ben Lindsay Earthworks & Grader Hire
- Blanch Earthmoving Pty Ltd
- Bliss Excavations
- Booker Backhoe Bobcat & Tipper Hire Pty Ltd
- Bridle Demolition, Earthmoving & Recycling
- Brooks Hire Service Pty Ltd
- CNC Roads
- Coastal Hire & Sales
- Coastwide Excavations
- Coates Hire
- Conplant Pty Ltd
- CSC Industries Pty Ltd
- David Coombes
- Ditchfield Contracting Pty Ltd
- Eire Constructions Pty Ltd
- Ezyquip Hire Pty Ltd
- FJ & BJ Lyon Pty Ltd
- G H Lindsay Earthmoving Pty Ltd
- Greg Hooper Haulage Pty Ltd
- HC & K Bennett Pty Ltd
- Hoogland Plant Hire
- Hunternet
- Jim Anderson Dozer Hire Pty Ltd
- Kennards Hire
- Lake Cathie Excavation
- Laurie Mascord Backhoe Hire

-
- Magnum Haulage & Excavations
 - Marschall Bobcat Service
 - Maxwell Rural Services Pty Ltd
 - Mid Coast Cranes Pty Ltd
 - Mid North Coast Hydro Digging & Service Locating Pty Ltd
 - Mid North Coast Water Tankers Pty Ltd
 - Mitchbrook Construction
 - ML & LT Swan
 - Mortons Creek Haulage
 - Next Level Earthworks
 - ONeills Backhoe Services Pty Ltd
 - Port Mobile Fences
 - Schmutter Earthmoving & Demolition Pty Ltd
 - Stabilcorp Pty Ltd
 - Stephen McNeilly Bobcat & Tipper Hire
 - Steve Wallis Transport
 - Stowe Australia
 - TFH Hire Services Pty Ltd
 - Timbertown Excavations
 - Tipper Hire & Excavation Pty Ltd
 - Traymark Industrial Caravans
 - Tutt Bryant Hire
 - Universal Mobile Tower Hire
 - Winicki Excavations
 - YI Constructions
 - Youngsons Civil Pty Ltd.
2. Accept the Schedule of Rates from:
- Advance Sweepers Pty Ltd
 - AJ & JA Wilson Family Trust
 - Aqua Assets Pty Ltd
 - Ben Lindsay Earthworks & Grader Hire
 - Blanch Earthmoving Pty Ltd
 - Bliss Excavations
 - Booker Backhoe Bobcat & Tipper Hire Pty Ltd
 - Bridle Demolition, Earthmoving & Recycling
 - Brooks Hire Service Pty Ltd
 - CNC Roads
 - Coastal Hire & Sales
 - Coastwide Excavations
 - Coates Hire
 - Conplant Pty Ltd
 - CSC Industries Pty Ltd
 - David Coombes
 - Ditchfield Contracting Pty Ltd
 - Eire Constructions Pty Ltd
 - Ezyquip Hire Pty Ltd
 - FJ & BJ Lyon Pty Ltd
 - G H Lindsay Earthmoving Pty Ltd
 - Greg Hooper Haulage Pty Ltd
 - HC & K Bennett Pty Ltd
-

-
- Hoogland Plant Hire
 - Hunternet
 - Jim Anderson Dozer Hire Pty Ltd
 - Kennards Hire
 - Lake Cathie Excavation
 - Laurie Mascord Backhoe Hire
 - Magnum Haulage & Excavations
 - Marschall Bobcat Service
 - Maxwell Rural Services Pty Ltd
 - Mid Coast Cranes Pty Ltd
 - Mid North Coast Hydro Digging & Service Locating Pty Ltd
 - Mid North Coast Water Tankers Pty Ltd
 - Mitchbrook Construction
 - ML & LT Swan
 - Mortons Creek Haulage
 - Next Level Earthworks
 - ONeills Backhoe Services Pty Ltd
 - Port Mobile Fences
 - Schmutter Earthmoving & Demolition Pty Ltd
 - Stabilcorp Pty Ltd
 - Stephen McNeilly Bobcat & Tipper Hire
 - Steve Wallis Transport
 - Stowe Australia
 - TFH Hire Services Pty Ltd
 - Timbertown Excavations
 - Tipper Hire & Excavation Pty Ltd
 - Traymark Industrial Caravans
 - Tutt Bryant Hire
 - Universal Mobile Tower Hire
 - Winicki Excavations
 - YI Constructions
 - Youngsons Civil Pty Ltd
- for the provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators.
3. Affix the seal of Council to the necessary documents.
 4. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-13.

Item 15.02 Tender T-16-11 Provision of Linemarking (T251516MNC)

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 T-16-11 Provision of Linemarking Services for a twenty three (23) month period commencing on 1 August 2016:

-
- Oz Linemarking NSW Pty Ltd
 - Jenalad Pty Ltd t/as Whiteline Road Services.
2. Accept the Schedule of Rates from Oz Linemarking NSW Pty Ltd and Jenalad Pty Ltd t/a Whiteline Road Services for the provision of Linemarking 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-16-11 (T251516MNC).

Item 15.03 New Port Macquarie - Hastings Environmental Laboratory located at the Charles Sturt University Campus

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. Delegate authority to the General Manager to finalise negotiations with Charles Sturt University with regard to the Master and Functional Agreements associated with the establishment of Council's Environmental Laboratory as part of the new Charles Sturt University campus.
2. Accept the fees and charges proposed by Charles Sturt University as outlined in this report, associated with the establishment of Council's Environmental Laboratory as part of the new Charles Sturt University campus.
3. Note that the costs associated with Council staff engaged on Charles Sturt University research and/or teaching activities will be negotiated with Charles Sturt University on a commercial basis, or on a project by project basis.
4. Note that Council is not a party to the Funding Agreement entered into between the Commonwealth of Australia and Charles Sturt University for the purposes of establishing the Food Soil and Water Research Centre (FSWRC) as part of the new Charles Sturt University campus in Port Macquarie.

Item 15.04 Council Owned Land in William Street, Port Macquarie (PIN 34119)

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. Note the information contained in the Council Owned Land in William Street, Port Macquarie (PIN 34119) report.
2. Defer this matter to the July 2016 Council meeting pending a confidential Councillor briefing with Gowing Brothers Limited in relation to a proposal for Council to enter into a Call Option with Gowing Brothers Limited for an option to purchase the Council owned land in William Street, Port Macquarie (PIN 34119).

Item 15.05 Standard & Poors

This item is considered confidential under Section 10A(2)(e) of the Local Government Act 1993, as it contains information that would, if disclosed, prejudice the maintenance of law.

This item is considered confidential under Section 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

RECOMMENDATION

That Council authorise the General Manager to execute a Deed of Covenant in City of Swan & Ors v McGraw Hill Financial, Inc & Anor - Federal Council of Australia Proceedings No NSD 656 of 2013 on behalf of Port Macquarie-Hastings Council.

Item 15.06 Tender T-16-20 Town Beach Park Amenities and Kiosk Funding Sources

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. Note the potential funding sources outlined in the Tender T-16-20 Town Beach Park Amenities and Kiosk Funding Sources report.
2. Increase the remaining project budget allocation for the Town Beach Park Amenities and Kiosk to \$621,978 from the sources identified.
3. Accept the Tender from MCR Building for \$534,109 (excl GST).
4. Affix the seal of Council to the necessary documents.
5. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-20.

CARRIED: 8/0

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

AGAINST: Nil

The meeting closed at 7.24pm.

.....
Peter Besseling
Mayor

Item: 05
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

I, declare the following interest:

☐

Pecuniary:

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

☐

Non-Pecuniary - Significant Interest:

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

☐

Non-Pecuniary - Less than Significant Interest:

May participate in consideration and voting.

For the reason that:
.....

Signed: Date:

(Further explanation is provided on the next page)

Further Explanation

(Local Government Act and Code of Conduct)

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

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

Pecuniary Interest

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

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

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

Non-Pecuniary

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

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

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

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

Non Pecuniary – Significant Interest

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

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

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

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

Non Pecuniary – Less than Significant Interest

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

Councillor's Signature: Date:

Important Information

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

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

-
- i. Section **443** (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative^{iv} or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- ii. Section **442** of the *Local Government Act 1993* provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section **448** of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- iii. A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section **443** (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest—see section **448** (g) (ii) of the *Local Government Act 1993*.
- iv. **Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

Item: 06.01

Subject: MAYORAL MINUTE - MAYORAL DISCRETIONARY FUND
ALLOCATIONS

Mayor, Peter Besseling

RECOMMENDATION

That the Mayoral Discretionary Fund allocations for the period 2 June to 30 June 2016 inclusive be noted.

Discussion

Mayoral Discretionary Fund Allocations

The total commitment from the Mayoral Discretionary Fund from 2 to 30 June 2016 inclusive was \$800.00.

This included the following:

Donation to Million Metres for MND fundraiser	\$150.00
Donation to Hope Shop Masquerade Ball fundraiser	\$200.00
Donation to fundraiser at Camden Haven Golf Club for Sarah McIntosh	\$50.00
Donation to Hastings Women's & Children's Refuge	\$400.00
	<hr/>
	\$800.00

Attachments

Nil

Item: 07

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

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

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

RECOMMENDATION

That Council determine that the attachment to Item Numbers 13.06 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:

Item No:	13.06
Subject:	Queens Grant Estate - Acquisition of Private Lots
Attachment Description:	Legal Advice, Lindsay Taylor Lawyers
Confidential Reason:	Refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings, on the ground of legal professional privilege Local Government Act 1993 - Section 10A(2)(g).

Item: 08**Subject: PUBLIC FORUM**

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

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

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

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

Ensuring Good Governance

What are we trying to achieve?

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

What will the result be?

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

How do we get there?

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

Ensuring Good Governance

Item: 09.01

Subject: STATUS OF OUTSTANDING REPORTS TO COUNCIL

Presented by: Corporate and 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 note the information in the Status of Outstanding Reports to Council report.

Discussion

Reports requested by Council

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Council Policy Template Review (Item 09.07 - OC 15/07/15)		DCOS	Dec 2015	Jul 2016
Development Contributions for Student Accommodation - results of trial (Item 13.06 - OC 19/11/14)	Delayed to align with timing of report on Development Contributions for Non Residential Development - outcome of trials. (Item 13.07 - OC 20/05/15)	DDES	Jun 2016	Jul 2016
Development Contributions for Non Residential Development - outcome of trials. (Item 13.07 - OC 20/05/15)		DDES		Jul 2016
Queens Grant Estate - legal and other implications associated with withdrawing from the voluntary acquisition program of lots in the Queens Grant Estate. (Item 11.01 - OC 20/04/16)		DCOS		Jul 2016

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
QFPM - Management Arrangements for Council Owned Halls (Item 14.01 - OC 15/06/16)		DCEG		Jul 2016
Progress on Recreational Boating & RMS investigations for Hastings & Camden Haven Rivers (Item 13.10 - OC 19/08/15)	Studies have commenced but nothing further to report at this point in time.	DCEG		Aug 2016
NOM - Recycling Services for Multi-Unit Dwellings (Item 12.01 - OC 15/06/16)		DDES		Aug 2016
Three Villages Sewerage Scheme Construction - options to deliver fit-for-purpose and value-for-money. (Item 09.02 - EX-OC 29/07/15)	Awaiting funding determination.	DIAM	Nov 2015	Aug 2016
Committee Review - articulate recommendations to ensure ongoing effectiveness of Committees. (Item 09.05 - OC 20/04/16)		DCOS		Oct 2016
Water Fluoridation - request for detailed information on studies and programs. (Item 10.01 - OC 15/07/15)	Awaiting further information from NSW Health	DIAM		Nov 2016
2016 Tastings on Hastings Event (Item 11.01 - OC 15/06/16)		DCEG		Dec 2016
Land Development Approvals Process Review (Item 09.01 - OC 15/06/16)		GM		Dec 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

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
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	Feb 2017
Planning Controls for Short Term Rental Accommodation Report on findings and recommendations arising from the Inquiry ' <i>Adequacy of the regulation of short-term holiday letting in NSW</i> '. (Item 13.07 - OC 16/03/16)		DDES		Mar 2017

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 (May, Aug, Nov, Feb)
Glasshouse Quarterly Report	DCOS	Quarterly (July, Oct, Feb, Apr)
Delivery Program - Progress Report	DCEG	Biannual (Mar, Sept)
Operational Plan - Progress Report	DCEG	Biannual (May, Oct)
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)
Council Policy - Status Report	DCOS	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)

Ensuring Good Governance

Report	Reporting Officer	Reporting Cycle
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)
Update Report - Impact of cost shifting for the previous financial year including any additional categories of cost-shifting that have been identified (Item 09.04 - OC 21/10/15)	DCOS	Annually (Nov)

Attachments

Nil

Ensuring Good Governance

Item: 09.02

Subject: 2016-2017 COUNCILLOR AND MAYORAL FEES

Presented by: Corporate and Organisational Services, Rebecca Olsen

Alignment with Delivery Program

1.2.1 Provide effective leadership that supports the community.

RECOMMENDATION

That in relation to Councillor remuneration for the 2016-2017 financial year, Council:

- 1. Pursuant to the provisions of section 248(2) of the Local Government Act 1993, Council set the annual fee payable to a Councillor for the financial year commencing 1 July 2016 to be \$18,840.**
- 2. Pursuant to the provisions of section 249(3) of the Local Government Act 1993, Council set the annual fee payable to the Mayor for the financial year commencing 1 July 2016 to be \$59,930 (this amount includes the fee payable to a Councillor).**
- 3. Amend the 2016-2017 budget allocation for Councillor and Mayoral Fees in accordance with the fees set for 2016-2017.**

Executive Summary

The Local Government Remuneration Tribunal on 29 March 2016 released its determination in relation to its 2016 annual review for the payment of fees to Councillors and Mayors.

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

Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Regional Rural	\$8,540	\$18,840	\$18,180	\$41,090

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

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

Discussion

On 29 March 2016, the Local Government Remuneration Tribunal made its determination in relation to its 2016 Annual Review for the payment of fees to Councillors and Mayors. The review focused on the determination of annual fees to be paid in each of the categories to councillors and mayors.

Ensuring Good Governance

The full 2016 Report (Report) from the Local Government Remuneration Tribunal is at attachment 1.

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

The Report noted that, in respect to the current structural or legislative changes to local government not being finalised:

"On that basis, and given the limitations placed on the Tribunal in respect of determining increases in fees, mayors were advised on 20 January 2016 that general submissions from individual councils were not required for the 2016 review."

The Tribunal did however seek a submission from Local Government NSW (LGNSW) and subsequently met with the President and Chief Executive of LGNSW."

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

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

Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Principal City	\$25,670	\$37,640	\$157,030	\$206,620
Major City	\$17,110	\$28,240	\$36,360	\$82,270
Metropolitan Major	\$17,110	\$28,240	\$36,360	\$82,270
Metropolitan Centre	\$12,830	\$23,950	\$27,260	\$63,640
Metropolitan	\$8,540	\$18,840	\$18,180	\$41,090
Regional Rural	\$8,540	\$18,840	\$18,180	\$41,090
Rural	\$8,540	\$11,290	\$9,080	\$24,630
County Council- Water	\$1,700	\$9,410	\$3,640	\$15,460
County Council- Other	\$1,700	\$5,630	\$3,640	\$10,270

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

Options

Council must determine the Councillor Fee for the 2016-2017 financial year within the relevant band of the 2015 Local Government Remuneration Tribunal determination.

Councillor Fee \$8,540 - \$18,840

Council must determine the Mayoral Fee for the 2016-2017 financial year within the relevant band of the 2015 Local Government Remuneration Tribunal determination.

Mayoral Fee \$18,180 - \$41,090

Community Engagement & Internal Consultation

Ensuring Good Governance

Internal Consultation

- Group Manager Governance and Executive Services.

Planning & Policy Implications

As per Council's current Payment of Expenses and Provision of Facilities to Councillors Policy:

"Pursuant to section 248 of the Act, Council shall, prior to 30 June each year, set by resolution, the annual fees to be paid to the Councillors for the following year commencing on 1 July provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal."

Unfortunately the circular from the Office of Local Government was provided within two working days of the June 2016 Ordinary Council meeting, therefore, leaving no time for a Report to be provided to the June meeting.

Council's past practice has been to adopt the maximum fee determined by the Tribunal for both Councillors and the Mayor, as shown in the table below.

Individual Councillor Annual Fee	Total Mayoral Annual Fee
\$18,840	\$59,930

Financial & Economic Implications

2016-2017 Budget Allocations:

It was anticipated that an increase would be decided by the Tribunal; therefore, the 2016-2017 budget provided provision for:

- Councillor Allowances- \$150,700.
- Mayoral Allowances- \$59,900.

If Council were to adopt the recommendations within this Council Report, the 2016-2017 budget would be amended to the following:

- Councillor Allowances- \$150,720.
- Mayoral Allowances- \$59,930.

Attachments

1 [View](#). 2016 Annual Determination LGRT

Ensuring Good Governance

Item: 09.03

Subject: CODE OF MEETING PRACTICE

Presented by: Corporate and 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 363 of the Local Government Act 1993, amend the code of meeting practice as outlined in the Code of Meeting Practice report.
2. Pursuant to section 364 of the Local Government Act 1993, make the adopted code of meeting practice publicly available.

Executive Summary

After using the revised Code of Meeting Practice (Code) (adopted 16 March 2016) at a number of Council meetings, it has been recognised that there is an opportunity to remove duplication in the Code, by removing the Question On Notice section.

Section 241(1) of the *Local Government (General) Regulation 2005* requires notice to be given of matters to be raised at council meetings, but does not state the specific requirement of a Question On Notice.

With reference to the above, the attached Code has been revised to remove the Question on Notice section only.

The impact associated with removing the Question On Notice section is minimal as Councilors are still able to request a Notice of Motion, prior to the Ordinary Council meeting.

It is recommended that Council amends the Code in accordance with section 363 of the *Local Government Act 1993* (the Act).

Discussion

A Council, under the *Local Government Act 1993* (the Act) may adopt a Code of Meeting Practice (Code) that regulates the conduct of Council and committee meetings.

After using the revised Code of Meeting Practice (Code) (adopted 16 March 2016) at a number of Council meetings, it has been recognised that there is an opportunity to remove duplication in the Code, by removing the Question On Notice section.

Ensuring Good Governance

The table below provides information as to the mechanics of a Question on Notice, Question Next Meeting and Notice of Motion in the current Code.

	Received by	Must be addressed	Outcome required	Outcome required by
Question On Notice	Received by 5:00pm on the Monday a full week prior to the relevant Meeting of Council	No. The General Manager (or their delegate) may exclude from the agenda any Question on Notice which may have the effect of exposing a Councillor, the Council, or a member of staff, to an action for defamation.	Answer to question provided.	Next month Council meeting.
Question Next Meeting	At the Ordinary Council meeting that it is being raised at.	Yes. Any Question for Next Meeting posed by a Councillor will be recorded in the Minutes of the Meeting.	Answer to question provided.	Next month Council meeting.
Notice of Motion	Received by 5:00pm on the Monday a full week prior to the relevant Meeting of Council	Yes, If the requirements of clause 1.7.2 are satisfied (not unlawful), the General Manager will then include the Motion in the relevant business paper.	Motion considered.	The current month Council meeting.

Department of Local Government Practice note

The practice note that was provided by the Department of Local Government (former Office of Local Government) states that there is a requirement for a Question For Next Meeting but is silent on the Question On Notice, as shown below:

The Division considers that it is acceptable for a council to adopt a practice of allowing councillors, just prior to the end of a meeting, to raise questions on the understanding that the answers will be provided at the following meeting. Such questions should be recorded in the minutes of the meeting. This could be formalised by way of an agenda item "Questions for Next Meeting". This would constitute a means of giving notice of the question for the following meeting, provided that there is sufficient time between the two meetings to meet the notice requirements of clause 241. When such questions are listed, there is nothing preventing an answer being given straight away, if it makes sense to do so.

Local Government (General) Regulation 2005

Section 241(1) of the *Local Government (General) Regulation 2005* requires notice to be given of matters to be raised at council meetings, but does not state the specific requirement of a Question On Notice:

241 Giving notice of business

*(1) A council must not transact business at a meeting of the council:
(a) unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and*

Ensuring Good Governance

(b) unless notice of the business has been sent to the councillors in accordance with section 367 of the Act.

Proposed changes to be made from current Code

With reference to the above sections, the attached Code has been (revised from version 17 to version 18) to remove the Question on Notice section only.

Impact associated with the change

The change removes duplication in the Code. The impact associated with removing the Question On Notice section is minimal as Councilors are still able to request a motion to be considered at the upcoming Ordinary Council meeting, if a Notice of Motion is received 5:00pm the week prior to the Council meeting.

Implementation

It is recommended that Council adopts the Code in accordance with section 363 of the *Local Government Act 1993* (the Act).

