



Ordinary Council

Business Paper

date of meeting: Wednesday 17 May 2017

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 17 May 2017

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**PORT MACQUARIE
HASTINGS**

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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 19 April 2017 be confirmed.

PRESENT**Members:**

Councillor Peter Besseling (Mayor)
Councillor Michael Cusato
Councillor Sharon Griffiths
Councillor Peter Alley
Councillor Justin Levido
Councillor Lisa Intemann
Councillor Lee Dixon

Other Attendees:

General Manager (Craig Swift-McNair)
Acting Director of Community and Economic Growth (Liesa Davies)
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)
Executive Assistant to the Mayor (Linda Kocis)
Communications Manager (Andy Roberts)

The meeting opened at 5.30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

Reverend Malcolm Hausler from the Uniting Church delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Griffiths/Alley

1. That the apology received from Councillor Hawkins be accepted. Councillor Hawkins being absent on approved leave.
2. That the apology received from Councillor Turner be accepted.

CARRIED: 7/0
FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido
AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Levido/Griffiths

That the Minutes of the Ordinary Council Meeting held on 15 March 2017 be confirmed.

CARRIED: 7/0
FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido
AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Levido declared a Non-Pecuniary - Less than Significant Interest in Item 11.01 - 2016-17 Community Grants Projects for Endorsement, the reason being that Councillor Levido is a member of the Rotary Club of Port Macquarie Sunrise Inc which the Club is a recipient of a grant under the 2016-17 Community Grants Project Scheme.

Councillor Levido declared a Non-Pecuniary - Significant Interest in Item 15.05 - EOI-17-13 Independent Members of the Cultural Group, the reason being Councillor Levido is a partner in the Port Macquarie law firm, Donovan Oates Hannaford Lawyers and Councillor Levido acts for two of the appointees detailed in the report.

Councillor Levido declared a Non-Pecuniary - Significant Interest in Item 15.06 - EOI-17-02 Independent Members of the Economic Development Steering Group, the reason being that Councillor Levido is a partner in Port Macquarie law firm, Donovan Oates Hannaford Lawyers and Councillor Levido acts for one of the appointees and he is a business partner with another appointee detailed in the report.

Councillor Cusato declared a Pecuniary Interest in Item 15-07 - T-16-06 Advertising on and Maintenance of Transport Assets, the reason being that Councillor Cusato uses bus shelters to advertise his business in Port Macquarie.

RESOLVED: Dixon/Alley

That the Disclosures of Interest as presented be noted.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Besseling

That the Mayoral Discretionary Fund allocations for the period 2 March to 5 April 2017 inclusive be noted.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

Nil.

08 PUBLIC FORUM

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

1. Ms Denise Williams regarding trees in Sequoia Avenue, Port Macquarie.
2. Ms Cheyne Flanagan, Koala Hospital, regarding the removal of koala habitat - Beach Street, Bonny Hills.

RESOLVED: Griffiths/Levido

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

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

08.01 TREES IN SEQUOIA AVENUE, PORT MACQUARIE

Ms Denise Williams addressed Council in regard to trees in Sequoia Avenue, Port Macquarie.

Ms Williams also suggested that Council's water meter readers should be supplied with a motorbike to undertake their duties.

08.02 REMOVAL OF KOALA HABITAT - BEACH STREET, BONNY HILLS

Ms Cheyne Flanagan, Koala Hospital, addressed Council in regard to the removal of koala habitat - Beach Street, Bonny Hills.

REQUEST TO SPEAK ON AN AGENDA ITEM

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

- Item 09.07 - Mr David Tooby, King and Campbell on behalf of the Lake Cathie Progress Association, in support of the recommendation.
- Item 12.02 - Mr Kevin Shanahan, Pacific Drive Estate Pty Ltd, in opposition of the recommendation.
- Item 12.02 - Mr Daniel Bessell in support of the recommendation.
- Item 12.02 - Mr David Rogers, Bonny Hills Youth and Community Projects Group, in opposition of the recommendation.
- Item 12.02 - Mr Roger Barlow, Bonny Hills Progress Association, in support of the recommendation.
- Item 12.03 - Mr Jamie Harrison in support of the recommendation.

RESOLVED: Levido/Dixon

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

CARRIED: 7/0
FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido
AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Dixon/Alley

That Standing Orders be suspended to allow Items 09.07, 12.02 and 12.03 to be brought forward and considered next.

CARRIED: 7/0
FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido
AGAINST: Nil

09.07 DRAFT INTEGRATED PLANNING AND REPORTING (IPR) SUITE OF DOCUMENTS FOR PUBLIC EXHIBITION

Mr David Tooby, King and Campbell on behalf of the Lake Cathie Progress Association, addressed Council in support of the recommendation.

RESOLVED: Levido/Griffiths

That Council:

1. Place the following Integrated Planning and Reporting (IPR) documents on public exhibition for a period of 28 days from 20 April to 18 May 2017:
 - a) Draft Towards 2030 Community Strategic Plan.
 - b) Draft Delivery Program 2017-2021.
 - c) Draft Resourcing Strategy 2017-2021 with the following components:
 - i) Long Term Financial Plan (2017-2027).
 - ii) Workforce Management Strategy 2017-2021.
 - iii) Asset Management Strategy and Plan.
 - d) Draft Operational Plan 2017-2018.
 - e) Draft Fees & Charges 2017-2018.
 - f) Draft Revenue Policy 2017-2018.
 - g) Rating Maps 2017-2018.
2. Note that a further report will be tabled at the June 2017 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

12.02 PLANNING PROPOSAL - LOT 2 DP1091253, BEACH STREET, BONNY HILLS, FOR PACIFIC DRIVE ESTATE PTY LTD

Mr Kevin Shanahan, Pacific Drive Estate Pty Ltd, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Daniel Bessell addressed Council in support of the recommendation, with suggested amendments. (2, 7 and new 8).

Mr David Rogers, Bonny Hills Youth and Community Projects Group, addressed Council in opposition of the recommendation, in particular Rec No 2. Mr Rogers answered questions from Councillors.

Mr Roger Barlow, Bonny Hills Progress Association, addressed Council in support of the recommendation.

RESOLVED: Levido/Intemann

That Council:

1. Not support the rezoning request as submitted due to the likely impact on known EEC and koala habitat.
2. Prepare a planning proposal 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 respect to Lot 2 DP 1091253 Beach Street Bonny Hills to change the zoning of the land to part residential and part environmental protection, as described in the report.
3. Forward 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.
4. Request that the Secretary 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.
 5. Delegate authority to the Director Development and Environment to make any minor amendments to the Planning Proposal prior to public exhibition of the proposal.
 6. Undertake community consultation in accordance with the gateway determination.
 7. Receive a report following the public exhibition period to demonstrate compliance with the Gateway Determination and to assess any submissions received.

CARRIED: 6/1

FOR: Besseling, Alley, Dixon, Griffiths, Intemann and Levido

AGAINST: Cusato

12.03 LONG TERM RENEWABLE ENERGY STRATEGY

Mr Jamie Harrison addressed Council in support of the recommendation and answered questions from Councillors.

MOTION: Intemann

That this matter:

1. Be deferred to allow a further workshop/briefing to be undertaken with Councillors as to the draft Long Term Renewable Energy Strategy, such workshop/briefing to be held by 30 June 2017; and
2. Thereafter be the subject of a further report to Council.

LAPSED FOR WANT OF A SECONDER.

FORESHADOWED MOTION: Alley

That Council:

1. Place the draft Long Term Renewable Energy Strategy on public exhibition from 20 April 2017 until 19 May 2017.
2. Note that a further report will be tabled at the June 2017 meeting of Council, detailing the submissions received from the public during the exhibition period.

RESOLVED: Levido/Cusato

That this matter:

1. Be deferred to allow a further workshop/briefing to be undertaken with Councillors as to the draft Long Term Renewable Energy Strategy, such workshop/briefing to be held by 31 July 2017; and
2. Thereafter be the subject of a further report to Council.

CARRIED: 5/2

FOR: Besseling, Cusato, Dixon, Griffiths and Levido

AGAINST: Alley and Intemann

09.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Intemann/Levido

That Council note the information in the Status of Reports from Council Resolutions report.

CARRIED: 7/0
FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido
AGAINST: Nil

09.02 DISCLOSURE OF INTEREST RETURN

RESOLVED: Intemann/Cusato

That Council note the Disclosure of Interest return for the position of Road Safety Coordinator.

CARRIED: 7/0
FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido
AGAINST: Nil

09.03 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR CUSATO

MOVED: Intemann/Levido

That Council grant leave of absence for Councillor Cusato for the period 11 May 2017 to 23 May 2017, which includes the Ordinary Meeting of Council scheduled for 17 May 2017.

CARRIED: 7/0
FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido
AGAINST: Nil

09.04 MONTHLY FINANCIAL REVIEW FOR MARCH 2017

RESOLVED: Griffiths/Alley

That Council adopt the adjustments in the "Financial and Economic Implications" section of the Monthly Financial Review Report for March 2017.

CARRIED: 7/0
FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido
AGAINST: Nil

09.05 INVESTMENTS - MARCH 2017

RESOLVED: Levido/Cusato

That Council:

1. Note the Investment Report for the month of March 2017.
2. Request the General Manager undertake an external independent review of Council's internal and external financial reserves with the following overall objectives:
 - (a) To review the extent to which Council's Reserve Balances are appropriate in consideration of the size and breadth of the organisation (including benchmarking to similar sized Councils) and various legislation and Council resolutions that apply.
 - (b) In consideration of the Externally Restricted reserves provide comment on the following:
 - i. Whether the S94/S64 Development Contribution Plans are up to-date.
 - ii. Whether the charges in the Plans are adequate to fund the infrastructure identified.
 - iii. Whether the Council is maximising its use of development contributions revenue in funding the forward works program.
 - (c) Determine whether further opportunities exist to use reserve balances as a means of funding (including opportunities for borrowing against these reserves and the impact of such a strategy) for other projects not currently funded in the works program.
3. Request the General Manager provide updates on the progress of the financial reserves review to the Finance, Corporate Services and Information Technology Portfolio and to all Councillors via appropriate briefings, prior to a final report being tabled at a future meeting of Council.
4. Undertake public education that explains why the financial reserves have been established, how they receive income and how they relate to Council's longer-term plans, including future projects that the reserves are likely to be allocated towards.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

09.06 T CORP RATIO TARGETS

RESOLVED: Levido/Cusato

That Council:

1. Adopt the proposed short term targets (1-2 years), as appropriate levels for Council to strive for.
2. Note that Port Macquarie-Hastings Council has over \$2 billion of assets to maintain, which impacts on Council's ability to meet some of the TCorp benchmarks.
3. Request the General Manager write to the Auditor-General of NSW, TCorp and the Minister for Local Government advocating for a review of the TCorp ratios and associated benchmarks in consideration of the different types of local government entities such as metropolitan, regional and rural; and also noting that the infrastructure composition can vary considerably across the sector.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

Item - 09.07 Draft Integrated Planning and Reporting (IPR) Suite of Documents for Public Exhibition - has been moved to another part of the document.