Options

Council has an option not to adopt the draft code as its Code of Meeting Practice without public exhibition.

Community Engagement & Internal Consultation

Community Engagement

At the time of completing this report, Councillors are planned to be briefed in relation to this matter on 13 July 2016.

Internal Consultation

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

Planning & Policy Implications

It is proposed that the draft Code of Meeting Practice replace the current Code of Meeting Practice. The proposed draft Code is provided as Attachment 1.

Financial & Economic Implications

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

Attachments

1 [View](#). Draft Code of Meeting Practice

Ensuring Good Governance

Item: 09.04

Subject: DESIGNATED PERSONS

Presented by: Corporate and 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 determine that the following position become a Designated Person pursuant to the provisions of section 441 of the Local Government Act 1993:

- Group Manager Organisational Performance.

Executive Summary

This report identifies a position within Council that should be added to the Council's list of Designated Persons.

Discussion

Section 441 of the *Local Government Act 1993* ("the Act") states:

"For the purposes of this Chapter, designated persons are:

- *the General Manager*
- *other senior staff of Council*
- *a person (other than a member of the senior staff of the Council) who is a member of staff of the Council or a delegate of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interests"*

As new positions are established or positions responsibilities change, it is necessary to review the list of Council positions which should become Designated Persons.

"Designated Persons" must:

- prepare and submit written returns of interest in accordance with section 449 of the Act.
- disclose pecuniary interests in accordance with section 459 of the Act.

The Office of Local Government has previously advised that the range of Designated Persons must include individuals with delegations to issue orders, approvals or consents under any Act.

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Based on this information, the following position is required to be added to the existing list of Designated Positions within Council:

- Group Manager Organisational Performance.

Duties of the positions listed above can involve the issuing of orders, approvals or consents under the Local Government and related Acts. These positions have the ability to make recommendations and influence Council.

The Group Manager Organisational Performance role absorbs the responsibilities of the previous Group Manager Organisational Development; as a result, the Group Manager Organisational Development role will be deleted from the designated persons list.

Options

Council has the option of reviewing the position for inclusion on the current list of Designated Persons.

Community Engagement & Internal Consultation

Internal Consultation

Consultation has taken place with:

- General Manager.
- Director Corporate and Organisational Services.
- Group Manager Governance & Executive Services.

Planning & Policy Implications

Nil.

Financial & Economic Implications

Nil.

Attachments

Nil

Ensuring Good Governance

Item: 09.05

Subject: INVESTMENTS - JUNE 2016

Presented by: Corporate and 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 June 2016.

Executive Summary

- Total funds invested as at 30 June 2016 equals \$210,196,598.
- Year-to-date investment income of \$7,386,171 is 176.17% of the total annual investment income budget of \$4,192,650.
- In line with Council's Investment Policy, the total portfolio has performed above benchmark levels.

Discussion

This report provides details of and certifies that all funds that Council has invested as of 30 June 2016, comply with Section 625 of the Local Government Act 1993. All investments have been made in accordance with the Act and Regulations, and Council's Investment Policy.

As at 30 June 2016, the investments held by Council totalled \$210,196,598. At the time of writing this report, key end of financial year transactions were still being processed which have not allowed for the determination of allocation of monies between Council funds. This is consistent with prior years. Consequently, Investments by Funds are not detailed in this report.

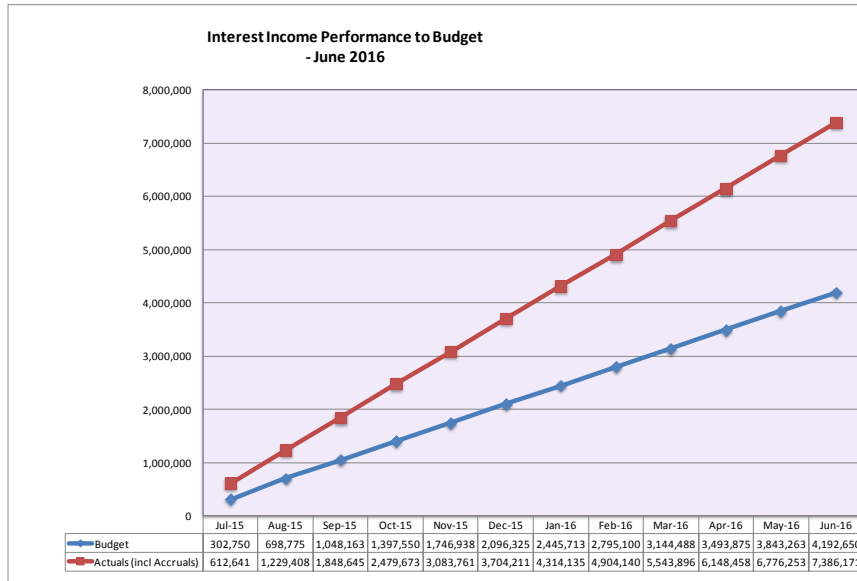
These monies are predominantly restricted funds from loans, s94 contributions and other avenues which are committed for future works. These funds may be spent in the shorter or longer term depending on whether they are allocated to specific projects or held to accumulate to allow for larger works. The totals will fluctuate dependent on the status of individual projects.

Of the total investments, only a small portion relates to unrestricted funds, with most of the unrestricted funds being required to fund day to day operations. The total amount of unrestricted funds available is calculated only at financial year end, with the calculations for 30 June 2016 still underway. As at the prior financial year end (30 June 2015) the amount was \$3.654m.

Ensuring Good Governance

Portfolio Performance

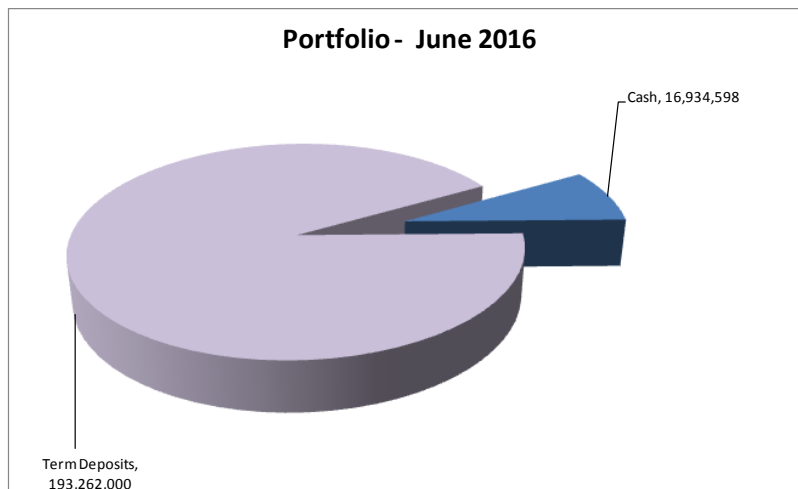
- Council's total investment portfolio performance for June 2016 was 1.29% above the benchmark (3.48% against 2.19%). Benchmark being the Bank Bill reference rate as at 29 June 2016 in the Australian Financial Review published 1 July 2016.
- The total year-to-date investment income of \$7,386,171 is 176.17% of the total annual budget of \$4,192,650.



The year-to-date actual reflects total earning including both cash and accruals.

Investment Portfolio Mix

Council's current portfolio is represented by cash and term deposits. The total term deposits represent 91.94% of the total investment portfolio. As at 30 June 2016, the total investment portfolio was \$210,196,598 down from \$217,865,554 as at the end of May 2016. This consists of term deposits of \$193,262,000 and cash \$16,934,598.



Term Deposits - Current month \$193,262,000 - Prior month \$201,262,000

Ensuring Good Governance

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

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

Table 1 - Term to Maturity

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

Term to Maturity	Balance \$	% Held	Policy Min	Policy Max
0 - 12 months	\$114,262,000	59.12%	40.00%	100.00%
1 - 3 years	\$74,000,000	38.29%	0.00%	60.00%
3 - 5 years	\$5,000,000	2.59%	0.00%	30.00%
5+ years				
Grand Total	\$193,262,000	100.00%		

Table 2 - Overall Portfolio Credit Framework

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

Rating Framework	Total	% Held	Maximum % Policy	Variance
A	72,362,000	37.44%	60.00%	22.56%
AA	89,900,000	46.52%	100.00%	53.48%
BBB	27,000,000	13.97%	15.00%	1.03%
ADI/Unrated	4,000,000	2.07%	10.00%	7.93%
Grand Total	193,262,000	100%		

These tables show the total amount held for Council's term deposits.

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.

Cash - Westpac Business Cash Reserve Account
Current month \$16,934,598 - Prior month \$16,603,554

This is not available unrestricted cash.

Ensuring Good Governance

This is a maxi account which the Council uses as a cash management 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.

Throughout the month of June \$8 million in funds matured with no funds invested into term deposits. Additional funds were utilised during the month for increased end of financial year creditor payments.

It should be noted that funds currently within the Westpac Business Cash Reserve Account are attracting an interest rate of 2.45% being the current cash rate plus 0.7% (based on the cash rate drop on 3 May 2016), which performs better to the benchmark (2.19% June).

The largest sector of the portfolio is the term deposit allocation of \$193,262,000 (last month \$201,262,000) or 91.94% of the total.

Ensuring Good Governance

Investment Portfolio by Maturity Date - as at 30 June 2016

Inv Name	Type	Rating	Purchase Date	Maturity Date	Yield	Face Value
National Australia Bank	TD	AA-	9-Mar-15	11-Jul-16	3.15%	6,000,000
Bendigo Bank	TD	A-	22-Jul-15	22-Jul-16	3.00%	362,000
Bendigo Bank	TD	A-	22-Jul-15	22-Jul-16	3.00%	2,000,000
National Australia Bank	TD	AA-	23-Feb-16	25-Jul-16	3.06%	2,000,000
Bendigo Bank	TD	A-	8-Oct-15	8-Aug-16	2.95%	4,000,000
St George Bank	TD	AA-	21-Aug-15	21-Aug-16	2.98%	5,000,000
National Australia Bank	TD	AA-	10-Mar-16	8-Sep-16	3.12%	2,000,000
Bank of Queensland	TD	A-	13-Sep-13	13-Sep-16	4.55%	3,000,000
Westpac Banking Corporation	TD	AA-	14-Sep-11	14-Sep-16	6.05%	7,000,000
National Australia Bank	TD	AA-	3-May-16	4-Oct-16	3.10%	1,000,000
National Australia Bank	TD	AA-	10-Mar-16	6-Oct-16	3.11%	4,000,000
Bank of Queensland	TD	A-	23-Feb-16	24-Oct-16	3.10%	3,000,000
Newcastle Permanent	TD	BBB-	23-Oct-14	24-Oct-16	3.75%	5,000,000
Rabobank	TD	Aa2	11-Nov-11	11-Nov-16	6.30%	2,000,000
Westpac Banking Corporation	TD	AA-	11-Nov-11	11-Nov-16	6.22%	3,000,000
Bendigo Bank	TD	A-	13-Nov-15	13-Nov-16	2.85%	2,000,000
National Australia Bank	TD	AA-	26-Nov-14	28-Nov-16	3.65%	2,000,000
Bendigo Bank	TD	A-	14-Dec-15	14-Dec-16	3.05%	2,000,000
National Australia Bank	TD	AA-	17-Dec-14	19-Dec-16	3.65%	2,000,000
National Australia Bank	TD	AA-	17-Dec-14	19-Dec-16	3.65%	3,000,000
ING Bank (Australia) Limited	TD	A-	20-Dec-11	20-Dec-16	6.16%	3,000,000
National Australia Bank	TD	AA-	14-Jan-16	16-Jan-17	3.05%	5,000,000
National Australia Bank	TD	AA-	22-Mar-16	23-Jan-17	3.14%	4,000,000
ME Bank	TD	BBB-	12-Feb-16	13-Feb-17	3.05%	2,000,000
ME Bank	TD	BBB	23-Feb-16	23-Feb-17	3.12%	2,000,000
National Australia Bank	TD	AA-	23-Feb-15	23-Feb-17	3.18%	4,000,000
ING Bank (Australia) Limited	TD	A-	8-Mar-16	8-Mar-17	3.05%	4,000,000
Bank of Queensland	TD	A-	9-Mar-15	9-Mar-17	3.15%	6,000,000
Westpac Banking Corporation	TD	AA-	12-Mar-14	12-Mar-17	4.38%	3,000,000
National Australia Bank	TD	AA-	14-Jan-16	13-Apr-17	3.04%	2,000,000
Bank of Queensland	TD	A-	17-Apr-15	17-Apr-17	3.10%	2,000,000
Westpac Banking Corporation	TD	AA-	27-Apr-16	27-Apr-17	3.23%	4,000,000
National Australia Bank	TD	AA-	12-May-15	12-May-17	3.08%	4,000,000
Newcastle Permanent	TD	BBB-	13-May-15	12-May-17	3.10%	4,000,000
Bendigo Bank	TD	A-	16-May-16	16-May-17	3.00%	1,000,000
Bank of Queensland	TD	A-	18-Jun-15	18-Jun-17	3.05%	2,000,000
National Australia Bank	TD	AA-	18-Jun-15	19-Jun-17	2.99%	1,900,000
Bendigo Bank	TD	A-	22-Jul-15	24-Jul-17	3.10%	4,000,000
Bendigo Bank	TD	A-	8-Mar-16	8-Aug-17	3.15%	3,000,000
Police Credit Union SA	TD	ADI/Unrated	12-Feb-16	14-Aug-17	3.10%	2,000,000
AMP Bank	TD	AA-	4-Sep-15	4-Sep-17	2.90%	5,000,000
Westpac Banking Corporation	TD	AA-	4-Sep-14	4-Sep-17	4.07%	2,000,000
Bendigo Bank	TD	A-	8-Oct-15	8-Oct-17	2.98%	5,000,000
ANZ Bank	TD	AA-	13-Nov-12	13-Nov-17	4.87%	2,000,000
Bank of Queensland	TD	A-	13-Nov-15	13-Nov-17	3.00%	2,000,000

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Inv Name	Type	Rating	Purchase Date	Maturity Date	Yield	Face Value
Westpac Banking Corporation	TD	AA-	23-May-16	23-Nov-17	2.95%	3,000,000
Newcastle Permanent	TD	BBB-	14-Dec-15	14-Dec-17	3.20%	2,000,000
Bendigo Bank	TD	A-	14-Jan-16	15-Jan-18	3.10%	2,000,000
Police Credit Union SA	TD	ADI/Unrated	12-Feb-16	12-Feb-18	3.15%	2,000,000
Bendigo Bank	TD	A-	8-Mar-16	8-Mar-18	3.20%	3,000,000
Defence Bank	TD	BBB+	22-Mar-16	22-Mar-18	3.25%	4,000,000
Westpac Banking Corporation	TD	AA-	27-Apr-16	27-Apr-18	3.29%	4,000,000
Bendigo Bank	TD	A-	16-May-16	16-May-18	3.05%	2,000,000
Newcastle Permanent	TD	BBB-	16-May-16	16-May-18	3.10%	2,000,000
Bank of Queensland	TD	A-	20-Jun-13	20-Jun-18	5.00%	4,000,000
Westpac Banking Corporation	TD	AA-	4-Sep-14	4-Sep-18	4.22%	4,000,000
Bendigo Bank	TD	A-	7-Sep-15	7-Sep-18	3.00%	5,000,000
ME Bank	TD	BBB	14-Dec-15	14-Dec-18	3.33%	2,000,000
Rabobank	TD	Aa2	20-Jan-15	20-Jan-19	3.90%	2,000,000
Newcastle Permanent	TD	BBB-	8-Mar-16	8-Mar-19	3.60%	2,000,000
Rabobank	TD	Aa2	23-May-16	23-May-19	3.15%	6,000,000
Newcastle Permanent	TD	BBB-	10-Mar-16	10-Mar-20	3.70%	2,000,000
Bank of Queensland	TD	A-	10-Mar-16	10-Mar-21	3.80%	3,000,000
Total TD's						193,262,000
Westpac Business Cash Reserve Account	CASH				2.45%	16,934,598
Total Portfolio						\$210,196,598

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. No investments were placed this month..When an investment is placed, at least three quotes are 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

There are no planning and policy implications.

Financial & Economic Implications

Benchmark and budget levels have been met.

Council's total investment portfolio performance for June 2016 is 1.29% above the benchmark (3.48% against 2.19%) and year to date income at 176.17% 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

Ensuring Good Governance

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.

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. Within the 2015-2016 financial year Council refunded bonds with an associated interest component of \$42,853.39.

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.

Robyn Wilson
Responsible Accounting Officer

Attachments

Nil

Ensuring Good Governance

Item: 09.06

Subject: COUNCIL POLICY REVIEW

Presented by: Corporate and Organisational Services, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Adopt the draft policy template attached to the Council Policy Review report.
2. Request that within the next 12 months, the General Manager review all policies that have not been reviewed in the last 12 months that were identified as requiring a change during the 2015 Council policy review.
3. Place on public exhibition from 29 July 2016 to 26 August 2016 (28 days) the *Beach Areas Permitting Dogs in the Local Government Area Policy*, with the intention to rescind.

Executive Summary

A review has been conducted of the Council policy template. It is recommended to adopt the attached draft Council policy template that meets the requirements as per the previous Council resolution of:

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

In March 2016, a review was conducted of all Council adopted policies. As a result of the review it is recommended to:

- Conduct a review of all policies that were identified as requiring a review; and
- place on public exhibition the *Beach Areas Permitting Dogs in the Local Government Area Policy*, with the intention to rescind.

Discussion

At the Ordinary Council meeting held on 15 July 2015, Council considered a report (Item 9.07) regarding the Making of Council Policy. At the meeting, Council resolved as follows:

09.07 MAKING OF COUNCIL POLICY

RESOLVED: Intemann/Griffiths

That Council:

Ensuring Good Governance

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

Point four of the above resolution is being addressed by this Council report.

Review of the Council's Policy template

As resolved at the 15 July 2015 Ordinary Council meeting, a Council policy template has been developed (attached). A thorough and complete review was undertaken and internal stakeholder consultation was elicited and considered effectively, as a consequence the duration of this initiative was longer than anticipated. As a product of the review the draft policy template meets the requirements as per the resolution of:

- Removing superfluous sections/headings and information.

A total of 14 sections and sub sections have been merged. This has resulted in a reduction from 21 sections and sub sections in the current template to seven sections (not including the header and footer) in the draft attached template. This will result in a template that is easier to use, read and maintain.

- Increasing the prominence of the Policy Statement section of the template.

The policy statement section is now the second section of the draft template, as opposed to being addressed in both the sixth and ninth section of the current template. This will result in the policy statement being on the front page of the policy, making it more prominent to the reader.

Council Policy Review

As per the Council adopted Policy *Making a Council Policy*, an annual review was conducted in March 2016 in relation to the 78 current Council adopted policies, the detail is shown the attached table.

The methodology of the review that was undertaken was focussed on examining the time period since the policy was reviewed. The summary of the result of the review is in the table below:

Last reviewed	Total number
Within the last 12 months	7
Greater than 12 months and after September 2012	16

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Pre September 2012	55
	78

Other information gathered through the review

- The *Beach Areas Permitting Dogs in the Local Government Area* policy was superseded by the *Dogs In Public Open Spaces* policy (adopted by Council 20 April 2011).

As a result of the review, it is recommended:

- that to support a risk based approach, in the next 12 months, all policies that have not been reviewed in the last 12 months that were identified as requiring a change during the 2015 Council policy review (44 policies), are reviewed (as identified in attachment); and
- to place on public exhibition the *Beach Areas Permitting Dogs in the Local Government Area Policy*, with the intention to rescind.

Options

Council has the option to not adopt the recommended draft Council policy template attached to this report.

Council has an option not to request the recommended policies to be reviewed.

Council has an option not to publically exhibit the *Beach Areas Permitting Dogs in the Local Government Area Policy*, with the intention to rescind.

Community Engagement & Internal Consultation

Community Engagement

A total of three Councillors provided feedback in relation to the draft Council policy template.

Internal Consultation

- General Manager.
- Director Community and Economic Growth.
- Director Corporate and Organisational Services.
- Director Development and Environment.
- Director Infrastructure and Asset Management.
- Group Manager Governance and Executive Services.

Planning & Policy Implications

No planning implications are identified.

Policy implications are favourable, as the relevance and effectiveness of policies will improve.

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Financial & Economic Implications

No financial or economic implications have been identified.

Attachments

1[View](#). Draft Council policy template

2[View](#). March 2016 Council adopted policy review

Ensuring Good Governance

Item: 09.07

Subject: GLASSHOUSE QUARTERLY REPORT

Presented by: Corporate and 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 note the information provided in the Glasshouse Quarterly Report.

Executive Summary

At the Ordinary Council Meeting held on 20 February 2013, Council resolved:

08.17 GLASSHOUSE FINANCES

RESOLVED: Hawkins/Roberts

That Council:

- 1. Note the information contained in the report.*
- 2. Adopt the budget amendments to the current financial year as detailed in the confidential attachment.*
- 3. Request a detailed quarterly Glasshouse financial report be tabled at relevant Council meetings commencing from the fourth quarter reporting period of the 2012/2013 financial year i.e. the first quarterly report to be tabled in July 2013. The report should be sufficiently detailed to provide a break down across the key reporting categories for the Glasshouse i.e. Commercial, Community, Cultural, Front of House, Back Of House and Glasshouse Management.*
- 4. That a report be prepared for the March 2013 Council Meeting outlining possible options for debt reductions for the Glasshouse.*

CARRIED: 8/0

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

AGAINST: Nil

Further, at the Ordinary Council Meeting held on 16 July 2014, Council resolved:

09.04 GLASSHOUSE STRATEGIC PLAN

Ensuring Good Governance

MOTION

MOVED: Roberts/Turner

That Council:

- 1. Adopt the Glasshouse Strategic Plan 2014 - 2017 as detailed in this report.*
- 2. Request that the General Manager include within the Glasshouse Financial Quarterly Report, an update on progress made against the Glasshouse Strategic Plan, commencing in October 2014.*
- 3. Waive the fee for display of brochures in the Glasshouse to previous partnership program members (as at 30 June 2014) pending the outcome of the review of information services prescribed at Action 2.2 of the Glasshouse Strategic Plan.*

FORESHADOWED MOTION

MOVED: Sargeant

That Council defer consideration of the Glasshouse Strategic Plan subject to further

information being provided as previously outlined relating to levels of service and overall management and financial matters.

THE MOTION WAS PUT

RESOLVED: Roberts/Turner

That Council:

- 1. Adopt the Glasshouse Strategic Plan 2014 - 2017 as detailed in this report.*
- 2. Request that the General Manager include within the Glasshouse Financial Quarterly Report, an update on progress made against the Glasshouse Strategic Plan, commencing in October 2014.*
- 3. Waive the fee for display of brochures in the Glasshouse to previous partnership program members (as at 30 June 2014) pending the outcome of the review of information services prescribed at Action 2.2 of the Glasshouse Strategic Plan.*

CARRIED: 7/1

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

AGAINST: Sargeant

At the Ordinary Council Meeting held on 21 October 2015, Council also resolved:

09.12 GLASSHOUSE QUARTERLY REPORT AND UPDATE ON STRATEGIC PLAN RECOMMENDATIONS

RESOLVED: Roberts/Levido

That Council:

- 1. Note the information provided in the report.*
- 2. Request that in future reports the updated status of the Glasshouse loan balances be reported.*

CARRIED: 8/0

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

AGAINST: Nil

Accordingly, this report tables a quarterly report on the Glasshouse finances as at 30 June 2016 including the updated status of the Glasshouse loan balances, and provides an update on progress achieved against the Recommendations identified in the Glasshouse Strategic Plan 2014 - 2017.

Ensuring Good Governance

Discussion

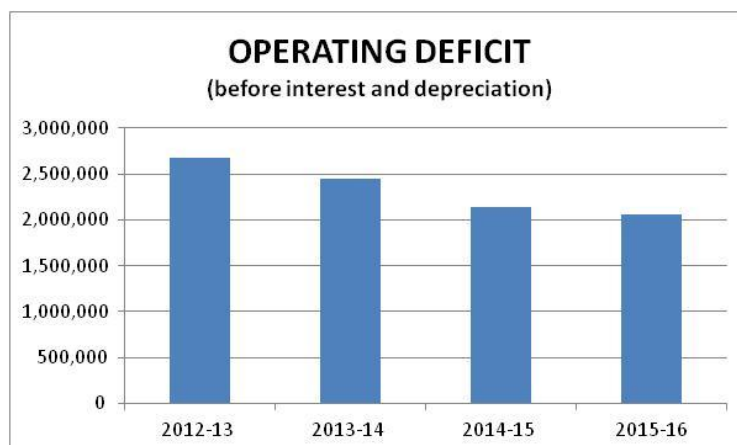
Glasshouse Finances

The June review represents finalisation of the 2015-16 financial year and is indicative of an end of year result. End of year journals including depreciation and Council overhead distributions are yet to occur. For the purposes of this report, the annual budgeted figure for Council overheads/depreciation has been used.

The draft end of financial year operating result for the Glasshouse (excluding interest and depreciation) is \$2,064,953. *This same result last financial year was \$2,138,726 - an improvement of \$73,773 and since 2011-12, the draft 2015-16 result represents a reduction in the operating deficit of \$955,538.*

The following table and graph puts this result into context:

Draft Position at 30 June 2016	2011-12	2012-13	2013-14	2014-15	2015-16 (draft)
Operating Income	1,423,412	1,290,038	1,521,608	1,877,374	1,860,784
Operating Expenditure	4,042,526	3,549,791	3,512,794	3,503,589	3,431,947
Council Overheads	401,378	416,267	454,940	512,511	493,790
Operating Performance (before interest & depreciation)	3,020,491	2,676,020	2,446,126	2,138,726	2,064,953



The quarterly Financial Statement for the Glasshouse for the period ending 30 June 2016 is attached, and shows a result for the quarter (being 1 April 2016 to 30 June 2016) and a year to date result representing 1 July 2015 to 30 June 2016. The commentary in this report refers to the operating deficit (before interest and depreciation).

Ensuring Good Governance

The attached report also shows the operating deficit (after interest and depreciation). Over time, loan interest expense will decrease as loans are repaid. Depreciation is subject to revaluations. These expense items may distort the overall result when comparing with the previous financial year period hence why the commentary refers to the operating result before interest and depreciation.

The operating position for the quarter and for the year has tracked within the budget allocation. On a year to date basis, the operating deficit is \$2,064,953 against a budget deficit of \$2,435,188. This represents a positive variance of \$370,235 for this year to date / end of financial year period.

This operating deficit can also be represented as follows:

Glasshouse Operating Deficit by Activity - Year to Date 30 June 2016:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Operating Income				4,492	1,301,634	554,658	1,860,784
Operating Expenditure (Before Council Overheads)	182,155	893,242	497,106	56,665	870,504	932,275	3,431,947
Council Overheads	118,508	44,440	87,403	28,144	59,698	155,597	493,790
Net Operating Surplus (Deficit)	(300,663)	(937,682)	(584,509)	(80,317)	371,432	(533,214)	(2,064,953)

Management, Back of House and Front of House provide internal support functions for Community, Commercial and Cultural activities. Community and Cultural functions also hire space from the Commercial function to derive actual costs of delivering community and cultural functions within the Glasshouse overall function. When the costs of these internal support functions are distributed, the operating surplus (deficit) can be represented as follows:

Glasshouse Operating Deficit by Activity (after internal adjustments) - Year to Date 30 June 2016:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Net Operating Deficit (from the above table)	(300,663)	(937,682)	(584,509)	(80,317)	371,432	(533,214)	(2,064,953)
Internal Overhead Distribution	300,663	937,682	584,509	(738,834)	263,515	(1,347,535)	0
Net Operating Surplus (Deficit) (after internal adjustments and transfers)	0	0	0	(819,151)	634,947	(1,880,749)	(2,064,953)

Loan borrowings assisted in the funding of the Glasshouse at the time of construction. Of the total cost, \$27,975,954 was sourced through loan borrowings

Ensuring Good Governance

that are repaid through Council general revenue; and \$10,873,801 was sourced through loan borrowings that are paid from the S94 restricted asset for community facilities. Councils often use borrowing as a way to fund additional infrastructure whilst maintaining intergenerational equity outcomes.

Of the borrowings that are repaid through general revenue, \$17,565,495 is the balance of the loans as at 30 June 2016. This demonstrates that over \$10 million has already been repaid, with loans expected to be repaid by 2029.

As part of a continued drive to enhance financial sustainability, a review of Council's loan portfolio was undertaken in recent months. As a result, some Glasshouse loans were refinanced. Whilst break costs of \$1,551,837 were incurred, the interest saving over the remaining life of the loans will be \$1,246,242 (net of break costs).

Glasshouse Strategic Plan Recommendations

The Glasshouse Strategic Plan 2014 - 2017 was adopted by Council at the Ordinary Council Meeting held on 16 July 2014 to provide a greater commercial focus in the operation of the venue across four key outcome areas: *ensuring good governance; developing successful partnerships; enhancing utilisation and visitation; and promoting viability.*

Significant progress has been achieved since July 2014 with regard to the implementation of the strategic direction outlined in the Plan. This progress is summarised in the attached *Update on Glasshouse Strategic Plan Recommendations July 2016* with some specific outcomes discussed below.

1.2 Review management and reporting systems to support effective decision-making

The following table includes the following Key Performance Indicator (KPI) data associated with Glasshouse utilisation and occupancy rates (noting that the results are reported to the end of June 2016):

Performance Indicator	2014-15 Actual	2015-16 Target	2015-16 Actual
Key Outcome 3: Enhancing Utilisation and Visitation <i>Implement targeted marketing and sales strategies to enhance utilisation, increase event visitation and maximise commercial outcomes</i>			Interim Results
Visitation (Glasshouse)	249,879	262,500	234,526
Visitation (Gallery)	46,336	47,500	49,660
Visitation (website)	121,394	133,500	112,985
Utilisation (%) (theatre)	38%	> 40%	39%
Utilisation (%) (studio)	22%	> 30%	32%
Utilisation (%) (meeting rooms)	42%	> 40%	30%
Average attendance (%) (theatre)	67%	> 70%	71%
Average attendance (%) (studio)	76%	> 70%	64%
Number of tickets processed	61,726	65,000	61,940

Ensuring Good Governance

Performance Indicator	2014-15 Actual	2015-16 Target	2015-16 Actual
Percentage of tickets sold online	27%	> 30%	25% / 30%*

* Note: since the introduction of the new ticketing system in December 2015, 30% of tickets have been sold online.

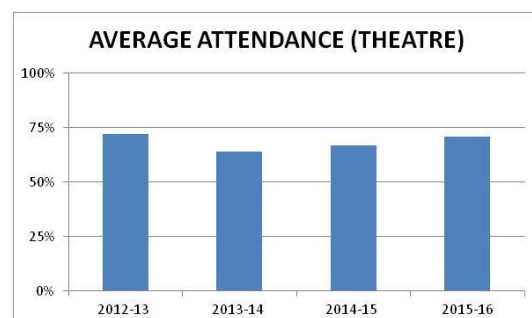
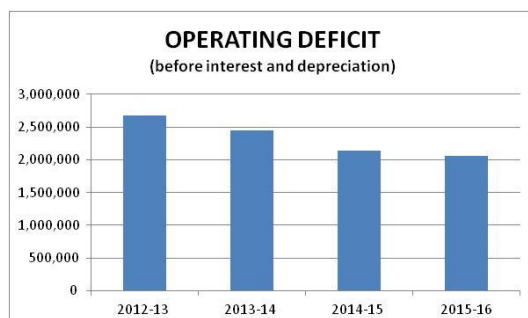
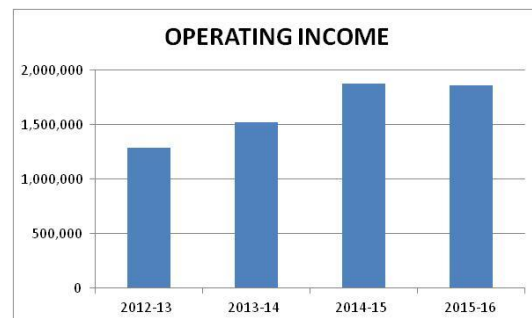
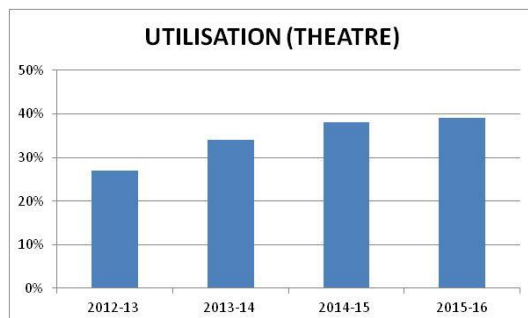
While the interim results to 30 June show some variation against the 2015-16 targets, it is noted that these targets were established on the basis of 2014-15 results and limited other historical trend data. It is expected that some year-to-year variation is likely to occur in the results depending on the make up of the program of events presented at the venue each year.

In terms of visitation to the venue overall, on average over the past four (4) years, around 250,000 people have visited the venue each year whether that be to attend a ticketed event in the theatre or studio, to visit the Regional Gallery, to attend a non-ticketed business event (eg a meeting or conference) or for another non-event purpose. In the quarter to 30 June 2016, 67,806 people visited the venue.

It is noted that the key objectives of the Glasshouse Strategic Plan 2014 - 2017 were to:

- Increase utilisation of the venue;
- Develop additional revenue streams; and
- Reduce the net cost of the operation of the Glasshouse to the community.

The following graphs demonstrate that over the past four (4) years, utilisation of the theatre has increased, operating income has increased in the order of 44%, and operating expenditure has reduced with the net result being a reduction in the operating deficit (before interest and depreciation) by \$955,538 since 2011-12.



While there has been a greater commercial focus in the operation of the venue, the Glasshouse continues to deliver a diverse program of high quality cultural,

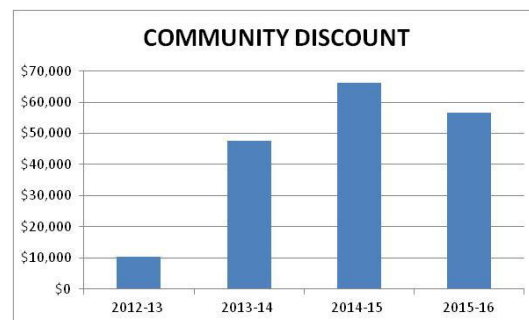
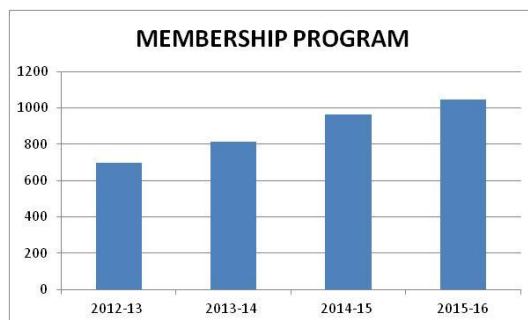
Ensuring Good Governance

community, and commercial events each year, with the program of theatre events continuing to achieve industry benchmarks with average attendance around 70%.

2.1 *Identify and develop key partnerships to maximise cultural, community and commercial outcomes*

A new Membership Renewal Strategy was implemented on 1 December 2015, with the Glasshouse Season Launch rescheduled from its “traditional” November date to 28 January 2016. As at 30 June 2016 there were 1,046 Glasshouse Members - this represents an increase of 82 members (8.5%) over the number of members at the corresponding time last year.

Council is also continuing to provide support for a wide variety of community groups to access and use the Glasshouse facilities. This includes around \$60,000 per annum in Council support provided via the discount available to eligible community groups.



3.1 *Promote operational flexibility in the use of the Glasshouse footprint to optimise cultural, community and commercial outcomes*

This work is continuing on an ongoing basis, including investigations into options for the future delivery of Glasshouse food and beverage services.

Other actions

Further detail is provided in the attached *Update on Glasshouse Strategic Plan Recommendations July 2016* noting that the majority of the recommendations and corresponding actions arising from the Strategic Plan have now been completed and/or are continuing to guide day-to-day operations as part of “business as usual” activities.

Options

Council has the option to either adopt the recommendations of this report, to amend, or not to adopt.

Community Engagement & Internal Consultation

The information provided in this report has been presented to the Glasshouse Sub-Committee at its meeting held on 5 July 2016.

Ensuring Good Governance

Planning & Policy Implications

This report is consistent with the key outcomes, recommendations and governance and reporting arrangements identified in the adopted Glasshouse Strategic Plan 2014 - 2017.

Key recommendations from the Glasshouse Strategic Plan to be delivered in the 2015-16 financial year, have been incorporated into Council's overall 2015 - 2016 Operational Plan.

Financial & Economic Implications

The Glasshouse Strategic Plan 2014 - 2017 aims to continue the significant progress that has been made in reducing the net cost of the operation of the Glasshouse to the community, while continuing to ensure the delivery of high quality cultural, community and commercial activities. The draft 2015-16 financial result represents a reduction in the operating deficit (before interest and depreciation) in the four (4) years since 2011-12 of \$955,538.

As reported to Council in October 2015, an economic impact assessment conducted indicates that the operation of the Glasshouse along with the additional visitor expenditure associated with visitors attracted to the Port Macquarie-Hastings LGA specifically to attend, perform in or produce events held at the Glasshouse delivers significant ongoing (annual) economic benefits to the region in the order of:

- \$31.3 million in total industry output for Port Macquarie-Hastings businesses (including direct and flow-on activity) per annum;
- \$15.8 million in gross value added (GVA) activity in the Port Macquarie-Hastings LGA economy per annum;
- \$9.0 million in wages and salaries paid to Port Macquarie-Hastings LGA workers per annum; and
- approximately 167 full-time equivalent jobs supported (including both direct and flow-on activity) per annum.

Attachments

1 [View](#). Glasshouse Financial Statement to 30 June 2016

2 [View](#). Update on Glasshouse Strategic Plan Recommendations July 2016

Ensuring Good Governance

Item: 09.08

Subject: CORPORATE BRAND REVIEW

Presented by: Community and Economic Growth, Tricia Bulic

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information presented in the Corporate Brand Review report.

Executive Summary

In late 2015 Council staff convened a meeting to conduct an informal brand audit of its corporate identity, associated business assets and its perceived relationship to various tactical events, initiatives and partnerships in the community. This meeting was borne out of concern around the increasing variety in “brands” used to denote Council events and activities.

At that meeting, It was determined that although the current identity had been in use for many years, (since November 2007), the review was not about developing a new concept. However, there were a number of issues facing its current use and it was recognised that a comprehensive update of guidelines were required. Council staff were guided through the development of the revised brand via the Communications Portfolio and, as one of the goals for the performance of the General Manager as set by Council, it is deemed a key project to further clarify Council’s identity.

Discussion

Specific issues facing Council’s brand and its current application were identified as:

- The need for the word ‘Council’ to formally appear in the logotype. This arose because the current logo could be mistaken as a tourism logo for Port Macquarie (e.g. in situations such as events where it appears on banners next to Port Macquarie’s destination marketing logo).
- Defining Council’s visual relationship with its business assets (e.g. Glasshouse, libraries, crematorium, and airport) and various tactical initiatives/partnerships (e.g. Tastings on Hastings, Ironman etc.) so that Council’s relationship was clearly differentiated and recognised.
- Consolidating Council’s numerous divisional identities, marketing and positioning statements visible in the community via various media. The

Ensuring Good Governance

problem being with too many competing/conflicting messages, the brand had become diluted.

- Contemporising its application in an ever-increasing digital environment, including a review of all design elements such as the colour palette and growth bar.
- Reviewing its application across all printed collateral via various templates located on Council servers.

Through ongoing development and internal consultation, the outcome of the review to meet these problems was the development of an updated brand architecture for all Council communications, encapsulated by a 'One Council, One Brand' strategy:

Our brand is a valuable asset. It unifies us as a Council, builds pride amongst our people and is the cornerstone in building trust within our community. Our brand needs to be protected and nurtured if we are to achieve our corporate mission and vision and deliver the services our community expects. Port Macquarie-Hastings Council is a diverse and complex organisation with many varied business units, services, functions and stakeholder touch-points that if not represented with consistency and unity can dilute the value of our brand. We do not represent ourselves as a collection of brands; we are one Council with one brand and will continue to build on our reputation of being responsible, trustworthy and community focussed by adopting a one brand approach.

This strategy forms the basis of the attached document, or 'Brand Book', for adoption by Council and lists the updated guidelines and examples of future brand application. It is envisaged this current abridged version would be expanded as ongoing needs require, and not applied retrospectively. A summary of key design updates reflected in the collateral examples contained in it are:

- The addition of 'COUNCIL' to the logotype
- An expanded colour palette to reflect the diversity of consumer applications and complement Council's vision '*Creating a vibrant future*'. Also introduced are graduated colours, both to the PMHC logo and in the use of backgrounds.
- 'Unshackling' the growth bar from the bottom of corporate collateral and its requirement to be vertically aligned to the logo. The growth bar is still retained but is now just one design element for consideration in any given application.
- Limiting the use of the growth bar to corporate applications only (e.g. Removing it in circumstances where the PMHC logo appears in tactical partnership with other brands).
- Use of the symbol as a design element to underscore brand ownership (e.g. as a ghosted background).
- Expanded typographical palette for selected application (i.e. addition of the serif font used in the logo).