09.08 ASSET MANAGEMENT POLICY - CONSIDERATION OF SUBMISSIONS AND ADOPTION

RESOLVE: Intemann/Cusato

That Council:

1. Note the submissions to the Draft Asset Management Policy as discussed in the report.
2. Adopt the Asset Management Policy as amended based on the comments received during the exhibition period.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

09.09 DEVELOPMENT ASSESSMENT PANEL CHARTER

RESOLVED: Intemann/Dixon

That Council:

1. Adopt the revised Development Assessment Panel Charter.
2. Request the General Manager appoint new external members to the Panel following a public Expression of Interest process.
3. Note that operation of the revised Charter will commence following appointment of the new external members.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

10.01 ABORIGINAL AWARENESS AND UNDERSTANDING STRATEGY 2013 - 2017 PROGRESS REPORT

RESOLVED: Levido/Alley

That the information in the Aboriginal Awareness and Understanding Strategy 2013 - 2017 progress report be noted.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

10.02 CULTURAL PLAN 2016-2019 - PROGRESS REPORT

RESOLVED: Intemann/Alley

That Council note:

1. The information in the Port Macquarie-Hastings Council Cultural Plan 2016-2019 progress report.
2. A review of the Cultural Plan will be discussed with the Cultural Steering Group and completed before August 2017.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

11.01 2016-2017 COMMUNITY GRANTS PROJECTS FOR ENDORSEMENT

RESOLVED: Levido/Cusato

That Council:

- Pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2016-2017 Round 2 and Event Sponsorship Round 2 in the total amount of \$132,610.00 to:

Organisation Name	Project	Funding
General:		
Hastings Country Music Association	New Equipment	\$7,452
Lake Cathie Skate and Recreation Park	Master Plan	\$10,000
Port Macquarie Historical Society	Conservation Plan	\$5,000
Little Bowerbird Steiner Playgroup	Shade Sail	\$1,830
4Life Care and Training	Mobile Forklift	\$1,845
Make a Difference/Orange Sky Laundry	Washing Machines	\$10,000
Hastings Men's Shed	Replacement Tools	\$3,432
Queens Lake Sailing Club	Storage Racks	\$6,246
Port Macquarie Community Preschool	Garden Shed	\$6,000
Port Macquarie Marine Rescue	VHF Radios	\$5,866
Port United Soccer Club	New Awning	\$6,000
Wauchope Community Arts Council	New Sound Equipment	\$5,500
Birpai Local Aboriginal Land Council	Creative Circle	\$2,500
	Sub Total	\$71,671
Non Council Owned Halls:		
Pappinbarra Progress Assoc.	Fire Equipment	\$10,000
	Sub Total	\$10,000
Place Making:		
Rotary Club of Port Macquarie Sunrise	Community Pathway	\$10,000
Camden Haven Chamber of Commerce	Christmas in July	\$4,457
Friends of Mrs York's Garden	Staircase	\$6,500
Wauchope District Historical Society	Exhibition Resources	\$9,982
	Sub Total	\$30,939

Total Allocated \$112,610

Event Sponsorship:

Blues and BBQ Festival	\$5000
Beer and Cider Festival	\$5000
Beach to Brother Marathon	\$5000
Ekam Yoga Festival	\$2500
Bago Bluff Mountain Bike Marathon	\$2500

Total Allocated \$20,000

2. Request the General Manager provide a briefing to the Economic and Cultural Development Portfolio around the existing Community Grants and Event Sponsorship Grants processes; and then subsequently provide a full Councillor briefing to specifically address:
 - (a) the application process for applicants.
 - (b) the evaluation process relating to applications received.
 - (c) the parameters to be included in the reporting of the successful and unsuccessful applications to Council.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

11.02 COMMERCIAL ACTIVITIES ON COUNCIL-MANAGED LAND POLICY

RESOLVED: Cusato/Dixon

That Council:

1. Note the submissions and feedback received on the Commercial Activities on Council-Managed Land Policy (draft) during the public exhibition period.
2. Adopt the Commercial Activities on Council-Managed Land Policy as presented.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

**12.01 DA2017 - 49.1 ADDITIONS TO EXISTING DWELLING INCLUDING
CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF
THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN
2011 - LOT 390 DP 236950, 5 VENDUL CRESCENT, PORT MACQUARIE**

RESOLVED: Intemann/Cusato

That DA 2017 – 49.1 for additions to dwelling, including Clause 4.6 Objection to Clause 4.3 (Height Of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 390, DP 236950, No. 5 Vendul Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.

CARRIED: 7/0
FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido
AGAINST: Nil

Item - 12.02 Planning Proposal - Lot 2 DP1091253, Beach Street Bonny Hills, for Pacific Drive Estate Pty Ltd. - has been moved to another part of the document.

Item - 12.03 Long Term Renewable Energy Strategy - has been moved to another part of the document.

12.04 LAND DEVELOPMENT APPROVALS PROCESS REVIEW UPDATE

RESOLVED: Levido/Cusato

That Council note progress on the implementation of recommendations from the land development approvals process review.

CARRIED: 7/0
FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido
AGAINST: Nil

**13.01 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - 2017
IRONMAN TRIATHLON AUSTRALIA**

RESOLVED: Intemann/Griffiths

That Council approve the temporary road closures and support the associated transport management arrangements associated with the 2017 Ironman Triathlon Australia on Sunday 7 May 2017, subject to the following conditions:

1. That the event organiser advertise, at no cost to Council, the following details of all temporary road closures and temporary parking restrictions associated with this event in the local print media on separate days, at least twice (2) within 14 days prior to the event:
 - temporary road closure times

-
- duration of the temporary road closures temporary parking restrictions times and duration
 - alternative routes and access arrangements.
2. That the event organiser advertise the event by undertaking a letter box drop to all residents and businesses directly affected by the temporary road closures and temporary parking restrictions at least 14 days prior to the event, advising the following:
 - event name
 - event times
 - contact details of at least two (2) people involved in the
 - organisation of the Event, in case of an emergency
 - proposed actions to be undertaken to mitigate the impact of the temporary road closures and temporary parking restrictions.
 3. That the Traffic Management Plan and associated Traffic Guidance Scheme dated 7 February 2017 be implemented. Any modifications to the plans must be agreed with Council prior to the running of the event.
 4. That the event organiser abides by the written approval from the NSW Police.
 5. That the event organiser notify the NSW Ambulance, NSW Fire & Rescue and the State Emergency Service of the proposed road closures at least 14 days in advance of the event.
 6. That the event organiser notifies local Transport Services (Bus Companies, Taxis) of the proposed road closures at least 14 days in advance of the event and assists in developing alternatives for affected users.
 7. An RMS accredited (Yellow card) person is to be used for the establishment and removal of the traffic control devices.
 8. RMS accredited traffic controllers (Blue card) are to be used to control traffic.
 9. That the event organiser abides by any other condition that Council and the Police may impose at any time.
 10. That the event organiser submit to Council 14 days prior to the commencement of the event evidence of Public Liability Insurance for the amount of \$20 million, which is valid for the duration of the event, including placement and removal of traffic control devices.
 11. The event organiser must have this approval and the Traffic Management Plan and Traffic Guidance Scheme described above on site at all times for the duration of the event.
 12. That a review of the implementation of the Transport Management Plan (TMP) be undertaken by the proponent within three months of the conclusion of the event. The review is to be in consultation with Council and other services so that the TMP can be further refined and any issues identified can be addressed prior to any future events.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

13.02 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - ULYSSES CLUB - PORT MACQUARIE-WAUCHOPE 2017 AGM EVENT

RESOLVED: Cusato/Alley

That Council approve the temporary road closures and support the associated transport management arrangements associated with the Ulysses Club – Port Macquarie-Wauchope AGM Event between Monday 22 – Sunday 28 May 2017, subject to the following conditions:

1. That the event organiser advertise, at no cost to Council, the following details of all temporary road closures and temporary parking restrictions associated with this event in the local print media on separate days, at least twice (2) within 14 days prior to the event:
 - temporary road closure times
 - duration of the temporary road closures temporary parking restrictions times and duration
 - alternative routes and access arrangements.
2. That the event organiser advertise the event by undertaking a letter box drop to all residents and businesses directly affected by the temporary road closures and temporary parking restrictions at least 14 days prior to the event, advising the following:
 - event name
 - event times
 - temporary road closure times
 - duration of the temporary road closures temporary parking restrictions times and duration
 - alternative routes and access arrangements
 - contact details of at least two (2) people involved in the organisation of the Event, in case of an emergency
 - proposed actions to be undertaken to mitigate the impact of the temporary road closures and temporary parking restrictions.
3. That the Traffic Management Plan and associated Traffic Guidance Scheme dated 24 March 2017 be implemented. Any modifications to the plans must be agreed with Council prior to the running of the event.
4. The number of participants in the Grand Parade on 27 May 2017 is limited to no more than 1,200 Ulysses Club members.
5. Rolling road closures for the Grand Parade on 27 May 2017 are permitted to commence from 8.30am and all roads must be fully re-opened by 10.30am. The first rider is permitted to depart from the Town Beach car park at 9.00am and the final rider must depart John Downes Park by 9.45am.
6. That the event organiser abides by the written approval from the NSW Police.
7. That the event organiser notify the NSW Ambulance, NSW Fire & Rescue and the State Emergency Service of the proposed road closures at least 14 days in advance of the event.
8. That the event organiser notifies local Transport Services (Bus Companies, Taxis) of the proposed road closures at least 14 days in advance of the event and assists in developing alternatives for affected users.
9. An RMS accredited (Yellow card) person is to be used for the establishment and removal of the traffic control devices.
10. RMS accredited traffic controllers (Blue card) are to be used to control traffic.
11. That the event organiser installs signs to inform bus users of the temporary

arrangements at the Clarence Street, Short Street (north), Short Street (south) and William Street bus stops.

12. That the event organiser abides by any other condition that Council and the Police may impose at any time.
13. That the event organiser submit to Council 14 days prior to the commencement of the event evidence of Public Liability Insurance for the amount of \$20 million, which is valid for the duration of the event, including placement and removal of traffic control devices.
14. The event organiser must have this approval and the Traffic Management Plan and Traffic Guidance Scheme described above on site at all times for the duration of the event.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

13.03 PEDESTRIAN ACCESS AND MOBILITY PLAN FOR BEECHWOOD, COMBOYNE, LONG FLAT, NORTH SHORE AND TELEGRAPH POINT

RESOLVED: Intemann/Griffiths

That Council:

1. Note the submissions made in response to the exhibition of the Draft Final Pedestrian Access and Mobility Plan for Beechwood, Comboyne, Long Flat, North Shore and Telegraph Point.
2. Adopt the Pedestrian Access and Mobility Plan for Beechwood, Comboyne, Long Flat, North Shore and Telegraph Point with the inclusion of changes as identified within the report.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

13.04 LOOKOUT ROAD HARD ROCK QUARRY PLANNING AGREEMENT

RESOLVED: Levido/Alley

That Council note the Lookout Road Hard Rock Quarry Planning Agreement report.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

13.05 TOWN AND VILLAGE SIGNAGE

RESOLVED: Dixon/Griffiths

That Council:

1. Note the structural designs, cost estimates and community engagement to date for the Town and Village Signage project.
2. Note the proposed 2016-2017 rollout for the Town and Village Signage project.
3. Give consideration to budget allocations in 2017-18 and 2018-19 that will allow completion of the Town and Village Signage project with a three year window.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

14 QUESTIONS FOR NEXT MEETING

14.01 TENDER ASSESSMENTS

Question from Councillor Intemann:

Could the General Manager please advise the details and wording of whatever law, regulation or legal advice that Council relies on in:

1. Not making publicly available as part of the tender scope the intended weighting for a tender assessment; and
2. Not sharing with an unsuccessful tenderer their tender score and/or ranking position.