A lighter visual footprint generally (e.g. the text in the logotype is now charcoal gray instead of 100% black).

Options

Council has the option to approve the proposed corporate branding document or to request further information.

Ensuring Good Governance

Community Engagement & Internal Consultation

Engagement has taken place between:

- Councillors
- General Manager
- Director of Community & Economic Growth
- Senior Leadership Team
- Communications, Engagement & Marketing Team members

Planning & Policy Implications

There are no planning and policy implications in relation to this report.

Financial & Economic Implications

There are no financial and economic implications in relation to this report.

Attachments

1 [View](#). Port Macquarie-Hastings Brand Style Guide

Looking After Our People

What are we trying to achieve?

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

What will the result be?

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

How do we get there?

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

Looking After Our People

Item: 10.01

**Subject: QUESTION FROM PREVIOUS MEETING - MANAGEMENT
ARRANGEMENTS FOR COUNCIL OWNED HALLS**

Presented by: Community and Economic Growth, Tricia Bulic

RECOMMENDATION

That Council note the response to the question on notice regarding management arrangements for Council Owned Halls.

Question from Councillor Intemann

What is the status and progress in reviewing the management arrangements for Council owned halls and when can Councillors expect a full report on this matter?

Comments by Councillor (if provided)

Nil.

Response

Council staff commenced a review of the existing management structures for the Council owned Community Halls following 2015/16 budget discussions regarding the ongoing maintenance costs for facilities.

To date staff have been working with local community groups in order to understand the variety of support that maybe needed in delivering sound management for these facilities by those groups appropriately skilled and able.

Progress on this review has been slow however, at this point; The Wauchope Community Arts Hall, Wauchope Rotary Youth Hall, MacAdams Centre and the Port Macquarie Senior Citizens Centre are the only groups who are keen to assume full management responsibility of facilities.

The remaining facilities are at various points of negotiation ranging from requests to hand responsibility back to Council or to continuing under a shared model.

The main issues that appear to be prohibiting community groups from accepting management responsibility are as follows:

1. Lack of facility management skills
2. Lack of assumed time to ensure the facility is fully maintained
3. Lack of understanding around venue hire and the administration required.
4. Lack of available volunteers

Looking After Our People

In light of the above identified issues, Council staff is exploring alternative ways to manage key processes to reduce the time and skill level required in managing facilities. It is hoped that this will give confidence to other groups to take on the responsibility.

It is anticipated that the review will be completed by December 2016 and a report to Council in February 2017.

Attachments

Nil

Looking After Our People

Item: 10.02

Subject: RECOMMENDED ITEM FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - JUNE 2016 MEETING

Presented by: Community and Economic Growth, Tricia Bulic

Alignment with Delivery Program

2.9.1 Provide a range of sporting and recreational opportunities.

RECOMMENDATION

That Council:

1. Pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Mayor's Sporting Fund to:
 - a) Annika Toohey in the amount of \$500.00 to assist with the expenses she will incur travelling to and competing at the All Schools National Hockey Championships to be held in Melbourne from 6 - 13 August 2016 inclusive.
 - b) Wauchope High Schools Under 16's Girls and the Open Girls Rugby Team's in the amount of \$800.00 to assist with the expenses they will incur travelling to and competing at both the NSW Secondary Schools Rugby Sevens to be held on 28 June in Sydney, and the Combined High Schools State Rugby Championships to be held in Sydney on a date yet to be determined in August 2016.
2. Endorse the recommendation put forward by the Mayor's Sporting Fund Sub-Committee to include additional wording in both the Mayor's Sporting Fund Criteria and Mayor's Sporting Fund Application Form in an effort to provide more clarity to applicants regarding the sports supported by the fund.

Executive Summary

The Mayor's Sporting Fund Sub-Committee met on 23 June 2016, reached consensus on Item 8 and Item 11 (attached) and submits the above recommendations for Council's consideration.

Attachments

- 1 [View](#). Extract from Mayor's Sporting Fund Sub-Committee meeting - June 2016 - Item 8 and Item 11
- 2 [View](#). 2016 Mayors Sporting Fund Application Forms (complete set)

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: ECONOMIC DEVELOPMENT STRATEGY 2013-2016 - SIX MONTHLY REPORT ON PROGRESS

Presented by: Community and Economic Growth, Tricia Bulic

Alignment with Delivery Program

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

RECOMMENDATION

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

Executive Summary

Progress in implementing actions under Council's 2013-2016 Port Macquarie-Hastings Economic Development Strategy continues to be positive. The diverse work occurring is not only Council-led, but also occurring in partnership with a wide range of local business and industry groups. Priorities and progress are overseen by the Economic Development Steering Group which continues to meet monthly and conducts a specific Strategy implementation review each quarter.

Discussion

In adopting the 2013-2016 Port Macquarie-Hastings Economic Development Strategy in November 2013, Council resolved to monitor implementation by way of a six monthly report on progress against actions. This report constitutes the fifth implementation update.

At its 2 December 2015 meeting, Council's Economic Development Steering Group (EDSG) undertook the annual review of the Strategy and noted positive progress in the previous two years of implementation. It was agreed that noting the breadth of the Strategy and long list of actions, there was merit in narrowing the focus and not "spreading ourselves too thin". Four key priorities were agreed for the 2016 implementation focus:

1. Continued work on a whole-of-organisation, solutions focused culture of supporting business;
2. Advocating and planning for regional growth;
3. Work as a place shaper, maker and promoter; and
4. Advocate and support initiatives that will create a positive environment for local business and our community.

Helping Our Community Prosper

Attachment 1 provides detail on a range of actions and initiatives which have been completed or progressed in the period January-June 2016. Some key highlights include:

- Completion of the Land Development Approvals Process Review and implementation of key actions underway;
- Advocating and planning for growth via interactions with other levels of government and formal submissions on the North Coast Regional Plan and Regional Development Australia Mid North Coast Regional Plan;
- Progress in planning and design for the Port Macquarie development;
- Investment and planning for major Infrastructure and key recreation projects;
- Substantial completion of the manufacturing, construction and transport and warehousing industry action plans;
- Revised outdoor dining guidelines and agreement to a 12 month fee waiver outside Port Macquarie;
- Delivery of many successful place and community activations, contributing to vibrant spaces;
- An economic impact of some \$21 million via out of region visitation for major events - a 13% increase on the same period in 2015;
- Destination marketing and PR delivery, in accordance with our Destination Management Plan.

Options

Council may note the report or choose to ask for further information.

Community Engagement & Internal Consultation

Community Engagement

The Strategy implementation is undertaken by working with local business and industry and under the oversight of the Port Macquarie Hastings Economic Development Steering Group.

Internal Consultation

Strategy action implementation has been undertaken by/in collaboration with wide range of Council staff.

Planning & Policy Implications

Council at its November 2013 Ordinary Meeting resolved to receive a six monthly progress report on the actions within the Strategy. The Economic Development Strategy is due for further review and redevelopment in late 2016.

Financial & Economic Implications

It should be recognised that there is the potential for significant economic benefits to the Local Government Area if the outcomes identified in the adopted Strategy are achieved.

Attachments

1 [View](#). January-June 2016 Economic Development Strategy

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: DEVELOPMENT CONTRIBUTIONS ASSESSMENT POLICY

Presented by: Development and Environment Services, Matt Rogers

Alignment with Delivery Program

4.9.1 Strategically and financially plan for the infrastructure that will cater for population growth.

RECOMMENDATION

That Council:

1. Place the draft amended Development Contributions Assessment Policy on public exhibition between 22 July 2016 and 26 August 2016.
2. Consider a further report in October 2016 on the amended policy following completion of the public exhibition period.
3. Extend the current trial provisions referred to in the report until the further report is presented to the October 2016 Council Meeting.

Executive Summary

This report provides a summary of the outcomes of trials relating to assessment and payment of development contributions for business and student accommodation developments.

The report also outlines proposed changes to assessment of water and sewerage headworks contributions for storage premises and considers a request from an applicant to review development contributions for bunk house style developments at Telegraph Point and Blackmans Point.

It is recommended that a draft amended Development Contributions Assessment Policy (DCAP) be placed on public exhibition.

Discussion

Trial Provisions relating to Payment of Development Contributions for Non-residential Development

At the meeting of 20 May 2015 (Item 13.07) Council resolved to trial the payment of development contributions by instalment (without security) over 24 months, for certain non-residential developments in business, mixed use and industrial zones for amounts up to \$50,000.

Council also resolved to trial exemption of payment of water and sewer headworks charges up to \$2,000 for certain business developments in mixed use, business and industrial zones. Details of the resolution are as follows:

Looking After Our Environment

RESOLVED: Turner/Cusato
That Council:

1. Undertake a trial, until 30 June 2016, to allow the payment of development contributions/headworks charges by instalment without security, subject to:
 - a) The development being in any Business Zone, Mixed Use Zone or Industrial Zone (not being development for residential accommodation or tourist and visitor accommodation).
 - b) It only applying to developments where the total contributions payable do not exceed \$50,000.
 - c) The total contributions permitted to be paid by instalment without security being limited to \$50,000.
 - d) The maximum amount of s94/s94A development contributions that can be paid by instalment without security being limited to \$5,000.
 - e) Payment of an interest charge based on the Council's investment portfolio performance plus 1% to be added to the contribution instalments.
 - f) The contributions and interest to be paid in 24 equal monthly instalments by a direct debit arrangement.
 - g) Any default in the payment of the contribution instalments will result in the full amount of the contributions becoming due and payable.
 - h) The interest charge on default payments being in accordance with the interest rate on overdue rates & charges as per the rate determined by the Division of Local Government.
2. Undertake a trial, until 30 June 2016, to allow an exemption from the payment of water and sewerage headworks charges for development involving a change of use or extension of an existing premises, where the combined total of water and sewer headworks charges do not exceed \$2,000, in any Business Zone, Mixed Use Zone or Industrial Zone (not being development for residential accommodation or tourist and visitor accommodation).
3. Request the General Manager report to the July 2016 meeting providing details on the outcome of the trials.

CARRIED: 7/1

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

AGAINST: Levido

Part one of the trial provisions relating to payment of development contributions by instalment has been taken up by four businesses to date. A summary is provided below.

Location	Industry	Development Description	Total Amount Deferred
Laurieton	Hospitality	Part Change of Use to Cafe	\$5,216.30 (\$227.32/month)
Port Macquarie	Personal Services	Change of use - Shop to Beauty Salon	\$3,107.60 (\$129.50/month)
Port Macquarie	Personal Services	Home Business - Beauty Salon	\$1,333.60 (\$55.60/month)

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Port Macquarie	Hospitality	Change of use to Small Bar	\$3,543.60 (\$147.65/month)
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There has been general support for this payment option. The trial has aligned with Council's commitment to supporting small business. Applicants that have utilised payment by instalment provisions have tended to be new businesses and in all cases employed less than 20 staff. There have been no payment defaults to date.

The trial provisions are currently limited to businesses operating in business, mixed use and industrial zones. Council staff have identified the potential to extend the provisions to all land use zones in order to provide home businesses and other non residential uses in residential zones the opportunity to pay via instalment. Extended provisions have been included in a draft amended DCAP that is proposed to be placed on public exhibition for broader community feedback. The proposed changes are shown in the attached draft amended DCAP.

Part two of the resolution of 20 May 2015 relates to the trial of exemption of payment of water and sewerage headworks charges not exceeding \$2,000 for businesses operating in business, mixed use and industrial zones. A summary of developments that qualified for the exemption is provided below.

DA No.	Location	Development Description	Exempt Amount
DA2016/79	Lake Cathie	Change of use to Takeaway Food	\$1,951.40
DA2016/11	Port Macquarie	Alterations and additions to existing Industrial Building, including Signage and Tree removal	\$1,185.10
DA2016/030	Port Macquarie	Change of Use to Dance Studio	\$910.00
DA2015/955	Port Macquarie	Change of Use to Dance Studio	\$217.00
DA2015/833	Lake Cathie	Change of use to Beauty Salon	\$1,292.10
DA2015/728	Wauchope	Fit out and Change of Use to Cafe	\$1,226.20
DA2015/616	Port Macquarie	Retail Premises Fit out (Ancillary Juice Bar)	\$237.20
DA2015/638	Wauchope	Change of use to Hairdresser (including Skin Penetration)	\$1,661.40
DA2015/513	Port Macquarie	Restaurant Fit out and additions	\$1,977.80
DA2015/198	Port Macquarie	New Storage Shed	\$1,458.80

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DA2015/451	Port Macquarie	Change of use from Recreation facility to Warehouse	\$391.90
DA2014/913	Port Macquarie	Replacement Dwelling& Depot	\$771.30
DA2015/463	Port Macquarie	Bulky Goods, ancillary storage and food and drink premises	\$1,598.70
DA2015/028	Port Macquarie	Change of use to gym	\$523.00

In total, \$15,401 of water and sewerage headworks charges have been waived.

The trial provisions have aligned with Council's commitment to supporting small business, via the waiver of development related fees. This supports improved cash flow during times of business establishment or expansion.

It is recommended that the exemption provisions be extended to non-residential development in all land use zones, including home businesses in residential zones as proposed for the payment of contributions by instalment referred to above.

It is proposed that the \$2,000 exemption amount be retained and indexed annually at 1 July in line with increases in the Consumer Price Index (Sydney All Groups). The provisions relating to exemption of payment have been included in the draft amended DCAP for public exhibition.

Trial Provisions relating to Student Accommodation

At the Ordinary Council Meeting held on 19 November 2014 (Item 13.06), Council considered a report outlining options for the reduction in development contributions in order to encourage the construction of student accommodation and resolved to amend the DCAP on an 18 month trial basis to provide for a new category of Student Accommodation.

Development contributions are assessed based on an Equivalent Tenement (ET) where 1 ET is the same as a residential block with a single house. Under the trial provisions, development contributions for student accommodation are assessed based on 0.175 Equivalent Tenement per bed/bedroom for water supply, sewerage services and s94 contributions (open space, roads, community facilities). The trial provides for a 50% reduction of contributions compared with the former provisions of the DCAP.

At the Ordinary Council Meeting held on 20 April 2016, Council resolved as follows:

RESOLVED: *Turner/Hawkins*

That Council review the level of student accommodation development contributions and provide a report back to the May 2016 Council Meeting.

CARRIED: 9/0

FOR: *Besseling, Cusato, Griffiths, Hawkins, Intemann, Levado, Roberts, Sargeant*

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and Turner
AGAINST: Nil

A report was presented to the meeting of 18 May 2016 (Item 13.08) and Council resolved to augment the trial provisions for student accommodation by allowing payment of contributions to be deferred for up to 5 years with security by way of a charge on land or bank guarantee. Council resolved as follows:

RESOLVED: Hawkins/Griffiths

That Council:

1. *Include the following provisions in the trial arrangements for Student Accommodation development contributions:*
 - a) *Payment of contributions can be deferred for a maximum period of 5 years from the issue of a Construction Certificate or until the sale of the land, whichever is the sooner.*
 - b) *Payment of contributions being secured by way of a deed of deferral and a registered charge on the land or a bank guarantee.*
 - c) *The amount of the charge or bank guarantee is to be calculated based on the amount of the outstanding contributions together with an interest component.*
2. *Note that this report has been tabled as the result of a formal resolution of Council from the 20 April 2016 Council meeting and not in response to a Question on Notice as listed in the agenda.*

CARRIED: 4/3

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

One student accommodation development has been approved under the trial provisions. The trial provisions have been included in the draft amended DCAP for public exhibition.

Development Contributions for Storage Premises

There are a number of storage premises across the LGA, generally located in industrial or business areas. These sites are often made up of a series of small units, bays or car ports used for storage of goods including household furniture, motor vehicles and equipment.

Storage premises are defined in the LEP as follows:

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

Council has received recent enquiries relating to storage units for caravans, boats and other motor vehicles with concern being expressed at the high rate of water and sewer development contributions.

A review of water consumption for storage facilities has recently been undertaken within the LGA. The review found that water consumption is well below that predicted

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by Council's DCAP. There was some variation across sites which is likely to relate to other uses at the site such as a site office or managers residence.

Water and sewerage headworks contributions for new self storage premises are currently assessed based on Industrial Low Service Loading at 0.00125 ET/ m2 for water and 0.00025 ET/m2 for sewer under the DCAP. This is the same rate used to assess developments for warehousing, bulky goods retailing and hardware supplies.

It is proposed that the DCAP be amended to provide a specific category for storage premises that caps the water at 1 ET and sewer at 0.2 ET for premises up to 3,000m2 with water and sewerage headworks contributions be assessed as follows:

- Storage premises up to 800m2 floor area, including approved outdoor storage areas, continue to be assessed based on Industrial Low Service Loading rates to a maximum of 1ET for water and 0.2 ET for sewer.
Example - a new storage premises of 750m2 = 0.9375 ET water & 0.1875 ET sewer or \$9,648 based on current rates.
- Storage premises greater than 800m2 and up to 3,000m2 floor area, including approved areas, capped at 1 ET water and 0.2 ET sewer.
Example - new storage premises of 1,500m2 = capped at 1 ET water and 0.2 ET sewer or \$10,284 based on current rates.
- Storage premises greater than of 3,000m2 floor area, including designated outdoor areas will require water and sewerage contributions to be assessed on a case by case basis.

The proposed cap has been included on the basis that irrespective of the amount of water usage Council must maintain a base level of infrastructure, including fire fighting hydrants, to serve each development site.

Other approved uses at the site, e.g. a manager's residence, wash bay, mechanical repair etc, would continue to be assessed separately.

It is recommended that revised provisions relating to the assessment of water and sewerage headworks contributions for storage premises be incorporated in the draft amended DCAP and placed on public exhibition. The proposed changes are shown in the attached draft amended DCAP.

Contributions for caravan parks

A consultant, acting on behalf of the Land Owner, 16 Hacks Ferry Road, Telegraph Point (Stoney Park) and, 340 Blackmans Point Road, Blackmans Point (Riverlodge Caravan Park) has submitted a request to reconsider contributions for recent bunkhouse/cabin developments in the caravan parks.

There is no specific category for a Bunkhouse in Council's DCAP and accordingly the most appropriate category was considered to be. 'Boarding House, Guest House, Hostel, B&Bs etc' with a credit applying for the existing caravan park site.

The table below lists the percentage-based ET rates for the existing site and the rate used to charge the newly approved bunkhouses.

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Description	Unit	Section 94 (in Equivalent Tenements)
Caravan Park and Camping Sites - Not Self Contained Site (permanent or transient)	1 Site	0.25 ET per site
Boarding House, Guest House, Hostel, B&Bs etc - per 1 Occupancy Bedroom Not Self Contained (shared facilities for cooking, laundry & bathrooms)	1 bedrooms	0.25ET/per bedroom
Boarding House, Guest House, Hostel, B&Bs etc - Not Self Contained Per Bed (for dormitories/bunkrooms, shared cooking, laundry and bathroom)	1 bed	0.125ET/per Bed

The bunkhouse at Stoney Park was installed on the site without development consent and associated approvals. As a result of compliance action, the use of the bunkhouse (in the form of a relocatable building) was subsequently approved by DA2014/856. The final occupation of the bunkhouse has not been issued at this time.

This bunkhouse has 6 rooms with 2 beds in each room and has been approved on a site within the existing caravan park. Water supply and s94 contributions for this development have been assessed based on 'Guest House not self contained', per bunk room under the DCAP. A rate of 0.125 Equivalent Tenement (ET) applies on a per bed basis. The rate is the same for temporary or permanent accommodation.

The second similar matter relates to Riverlodge Caravan Park. The DA sought the approval of changes to location and reconfiguration of accommodation sites within the caravan park and the installation of 4x 3 bunkroom unregistered movable dwellings (UMDs) within the caravan park.

On both occasions, 0.25 ET has been applied to each existing camping site as a contributions credit in recognition of the previous use.

Under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Ground and Movable Dwellings) Regulation 2005 (Regulation), Clause 12, no more than 12 persons may be allowed to stay overnight at a dwelling site or camp site at any one time. The submissions argue that the maximum number of persons per site has not increased from the approved Caravan Park sites and therefore demand on public services/facilities has not increased.

Equivalent tenement rates are based on an estimated average occupant rate for each camp site - not the maximum occupancy. If a camp site was charged contributions on the maximum number under the Regulation, contributions for Caravan Parks would be considerably higher.

Approval for a bunkhouse could see each individual bunkroom separately leased. The design of the bunkhouses, for both sites, allows the opportunity for each

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bunkroom to be individually leased as each bunkroom has only external access. This provides the potential for additional occupancies on a previously solitary camp site. Also, given the expense of construction of the bunk houses it is likely that the owner would expect a higher average occupancy than for the existing caravan park site.

On the basis that a bunkhouse will likely have a higher occupancy rate and therefore a higher water supply demand, no changes to the DCAP are proposed at this time. The matter can be further considered by Council at the time of considering a report on any submissions received in relation to the exhibition of the amended DCAP.

Options

Council has a number of options in relation to the matters in this report including:

1. To publicly exhibit the attached draft DCAP as recommended.
2. To make further changes to any or all aspects of the policy prior to exhibition.
3. Not make any changes to the policy.

Community Engagement & Internal Consultation

The Group Manager Economic Development, Group Manager Development Assessment and Group Manager Water and Sewerage Services have been consulted in relation to the draft amended DCAP to be placed on public notification.

Planning & Policy Implications

The proposed amendments to the DCAP will be placed on public notification for a minimum of 28 days and public submissions invited during that time in accordance with Council's policy for Making of Council Policy.

Financial & Economic Implications

Any reduction of, or exemption in, contribution rates will impact Council's ability to fund infrastructure works to cater for growth related demand. However, the financial impacts need to be balanced with economic benefits of encouraging business to establish, expand and prosper.

Attachments

- 1 [View](#). Correspondence - DA2014/856 re: Development Contributions 16 Hacks Ferry Road Telegraph Point - David Pensini 46820
- 2 [View](#). Correspondence - 2014/430 - regarding Development Contributions 340 Blackmans Point Blackmans Point - David Pensini 16710
- 3 [View](#). Draft Amended Development Contributions Assessment Policy

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Item: 12.02

Subject: DA2016 - 160.1 DWELLING AND POOL INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) UNDER THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2015 - LOT 110 DP 1213147 NO 91 CRESTWOOD DRIVE, PORT MACQUARIE

Presented by: Development and Environment Services, Matt Rogers

Alignment with Delivery Program

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

RECOMMENDATION

That the determination of DA2016 - 160.1 for a Dwelling and Pool including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 - Lot 110 DP 1213147 No 91 Crestwood Drive, 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 4.3 (Height of Buildings) by not more than 10%.

The proposal was approved by Council's Manager Development Assessment on 11 May 2016. The proposed development resulted in a 3.6% variation to the maximum 8.5m height limit adopted for the site.

The variation was considered to be minor and not result in any significant adverse planning impacts. There was sufficient justification on environmental planning grounds for the development as follows:

- The site has a particularly steep slope from rear to front and also has a significant cross fall.
- The design of the building has regard to the slope constraints and seeks to comply with the height controls as far as practical. The non-compliant part of the building is a small proportion of the dwelling's roof area. The non-compliant part of the building would not result in adverse overshadowing or privacy impacts.
- The development is consistent in bulk and scale with other development in the locality.
- The 3.6% variation is minor and will not be distinguishable from a compliant building height when the development is completed and viewed from the public domain.

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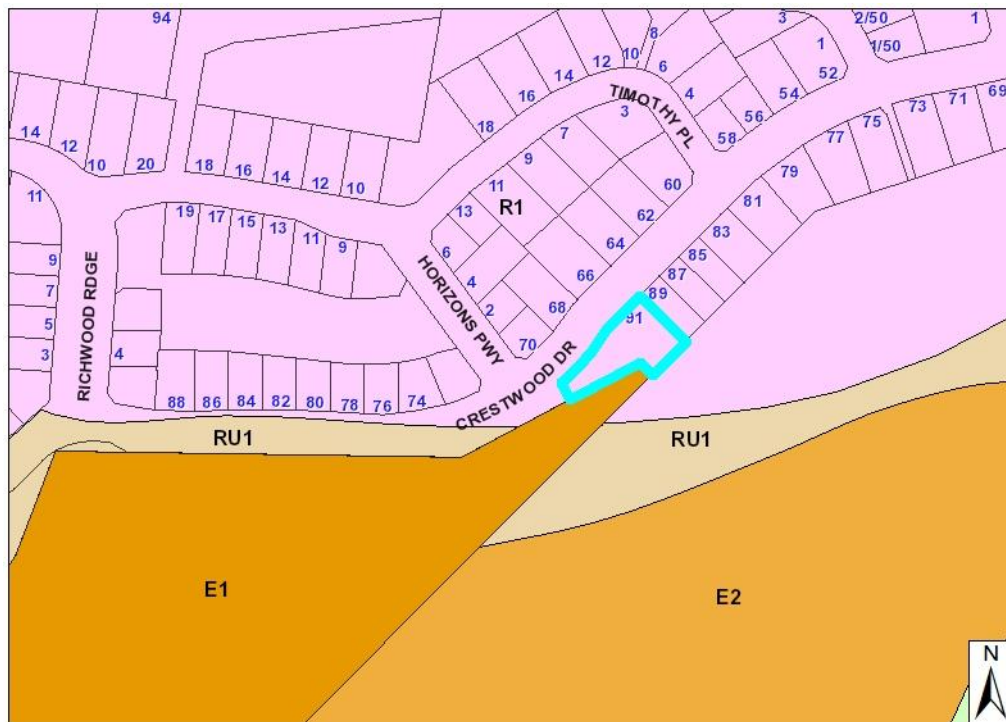
The Department of Planning and Infrastructure circular PS 08-003 provides for the Director General's assumed concurrence in this case. The Department's circular PS08-014 further reminds councils of their assumed concurrence role in relation to SEPP 1 and clause 4.6 LEP variations. The circular advises that where Clause 4.6 variations are approved under delegated authority that Council be advised of the decision made and it be appropriately recorded. This report is to ensure compliance with the subject circular.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 1256.6m².

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



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2. DESCRIPTION OF DEVELOPMENT

- Construction of a new dwelling and swimming pool.
- Variation of Height of Building standard in clause 4.3 of the Port Macquarie-Hastings Local Environmental Plan 2011.

Attachments

1 [View](#). DA2016 - 160.1 Approved Plans

2 [View](#). DA2016 - 160.1 DA Consent

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Item: 12.03

Subject: DA2016 - 171.1 DWELLING INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 21 DP 1082856, NO 11 OCEAN RIDGE TERRACE, PORT MACQUARIE

Presented by: Development and Environment Services, Matt Rogers

Alignment with Delivery Program

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

RECOMMENDATION

That the determination of DA 2016 - 171.1 for a Dwelling including Clause 4.6 Objection to Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 - Lot 21 DP 1082856, No 11 Ocean Ridge Terrace, 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 approved by Council's Manager Development Assessment on 6 May 2016. The proposed development resulted in a 9.6% variation to the maximum 0.65:1 floor space ratio adopted for the site. The variation was considered to be acceptable and not result in any significant planning impacts on the following grounds:

- The site has a steep slope from front to rear and also has a significant cross fall.
- The design of the building has regard to the slope constraints and seeks to comply with the height controls.
- The non-compliant percentage of floor space ratio does not result in adverse overshadowing or privacy impacts and no objections have been received from adjoining property owners.
- The development is consistent in bulk and scale with other development in the locality.

The Department of Planning and Infrastructure circular PS 08-003 provides for the Director General's assumed concurrence in this case. 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

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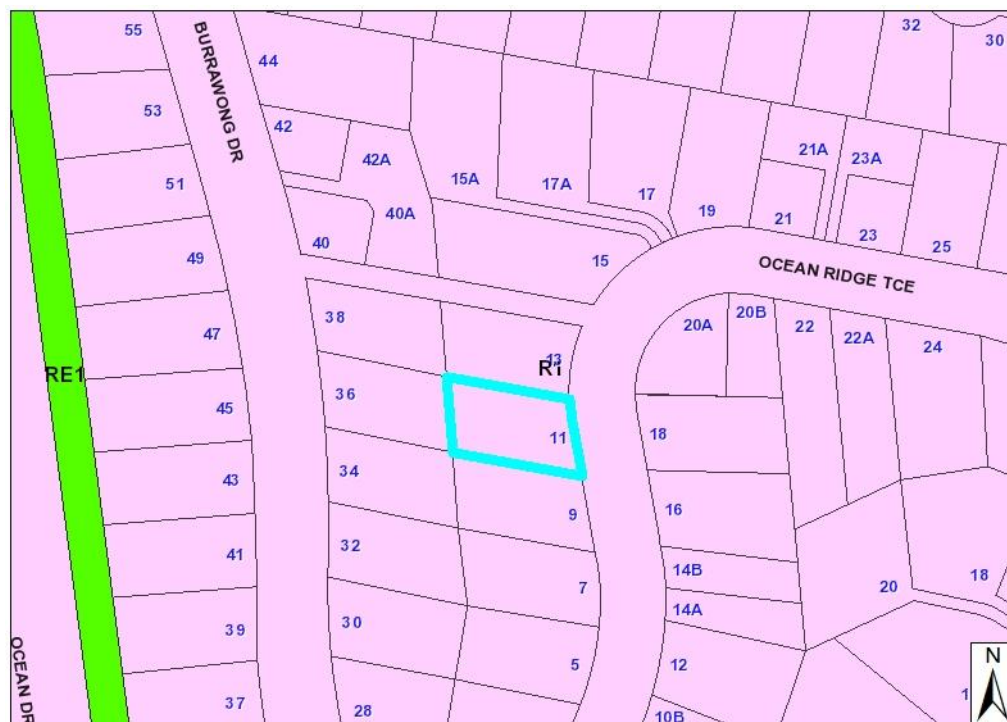
decision made and it be appropriately recorded. This report is to ensure compliance with the subject circular.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 624.1m².

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



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2. DESCRIPTION OF DEVELOPMENT

- Construction of a new dwelling and swimming pool.
- Variation of FSR standard in Clause 4.4 of the Port Macquarie-Hastings Local Environmental Plan 2011.

Attachments

- 1 [View](#). DA2016 - 171.1 Approved Plans
- 2 [View](#). DA2016 - 171.1 DA Consent

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Item: 12.04

Subject: DA2016 - 227 TWO (2) LOT SUBDIVISION INCLUDING CLAUSE 4.6
OBJECTION TO CLAUSE 4.1 LOT SIZE UNDER PORT MACQUARIE-
HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - 5077 OXLEY
HIGHWAY, LONG FLAT

Report Author: Matt Rogers

Applicant: Hopkins Consultants
Owner: NSW Department of Education and Training
Estimated Cost: N/A
Parcel no: 16046

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2016 - 227 for a 2 lot torrens title subdivision including clause 4.6 objection to clause 4.1 lot size (minimum lot size) under Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1, DP 333531, No. 5077 Oxley Highway, Long Flat, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a 2 lot torrens title subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979. The proposed subdivision seeks to excise the portion of the existing lot at the Long Flat Public School that currently contains a single dwelling and associated garage and backyard.

Following exhibition of the application, no submissions were received. This DA is being reported to an Ordinary Meeting of Council because it involves a greater than 10% variation to the LEP lot size standard. This matter was reported to Council's Development Assessment Panel on 22 June 2016 with the DAP resolving to support the recommendation.

The DA is a Crown development proposal. In accordance with the Act, the Applicant has been forwarded the proposed conditions of consent. Following this matter being considered at DAP, the Applicant has advised that they disagree with proposed conditions to upgrade the existing driveway crossing servicing the existing dwelling that is to be subdivided off the school site. Upon closer review by staff it is recommended that the conditions to upgrade the driveway are unnecessary and

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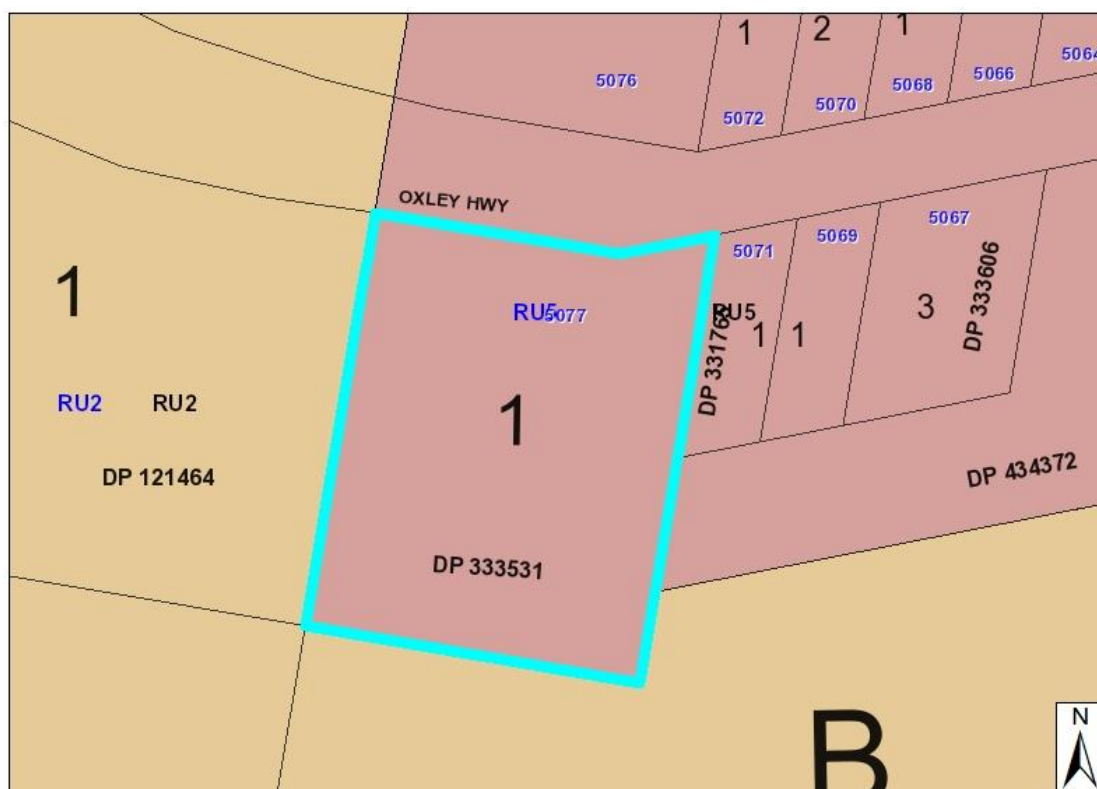
those conditions have been removed from the updated recommended conditions attached to this report.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 8,094m².

The site is zoned RU5 Village 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:

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The site is located within the Long Flat village fronting the Oxley Highway and currently contains a primary school and a single residential dwelling.

The site is adjoined by residential and rural residential land uses. Cleared land utilised for agricultural purposes surrounds the Long Flat village.

The site contains several buildings associated with its use as Long Flat Public School and a single storey dwelling house separated from the school via fencing and accessed via a separate driveway parallel to the access to the school.

The site is sparsely vegetated with native and ornamental species.

2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- The proposed subdivision seeks to excise the portion of the existing lot which currently contains a single dwelling and associated garage and backyard. The remainder of the site as a separate proposed lot will remain as a functioning Primary School.

Refer to attachments at the end of this report including report to DAP and current recommended conditions.

Application Chronology

- 24 March 2016 - DA lodged.
- 6 to 19 April 2016 - Neighbour consultation.

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- 22 June 2016 - matter reported to DAP for consideration
- 27 June 2016 - Applicant concurred to proposed conditions with exception that disagree with conditions for driveway access upgrade as existing access satisfactory.

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

With reference to clauses 6 and 7, the subject land has is greater than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP must be considered.

The application has demonstrated that no habitat will be removed or modified therefore no further investigations are required.

State Environmental Planning Policy No.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 (Infrastructure) 2007

Clause 101 - The site has frontage to the Oxley Highway. The existing dwelling and school have existing separate driveways utilising a shared footpath crossing. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

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 RU5 village zone.

The objectives of the RU5 zone are as follows:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To permit development that is appropriate in scale and type with the characteristics of a rural village.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

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In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:

- The proposal is for subdivision of existing landuses on the site with no landuse conflicts identified;
- Clause 4.1, the lot sizes within the proposed subdivision are 7046m² to 1048m². Both lots are unable to satisfy the minimum standard 8000m² lot size applying to the site.
- Clause 4.6 – The Applicant has lodged an objection to the standard seeking variation to the standard minimum 8000m² lot size primarily for the following reasons:
 - The subject site already contains built structures reflecting the proposed division of the lot, and in this circumstance the deferring from the 8000m² lot size for the subject lot would not result in any difference to the physical outcome on the site.
 - The proposed subdivision represents a rational division of land which is already physically occupied by two differing land uses. The pattern of the proposed subdivision is consistent with and sympathetic to the existing village lot pattern and will not impact negatively on the appearance of the subject site from the street.
 - The subdivision represents an efficient use of the land for residential and education establishment purposes and will allow these to be undertaken independently of one another.
 - The subject site does not constitute land suitable for primary production, being not of an adequate size and already developed for educational and residential purposes. The proposed subdivision will not prevent primary production operations being undertaken on surrounding sites.

Based upon the above justification, the variation is recommended to be supported. Council has assumed concurrence under the Department of Planning and Environment's Planning Circular PS 08-003 to determine the DA however the DA is required to be determined at a meeting of full Ordinary Council in accordance with Planning Circular PS 08-014 due to the variation being greater than 10%.

Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, on-site sewage management, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

(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 force:

Port Macquarie-Hastings Development Control Plan 2013

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The proposed allotments exceed the minimum site width and depth controls within the DCP. The proposal is consistent with the subdivision objectives contained within the DCP noting the existing buildings on site and existing services in place.

(iiia) 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:

N/A

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:

The proposal will be unlikely to have any adverse impacts to existing adjoining properties or the public domain.

Roads

The site has road frontage to the Oxley Highway.

Adjacent to the site, the Oxley Highway is a sealed public road under the care and control of Roads and Maritime Services. The Oxley Highway is an arterial road with a 7m wide road formation within a 27m road reserve.

Traffic and Transport

The site is currently approved for a school and a single residence. This development will not increase the daily trips. The traffic associated with the development is unlikely to have any adverse impacts to the existing road network within the immediate locality.

Site Frontage & Access

There is existing vehicle access to the school site and the existing dwelling with no changes proposed.

The Applicant has advised that they disagree with previous proposed conditions put to Council's Development Assessment Panel meeting to upgrade the existing driveway crossing servicing the existing dwelling (that is to be subdivided off the school site). Upon closer review by Council Assessment Staff it is considered that the

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conditions to upgrade the driveway are unnecessary and those conditions have been removed from the updated recommended conditions attached to this report.

Water Supply Connection

Council records indicate that the development site has an existing 25mm metered water service from the 100 AC water main on the same side of The Oxley Highway.

The existing water service can be adopted for proposed Lot 1. A second new metered water service is required for proposed Lot 2. Details are to be shown on the engineering plans as per the proposed conditions of consent.

Sewer Connection

There is no change to the existing arrangements for on-site sewage treatment/disposal.

Stormwater

The site naturally grades towards the street and currently drains directly to the Oxley Highway. Stormwater from the proposed development is unaffected.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

Following a search of Council records, no known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

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 a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

Air and microclimate

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.

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Flora and 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

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

Energy

No adverse impacts anticipated.

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.

Social impacts in the locality

Given the nature of the proposed development and its' location the proposal is unlikely to result in any adverse social impacts.

Economic impact in the locality

No adverse impacts identified.

Site design and internal design

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

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

Cumulative impacts

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

Looking After Our Environment

(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 neighbour notification of the application.

(e) The Public Interest:

The proposed development satisfies relevant planning controls as justified and is unlikely to impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

No contributions are required as the school and dwelling are existing on the site.

5. CONCLUSION

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

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.

Attachments

1 [View](#). DA2016 - 227.1 Plan

2 [View](#). DA2016 - 227.1 recommended DA conditions

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: WATER RESTRICTION TRIGGER LEVELS AND UNIFORM REGIONAL WATER RESTRICTIONS

Presented by: Infrastructure and Asset Management, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Adopt the 2014 uniform Regional Water Restrictions as outlined in this report.
2. Adopt trigger levels for water restrictions for the Port Macquarie-Hastings LGA as follows:

Level	Restrictions - Residential outdoor component	Trigger Point (% of combined storage)
Water conservation measures	No unattended hoses between the hours of 9:00am and 4:00pm	Not applicable
1 Moderate	Micro sprays and drippers / sub-surface can be used for a maximum of 15 minutes and hand held hoses can be used for 1 hour every second day, between the hours of 4:00pm and 9:00am on odd or even days matching house numbering system. Other irrigation and unattended hoses banned	70%
2 High	Micro sprays and drippers / sub-surface can be used for a maximum of 15 minutes and hand held hoses can be used for ½ an hour every second day, between the hours of 4:00pm and 9:00am on odd or even days matching house numbering system. Other irrigation and unattended hoses banned	60%
3 Very High	No irrigation permitted. Use of buckets any time or hand held hoses for a maximum of 10 minutes every second day between the hours of 4:00pm and 9:00am on odd or even days matching house numbering system	45%
4 Severe	All external use of potable water banned. Grey water use only	35%
Emergency	As directed by Port Macquarie-Hastings Council	25%

3. Delegate the General Manager the power to impose water restrictions in line with the adopted trigger levels, with the opportunity to exercise discretion with a maximum 3% variance, giving due consideration to the time of year and prevailing weather conditions.
4. Delegate the General Manager the power to lift water restrictions in line with the adopted trigger levels with the opportunity to exercise discretion with a maximum 3% variance, giving due consideration to potential for pumping and

Planning and Providing Our Infrastructure

storage levels.