Comments by Councillor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Alley/Dixon

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

-
- Item 15.01 Review of Organisation Structure
- This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).
- Item 15.02 T-17-04 LED Digital Display Billboard
- This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- Item 15.03 T-17-10 Supply, Installation and Maintenance Support of Network Microwave Equipment
- This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- Item 15.04 T-17-15 Town Green East Implementation - Concrete Works Package
- This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- Item 15.05 EOI-17-03 Independent Members of the Cultural Steering Group
- 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 EOI-17-02 Independent Members of the Economic Development Steering Group
- 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 15.07 T-16-06 Advertising on and Maintenance of Transport Assets
- This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
3. That the resolutions made by the Council in Confidential Committee of the Whole (Closed Session) be made public as soon as practicable after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

The Ordinary Council Meeting adjourned at 7.45pm.

The Ordinary Council Meeting resumed at 8.09pm.

The Directors and Group Manager Governance & Executive Services returned to the Meeting at 8.10pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Levido/Cusato

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

Item 15.01 Review of Organisation Structure

This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).

RECOMMENDATION

That Council:

1. In accordance with Section 333 of the NSW Local Government Act, determine the Organisation Structure for Port Macquarie-Hastings Council as detailed in this Review of Council Organisation Structure report.
2. In accordance with Section 332 of the NSW Local Government Act, determine the following roles as Senior Staff positions within Council, reporting directly to the General Manager:
 - (a) Director Corporate Performance;
 - (b) Director Development & Environment;
 - (c) Director Infrastructure;
 - (d) Director Strategy & Growth.
3. Approve the appointment of a Strategic Projects Officer role as a full time permanent employee to assist in the development of long term strategies.

Item 15.02 T-17-04 LED Digital Display Billboard

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 alternate tender from oOh! Media Assets Pty Ltd for the Supply, Maintenance and Management of an Electronic LED Digital Display Billboard, subject to Council obtaining the necessary planning approval and the execution, by both Council and oOh! Media Assets Pty Ltd, of the final Contract.

2. Should the required planning approval to support the alternate tender from oOh! Media Assets Pty Ltd not be obtained, accept the ranked two (2) conforming tender from oOh! Media Assets Pty Ltd subject to the execution, by both Council and oOh! Media Assets Pty Ltd, of the final Contract.
3. Subject to Resolution 1 and 2 above, accept the Schedule of Rates from oOh! Media Assets Pty Ltd for the Supply, Maintenance and Management of an Electronic LED Digital Display Billboard for the period of five (5) years with an option to extend for a further five (5) year period (such option to be for the benefit of the Council and may be exercised only by the Council in its sole discretion).
4. Delegate authority to the General Manager to enter into the final and agreed contract with oOh! Media Assets Pty Ltd.
5. Affix the seal of Council to the necessary documents.
6. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-04.

Item 15.03 T-17-10 Supply, Installation and Maintenance Support of Network Microwave Equipment

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. In accordance with the Local Government (General) Regulations 2005 clause 178 (1) (b), decline to accept any of the tenders submitted for Tender T-17-10 Supply, Installation and Maintenance Support of Network Microwave Equipment due to the potential need to refine the scope of works;
2. In accordance with the Local Government (General) Regulations 2005 clause 178 (3) (b) invite, in accordance with clause 167, fresh tenders based on different details;
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-10.

Item 15.04 T-17-15 Town Green East Implementation - Concrete Works Package

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 lump sum tender from FJE & J Farlow Concrete for \$315,142 (exclusive of GST) for the supply of the Town Green East Implementation - Concrete Works Package.

2. Accept the Schedule of Rates from FJE & J Farlow Concrete for the supply of the Town Green East Implementation - Concrete Works Package for the purposes of managing potential variations to the contract.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-15.

Item 15.05 EOI-17-03 Independent Members of the Cultural Steering Group

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

RECOMMENDATION

That Council:

1. Appoint the following people as community representatives of the Cultural Steering Group for a two (2) year term:
 - (a) Mr Brian Barker
 - (b) Mr Chris Denny
 - (c) Ms Kate Ford
 - (d) Mr Beric Henderson
 - (e) Ms Jennifer Hutchison
 - (f) Mr Simon Luke
 - (g) Ms Stacey Morgan
 - (h) Ms Willhemina Wahlin
2. Commence the appointments by inviting the new members to the first Cultural Steering Group meeting to be held in May 2017.
3. Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-17-03.
4. Request the General Manager table a report at the June 2017 Council meeting dealing with the future of the following Committees in light of the establishment of the Cultural Steering Group:
 - (a) Heritage, Arts and Cultural Priorities Advisory Group
 - (b) Australia Day Sub-Committee
 - (c) Handa Sister City Committee
 - (d) Port Macquarie-Hastings Youth Advisory Committee.

Item 15.06 EOI-17-02 Independent Members of the Economic Development Steering Group

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

RECOMMENDATION

That Council:

1. Appoint the following people as independent members of the

Economic Development Steering Group for a two (2) year term:

- (a) Ms Heather Cavanagh (Higher Education)
 - (b) Mr Paul Dawson (Greater Port Macquarie Tourism Association)
 - (c) Mr Greg Freeman (Individual)
 - (d) Mr Peter Halliwell (Individual)
 - (e) Ms Kelly King (Hastings Business Women's Network)
 - (f) Mr Hadyn Oriti (Port Macquarie Chamber of Commerce)
 - (g) Mr John R Saunders (Camden Haven Chamber of Commerce)
 - (h) Mr Anthony Thorne (Hastings Construction Industry Association)
- 2. Commence the appointments by inviting the new members to the next Economic Development Steering Group meeting to be held on 5 May 2017.
 - 3. Formally thank all past members of the Economic Development Steering Group for their commitment and contribution during their tenure.
 - 4. Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-17-02.

Item 15.07 T-16-06 Advertising on and Maintenance of Transport Assets

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 revised Tender from Claude Outdoor Pty Ltd for Tender T-16-06 for the provision of Advertising on and Maintenance of Transport Assets, for the period of five (5) years with an option to extend for a further five (5) year period (such option to be for the benefit of the Council and may be exercised only by the Council in its sole discretion), subject to the execution, by both Council and Claude Outdoor Pty Ltd, of the final Conditions of Contract.
- 2. Accept the Schedule of Rates tender from Claude Outdoor Pty Ltd (Option D) for the provision of Advertising on and Maintenance of Transport Assets.
- 3. Delegate authority to the General Manager to continue with and complete negotiations with Claude Outdoor Pty Ltd for the Advertising on and Maintenance of Transport Assets contract and to execute a contract once he has formed the opinion that the terms are satisfactory to Council.
- 4. Affix the seal of Council to the necessary documents.
- 5. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-06.

CARRIED: 7/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Intemann and Levido

AGAINST: Nil

The meeting closed at 8.10pm.

.....
Lisa Intemann
Deputy 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:
.....

Name:

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. The Council official must not be present at, or in sight of, the meeting of the Council at any time during which the matter is being considered or discussed, or at any time during which the council is voting on any question in relation to the matter. (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 [Tick or cross one box.]	<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 [Tick or cross one box]	<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 [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor [Tick or cross one box]	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

Councillor's Name:

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..
 - 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: DEPUTY MAYORAL MINUTE - MAYORAL DISCRETIONARY FUND
ALLOCATIONS****Deputy Mayor, Lisa Intemann**

RECOMMENDATION**That the Mayoral Discretionary Fund allocations for the period 6 April to 3 May 2017 inclusive be noted.****Discussion**Mayoral Discretionary Fund Allocations

The total commitment from the Mayoral Discretionary Fund from 6 April to 3 May 2017 inclusive was \$2,570.00.

This included the following:

Donation to Hastings Fly Fishers for Fish Release Program	\$100.00
Donation to Footprints in Ag fundraiser for Pappinbarra community	\$400.00
Donation to Fundraiser for Beyond Blue	\$1,000.00
Donation to Fundraiser for Tony Wright	\$400.00
Donation to PMQ Croquet Club	\$150.00
8 x ANZAC Day wreaths for services attended by Mayor or Councillor	\$520.00
	<u>\$2,570.00</u>

Attachments

Nil

Item: 06.02

Subject: DEPUTY MAYORAL MINUTE - GENERAL MANAGER
PERFORMANCE REVIEW PANEL - INTERIM MEMBERSHIP

Deputy Mayor, Lisa Intemann

RECOMMENDATION

That Council appoint Councillor Justin Levido to the General Manager's Performance Review Panel from 18 May 2017 until further notice.

Discussion

In July 2011, the Division of Local Government (now the Office of Local Government) issued Guidelines for the Appointment and Oversight of General Managers. A copy of the guidelines is attached for information.

The Guidelines recommend that the General Manager's Performance Review Panel comprise the Mayor, the Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager.

The Guidelines further provide that the whole process of performance management be delegated to the General Manager's Performance Review Panel including the conduct of performance reviews, reporting the findings and recommendations of those reviews to Council and the development of the performance agreement.

At the 16 November 2016 Council meeting, a Mayoral Minute relating to the General Managers Performance Review Panel was resolved as follows:

GENERAL MANAGER'S PERFORMANCE REVIEW PANEL

RESOLVED: Besseling

That Council:

- 1. Determine the composition of the General Manager's Performance Review Panel for the 2016-2017 period to consist of the Mayor, Deputy Mayor, one (1) Councillor nominated by Council and one (1) Councillor nominated by the General Manager.*
- 2. Appoint Councillor Lee Dixon as the Councillor nominated by the Council to the General Manager's Performance Review Panel for the 2016-2017 period.*
- 3. Note that Councillor Geoff Hawkins is the General Manager's nominated Councillor on the General Manager's Performance Review Panel for the 2016- 2017 period.*
- 4. Delegate to the General Manager's Performance Review Panel:*
 - a) The whole process of performance management, including discussions about performance and performance reviews for the 2016-2017 period.*
 - b) The reporting to Council of findings and recommendations of reviews for the 2016-2017 period and any actions that should be taken.*
 - c) The determination of any new performance agreement for the period*

2017-2018.

5. *Determine for the 2016-2017 period that there be one formal performance review at the completion of the period and an informal performance review at four months, noting that the 2016-2017 General Manager performance plan will run from 1 November 2016 to 30 June 2017 so that future performance plans are aligned to financial years.*

CARRIED: 9/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner **AGAINST:** Nil

In light of the resignation of Mayor Peter Besseling on 8 May 2017, there is a need to fill the vacancy that now exists on the General Managers Performance Review Panel until such time as a new Mayor is elected.

From now until the by-election for the role of Mayor, the role of the Mayor on the General Managers Performance Review Panel will be filled by the Deputy Mayor. This then leaves a Councillor role previously held by the Deputy Mayor to be filled on the General Managers Performance Review Panel until such time as a further Mayoral Minute can be tabled at a future Council meeting, post the upcoming by-election regarding the make-up of the General Managers Performance Review Panel.

It is recommended that Councillor Justin Levido fill the vacant role on the General Managers Performance Review Panel for the period from 18 May 2017 until such time as a further Mayoral Minute on this subject can be tabled at a future Council meeting. All other members of the General Managers Performance Review Panel as resolved by Council on 16 November 2016 will remain i.e. Deputy Mayor Lisa Intemann (undertaking the role of the Mayor), Councillor Lee Dixon as the Councillor nominated by Council and Councillor Geoff Hawkins as the Councillor nominated by the General Manager.

It should be noted that the immediate task for the General Managers Performance Review Panel is to finalise the General Managers Performance Plan for 2017-2018.

Attachments

- 1 [View](#). Guidelines for the Appointment and Oversight for General Managers

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 09.07 and 09.09 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

Discussion

The following confidential attachments have been submitted to the Ordinary Council Meeting:

Item No: 09.07
Subject: **Quarterly Budget Review Statement**
Attachment Description: Confidential 2016-2017 March Quarterly Budget Review Statement - Consultancy Engagements
Confidential Reason: Relates information that would, if disclosed, would confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct business. Local Government Act 1993 - Section 10A(2)(c).

Item No: 09.09
Subject: **Question From Previous Meeting - Tender Assessments**
Attachment Description: Disclosure of Weightings and Rankings in Tender Processes - Legal Advice
Confidential Reason: Provides advice concerning litigation, or advice that would otherwise be privileged from production in 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 REPORTS FROM COUNCIL RESOLUTIONS

Presented by: Corporate Performance, 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 Reports from Council Resolutions report.

Discussion

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
QFPM - Tender Assessments (Item 14.01 - OC 19/04/17)	Refer to report titled: Question From Previous Meeting - Tender Assessments	DCP		May 2017
Local Preference Policy (draft) incorporating a 5% Notional Price Offset (Item 09.12 - OC 15/03/17)	Refer to report titled: Opportunities for Local Firms to do Business with Council	DCP	Apr 2017	May 2017
Contaminated Land Policy and Guidelines - post exhibition. (Item 10.01 - OC 15/02/17)	Refer to report titled: Contaminated Land Policy	DDE		May 2017
Waste Strategy 2017 - post exhibition (Item 12.02 - OC 15/03/17)	Refer to report titled: Draft Waste Strategy 2017 - 2024 Exhibition Submissions	DDE		May 2017

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
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)	Delayed to align with UGMS report.	DDE	Dec 2016 May 2017	Jun 2017
Planning Proposal for Residential Infill and Environmental Purposes - Lincoln Road, Castle Court and Marian Drive, Port Macquarie - post exhibition (Item 13.08 - OC 20/07/16)	In negotiations with proponent regarding zone and off-set outcomes	DSG	Oct 2016	Jun 2017
Audit, Risk and Improvement Committee Charter Review (Item 09.04 - OC 16/11/16)		DCP	Mar 2016	Jun 2017
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.	DI	Mar 2015	Jun 2017
Disability Inclusion Action Plan - post exhibition (Item 10.02 - OC 15/03/17)		DSG		Jun 2017
Integrated Planning and Reporting (IPR) Suite of Documents - post exhibition (Item 09.07 - OC 19/04/17)		DCP		Jun 2017
Future of Committees following establishment of Cultural Steering Group (Item 15.05 - OC 19/04/17)		DSG		Jun 2017
Sancrox Employment Land Environmental Lands and Services Planning Agreement - post public exhibition. (Item 12.04 - OC 10/08/16)	Developer land acquisition processes delayed	DSG	Feb 2017 May 2017	Jul 2017

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Water Fluoridation - request for detailed information on studies and programs. (Item 10.01 - OC 15/07/15)	Awaiting further information from NSW Health.	DI	Nov 2016 May 2017	Jul 2017
a) Report on progress against the adopted Recreation Action Plan 2015-2025. b) Propose an updated implementation plan that incorporates additional priorities identified in the Optimising Utilisation of Port Macquarie Sports Fields report. (Item 13.09 - OC 15/02/17)		DDE		Jul 2017
Site Specific LEP Amendments - post initial investigations determine whether to proceed with planning proposals to rezone the lands in each case. (Item 12.04 - OC 15/03/17)		DSG		Jul 2017
Site Specific LEP Amendments - Status of all proposed site specific LEP amendments following adoption of the revised PMH UGMS and determine priorities in Council's strategic land use planning program. (Item 12.04 - OC 15/03/17)		DSG		Jul 2017
Long Term Renewable Energy Strategy (Item 12.03 - OC 19/04/17)		DDE		Aug 2017
Planning Proposal - Homedale Road Kew - post exhibition (Item 13.07 - OC 14/12/16)		DSG		Oct 2017
Project Management Policy - implementation, operation and effectiveness to date incorporating the views of the Audit, Risk and Improvement Committee. (Item 09.03 - OC 15/02/17)		DCP		Nov 2017

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Draft Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowwood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits. (Item 12.01 - OC 10/08/16)		DDE		TBA
Classification of Land - Lot 5 DP774400 Stingray Creek Bridge Environmental Offset (Item 12.01 - OC 16/11/16)		DCP		TBA
Planning Controls for Short Term Rental Accommodation Report on findings and recommendations arising from the Inquiry 'Adequacy of the regulation of short-term holiday letting in NSW'. (Item 13.07 - OC 16/03/16) Short-Term Holiday Letting - post release of NSW Government response to Inquiry 'Adequacy of the regulation of short-term holiday letting in NSW'. (Item 12.03 - OC 14/12/16)	Pending detailed Government proposals	DDE		TBA
Tuffins Lane Sporting Fields - Terms of Agreement (Item 06.02 - OC 14/12/16)		GM		TBA
Port Macquarie Town Centre Pedestrian Facility Investigations - post community engagement (Item 13.05 - OC 14/12/16)		DI		TBA
Reclassification Of Land For Hastings Regional Sports Complex - post exhibition (Item 13.04 - OC 15/02/17)		DCP		TBA

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Planning Proposal - Lot 2 DP1091253 Beach St, Bonny Hills (Item 12.02 - OC 19/04/17)		DSG		TBA
Financial Reserves Review - final report (Item 09.05 - OC 19/04/17)		DCP		TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle
Monthly Financial Update	DCP	Monthly
Investments	DCP	Monthly
Mayoral Discretionary Fund Allocations	GM	Monthly
Development Activity and Assessment System Performance	DDE	Quarterly (May, Aug, Nov, Feb)
Glasshouse Strategic Plan Update	DCP	Biannual (Feb, Aug)
Delivery Program - Progress Report	DCP	Biannual (Mar, Sept)
Operational Plan - Progress Report	DCP	Biannual (May, Oct)
Economic Development Strategy - Progress Report (Item 10.03 - ORD 20/11/2013)	DSG	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	DCP	Annually (July)
Recreation Action Plan	DDE	Annually (July)
Annual Report of the Activities of the Mayor's Sporting Fund	DSG	Annually (Aug)
Compliments and Complaints Annual Report	DSG	Annually (Sep)
Council Meeting Dates	GM	Annually (Sept)
Creation of Office - Deputy Mayor	GM	Annually (Sept)

Ensuring Good Governance

Report	Reporting Officer	Reporting Cycle
Payment of Expenses and Provision of Facilities to Councillors Policy for Exhibition	DCP	Annually (Sept)
Audit Committee Annual Report	DCP	Annually (Sept)
Annual Report of Disability Discrimination Act Action Plan	DSG	Annually (Sep)
Annual Disclosure of Interest Returns	GM	Annually (Oct)
Payment of Expenses and Provision of Facilities to Councillors Policy for Adoption	DCP	Annually (Nov)
Council's Annual Report	DCP	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)	DCP	Annually (Nov)

Attachments

Nil

Ensuring Good Governance

Item: 09.02

Subject: DEPUTY MAYOR FEES WHILE EXERCISING THE ROLE OF MAYOR

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council apply the adopted Mayoral fee on a pro rata basis to the Deputy Mayor (including the fee payable to a Councillor) for such time as the Deputy Mayor exercises the responsibilities and duties of the Mayor.

Executive Summary

Following the resignation of Mayor Peter Besseling on 8 May 2017, as Deputy Mayor, Councillor Lisa Intemann will undertake the responsibilities and duties of the Mayor until such time as a by-election is held.

As per the NSW Local Government Act 1993, Council must determine what fee is to be paid to the Deputy Mayor whilst acting in the office of the Mayor.

Discussion

On 8 May 2017, then Mayor Peter Besseling provided a notice of formal resignation to the General Manager. Guided by the *NSW Local Government Act 1993* (the Act), specifically Section 231 (3), Deputy Mayor Lisa Intemann began exercising the role of Mayor due to the casual vacancy created in the office of Mayor. Section 231 (3) of the Act reads as follows"

The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

As the Deputy Mayor is exercising the role of Mayor, Council may resolve the appropriately remunerate the Deputy Mayor for providing these duties. Section 249 of the Act provides guidance on this issue as follows:

S249 Fixing and payment of annual fees for the mayor

(1) A council must pay the mayor an annual fee.

(2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.

Ensuring Good Governance

(3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.

(4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

(5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee."

It is specifically Section 249 (5) that is applicable in this case. As the Deputy Mayor is exercising the function of the Mayor it is recommended to remunerate the Deputy Mayor on a pro rata basis during the period that the Deputy Mayor exercises the role of Mayor, based on the Council adopted Mayoral fee.

The 2016-2017 financial year Mayoral fee was adopted as \$59,930, noting that this amount includes the fee payable to a Councillor. Whilst yet to be resolved by Council, this fee (Mayoral and Councillor fees) will increase slightly for the 2017-2018 year.

Options

The Act states that a Council may adopt to pay the Deputy Mayor (if there is one) a fee determined by the Council for such time as the Deputy Mayor acts in the office of the Mayor.

Community Engagement & Internal Consultation

Engagement has taken place between:

- General Manager;
- Director of Corporate Performance;
- Group Manager Governance and Procurement.

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 as it is recommended that the remuneration of the Deputy Mayor whilst exercising the function of Mayor is deducted from the existing Mayoral fee.

Attachments

Nil

Ensuring Good Governance

Item: 09.03

Subject: REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR ALLEY

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council grant leave of absence for Councillor Alley for the period 24 June 2017 to 26 July 2017, which includes the Ordinary Meeting of Council scheduled for 19 July 2017.

Executive Summary

Council has received a request for leave of absence from Councillor Alley for the period 24 June 2017 to 26 July 2017. During this period one (1) Ordinary Meeting of Council is scheduled.

Discussion

Council has received a request for leave of absence from Councillor Alley. The Councillor's request conforms with clause 235A of *Local Government (General) Regulation 2005*.

Councillor Alley has requested leave of absence for the period 24 June 2017 to 26 July 2017. The reason for the Councillor's request is that he will be outside of the local government area and unable to attend to official Council duties during this time.