5. Update all previous advice on water restrictions, including website; detail, information brochures, water policy and water restriction signage.

Executive Summary

This report discusses adjusting the existing water restriction trigger levels and adoption of the 2014 uniform North Coast water restrictions

Discussion

Port Macquarie-Hastings Council adopted the original North Coast uniform water restrictions in 2004, the purpose being to ensure water restrictions adopted by adjoining Councils have the same meaning. In the past, individual Councils have adopted unique water restrictions; as a result level 3 in one area is completely different to another.

In September 2014, a review meeting was convened by DPI Water, to discuss the 2004 adopted uniform water restrictions, and as a result, changes have since been agreed to by the North Coast Councils.

At present, Port Macquarie-Hastings Council still applies the 2004 uniform water restrictions commencing at level 3 which is not consistent with adjoining Councils.

As Council has been advised previously, the intention has always been to review water restriction trigger levels and uniform water restrictions concurrently to enable all necessary amendments to be undertaken at the same time. This has also been scheduled to occur when work on the Integrated Water Cycle Management (IWCM) Strategy document for council was maturing and better water yield information became available.

To date, the following water utilities in this area have adopted the 2014 uniform water restrictions:

- Mid Coast Water
- Kempsey Council
- Bellingen Council
- Coffs Harbour Council
- Nambucca Council
- Clarence Valley Council
- Tweed Shire Council
- Rous Water (also supply Byron Shire and Ballina)

In order to remain consistent with water utilities in the region, it is recommended Council now adopt the 2014 uniform water restrictions.

The revised 2014 uniform water restrictions are shown in the table below;

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Level	Restrictions - Residential Outdoor Component	Target Reduction %
Water Conservation measures	<u>No</u> unattended hoses between the hours of 9.00am and 4.00pm	N/A
1 Moderate	Micro-sprays and drippers/sub surface can be used for a maximum of 15 minutes and hand held hoses can be used for 1 hour every second day, between the hours of 4.00pm and 9.00am on odd or even days matching house numbering system. Other irrigation and unattended hoses banned	6%
2 High	Micro-sprays and drippers/sub-surface can be used for a maximum of 15 minutes and hand held hoses can be used for 1/2 hour every second day, between the hours of 4.00pm and 9.00am on odd or even days matching house numbering system. Other irrigation and unattended hoses banned.	11%
3 Very High	No irrigation permitted. Use of buckets any time, or hand held hoses for a maximum of 10 minutes, every second day, between the hours of 4.00pm and 9.00am on odd or even days matching the house numbering system	17%
4 Severe	All external use of potable water banned. Grey water use only	20%
Emergency	As directed by the water supply authority	Emergency use only.

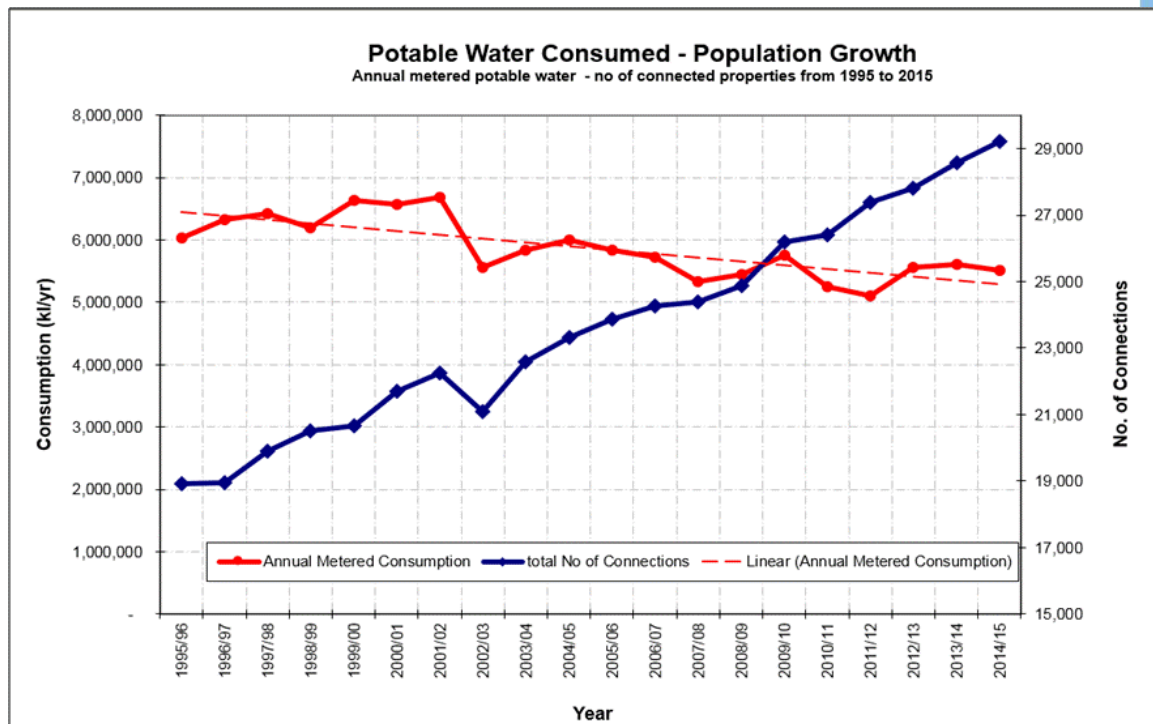
It should be noted that water conservation measures are included in the Regional Water Restrictions for the first time, a practice which has been followed by this LGA for many years.

Water consumption trends, effects of water restrictions

Port Macquarie-Hastings Council has had a long association with water conservation measures and in educating the public about the sensible use of water.

One of the simplest ways to visually demonstrate the change in water usage patterns is in the graph detailed below, where annual metered consumption is now lower than it was in 1995:

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The success of PMHC in reducing demand over an extended period will affect the impact of water restrictions. As a result, target reductions are less than those considered by other water utilities in this area. For Port Macquarie-Hastings Council, the target reductions are as follow:

- Level 1 : 6 %
- Level 2 : 11 %
- Level 3 : 17%
- Level 4 : 20%

Council is presently undertaking a secure yield study, the aim being to determine the adequacy of the river and water supply head-works infrastructure to meet the needs of the LGA for the next 40 years, including review of current water storage capacity for drought management. For the purpose of the study, the new regional water restrictions have been adopted for comparison. From this, study models are confirming that the existing water restriction levels are very conservative.

The findings of the secure yield study, when complete, will inform the final Integrated Water Cycle Management (IWCM) Strategy document. The IWCM will be presented to Council toward the end of the year for adoption. The IWCM document includes a drought management plan, also determined from the secure yield study.

The purpose of water restrictions is to reduce demand when it is considered that there could be a shortage, leading to the potential for running out of water if demand is not reduced. Reducing demand logically increases the length of time of availability for the remaining stored water.

Port Macquarie-Hastings Council is in the fortunate position of having 2 dams, with Cowarra Dam potentially holding up to a year and a half supply provided the storage

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could be fully drawn down. It should be noted however that water quality would be poor at the lower levels of the storage.

Water restriction trigger levels

At an Extra-Ordinary Council meeting held on 6th February 2013, Council considered a report concerning water restrictions and adopted the trigger levels as recommended, with water restrictions imposed when the combined levels of both dams falls under 80%.

At that time, water restrictions had not been imposed since the filling of Cowarra Dam and there were no operational rules for the dam in place. By the end of 2012, Cowarra Dam had fallen to under 70% of storage capacity.

At the time of writing this report (Late June 2016), the combined storage of both Port Macquarie and Cowarra Dams had already fallen to 77%, meaning that under the current resolution Council should have announced water restrictions.

Pumping resumed at this time, as was expected due to the prevailing weather and the suitable river water quality. The medium term forecast for June to August (winter) rainfall had been for a higher likelihood of above average rainfall across most of mainland Australia, which has been the case. Imposing water restrictions in winter, when annual water demand is at the lowest will not achieve any particular result, particularly considering the cold weather results in limited outdoor use.

Into the future, it is recommended that prior to introducing water restrictions, the following aspects are carefully considered:

- River flows
- Storage levels available
- Consumer demand
- Time of year
- Weather conditions, including medium term forecasts
- Evaporation losses

Once considered a level of discretion is required to ensure that restrictions are not imposed purely on the storage levels. Accordingly, it is recommended that the General Manager be able to display such discretion in imposing any future water restrictions.

Yield modelling presently being undertaken, with particular emphasis on drought management, has concluded that adjusting the initial water restriction trigger level to 70% of combined storage will meet the needs of the population of the Local Government Area for a significant period of time.

As a result of having completed a full analysis of water demand, including consideration of population increase, revised flow modelling of the Hastings River, full review of available storage and trunk system analysis, it is confirmed that the existing water restriction trigger levels are very conservative, with potential to be in water restrictions every two years.

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Based on the results of the yield modelling results to date, it is proposed to both adjust the water restriction trigger levels and adopt the uniform North Coast water restrictions as outlined in this report.

A summary table for the proposed water restriction trigger levels, with the uniform north coast water restrictions, is shown below:

Level	Restrictions - residential outdoor component	Trigger Point (percentage of combined storage)	Port Macquarie dam level to maintain	Remaining storage in Cowarra Dam	Estimated Remaining usable water supply	Target reduction
Water conservation measures	No unattended hoses between the hours of 9:00am to 4:00pm	Not applicable				
1 moderate	Micro sprays and drippers / sub-surface can be used for a maximum of 15 minutes and hand held hoses can be used for 1 hour every second day, between the hours of 4:00pm and 9:00am on odd or even days matching house numbering system. Other irrigation and unattended hoses banned	70%	85% 2125 megalitres	66.25% 6,625 megalitres	Approx 62 weeks	6%
2 High	Micro sprays and drippers / sub-surface can be used for a maximum of 15 minutes and hand held hoses can be used for half hour every second day, between the hours of 4:00pm and 9:00am on odd or even days matching house numbering system. Other irrigation and unattended hoses banned	60%	85% 2125 megalitres	53.75% 5375 megalitres	Minimum 53 weeks	11%
3 Very High	No irrigation permitted. Use of buckets any time, or hand held hoses for a maximum of 10 minutes, every second day, between the hours of 4:00pm and 9:00am on odd or even days matching house numbering system	45%	85% 2125 megalitres	35.0% 3500 megalitres	Minimum 37 weeks	17%
4 Severe	All external use of potable water banned. Grey water use only	35%	85% 2125 megalitres	22.50% 2250 megalitres	Minimum 25 weeks	20%
Emergency	As directed by Port Macquarie-Hastings Council	25%	85% 2125 megalitres	10% 1000 megalitres	Approx 11 weeks	Emergency use (23%)

Council has taken the approach in the past that water restrictions will not apply to business/commercial and are targeted directly at residential use, by applying limits to outdoor watering. Modelling scenarios have been run considering this philosophy. Consideration to restricting supply to public facilities such as beach showers, water for fish cleaning at boat ramps and water play areas such as Westport Park will be treated in more detail in the drought management plan. It is also proposed to delegate the General Manager the power to be given the opportunity to exercise discretion when lifting water restrictions, giving due consideration to potential for pumping and storage levels as opposed to setting a prescriptive level.

Options

Council have the option of adopting the recommendations or rejecting the recommendations

Community Engagement & Internal Consultation

Internal consultation has occurred with the General Manager, the Director Infrastructure & Asset Management and Water & Sewer staff.

Planning & Policy Implications

Adoption of the recommendations will require amending the PMHC water policy, as well as website information and general water supply information available to the public

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Financial & Economic Implications

There are no financial or economic implications other than the cost to edit existing information, policy documentation and water restriction signage.

Attachments

Nil

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Item: 13.02

Subject: BROADWATER CANAL MAINTENANCE PLAN - COMMUNITY REFERENCE GROUP

Presented by: Infrastructure and Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.5.7 Develop and implement the annual maintenance and preventative works program for stormwater assets.

RECOMMENDATION

That Council:

1. **Extend the tenure of the Broadwater Community Reference Group for a further 24 months until August 2018, to meet with the Director of Infrastructure & Asset Management at least twice per year.**
2. **Retain the groups existing four (4) resident members.**
3. **Call for Expressions of Interest for three (3) new group members.**

Executive Summary

The Broadwater Community Reference Group was formed via Council resolution at the Ordinary Council Meeting of 21 August 2013.

Initially proposed with six members, the Group was formed with seven (7) members due to the level of interest in the local community and was for a period of 24 months only. The group was to meet with the Director Infrastructure and Asset Management at least twice a year.

This report seeks to extend the tenure of the Group for a further 24 months, retain the Groups remaining four (4) members and call for expressions of Interest for two (2) new group members to fill the vacant positions.

Discussion

The Broadwater Community Reference Group (BCRG) was formed via Council resolution at the Ordinary Council Meeting of 21 August 2013 (copy of report and resolution attached). At that time, the Group consisted of seven (7) resident members who were selected based on their responses to Council's advertised Expression of Interest process.

The selected Group members were as follow:

- Mr Peter Moore
- Mr Peter Walsh
- Mr Ron Penfold

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- Mr Ted Hyde
- Mr Bob Todd
- Mr Michael Schmidt
- Mr Richard Abel

Following the group's formation, and over the past 24 Months, the BCRG has met with Council on 8 occasions and discussed / actioned a range of matters including:

- The current and planned maintenance of the Broadwater Canals, including review of the maintenance plan,
- Council and Resident obligations under the terms of the Canal Maintenance Plan,
- Council's financial management of the Broadwater Special Rate Levy,
- A range of landowner issues including the public usage of the footpath that provides foreshore accesses and improvements to signage and the like,
- Legal issues regarding the usage of foreshore areas by residents and the public alike,
- Usage of the flow deflection structures by commercial boat operators, and
- Numerous resident non compliances with the Canal Maintenance Plan and terms of the Memorandum linked to the titles of all residential properties within the canal estate.

A copy of the minutes from all BCRG meetings is available on the "Broadwater Canal" page of Council's website for public reference.

Whilst the BCRG has continued to meet beyond the initial 24 month period, member numbers have dropped within the last 12 months (4 of 7 remain), one of the group has moved away and two others were unable to attend the meetings. Council Staff and the remaining Group Members alike feel that the regular meetings with the BCRG are beneficial and provide a positive point of connection between Council and the Broadwater Community.

From a community perspective, these meetings are an opportunity for members to 'hold Council accountable' to the requirements of the adopted Waterway Maintenance Plan.

In addition to the regular meetings, Council has recently published the first edition of a new newsletter, the "Broadwater Bulletin" (copy attached), providing residents with an update on happenings within this canal estate, restrictions and responsibilities related to the use of the area, and reminding residents of the function of the BCRG as a conduit of information between Council and their Community.

Whilst the Council resolution of 21 August 2013 formed the BCRG for 24 months only, in light of the above and with reference to the Broadwater Canal Hydrographic Survey and Maintenance Plan process which is being concluding at present, it is proposed to extend the tenure of the BCRP and current remaining members for a further 24 months to allow for the continuation of this key point of connection, and to call for expressions of interest for two new group members.

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Options

Council has the option to continue with the Broadwater Canal Community Reference Group or to withdraw support.

Furthermore, whereas it is recommended that the remaining four (4) original Broadwater Community Reference Group members be retained for continuity purposes and that an EOI be advertised for the two vacant positions only, Council may elect to re-advertise all six (6) positions.

Community Engagement & Internal Consultation

At the most recent meeting of the BCRG on 2 June 2016, the four (4) remaining members, Mr Ron Penfold, Mr Ted Hyde, Mr Michael Schmidt and Mr Bob Todd all expressed a strong desire to continue as Group members and to extend the tenure of the Group for a further 24 months.

Planning & Policy Implications

There are no planning and policy implications in relation to this report.

Financial & Economic Implications

There are no financial and economic implications in relation to this report.

Attachments

- 1 [View](#). Council Report Item 12.03 - 21 August 2013 Broadwater Canal Maintenance Plan - Community Reference Group
- 2 [View](#). Extract of Minutes from Ordinary Council Meeting of 21 August 2013 - Item 12.03.pdf
- 3 [View](#). Broadwater Bulletin Issue 1

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Item: 13.03

Subject: TRANSFER OF LAND TO COUNCIL CONTAINING SEWER INFRASTRUCTURE

Presented by: Corporate and Organisational Services, Rebecca Olsen

Alignment with Delivery Program

5.5.3 Plan, investigate, design and construct sewerage assets.

RECOMMENDATION

That Council classify Lot 226 Deposited Plan 1212069 as operational land.

Executive Summary

This report is presented to Council to consider the classification of land transferred to Council that contains a sewer pumping station.

Discussion

At the Ordinary Council meeting held on 20 April 2016, Council considered a report on the transfer of land containing a sewer pumping station that was constructed by the developer of the Brierley Hill land release. At that meeting Council resolved to:

13.02 TRANSFER OF LAND TO COUNCIL CONTAINING SEWER INFRASTRUCTURE

RESOLVED: *Levido/Cusato*

That Council:

- 1. Accept the transfer of land being Lot 226 Deposited Plan 1212069.*
- 2. Pursuant to section 34 of the Local Government Act, place on public exhibition the proposed resolution "It is intended to classify Lot 226 Deposited Plan 1212069 (land situated on The Point Drive at Usher Street, Port Macquarie) as operational land", from 27 April 2016 for a minimum of 28 days.*
- 3. Note that a further report will be tabled at the June 2016 meeting of Council, detailing the submissions received from the public during the exhibition period.*

CARRIED: 9/0

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

AGAINST: *Nil*

Due to an administrative delay with processing of the land transfer, a report on the land classification to the June 2016 Council meeting as originally intended was deferred.

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Options

There is the option to:

1. Classify the land as 'operational'
2. Classify the land as 'community'

Given that the land contains sewer infrastructure, an operational land classification is considered appropriate.

Community Engagement & Internal Consultation

The draft resolution for the land classification has been exhibited for the prescribed period. At the conclusion of the exhibition period no enquiries or submissions were received.

Planning & Policy Implications

There are no planning and policy implications in relation to this report.

Financial & Economic Implications

There are no financial and economic implications in relation to this report.

Attachments

Nil

Planning and Providing Our Infrastructure

Item: 13.04

Subject: LAND ACQUISITION AT THE INTERSECTION OF HASTINGS RIVER DRIVE AND NEWPORT ISLAND ROAD

Presented by: Corporate and Organisational Services, Rebecca Olsen

Alignment with Delivery Program

5.2.1 Plan and implement traffic and road safety programs and activities addressing pedestrian, cyclist and vehicular needs.

RECOMMENDATION

That Council:

1. Pay compensation in the amount of \$3,000 (excl. GST) to the owners of Lot 1 DP826003, Matzwin Pastoral Company Pty Limited, for the acquisition of that part of Lot 1 DP826003 more particularly described in the plan of acquisition as Lot 11 DP1212525.
2. Delegate authority to the General Manager to sign and execute:
 - a) Contract for Sale/Deed of Acquisition
 - b) Land Titles Office Transfer form.
3. Dedicate Lot 11 DP1212525 as public road.

Executive Summary

This report is presented to Council to consider the acquisition of land to enable the continuing upgrade of Hastings River Drive.

Discussion

As part of the continuing upgrade of Hastings River Drive a roundabout is to be constructed at the intersection of Hastings River Drive and Newport Island Road. The width of the current road corridor at the intersection is not of sufficient width to provide for the intended roundabout.

The acquisition of land adjoining the intersection is required. An aerial photograph depicting the location of the land to be acquired is attached. The land to be acquired has been surveyed and plan of acquisition DP1212525 has been registered at the Land Titles Office. A copy of DP1212525 is attached. Lot 11 in DP1212525 denotes the land to be acquired. Lot 11 comprises an area of 71.5m².

Options

To facilitate the upgrade of Hastings River Drive at this location, it is considered that there are no alternative options other than to acquire the proposed land.

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Community Engagement & Internal Consultation

There has been engagement with the landowner who is supportive of the acquisition and the construction of the roundabout.

There has been consultation between the Infrastructure Services Division and the Corporate and Organisation Services Division.

Planning & Policy Implications

There are no planning and policy implications in relation to this report.

Financial & Economic Implications

The acquisition of the land entitles the landowner to monetary compensation.

Council's Consulting Valuer has assessed fair compensation for the acquisition of Lot 11 DP1212525 at \$3,000 (excl. GST). An offer in this amount has been made to the landowner. The landowner has provided their written acceptance of the offer.

In addition to the compensation for the land, Council is also required to meet the legal costs reasonably incurred by the landowner arising from the acquisition. These costs are estimated at \$1,500 (excl. GST).