During the requested leave of absence period *one (1)* Ordinary Meeting of Council is scheduled:

- Wednesday 19 July 2017.

Options

Council can:

1. Adopt the recommendation.
2. Refuse leave of absence.

Community Engagement & Internal Consultation

Internal Consultation

- General Manager.

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- Group Manager Governance & Procurement.

Planning & Policy Implications

The Councillor's request conforms with clause 235A of *Local Government (General) Regulation 2005*.

Financial & Economic Implications

There are no financial or economic implications.

Attachments

Nil

Ensuring Good Governance

Item: 09.04

**Subject: 2016-2017 OPERATIONAL PLAN QUARTERLY PROGRESS REPORT
AS AT 31 MARCH 2017**

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the 2016-2017 Operational Plan Quarterly Progress Report as at 31 March 2017.

Executive Summary

This quarterly progress report assesses Council's delivery against the actions and performance measures adopted in the 2016-2017 Operational Plan. It seeks to provide concise and accurate information on progress made in delivering the Operational Plan actions, activities and projects up to the 31 March 2017.

Meeting the targets and performance measures in the annual Operational Plan contributes to the overall achievement of the objectives outlined in the 2013-2017 four year Delivery Program. The Delivery Program is reviewed on a six-monthly basis and is next scheduled to be reported to Council in September 2017. This will be the final six monthly report on the existing 2013-2017 Delivery Program.

The overview section of the report provides a statistical snapshot of Operational Plan performance measurement data across the organisation. Analysis of performance achievements and actions that are behind target are detailed in each Focus Area.

The attachment provides the full 2016-2017 Operational Plan Performance Report, which includes a comprehensive listing of each individual action, performance measure, target and commentary on progress.

Capital projects are incorporated into the body of the Operational Plan and as such are reported on as individual actions with performance measured against the adopted project plan.

Discussion

Overview: 2016-2017 Operational Plan - Quarterly Progress Report

The 2016-2017 Operational Plan contains 229 actions with the total number of performance measures being 320.

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As at 31 March 2017, 88% of Operational Plan actions are on target with several actions delivered to date, the remaining portion recorded as behind target or behind schedule. A number of projects span across a number of years and are identified as multiyear.

Operational Plan Summary of Performance Measures by Focus Area					
Focus Area	Total	On target	Achieved	Behind	Overall delivery
Governance	67	53	13	1	99%
People	63	49	14	0	100%
Prosper	25	22	1	2	92%
Environment	23	17	3	3	87%
Infrastructure	142	95	13	34	76%
Totals	320	236	44	40	88%

Detailed Analysis by Focus Area

Achievement highlights and details of those actions behind target are summarised below according to each Focus Area within the Operational Plan.

Focus Area	Total measures	On target	Achieved	Behind
Ensuring good governance	67	53	13	1

Highlights

- The Legislative Compliance review for 2015-2016 was presented to the Audit Committee and the Ordinary Council Meeting in August 2016
- Investment Reports tabled in accordance with required timelines
- Financial Reports tabled in accordance with required timelines
- The 2015-2016 Annual Report presented to Council in November 2016 and a easy to read Community Report Card was also published
- The six monthly progress report on the 2013-2017 Delivery Program was presented to Council in March 2017 in line with legislation
- The 2015-2016 Government Information Public Access (GIPA) Annual Report was complete
- The Annual Code of Conduct Complaints Report, Annual Disclosure of Interests and report on Public Interest Disclosures were all complete
- The Payment and Expenses and provision of facilities for Councillors Policy was reviewed and submitted to the office of Local Government in line with legislation
- The review of compliments and complaints was completed with a report presented to Council in August 2016
- A range of communication tools were used to keep community up to date with council activities including quarterly distribution of the Community Now Newsletter, use of consistent media channels such as social media, newspaper advertising and Weekly Mayoral messages

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- Ongoing conversation with other levels of government including meetings with State and Federal members and participation in Mid North Coast Regional Organisations of Councils (MIDROC)
- Over 81,000 calls received through the customer call centre and over 76,000 counter enquires were processed during July to March
- Over 850 Development Applications, over 370 Construction Certificates and over 80 Complying Development Certificates determined during July to March
- Business improvement initiatives are in progress and ongoing

Operational Plan actions behind target

- Implementation of the Procurement Strategy actions is ongoing with a project plan under development to include scope for the Contact Management Policy and procedures

Focus Area	Total measures	On target	Achieved	Behind
Looking after our people	63	49	14	0

Highlights

- Over 430 pool inspections completed exceeding the set target of 250 with inspections continuing
- NAIDOC Week supported. Program of activities included the official flag raising Ceremony, NAIDOC Week School Holiday Program and collaboration with Glasshouse for exhibition opening BLAK Douglas and Milton Budge
- Annual review of grant compliance completed July 2016
- Youth Advisory Council have successfully completed two skills development courses as planned
- Annual Report of achievements against the Disability Discrimination Act action plan was presented to the October 2016 Ordinary Council Meeting
- Countdown to Christmas event were held with over 8,000 people attending
- The Handa Sister City cultural exchange and been coordinated and held
- Annual Report on activities of the Mayor's Sporting Funds was presented to the Ordinary Council Meeting in December 2016
- Approx 4,400 students from 18 schools have participated in the lifeguard education program
- A priority listing relating to bushfire risk mitigation for hazard reduction on Council land has been completed
- NATA corporate accreditation in relation to the Laboratory has been maintained during the period
- Seniors week program developed and delivered in March, with over 1,000 seniors attending and 84 storeholders in attendance
- Annual Australia Day events held across the region
- State Library reporting submitted as scheduled

Ensuring Good Governance

Operational Plan actions behind target

- There are no Operational Plan actions reported as behind for this focus area

Focus Area	Total measures	On target	Achieved	Behind
Helping our community prosper	25	22	1	2

Highlights

- Operating revenue from Glasshouse Commercial operations, Port Macquarie Airport and Innes Gardens Crematorium is 4% higher than the YTD data from the prior year
- Ongoing implementation of the Greater Port Macquarie Destination Management Plan
- Ongoing implementation of the Port Macquarie Airport Master plan actions
- Approx 170,000 passengers have utilized Port Macquarie airport with over 4,000 aircraft movements recorded
- Ongoing implementation of the industry action plans for manufacturing, construction, and transport and warehousing industries
- Detailed design for the Port Macquarie Airport Terminal Building upgrade is ongoing with the tender for architectural design services awarded with architects engaged
- Ongoing implementation of the Digital Strategy actions which has seen free public wifi being trailed at Town Green

Operational Plan actions behind target

- Preparation of LEP and DCP amendments in relation to a business park near Port Macquarie Airport has seen meetings held with landowners with work continuing
- Preparation of LEP amendments to facilitate development in the Major Innes Rd/Charles Sturt University precinct has the Orbital Road Study in preparation. A briefing to Council regarding the Urban Growth Management Strategy and precinct deferred with ongoing monitoring of land fill gas migration required

Focus Area	Total measures	On target	Achieved	Behind
Looking after our environment	23	17	3	3

Highlights

- 20% of plant nurseries across the Local Government Area have been inspected for invasive weeds achieving the set target
- Control of feral animals on Council-controlled land has been undertaken on five sites
- Over 688ha of land have been treated for invasive weeds
- Over 1,800km of weed dispersal routes have been treated
- Over 800ha of bush regeneration has been undertaken
- Draft Biodiversity Strategy preparation underway
- Kew Transfer Station complete

Ensuring Good Governance

Operational Plan actions behind target

- Effluent quality was 98% compliant with Environmental Protection Authority licence discharge limits for the reporting period, slightly below the set target
- Currently reviewing the delivery methods for the Waste Education
- Over 1,450 tree management enquires/requests have been received, made up of 1,090 (Public), 304 (Private) and 60 (Reported illegal actions). A number of additional phone enquiries were also received. In accordance with the service standard and industry best practice, providing advice is slightly behind the set service standard target

Focus Area	Total measures	On target	Achieved	Behind
Planning and providing our infrastructure	142	95	13	34

Highlights

- Design and preconstruction works for the walkway from Town Beach to Kooloonbung Creek were complete
- Hastings River Drive construction at Gordon St to Aston St complete
- Lake Rd/Blackbutt intersection improvements complete November 2016
- Port Macquarie Indoor Stadium upgrades completed
- Westport Reserve - Stage 2 boat ramp upgrade complete
- Town Beach (north) public amenities complete November 2016
- The structure plan for the proposed future urban release area to the west of Wauchope adopted by Council in March 2017
- Port Macquarie Sewerage Treatment Plant - dewater effluent ponds 3 was completed to comply with EPA commitments
- Small Town sewerage program for North Shore commissioned
- Responding to all customer requests within the set service standard in relation to the water and sewerage networks to ensure public health and safety has been achieved
- Open drain reprofiling at Oleander Ave to Koala Street was complete
- The Short Street drainage condition rating and investigations project was complete
- Construction of footpath across the region for the July 2016 to March 2017 period includes Lord St Port Macquarie (100m), Munster St Port Macquarie (220m), Highfields Cct Port Macquarie (20m), Orara St Kendall (140m) and Bain St Wauchope (110m) and Central Rd Port Macquarie (365m)
- Road surfacing and rehabilitation works are on target. Wauchope reseals were completed in February 2017 on the streets surrounding Blackbutt Dr and Cowarral Cct. Pavement preparation also underway near Rocks Ferry, Colonial Cct, Yippin Creek Rd, Redbank Rd and Old King Creek Rd
- Road rehabilitation projects nominated for delivery in 2016-2017 also include the following sections:
 - Ocean Drive, Lakewood
 - Ocean Drive, Bonny Hills
 - Ocean Drive, Lake Cathie
 - King Creek Road, Wauchope
 - Sarahs Cres, Wauchope
 - Diamond Head Rd, Dunbogan

Ensuring Good Governance

- Captain Cook Bicentennial Dr, Laurieton
- Glen Haven Dr, Lakewood
- Stoney Creek Rd, Wauchope

Operational Plan actions behind target

- Beechwood Road upgrade for segments 20, 40 and 50 is ongoing. Concept designs underway including consideration of flood levels, pedestrian traffic and pedestrian bridge(s)
- Works Depot Relocation. Planning documentation has been finalised for submission for Council approval, based on completion of the following scopes of work: updated noise impact assessment; geotechnical testing; detailed site survey and design of civil infrastructure; structural and architectural design of office building; and updated cost estimate
- Albert Street Bridge project planning is underway however works commencement delayed from Sept 2016 due to design finalisation
- O'Neills Bridge Batar Creek Rd has project planning ongoing. Commencement of works delayed to 2017 due to design changes identified during preconstruction planning
- Port Macquarie Coastal Walk master planning development including repairs and signage installation is ongoing, however has been impacted by staffing constraints
- Innes Peninsula (Brierley Hill) park development is pending land ownership changes to Council
- Preparation and review of the draft Urban Growth Management Strategy was pending final release of the North Coast Regional Plan which occurred in March 2017
- Review of the Neighbourhood planning for Thrumster (Area 13) has detailed project plan prepared, however has been delayed due to the Koala Plan of Management being given priority
- O'Briens Dam rehabilitation works has final designs and cost estimates issued by NSW Public Works and are to proceed to the construction phase
- Port Dam switchgear upgrade currently has specifications under review before proceeding to the tender phase
- Kendall Booster Water Pump station is delayed due to potential change to disinfection methodology
- The Small Towns Sewerage Programs (3) for Comboyne, Long Flat and Telegraph Point currently has tender documentation being completed and is anticipated that the tender process will commence in June 2017. Application for funding under the Small Towns Sewerage program has been successful
- Thrumster (Area 13) Sewerage Treatment Plant environmental impact and concept study is currently underway and ongoing
- Thrumster reclaimed water interim supply - rising main to the Thrumster reservoir has designs underway with the final design package now expected to be finalised in by the end of April 2017
- Camden Haven upgrade and upsize of mains and pump stations. Sewer pump station upgrade complete. Mains upgrade ongoing and in accordance with approved budget. However, further investigation required along with further designs
- Eight reportable incidents relating to operation of the sewerage network have been recorded

Ensuring Good Governance

- Stormwater remediation - Skyline Terrace/Ocean Drive Bonny Hills has detailed design complete, however, property matters are delaying commencement and negotiations underway with owner regarding acquisition
- Stormwater remediation/flood remediation - Blackbutt Creek has detailed designs complete, however, property matters and negotiations are ongoing regarding acquisitions..
- Design and preconstruction works for Harty's Creek and Hyndmans Creek Bridges has work ongoing
- Construction of the Town Centre Master Plan has preconstruction designs nearing completion. Tender for construction underway
- Beechwood Rd - Stage 2 - Riverbreeze Drive to Rosewood Rd has project planning commenced and will continue into 2017-2018
- Bulli Creek Bridge replacement in being undertaken with Harty's Creek and Hyndmans Creek Bridges and is ongoing
- Gordon St to Horton St to Lake Rd to dual carriageway has project planning underway with construction scheduled for May 2017
- Flynn's Beach upgrade to the seawall has reconsideration of repair options underway and will continue into 2017-2018
- Stormwater remediation for Batar Creek Road - Kendall Stage 2 has detailed designs finalised with allocation of funding for construction pending
- Stormwater remediation for Callwalla Cres has detailed designs finalised with allocation of funding for construction pending
- Wauchope Main Street upgrade - Stage 1 has final designs complete with work continuing
- Googik Track Stage 2 has designs and approvals in the remaining stages underdevelopment with NPWS
- Construction of the Southern Arm Trunk Main along Houston Mitchell Drive is ongoing with delays in NPWS construction approval
- Sancrox Reservoir to Area 13 has design planning ongoing and will continue into 2017-2018
- Port Macquarie Sewer Pump Station 71 has detailed designs in progress

Options

Seek further information on performance measures reflected in this report.

Community Engagement & Internal Consultation

The information contained in this report has been subject to consultation with the Executive Team, Senior Leadership Team, Integrated Planning and Reporting Development Officer and Council Staff.

Planning & Policy Implications

This report is consistent and aligned with the Integrated Planning and Reporting Framework provisions contained in the Local Government Act (1993).

Ensuring Good Governance

Financial & Economic Implications

The Quarterly Budget Review Statement is tabled under separate cover and reflects the financial implications against the Operational Plan.

Attachments

1 [View](#). Operational Plan Quarterly Progress Report as at 31 March 2017

Ensuring Good Governance

Item: 09.05

Subject: MONTHLY FINANCIAL REVIEW FOR APRIL 2017

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the adjustments in the "Financial and Economic Implications" section of the Monthly Financial Review Report for April 2017.

Executive Summary

This report will detail the monthly budget adjustments to 30 April 2017.

The Council adopted budget position as at 1 July 2016 was a shortfall of \$840,219. Adjustments made up to 31 March 2017 have reduced the shortfall position to a surplus of \$178,894. The budget adjustments for April 2017 contained within this report maintain this surplus position.

Discussion

Monthly Budget Adjustments for April 2017

Each month, Council's budgets are reviewed by Managers and Directors with any required adjustments reported. The purpose of this report is to provide Council with an up to date view of the current actual financial position in comparison to the original adopted 2016-2017 budget along with the proposed movement of funds to accommodate any changes.

Ensuring Good Governance

Monthly Budget Review Summary

Original Budget as at 1 July 2016	Shortfall	(\$840,219)
<u>Plus adjustments:</u>		
July Review	Shortfall	(\$156,268)
August Review	Balanced	0
September Review	Surplus	\$7,725
October Review	Surplus	\$94,718
November Review	Surplus	\$505,761
January Review	Surplus	\$5,447
February Review	Surplus	\$561,730
March Review	Balanced	0
April Review	Balanced	0
Forecast budget position for 30 June 2017	Surplus	\$178,894

April 2017 Adjustments

The following adjustments reflect budget movements as a result of over-expenditure reviews, transfers between accounts, grant funding, transfer from reserves and additional receipts etc that have no impact on the budget position (for example additional income has an associated expenditure budget):

Description	Notes	Funding Source	Amount
Reserve Transfers	1	Reserve	\$20,600
Transfers between accounts	2	Revenue/Reserve/Grant	\$1,579,235
Grant Projects	3	Grant	\$32,100
Total			\$1,131,935

The following are included in the April 2017 adjustments:

1. Crematorium Reserve funding has been allocated to cover expenditure on the urgent replacement of the Cremator Exhaust Fan - \$20,600.
2. To better control budgets there was a need to carry out the following transfers between accounts:
 - \$50,000 has been transferred to the Lake Cathie Foreshore Reserve playground upgrade project.
Funds have been transferred from Disabled Accesses.
 - \$119,933 has been transferred to Westport Reserve - Boat Ramp Upgrade Stage 2.

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Funds have been transferred from savings in the Port Macquarie Indoor Sports Stadium Expansion project's budget.

- \$409,302 has been transferred to Hill Street & Granite Street Intersection - Roundabout project.

Funds have been transferred from:-

- o Pavement Rejuvenation Treatments \$30,000
- o High Traffic Road Resurfacing \$200,000
- o Additional Road Funding \$179,302

- \$500,000 of Regional Roads funding has been allocated from the Regional Roads Project which consists of multiple projects, to Ocean Drive - Lakewood Pavement, which is a specific project on the Regional Road. Funds are being transferred as some of 2016-17 proposed Regional Roads works have been deferred to 2017-18 due to the need for service relocations.

- \$500,000 of Roads to Recovery funding from Ocean Drive Lakewood Pavement has been allocated to Capitalised Works - Maintenance Funding which consists of various projects on Council's local Roads.

3. Council has received a new grant for \$32,100 for the Westport Park Marine Rescue Pontoon.

It should also be noted that:

- Any overspends greater than \$50,000 and 2% of the project budget are reviewed and approved by the Executive Group, being their function to oversee operational activities and approve operational actions.
- Any potential gains in interest income have not been taken into consideration into these calculations.

Options

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

Planning & Policy Implications

There are no planning and policy implications.

Financial & Economic Implications

Attached to the report for information is each individual budget adjustment by Division and Section. The budget movements within this report maintain the budget surplus at \$178,894.

Responsible Accounting Officer Statement

The approved budget result for 2016-2017 after the March 2017 Council meeting was a surplus of \$178,894. This report has made no change to this position. The surplus position is considered a satisfactory result for the year.

Attachments

1 [View](#). April 2017 Budget Review

Ensuring Good Governance

Item: 09.06

Subject: INVESTMENTS - APRIL 2017

Presented by: Corporate Performance, 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 April 2017.

Executive Summary

- Total funds invested as at 30 April 2017 equals \$238,935,446.
- At the 15 March 2017 Council meeting, the adjustments contained within the Monthly Financial review were adopted. These adjustments included budget adjustments to interest. As a consequence of these changes, the annual investment income budget increased from \$4,350,600 to \$6,690,179. The actual year-to-date investment income of \$6,129,622 now represents 91.62% of the total annual revised investment income budget of \$6,690,179.
- In line with Council's Investment Policy, the total portfolio has performed above benchmark levels.

Discussion

Overview

Councils (including Port Macquarie-Hastings Council) provide a broad range of services and associated infrastructure to their communities.

These services include (but are not limited to) the following:

- Water and Sewer services;
- Waste services;
- Port Macquarie Regional Airport;
- Cemeteries;
- Roads and Bridges;
- Various Recreation and Cultural facilities.

The Port Macquarie-Hastings area is a high growth centre of the North Coast region and is expected to accommodate a significant proportion of regional growth over the next two decades. The population will grow from 79,114 in 2016 to 102,926 in 2036.

Ensuring Good Governance

As a consequence of this growth, Council must not only provide services to the existing community and maintain existing assets, but Council must also plan for future maintenance and capital expenditure on the infrastructure that will be needed to support the community, business and visitors to the area into the future.

Council holds cash reserves as an alternative to (or to supplement) borrowing. As at June 2016, Council held \$214 million in cash and reserves. Predominantly, these reserves are all allocated for specific purposes, with 70% of these reserves legally only being able to be used for the purpose for which they were collected (for example for water and sewer). The remaining reserves are also predominantly held for specific purposes (for example, for the development of the Airport, or to fund projects which have already commenced). The balances of these reserves are audited annually and published in Council's financial statements.

The level of reserves held by Port Macquarie-Hastings Council is not disproportionate to other similar Councils, noting that different Councils provide different services. Not all Councils provide Water and Sewer services for example which require significant capital investment.

The balances of these reserves are invested until such time as they are required. This report details how Council invests these reserves to ensure the appropriate balance between risk and financial return (through interest).

Current Investments

Council is required to undertake investments in accordance with section 625 of the Local Government Act 1993. This report provides details of Council's investments, and certifies that all funds that Council has invested as at 30 April 2017, comply with this Act.

All investments have been made in accordance with the Act and Regulations, and Council's Investment Policy.