Provision for the payment of the compensation and estimated legal fees has been made in the Stormwater and Roads budget.

Attachments

1[View](#). Aerial photograph depicting location of land to be acquired

2[View](#). Deposited Plan 1212525

Planning and Providing Our Infrastructure

Item: 13.05

Subject: PACIFIC HIGHWAY UPGRADE - NAMING OF SERVICE ROADS

Presented by: Corporate and 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. Name the service road (Road 1) situated between Fernbank Creek Road and Hastings River Drive as "Winery Drive".**
- 2. Name the service road (Road 2) situated between Hastings River Drive and the Blackmans Point Road Interchange as "Hastings River Drive".**
- 3. Name the service road (Road 3) situated between the Blackmans Point Road Interchange and Haydons Wharf Road as "Telegraph Point Road".**
- 4. Name the road (Road 4) being the remnant section of Blackmans Point Road as "Hosking Road".**
- 5. Advise Roads and Maritime Services of the adopted road names.**

Executive Summary

A report to consider names for sections of the current Pacific Highway that will become service roads once the new Pacific Highway is opened to traffic.

Discussion

Council at its meeting of 18 May 2016 considered a report on the selection of names for those parts of the Pacific Highway that will become service roads once the new highway alignment is opened to traffic. Council resolved:

13.04 PACIFIC HIGHWAY UPGRADE - NAMING OF SERVICE ROADS

RESOLVED: Griffiths/Sargeant

That Council:

- 1. Pursuant to Section 7 of the Roads Regulation 2008, publicly notify the proposed naming of service roads as listed in recommendations 2, 3, 4, and 5 below for a period of 15 days in accordance with Section 7.1.4 of the GNB publication NSW Addressing User Manual.*
- 2. Advertise the name "Winery Drive" for the service road (Road 1) situated between Fernbank Creek Road and Hastings River Drive.*
- 3. Advertise the name "Hastings River Drive" for the service road (Road 2) situated between Hastings River Drive and the Blackmans Point Road interchange.*
- 4. Advertise the name "Telegraph Point Road" for the service road (Road 3) situated between the Blackmans Point Road Interchange and Haydons Wharf*

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Road.

5. Advertise the name "Hosking Road" for the road (Road 4) being the remnant section of Blackmans Point Road.

CARRIED: 7/0

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

AGAINST: Nil

Subsequent to the resolutions made on 18 May 2016, consultation on the proposed names has occurred. The consultation period has now concluded and the matter is reported to Council in accordance with Council Policy "Naming and Renaming of Roads".

Options

The RMS have requested that the selection of names be finalised so as to allow for the RMS to tender the manufacture and installation of the road name signage prior to the new highway alignment being opened to traffic.

Community Engagement & Internal Consultation

Notification of the proposed names has been provided to Statutory Authorities who were invited to make comment on the proposed names.

Letters were sent to adjoining landowners/residents advising of the proposed names. Landowners and residents were invited to comment on the proposed names.

Correspondence was forwarded to those persons that suggested names. A copy of Council's report of 18 May 2016 comprised part of this correspondence. These persons were invited to comment on the proposed names.

The wider public was notified of the proposed names via "Council Matters" and invited to comment on the proposed names.

At the conclusion of the consultation period, one submission has been received. The submission is from a person who proposed a name that was rejected by the Geographical Names Board. A redacted copy of the submission is attached to this report.

Submission Objecting to Proposed Name "Winery Drive"		Issue
1.		Objection to selected name "Winery Drive"
	Response/ Comment:	In the letter to adjoining owners inviting naming suggestions for the service roads, it was stated that whilst Council conducts the naming process, it is the Geographical Names Board (GNB) that endorses and approves road names. Recipients of this letter were advised that suggested names were required to conform to Council's Road Naming Policy and were guided to the PMHC listening website where further information on naming requirements was provided

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		<p>and a copy of Council's Road naming Policy could be accessed. The PMHC listening website reiterated that the GNB endorses and approves road names and that suggested names were to comply with the Road Naming Policy.</p> <p>It is acknowledged that "Ward Track" is not held in Council's dataset, but the GNB hold on their database the name "Ward Track" located at Rollands Plains. As such the name "Ward" is duplicated and not permitted by the GNB.</p>
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Planning & Policy Implications

There are no planning and policy implications in relation to this report.

Financial & Economic Implications

There are no financial and economic implications in relation to this report.

Attachments

1 [View](#). Objection to the proposed name "Winery Drive"

Planning and Providing Our Infrastructure

Item: 13.06

Subject: QUEENS GRANT ESTATE - ACQUISITION OF PRIVATE LOTS

Presented by: Development and Environment Services, Matt Rogers

Alignment with Delivery Program

5.4.2 Review planning instruments and strategies to ensure currency and facilitate sustainable development outcomes whilst acknowledging the impact on community affordability.

RECOMMENDATION

That Council:

- 1. Note the information contained in the Queens Grant Estate - Acquisition of Private Lots report.**
- 2. Continue with the acquisition programme of lots in the Queens Grant Estate, based on land valuation as assessed by the Valuer General at the time of acquisition.**
- 3. Rescind the following Council Resolutions relating to Item 12.02 dated 17 December 2014:**
 - a) Accept the offer by Mr and Mrs Adams to sell Lot 39 in DP 219719 in the Queens Grant Estate to Council at a purchase price of \$20,000.**
 - b) Pay reasonable legal fees incurred by Mr & Mrs Adams with the sale of their land to Council.**
 - c) Upon the settlement of this sale commence the procedure to classify this land "Operational".**
 - d) Affix the seal of Council to the necessary legal transfer documents associated with the purchase of Lot 39 DP 219719.**
 - e) Delegate authority to the General Manager to sign and execute a Contract of Sale for the purchase of Lot 39 in DP 219719.**

Executive Summary

At its meeting on 20 April 2016 Council considered a report on the background to the acquisition of privately-owned lots within the Queens Grant Estate. Council resolved to defer consideration of that report, pending consideration of a further report to the July 2016 meeting on the legal and other implications associated with withdrawing from the voluntary acquisition program of lots in the Queens Grant Estate.

Legal advice has been obtained to clarify Council's position in relation to withdrawal from the acquisition program. Having regard to the legal advice, the circumstances surrounding the original creation of the lots and their restricted development potential, it is recommended that Council continue with the acquisition programme of

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lots in the Queens Grant Estate, based on land valuation as assessed by the Valuer General at the time of acquisition.

Discussion

Introduction

In considering a report regarding the purchase of lots 56 and 57 in DP 219719 Queens Grant Estate, Plomer Road, North Shore at its meeting 16 December 2015, Council resolved in part:

RESOLVED: Cusato/Griffiths

That Council: ...

- 6. Request the General Manager provide a report to the April 2016 Council Meeting detailing the history of the Queens Grant Estate in regards to land owner agreements with Council, rezoning, acquisitions, and Council's expected direction for future acquisitions within the Estate.*

CARRIED: 8/0

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

AGAINST: Nil

At its meeting on 20 April 2016 Council considered that report (refer Attachment 1), which had the following recommendation:

That Council:

- 1. Note the information contained in the Queens Grant Estate report.*
- 2. Continue with the voluntary acquisition programme of lots in the Queens Grant Estate, based on the current valuation as assessed by the Valuer General at the time of acquisition.*
- 3. Rescind the following Council Resolutions relating to Item 12.02 dated 17 December 2014:*
 - a) Accept the offer by Mr and Mrs Adams to sell Lot 39 in DP 219719 in the Queens Grant Estate to Council at a purchase price of \$20,000.*
 - b) Pay reasonable legal fees incurred by Mr & Mrs Adams with the sale of their land to Council.*
 - c) Upon the settlement of this sale commence the procedure to classify this land "Operational".*
 - d) Affix the seal of Council to the necessary legal transfer documents associated with the purchase of Lot 39 DP 219719.*
 - e) Delegate authority to the General Manager to sign and execute a Contract of Sale for the purchase of Lot 39 in DP 219719.*

At that meeting Council resolved:

RESOLVED: Sargeant/Hawkins

That Council:

- 1. Request the General Manager to provide a report by July 2016 on the legal and other implications associated with withdrawing from the voluntary acquisition program of lots in the Queens Grant Estate.*

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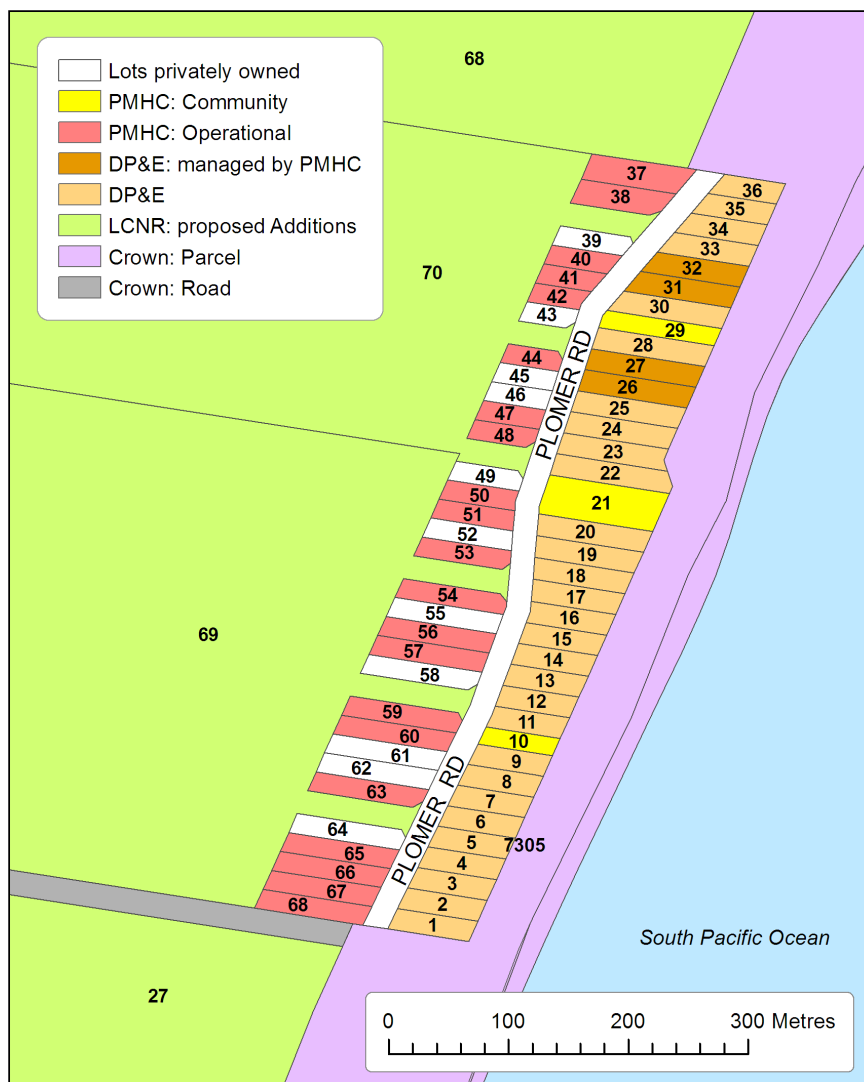
2. *Defer this matter until after Council consideration of the General Manager's report referred to in Point 1 above.*

CARRIED: 6/3

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

AGAINST: Griffiths, Levido and Roberts

The map below shows the 11 lots in private ownership (uncoloured), and surrounded by land that is owned by public authorities or is intended for public ownership (additions to Limeburners Creek Nature Reserve). The lots are in 11 separate ownerships, are 17.5 m wide, with areas ranging from 840 sq m to 1610 sq m.



The report content below addresses:

- the legal and other implications associated with withdrawing from the acquisition program of lots in the Queens Grant Estate,
- The previous recommendation to continue with the acquisition programme of lots in the Queens Grant Estate, and
- the previous recommendation to rescind the resolution relating to the proposed purchase of Lot 39 DP 219719.

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Legal and other implications of discontinuing acquisition of the privately owned lots

Legal advice was sought from Council's solicitors Lindsay Taylor Lawyers, with the following background information supplied:

- A summary history
- Copies of:
 - 6 December 1993 Special Council meeting agenda and minutes relating to the estate
 - 29 April 1996 Ordinary Council meeting agenda and minutes relating to determination of development applications for 4 lots in the estate
 - 8 October 1997 Land and Environment Court judgement on one of those DAs
 - 17 November 1997 Committee of the Whole agenda and minutes considering that judgment
 - 20 April 2016 Ordinary Council meeting agenda and minutes
 - Map showing ownership of lots within the estate.

Given that the background to this matter demonstrates that it is not suitable to permit dwelling houses within the estate, Council's lawyers were asked for advice relating to removal of the LEP Land Acquisition designation for this land in the LEP, while retaining the Zone E2 Environmental Conservation, which has a restricted range of permissible land uses.

In summary the legal advice states:

- 6 *Council can withdraw from any 'voluntary' acquisition program for the land concerned.*
- 7 *But it cannot withdraw from its obligations arising under the Land Acquisition (Just Terms Compensation) Act 1991 to acquire the land in cases of 'hardship' unless it is in a position to remove the existing designation of the land for acquisition.*
- 8 *It will only be in a position to do that if it can rezone the land to enable uses that are not exclusively for a public purpose where those other non-public uses constitute a reasonable use of the land.*
- 9 *It is not clear that Council is in a position to do this owing to the various planning considerations that would arise in relation to any such rezoning.*

The legal advice attached is a confidential attachment titled "Legal Advice, Lindsay Taylor Lawyers" in accordance with s10A(2)(g) of the Local Government Act 1993 - advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings, on the ground of legal professional privilege.

The crucial issue is not whether the land has acquisition provisions applying to it, or whether Council has a policy of acquisition, but whether the planning controls *'enable uses that are not exclusively for a public purpose where those other non-public uses constitute a reasonable use of the land.'*

Of the original 68 small lots approved by the former Hastings Shire in 1963, all but 11 lots are now in public ownership. The previous report detailed the reasons why it is not appropriate to make dwelling houses permissible:

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1. The absence of any legal road access between Corilla Estate and Queens Grant Estate.
2. The access road to and through the estate is immediately behind foredune and is subject to the movement of sand over it. There is also a need to protect the foredune from erosion arising from movements over it which in turn lead to blowouts over the road.
3. There is no access for connection to any utilities - water, sewerage, electricity.
4. The land is identified as flood prone.
5. All lots back onto large tracks of native bushland adjacent to Limeburners Creek Nature Reserve (and are subject to proposed addition to that Reserve). Some lots have side boundaries with native bushland.
6. The small lot sizes, including narrow widths, make the provision of bushfire Asset Protection Zones impossible.
7. The small lot sizes make provision of onsite sewage management improbable.

These issues remain an important consideration for Council in any LEP amendment to permit any form of viable private land use activity on the subject properties. Any planning proposal to permit residential development would need to demonstrate how the issues of legal road access, coastal processes, utilities, flooding, environmental management and bushfire risk would be satisfactorily resolved.

A review of these issues by staff suggest that it is not possible to resolve these issues for the 11 remaining lots and that the other constraints applying to the lots still preclude any viable private land use.

It is also considered highly unlikely that a planning proposal to rezone the land to allow for non-public uses would be supported by the Department of Planning & Environment given the above.

Continuing acquisition

Acquisition of land is subject to the buyer making adequate investigations regarding potential restrictions on use of the land. Voluntary sale to Council has been offered since late 1993, with formal acquisition under the *Land Acquisition (Just Terms Compensation) Act 1991* applying since June 2001. Council has offered \$20,000 per lot (with a State Government subsidy of \$10,000.). The subsidy is no longer available, and the Valuer General has currently valued the lots at \$10,000 each.

If Council were to offer to purchase the remaining 11 lots at current land value, the total cost would be \$110,000 plus legal and administration costs.

This is far less than the cost of providing and maintaining legal road access to the lots, and resolving other constraints to development.

Rescission of the proposed purchase of Lot 39 DP 219719.

At its meeting on 17 December 2014, Council considered a report ' To consider an offer by the owners of Lot 39 DP 219719 Queens Grant Estate, Plomer Road, North

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Shore, Port Macquarie to purchase their vacant land site for a price of \$20,000 plus reasonable associated legal fees.' Council resolved:

RESOLVED: Intemann/Sargeant

That Council:

- 1. Accept the offer by Mr and Mrs Adams to sell Lot 39 DP 219719 in the Queens Grant Estate to Council at a purchase price of \$20,000.*
- 2. Pay reasonable legal fees incurred by Mr and Mrs Adams with the sale of their land to Council.*
- 3. Upon the settlement of this sale commence the procedure to classify this land "Operational".*
- 4. Affix the seal of Council to the necessary legal transfer documents associated with the purchase of Lot 39 DP 219719.*
- 5. Delegate authority to the General Manager to sign and execute a Contract of Sale for the purchase of Lot 39 DP 219719.*

CARRIED: 7/0

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

AGAINST: Nil

The purchase was abandoned by the land owner during contract negotiations.

The report to the April 2016 meeting recommended that Council rescind this resolution.

Options

1 Abandon the acquisition programme

As outlined in the body of the report, it is considered that there are no realistic options to remove the requirement for Council acquisition, which will remove Council's obligations under the *Land Acquisition (Just Terms Compensation) Act 1991*. The administration of claims under this Act are typically time consuming and expensive.

It is therefore proposed to retain an acquisition program as a practical alternative for Council and the affected landowners.

2 Amend the acquisition programme, using the current Valuer General valuation.

This is the recommended option.

Noting the LEP provisions, it is recommended that Council continue with the acquisition programme, and to adjust the acquisition value in line with current valuation levels, as determined by the Valuer General.

This option requires an amendment to the previous Council resolution from 1993 which specifies an acquisition sum of \$19,000 and \$20,000.

The current valuation rate is \$10,000 per lot.

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As noted in the earlier report, previously Council has twice written to landowners offering to purchase their land.

3 Continue the current acquisition programme as per the status quo.

Continue the acquisition programme as per the status quo - that is, based on the earlier outdated valuation rate (of \$19,000-\$20,000 per lot) as opposed to the current valuation of \$10,000.

4 Transition the acquisition programme purchase price from the status quo to the current valuation rate.

Continue the acquisition programme - setting the acquisition price at a level between the status quo and the current valuation rate. This option could be subject to an end date which after which time the current valuation rate could apply.

Community Engagement & Internal Consultation

Council has written to all private land owners in Queens Grant Estate on two previous occasions offering to purchase their properties.

There has been internal consultation between Corporate & Organisational Services and Development & Environment Divisions and with Council's legal advisors.

Planning & Policy Implications

Any planning proposal to permit residential development would need to demonstrate how the issues of legal road access, coastal processes, utilities, flooding, environmental management and bushfire risk would be satisfactorily resolved.

Financial & Economic Implications

Removal of the compulsory acquisition provisions will not remove the probable acquisition liability for Council unless the planning restrictions are relaxed. Any relaxation of the planning controls (which is unlikely to be approved by the State Government) would lead to pressure for Council to fund provision of infrastructure to facilitate development. The cost of the remaining acquisitions is far less than the cost of providing and maintaining legal road access to the lots, and resolving other constraints to development.

The recommendation to continue with compulsory acquisition provides more financial certainty and closure than other options.

Attachments

1 [View](#). Council report 20 April 2016 Item 11.01

2 [View](#). Legal Advice, Lindsay Taylor Lawyers (Confidential)

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Item: 13.07

Subject: RIVER BREEZE ESTATE PLANNING AGREEMENT

Presented by: Development and Environment Services, Matt Rogers

Alignment with Delivery Program

5.4.1 Plan settlements to accommodate a range of compatible land uses that meets projected population growth for new and existing developments.

RECOMMENDATION

That Council delegate authority to the General Manager to enter into and execute the River Breeze Estate Road Works Planning Agreement on behalf of Council.

Executive Summary

The purpose of this report is to advise Council of a recent offer to enter into a voluntary planning agreement (VPA). The VPA provides for the payment of a contribution towards the upgrade of an intersection on Beechwood Road. To expedite the agreement process it is proposed that delegation be granted to the General Manager to consider any submissions received and enter into and execute the agreement on behalf of Council.

Discussion

Council has received an offer from Kildarious (Wholesale) Pty Ltd to enter into a Voluntary Planning Agreement (VPA) in connection with a Development Application (DA2000/670 - Residential Subdivision). The VPA provides for the payment to Council of a monetary contribution of \$137,263.00 towards the construction and upgrade of the intersection of Riverbreeze Drive and Beechwood Road, Wauchope. The contribution will be used by Council to provide a coordinated upgrade of the intersection at the time Council undertakes the upgrading of Beechwood Road.

The final draft agreement, signed by the Developer, was submitted to Council on 1 July 2016. A copy of the revised draft agreement is attached. Public notification of the agreement has commenced and will end on Wednesday 10 August 2016.