As at 30 April 2017, the investments held by Council totalled \$238,935,446 were attributed to the following funds:

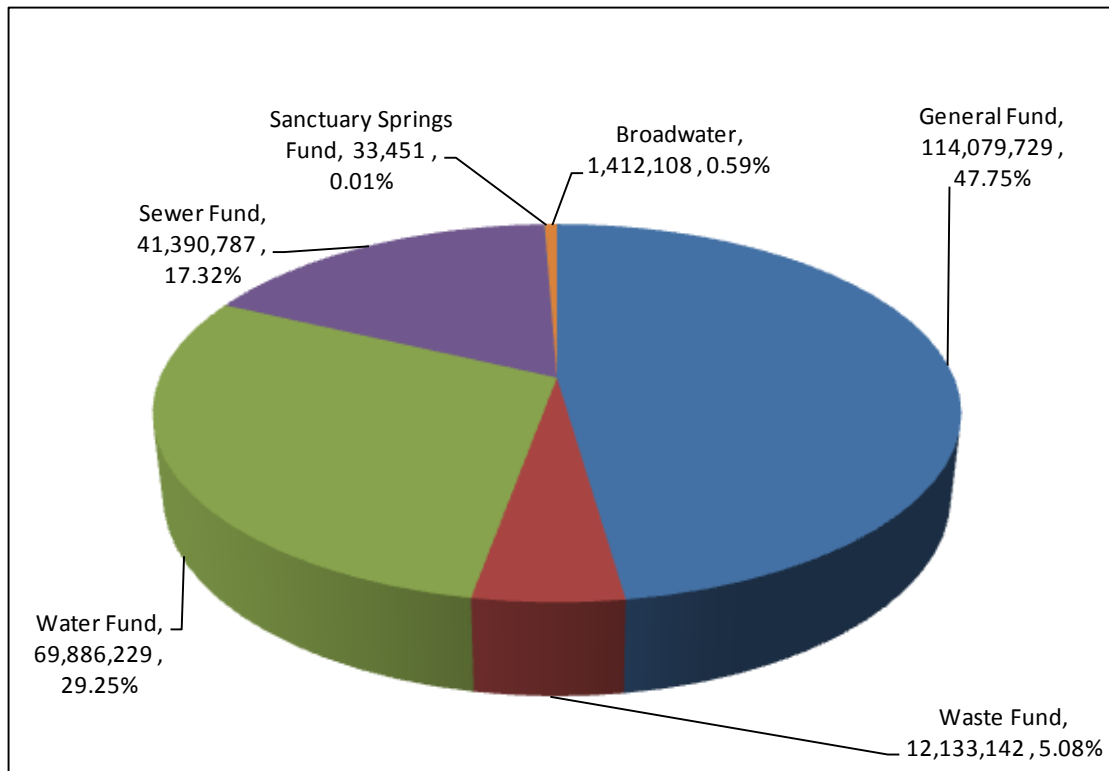
General Fund	114,079,729
Waste Fund	12,133,142
Water Fund	69,886,229
Sewer Fund	41,390,787
Sanctuary Springs Fund	33,451
Broadwater	1,412,108
	<hr/>
	238,935,446

Whilst the current level of investments remain high, these largely relate to funds which have legal restrictions (for example water and sewer), or for funds held for specific purposes.

These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

Ensuring Good Governance

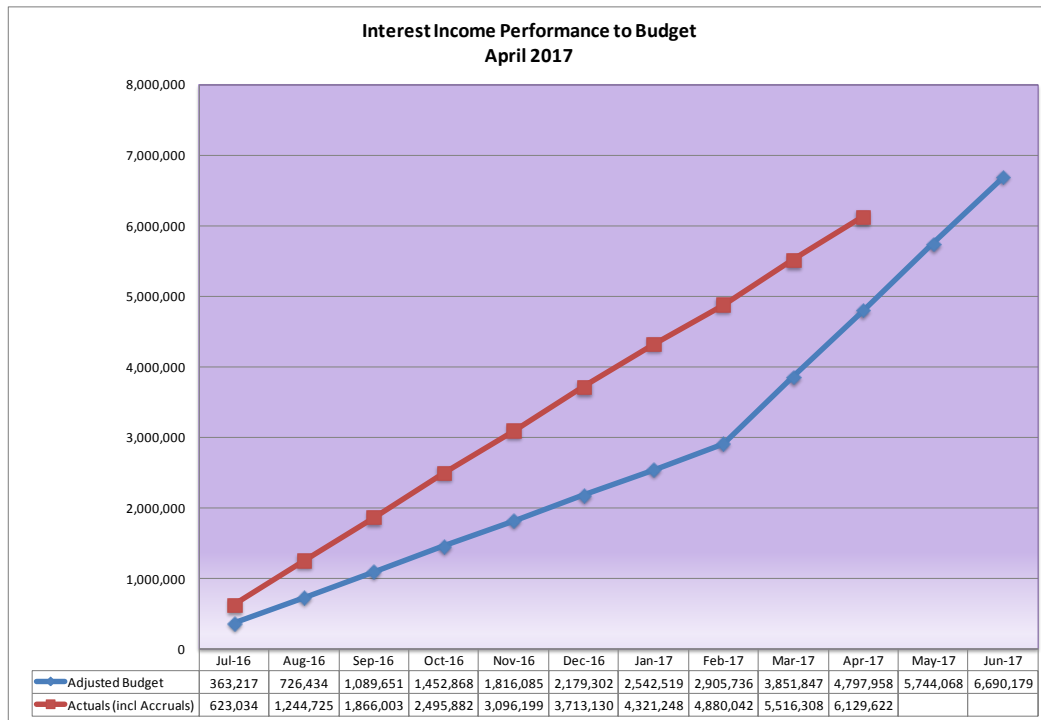
Investments by Fund - as at 30 April 2017



Portfolio Performance

- Council's total investment portfolio performance as at 30 April 2017 was 1.38% above the benchmark (3.09% against 1.71%). Benchmark being the Bank Bill reference rate as at 26 April 2017 in the Australian Financial Review published 1 May 2017.
- Adjustments to budget which were adopted at the 15 March 2017 Council meeting result in an increase in the annual investment income budget from \$4,350,600 to \$6,690,179. These budget adjustments have been apportioned over the remaining months of the year.
- The actual year-to-date investment income of \$6,129,622 now represents 91.62% of the total annual revised investment income budget of \$6,690,179.

Ensuring Good Governance



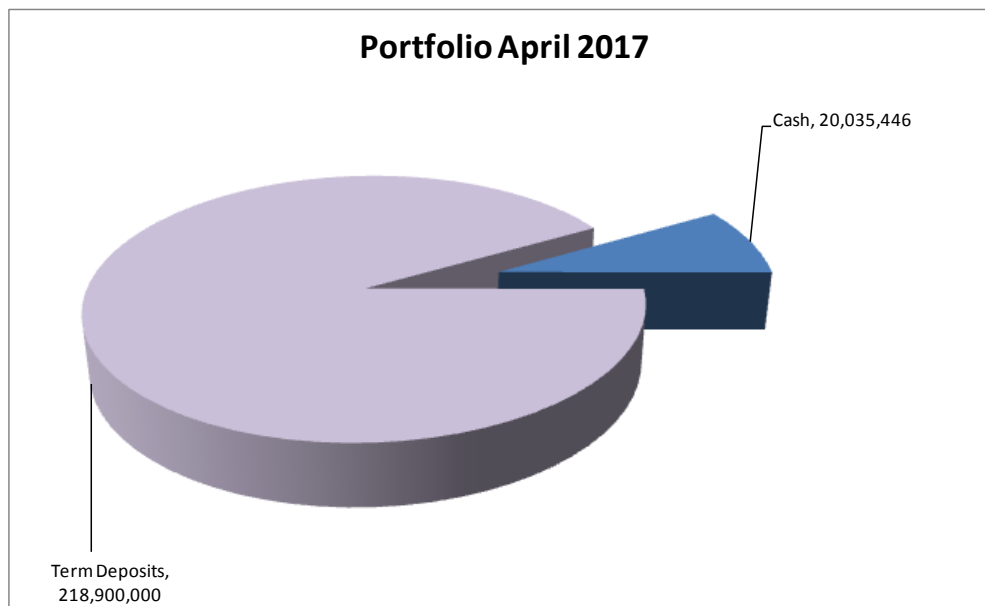
The year-to-date actual reflects total earning including both cash and accruals.

The variation in slope in the blue budget line represents an adjustment (and increase) to the investment income budget following a Council resolution in March 2017.

Investment Portfolio Mix

Council's current portfolio is made up of cash and term deposits. The total term deposits represent 91.61% of the total investment portfolio. As at 30 April 2017, the total investment portfolio was \$238,935,446 which is down from \$241,095,080 as at the end of March 2017. This consists of term deposits of \$218,900,000 and cash \$20,035,446.

Ensuring Good Governance



Term Deposits - Current month \$218,900,000 - Prior month \$216,900,000

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 as at 30 April 2017 is as follows:

Table 1 - Term to Maturity

This table shows the amounts invested by various maturity profiles. These are in accordance with limits established by Council's Policy:


Term to Maturity 	Balance \$	% Held	Policy Min	Policy Max
0 - 12 months	\$105,900,000	48.38%	40.00%	100.00%
1 - 3 years	\$97,000,000	44.31%	0.00%	60.00%
3 - 5 years	\$16,000,000	7.31%	0.00%	30.00%
Grand Total	\$218,900,000	100.00%		

Table 2 - Overall Portfolio Credit Framework

The institutions that Council invests with have credit ratings. Council policy specifies limits that can be invested within each rating band. These limits are to help avoid over exposure in any rating category. The table below groups the amounts held with various institutions based on their respective credit ratings, and compares the total to the maximum limit set for each credit rating category. Investments are within policy.

Ensuring Good Governance

Rating Framework	Total	% Held	Maximum % Policy	Variance
A	77,000,000	35.18%	60.00%	24.82%
AA	107,900,000	49.29%	100.00%	50.71%
BBB	28,000,000	12.79%	15.00%	2.21%
ADI/Unrated	6,000,000	2.74%	10.00%	7.26%
Grand Total	218,900,000	100%		

These tables show the total amount held for Council's term deposits as at 30 April 2017.

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 \$20,035,446 - Prior month \$24,195,080

This is not available unrestricted cash.

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 full month of April, \$8 million in funds matured with \$10 million in funds reinvested into term deposits.

It should be noted that funds currently within the Westpac Business Cash Reserve Account are attracting an interest rate of 2.2% being the current cash rate plus 0.7% (based on the cash rate drop on 3 August 2016), which performs better than the benchmark (1.71% 26 April 2017).

The largest sector of the portfolio is the term deposit allocation of \$218,900,000 (last month \$216,900,000) or 91.61% of the total.

Investment Portfolio by Maturity Date - as at 30 April 2017

Ensuring Good Governance

Inv Name	Type	Rating	Purchase Date	Maturity Date	Yield	Face Value
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
National Australia Bank	TD	AA	7-Jul-16	1-Jun-17	2.97%	3,000,000
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
Holiday Coast Credit Union	TD	ADI/Unrated	7-Jul-16	7-Jul-17	3.00%	2,000,000
Westpac Banking Corporation	TD	AA	7-Jul-16	7-Jul-17	2.91%	3,000,000
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
National Australia Bank	TD	AA-	15-Aug-16	14-Aug-17	2.81%	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
St George	TD	AA-	8-Sep-16	8-Sep-17	3.00%	5,000,000
St George	TD	AA-	27-Sep-16	27-Sep-17	3.00%	4,000,000
Bendigo Bank	TD	A-	8-Oct-15	8-Oct-17	2.98%	5,000,000
Bank of Queensland	TD	A-	19-Jan-17	19-Oct-17	2.80%	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
Westpac Banking Corporation	TD	AA-	23-May-16	23-Nov-17	2.95%	3,000,000
Westpac Banking Corporation	TD	AA-	8-Sep-16	8-Dec-17	3.00%	3,000,000
Newcastle Permanent	TD	BBB+	14-Dec-15	14-Dec-17	3.20%	2,000,000
ME Bank	TD	BBB+	24-Jan-17	22-Dec-17	2.75%	2,000,000
Bendigo Bank	TD	A-	14-Jan-16	15-Jan-18	3.10%	2,000,000
Bank of Queensland	TD	A-	16-Nov-16	16-Jan-18	2.85%	2,000,000
Westpac Banking Corporation	TD	AA-	19-Jan-17	19-Jan-18	3.01%	5,000,000
Westpac Banking Corporation	TD	AA-	24-Jan-17	24-Jan-18	3.00%	2,000,000
Police Credit Union SA	TD	ADI/Unrated	12-Feb-16	12-Feb-18	3.15%	2,000,000
Bank of Queensland	TD	A-	16-Nov-16	16-Feb-18	2.85%	2,000,000