To expedite finalisation of the agreement and facilitate the release of the final stage subdivision certificate for the development it is proposed that delegation be granted to the General Manager to determine any submissions received during the notification period and subject to no major issues being raised, enter into and execute the planning agreement on behalf of Council.

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Options

The Council could resolve to grant delegation to the General Manager to consider submissions and enter into the agreement or require a further report to Council following completion of the notification period.

Community Engagement & Internal Consultation

Public notification of the draft Planning Agreement will be undertaken between 13 July and 10 August 2016 including a notice in the Port News, Camden Haven Courier and Hastings Gazette newspapers. Adjoining owners and those people who had made a previous written submission were notified in writing of the proposed planning agreement.

Council's Transport and Stormwater Network Section was involved in negotiating the contribution amount.

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 adversely affect Council's financial position and are unlikely to have any adverse economic impact. The planning agreement provide for a flexible approach to achieving infrastructure upgrades associated with development.

Attachments

1 [View](#). River Breeze Estate Road Works Planning Agreement

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Item: 13.08

Subject: PLANNING PROPOSAL FOR RESIDENTIAL INFILL AND ENVIRONMENTAL PURPOSES - LINCOLN ROAD, CASTLE COURT & MARIAN DRIVE, PORT MACQUARIE

Presented by: Development and Environment Services, Matt Rogers

Alignment with Delivery Program

5.4.3 Review the planning framework for decisions regarding land use and development.

RECOMMENDATION

That:

1. Council prepare a Planning Proposal pursuant to section 55 of the Environmental Planning Assessment Act 1979 in relation to Lot 1 DP 1066820 and Lot 34 DP 856163, Lincoln Road, Castle Court and Marian Drive, Port Macquarie, for residential infill and environmental purposes as described in this report.
2. Council submit the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination pursuant to section 56 of the Environmental Planning and Assessment Act 1979, as well as the issue of a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 59 of the Act in respect of the planning proposal.
3. Council delegate authority to the Director Development and Environmental to make any amendments to the Planning Proposal as a result of the Section 56 Gateway Determination, prior to public exhibition of the proposal.
4. In conjunction with the landowner, Council prepare a Voluntary Planning Agreement as referred to in this report and publicly exhibit the Planning Agreement for a minimum of 28 days in accordance with clause 25D of the Environmental Planning and Assessment Regulation 2000.
5. A further report be presented to Council following the public exhibition period to demonstrate compliance with the Gateway Determination and to provide details of any submissions received throughout that process.

Executive Summary

The purpose of this report is to consider the preparation of a Planning Proposal for a proposed rezoning to protect an environmentally sensitive site in Lincoln Road, Castle Court and Marian Drive, Port Macquarie and allow minor infill residential on three small fringe areas of the site, including part of an adjoining Council property, which has been identified as suitable for residential purposes.

The proposal is intended to result in a small number of infill residential lots similar in size and character to adjacent residential development, improvements to and

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reallocation of stormwater infrastructure into public ownership and dedication of approximately 30 hectares of environmentally sensitive land to Council.

It is recommended that Council proceed with the preparation of a Planning Proposal for the land and that a Gateway Determination be requested from the Department of Planning and Environment, subject to continued negotiation regarding key matters during preparation of a planning agreement, as proposed by the proponent and as described in this report.

Discussion



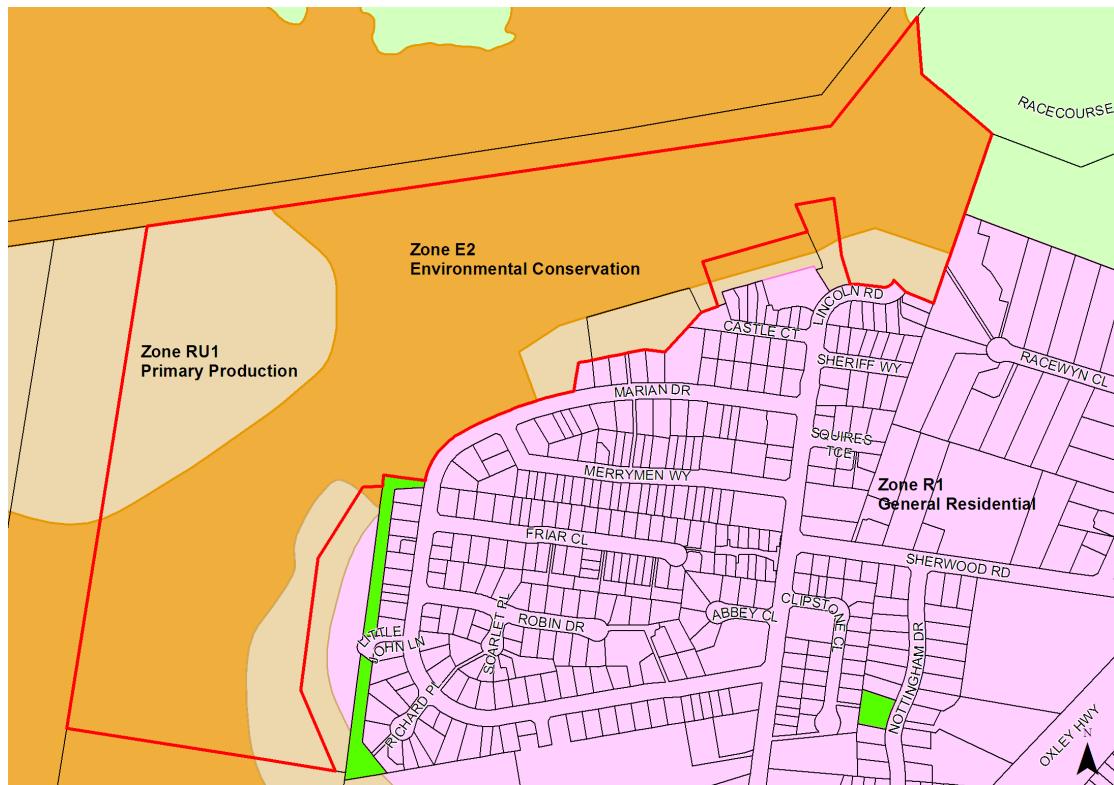
The site

The site is located approximately 5 kilometres west of the Port Macquarie town centre and comprises Lot 1 DP 1066820 and Lot 34 DP 856163 with frontage to Lincoln Road, Castle Court and Marian Drive. Land adjacent to the southern fringe is characterised by low and medium density residential housing and retirement villages.

As shown below, Lot 1 DP 1066820 (32.38 ha) is currently zoned partly RU1 Primary Production and partly E2 Environmental Conservation. The site is occupied by a single dwelling with access off Lincoln Road. The remainder of Lot 1 comprises wetland, significant vegetation, including endangered ecological communities, and formerly cleared grazing land.

Lot 34 DP 856163 is owned by Council. It is currently zoned RU1 Primary Production and is used for stormwater detention associated with existing residential development in the locality.

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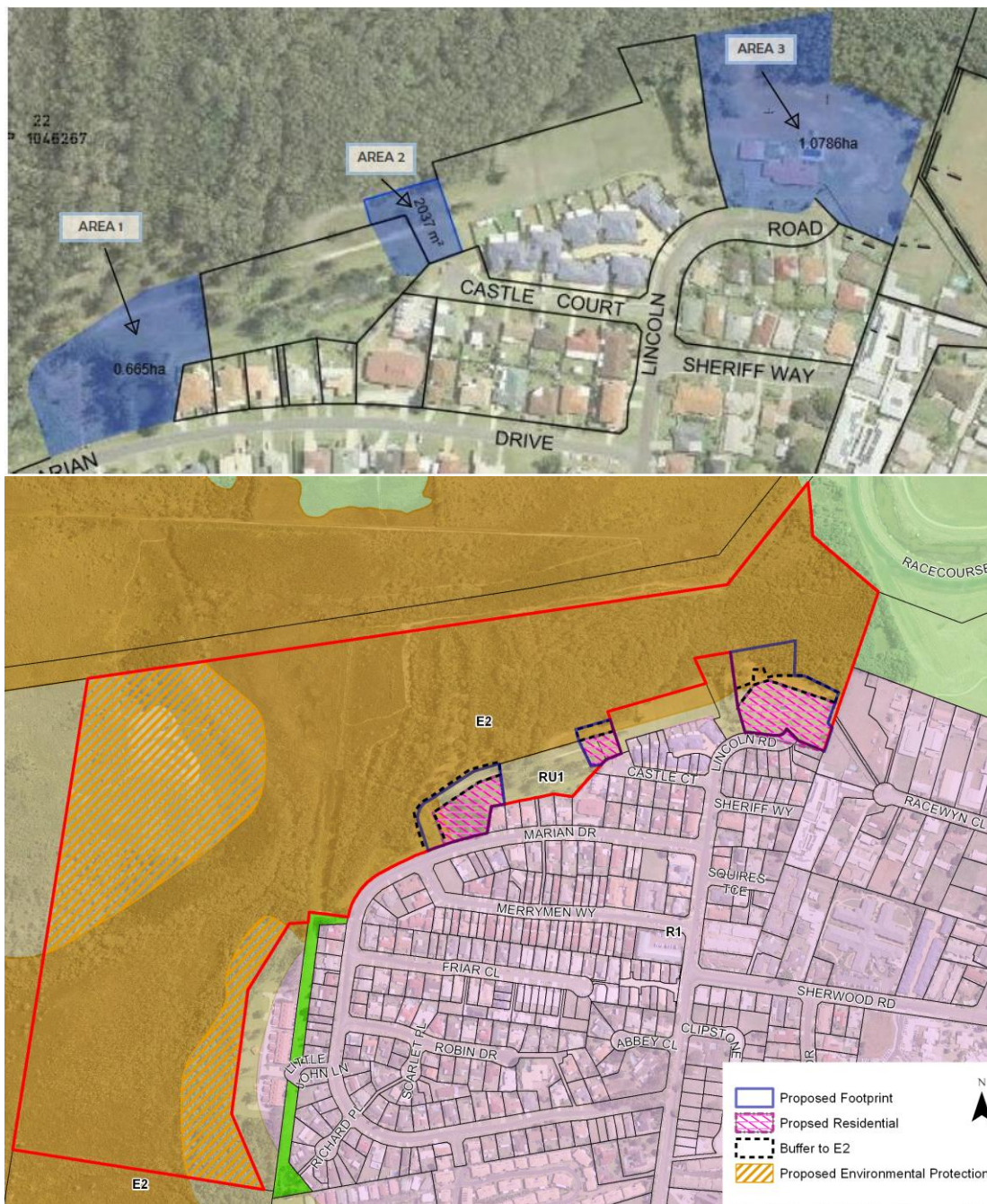
The Proposal

It is proposed to rezone three small cleared areas on the southern fringe of Lot 1 and part of Lot 34 (approx 1.9 ha in total) to permit future infill residential development consistent with concept subdivision plans submitted by the proponent (see **Attachment 1**). It is also proposed to rationalise the RU1 zone on the residue of Lot 1. The proponent's concept subdivision plans indicate potential for nine additional lots, including a new lot for the existing dwelling, part of which is also proposed to retain an existing area of Zone E2 Environmental Conservation lands to be managed in private ownership.

The landowner has offered to enter into a planning agreement with Council to dedicate the residue of Lot 1 (approx 30 ha) as public reserve to be rehabilitated and maintained in perpetuity for environmental conservation purposes. The landowner has also offered to dedicate a drainage channel on the south-eastern boundary of Lot 1, in exchange for part of Council's land (Lot 34) for inclusion in the infill footprint.

The proposed infill areas and intended land use outcomes, in context of the existing land use zoning, are illustrated below.

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The concept provides for residential infill footprints with buffer areas to the proposed environmental residue lands. It is proposed that Council introduce new zone and minimum lot size provisions to facilitate future subdivision of the proposed lots incorporating a buffer containing Asset Protection Zones (APZs).

The proponent's concept plans include detail to demonstrate that the proposed infill areas can be readily serviced (road access, sewer, water, stormwater infrastructure). Specialist studies have been submitted in relation to ecology and bushfire hazard, which are key considerations in the preparation of a Planning Proposal. These studies, which are based on an earlier concept, suggest that the proposed subdivision will not have a significant environmental impact.

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Key considerations

- Flora and Fauna

Council's mapping indicates that the site contains three endangered ecological communities (EECs) comprising Broad-leaved Paperbark Swamp Woodland Forest, Twig-rush Coastal Lagoon Sedgeland and Swamp Oak Coastal Floodplain Wetland Forest. The majority of EECs are located within the residue of Lot 1 which is proposed to be dedicated to Council for ongoing conservation. The dedication of the residue and rezoning of part of this area from RU1 Rural to an Environmental zone is a significant outcome in this proposal.

The environmental assessment report prepared on behalf of the proponent by Naturecall Environmental (Oct 2015) - at **Attachment 2** - includes an assessment of EECs where impacted by the proposed infill footprints. The report notes that the EECs occur in a highly degraded form within the proposed Marian Drive and Castle Court footprints and a small patch of trees in the northwest of the proposed Lincoln Road footprint. The report concludes that the loss of the disturbed margins of EEC for future infill development is insignificant.

It should be noted that the intact EEC at the rear of the proposed Lincoln Road footprint is proposed to be retained in an Environmental Protection zone and managed in private ownership in accordance with a Vegetation Management Plan to be approved by Council. As part of the planning agreement, no fencing will be permitted in this area of the proposed new lot.

Also, as part of the planning agreement, the landowner has offered to undertake vegetation enhancement works along the interface of the proposed urban fringe, in accordance with a Vegetation Management Plan to be approved by Council. Given the substantial environmental offset proposed, Council staff have accepted that the buffer along the edge of the existing EEC will incorporate management for bushfire asset protection. This is a variation from Council's policy of requiring revegetation within the buffer. However, in this case there is a substantial net environmental gain.

The environmental assessment report indicates that the proposed infill areas contain little or no habitat value to threatened species. The Koala was found to be the species with the strongest association with the site due to eight food trees (Forest Red Gum and Swamp Mahogany) within the proposed Marian Drive and Lincoln Road infill footprints. The report concludes however that the proposed infill sites do not contain major Koala activity nor qualify as Potential Koala Habitat.

It is proposed to consult with the NSW Office of Environment and Heritage in relation to the flora and fauna aspects of the proposal prior to public exhibition.

- State Environmental Planning Policy No 14 - Coastal Wetlands

Lot 1 contains a large area of mapped State Environmental Planning Policy (SEPP) No 14 Wetland, the majority of which forms part of the environmental lands proposed to be dedicated to Council for ongoing conservation. A small area of the SEPP 14 wetland is contained in the proposed lots in the northern area of the Castle Court infill residential footprint.

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As background, SEPP 14 was gazetted on 12 December 1985, with the aim of ensuring that coastal wetlands are preserved and protected in the environmental and economic interests of the State. The Policy applies to developments that have the potential to damage or destroy wetlands.

The proponent's Ecological assessment report considers the extent of the mapped SEPP 14 boundary on a 1981 aerial photograph (i.e. prior to adoption of the SEPP) and notes that the proposal will affect a miniscule area on the degraded outermost fringe of the SEPP 14 wetland, subject to interpretation of the boundary line, which can be varied from 25-50m due to limitations of the mapping.

The report concludes that as this will only remove a minute fraction of the SEPP 14's biodiversity and not significantly alter the hydrological regime, this impact is considered insignificant relative to the objectives of the SEPP. It is also noted that the proposed edge treatments, closure of 4WD tracks and dedication of the residue environmental lands to Council will contribute to greater protection of the SEPP 14 area overall.

Consultation will occur with the NSW Office of Environmental on this aspect of the proposal prior to public exhibition.

- Flooding hazard

Council's Hastings River Flood Study (2006) indicates that the proposed infill residential sites are located predominantly in Flood Fringe areas with a Low to Medium Hazard category. The proponent has submitted information to the satisfaction of Council staff, which demonstrates that filling these areas approximately 900 mm above the 1 in 100 year flood level (i.e. a minimum floor level of 4.1m AHD), will have minimal impact on the flooding characteristics in the locality.

- Bushfire hazard

A Bushfire Hazard Assessment (Oct 2015), prepared on behalf of the proponent by Midcoast Building and Environmental (see **Attachment 3**), indicates that the proposed infill building envelopes can achieve a 21m wide APZ to protect development on the proposed residential lots from bushfire associated with the remnant vegetation to the north. Consultation will occur with the NSW Rural Fire Service on this aspect of the proposal prior to public exhibition.

- Stormwater management

The offer to enter into a planning agreement will facilitate rectification of temporary water treatment basins located on Lot 1 into Council ownership. These basins receive significant upstream flows as a result of the original Marian Drive subdivision but are not covered by an easement for drainage.

Future development of the land will involve filling these basins and stormwater redirected via an easement and right of carriageway to a swale to be constructed on the land to be dedicated to Council. The proponent's concept plans include detail in relation to the proposed swale.

At the development stage, modifications will also be required to the existing drainage reserve off Castle Court to ensure that access to the perimeter of the basin is able to

Planning and Providing Our Infrastructure

be maintained prior to amending the boundary to include part of this land in the proposed residential footprint. In addition, modifications will be required to the swale of the eastern-most drainage channel, prior to dedication to Council.

- Aboriginal heritage

The proponent has undertaken a search of the Aboriginal Heritage Information Management System and did not identify any recorded/declared Aboriginal sites or places on or within 200m of the site. Consultation with the NSW Office of Environment and Heritage, Birpai Aboriginal Land Council and the NSW Aboriginal Land Council will occur on this aspect of the proposal prior to public exhibition.

Options

Council's options are:

1. To resolve to prepare a Planning Proposal based on the information submitted by the proponent and send it to the NSW Department of Planning and Environmental to request a Gateway Determination as recommended by this report.
2. To resolve to prepare a Planning Proposal differently to that described in this report and send it to the NSW Department of Planning and Environment to request a Gateway Determination.
3. To resolve not to support the preparation of a Planning Proposal for the land.

Based on a review of the proponent's submitted information by Council staff, it is considered that the proposal has a significant net environmental benefit and that it will also resolve existing stormwater management issues. On this basis, option 1 is the preferred option, subject to consultation with State agencies and the community as well as ongoing negotiation with the proponent in relation to the matters discussed in this report.

Community Engagement & Internal Consultation

Should the preparation of a Planning Proposal be supported, the Department of Planning and Environment's Gateway Determination will outline consultation requirements with relevant State agencies. These agencies are likely to include the Office of Environment and Heritage, NSW Rural Fire Service, NSW Aboriginal Land Council and Birpai Local Aboriginal Land Council. The Gateway Determination will also specify community consultation requirements.

Planning & Policy Implications

The site was considered and prioritised with other site specific proposals in a report to Council dated 20 August 2014.

The proposal is considered to be consistent with the Port Macquarie-Hastings Urban Growth Management Strategy as an infill proposal representing minor amendments to the R1 General Residential zone in this location. Dedication of the residue environmental lands to Council as part of the proposal represents a significant public benefit.

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Financial & Economic Implications

There are not expected to be any significant adverse financial or economic implications in relation to this report.

Attachments

- 1[View](#). Concept subdivision plans
- 2[View](#). Ecological Assessment Report
- 3[View](#). Bushfire Hazard Assessment Report

Subject: CONFIDENTIAL COMMITTEE OF THE WHOLE

RECOMMENDATION

1. That Council move into Confidential Committee of the Whole to receive and consider the following items:

Item 15.01 T-16-10 Town Square Catenary Lighting - Electrical Design and Construct

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 T-16-21 Construction of Kew Waste Transfer Station

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 T-16-36 Provision of Ice Pigging 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 15.04 T-16-37 Provision of Lifeguard 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 15.05 Council Owned Land in William Street, Port Macquarie (PIN 34119)

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.

Item 15.06 Sale of Council Land - 6 Enterprise Place, Wauchope (Lot 315 DP1075670)

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 15.07 Acquisition of Land - 33 Commerce Street, Wauchope (Lot 307 DP1075670)

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, confer a commercial advantage on a competitor of the Council.

- 2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole on the basis that the items to be considered are of a confidential nature.**
- 3. That the recommendations made in Confidential Committee of the Whole be made public as soon as practicable.**

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

RECOMMENDATION

That the undermentioned recommendations from Confidential Committee of the Whole be adopted:

Item 15.01 T-16-10 Town Square Catenary Lighting - Electrical Design and Construct

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 T-16-21 Construction of Kew Waste Transfer Station

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 T-16-36 Provision of Ice Pigging 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 15.04 T -16-37 Provision of Lifeguard 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 15.05 Council Owned Land in William Street, Port Macquarie (PIN 34119)

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

- Item 15.06 Sale of Council Land - 6 Enterprise Place, Wauchope (Lot 315 DP1075670)**

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 15.07 Acquisition of Land - 33 Commerce Street, Wauchope (Lot 307 DP1075670)**

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, confer a commercial advantage on a competitor of the Council.

RECOMMENDATION