Ensuring Good Governance

Inv Name	Type	Rating	Purchase Date	Maturity Date	Yield	Face Value
Bendigo Bank	TD	A-	8-Mar-16	8-Mar-18	3.20%	3,000,000
Westpac Banking Corporation	TD	AA-	15-Mar-17	15-Mar-18	2.91%	2,000,000
Westpac Banking Corporation	TD	AA-	27-Mar-17	27-Mar-18	2.87%	1,000,000
Defence Bank	TD	BBB+	22-Mar-16	22-Mar-18	3.25%	4,000,000
Westpac Banking Corporation	TD	AA-	11-Apr-17	11-Apr-18	2.85%	3,000,000
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
Bendigo Bank	TD	A	7-Jul-16	6-Jul-18	3.05%	2,000,000
Bank of Queensland	TD	A-	16-Nov-16	16-Jul-18	2.92%	3,000,000
Westpac Banking Corporation	TD	AA-	15-Aug-16	15-Aug-18	2.96%	3,000,000
Bank of Queensland	TD	A-	16-Nov-16	16-Aug-18	2.92%	3,000,000
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
St George	TD	AA-	8-Sep-16	8-Sep-18	3.10%	5,000,000
St George	TD	AA-	27-Sep-16	27-Sep-18	3.10%	4,000,000
Bendigo Bank	TD	A-	10-Nov-16	9-Nov-18	3.00%	4,000,000
Westpac Banking Corporation	TD	AA-	10-Nov-16	10-Nov-18	3.00%	4,000,000
ME Bank	TD	BBB+	14-Dec-15	14-Dec-18	3.33%	2,000,000
Westpac Banking Corporation	TD	AA-	19-Jan-17	21-Jan-19	3.17%	5,000,000
Rabobank	TD	Aa2	20-Jan-15	20-Jan-19	3.90%	2,000,000
Westpac Banking Corporation	TD	AA-	24-Jan-17	24-Jan-19	3.15%	2,000,000
Newcastle Permanent	TD	BBB+	8-Mar-16	8-Mar-19	3.60%	2,000,000
Bendigo Bank	TD	A-	15-Mar-17	15-Mar-19	3.10%	4,000,000
Bendigo Bank	TD	A-	27-Mar-17	27-Mar-19	2.95%	2,000,000
Westpac Banking Corporation	TD	AA-	27-Mar-17	27-Mar-19	3.01%	2,000,000
Bendigo Bank	TD	A-	11-Apr-17	11-Apr-19	3.00%	3,000,000
ME Bank	TD	BBB+	27-Apr-17	27-Apr-19	2.93%	4,000,000
Rabobank	TD	Aa2	23-May-16	23-May-19	3.15%	6,000,000
Bendigo Bank	TD	A	7-Jul-16	8-Jul-19	3.15%	2,000,000
Westpac Banking Corporation	TD	AA-	15-Aug-16	15-Aug-19	3.10%	3,000,000
Newcastle Permanent	TD	BBB+	15-Aug-16	15-Aug-19	3.00%	2,000,000
St George	TD	AA-	8-Sep-16	8-Sep-19	3.20%	5,000,000
St George	TD	AA-	27-Sep-16	27-Sep-19	3.20%	4,000,000
ME Bank	TD	BBB+	24-Jan-17	24-Jan-20	3.26%	2,000,000
Newcastle Permanent	TD	BBB+	10-Mar-16	10-Mar-20	3.70%	2,000,000
Bank of Queensland	TD	A-	24-Jan-17	25-Jan-21	3.65%	2,000,000
Westpac Banking Corporation	TD	AA-	21-Feb-17	22-Feb-21	3.39%	2,000,000
Bank of Queensland	TD	A-	10-Mar-16	10-Mar-21	3.80%	3,000,000
Westpac Banking Corporation	TD	AA-	21-Feb-17	21-Feb-22	3.61%	2,000,000
National Australia Bank	TD	AA-	21-Feb-17	21-Feb-22	3.46%	5,000,000
Bank of Queensland	TD	A-	15-Mar-17	15-Mar-22	3.80%	2,000,000
Total TD's						218,900,000
Westpac Business Cash						
Reserve Account	CASH				2.20%	20,035,446
Total Portfolio						\$238,935,446

*The investments highlighted in yellow in the table above are new investments for April 2017.

Ensuring Good Governance

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. The investments placed this month were term deposits. At least three quotes were obtained from financial institutions in line with Council's Investment Policy. The services of an independent financial advisor were not required. Council obtains regular updates regarding market activities positions from various institutions.

Planning & Policy Implications

There are no planning and policy implications.

Financial & Economic Implications

Benchmark and budget levels have been met on a year to date basis. On an annual basis, if benchmark levels are not reached, then this may result in budget cuts in other areas to fund the shortfall.

Council's total investment portfolio performance for 30 April 2017 is 1.38% above the benchmark (3.09% against 1.71%) and year to-date income is 91.62% of the total annual budget. The annual investment income budget was increased from \$4,350,600 to \$6,690,179 by resolution at the 15 March 2017 council meeting.

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

The overall investment income will be adjusted at financial year end by the total interest refunded on repayment of bonds. As Council constantly receives and refunds bonds, it is difficult to accurately determine the quantum of these refunds. This financial year to date Council has refunded bonds with an associated interest component of \$36,807.72 which will be monitored and advised monthly.

Certification

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

Robyn Wilson
Responsible Accounting Officer

Attachments

Nil

Ensuring Good Governance

Item: 09.07

Subject: QUARTERLY BUDGET REVIEW STATEMENT

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 Quarterly Budget Review Statement for the March 2017 quarter.

Executive Summary

This report will detail the Quarterly Budget Review Statement (QBRs) for the period to the end of the third quarter of the 2016-2017 financial year (July 2016 to March 2017).

Discussion

The Quarterly Budget Review Statement (QBRs) is a statutory report prepared in accordance with the Local Government (General) Regulations, Sections 202 & 203.

The QBRs presents a summary of Council's financial position at the end of each quarter. It is a mechanism whereby the Councillors and the community are informed of Council's progress against the Operational Plan (original budget) and the last revised budget. It also outlines recommended changes and reasons for major variances.

Whilst the Local Government (General) Regulations requires the annual budget to be reviewed on a quarterly basis through this QBRs, Councillors are provided with details of the financial position and associated variances on a monthly exception basis.

Attached is the Quarterly Budget Review Statement for the March 2017 quarter for Council's information, which includes the following components:

1. Statement by the Responsible Accounting Officer on Council's financial position at the end of the year based on the information in the QBRs.
2. Budget review of Income and Expenditure in a consolidated format (including performance indicators).
3. Budget review of the Capital budget.
4. Budget review of the cash and investments position.

Ensuring Good Governance

5. Budget review of contracts and other expenses.
6. TCorp Ratios in line with the Local Government Code of Accounting Practice.

Also attached is a confidential attachment on Consultancy engagements as resolved by Council under Item 09.09 Supply of Services to Council on 21 October 2015. This resolution resolved:

1. *To Adopt Option 2 to expand the existing reporting format of the Quarterly Budget Review Statement to include additional categories of consultancy engagements including accounting, audit, legal, planning, architectural, surveying, environmental, IT and HR with individual consultant data to be provided in a confidential attachment.*
2. *Commence the reporting regime from the next Quarterly Budget Review Statement.*

CARRIED: 8/0

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

This attachment titled "2016-2017 December Quarterly Budget Review Statement - Consultancy Engagements" provides information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct business. Local Government Act 1993 - Section 10A(2)(c).

The year-to-date (YTD) reporting in the QBRS is against the phased budgets, improving the reporting with comparisons to Council's yearly and quarterly budgets. Actual expenditure amounts exclude commitments.

Income & Expenses

The YTD operating result excluding capital items is \$37.84m, compared to a YTD budget of \$16.67m. Most of this \$21.18m (favourable) variance is in timing, including \$8.4m in Materials & Contracts and is described below.

The YTD operating result including capital items is \$67.39m, compared to a YTD budget of \$29.37m. Most of this \$38.02m (favourable) variance is in timing, including \$16.85m in Capital Grants & Contributions \$8.4m in Materials & Contracts and is described below.

The following key variances within the Income and Expense statement are noted:

Income

YTD Actual \$163.2m; YTD Budget \$138.7m; Variance \$24.5m (favourable)

Income of \$163.2m for the YTD to the end of the third quarter is 117.7% of the YTD budget of \$138.7m, representing 90.0% of the \$181.3m annual income budget.

Key points to note are as follows:

1. Rates & Annual Charges

YTD Actual \$86.6m; YTD Budget \$86.1m; Variance \$0.53m (favourable)

Ensuring Good Governance

Rates & annual charges of \$86.6m are on par with the expected YTD budget of \$86.1m, being 100.6% of the YTD budget, and 98.4% of the \$88.0m annual budget. Note that the majority of rates are levied in July, with the exception of annual charges for water which are levied quarterly on the Water Notice.

The total YTD variance of \$0.53m (favourable) mainly comprises of:

- \$0.33m (favourable) for annual water charges.

The favourable variances largely relate to population growth in the area.

2. User Fees & Charges

YTD Actual \$23.68m; YTD Budget \$20.48m; Variance \$3.2m (favourable)

User fees & charges of \$23.68m represent 115.7% of the YTD budget of \$20.48m, being 79.7% of the \$29.72m annual budget.

The total YTD variance of \$3.2m (favourable) is mainly made up of:

- \$2.07m (favourable) user charges for water consumption; attributable to the timing of water billing notices, the seasonal influx of visitors, and an increase in the number of users (479) moving to the level two tariff;
- \$0.513m (favourable) Tipping Fees primarily due to increased usage of Cairncross Tip;
- \$0.632m (favourable) fees for Planning & Building Certification; \$0.439m and \$0.193m respectively, due to the continued increase in building and subdivision activity in the area; and
- \$0.110m (adverse) Animal registration user fees mainly due to the timing of receipt of the fees.

3. Interest & Investment Revenue

YTD Actual \$5.73m; YTD Budget \$5.15m; Variance \$0.58m (favourable)

Interest & Investment revenue of \$5.73m against the YTD budget of \$5.15m is 111.2% of the YTD budget and 82.6% of the annual budget of \$6.94m. This comprises the Interest on Investments for the YTD of \$5.516m, with an annual budget of \$6.690m and Interest on Overdue Rates for the YTD of \$0.221m with an annual budget of \$0.250m. Further information on Investments can be found in the Investment report.

4. Other Revenues

YTD Actual \$5.12m; YTD Budget \$3.28m; Variance \$1.84m (favourable)

Other revenues of \$5.12m are 156.0% of the \$3.28m YTD budget, and 111.9% of the \$4.58m annual budget.

The total YTD variance of \$1.84m (favourable) is primarily made up of:

- \$0.902m (favourable) Other fees

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- \$0.462m (favourable) Waste Management Income (Organics), subject to demand; and
- \$0.116m (favourable) fees for Private Water Testing, subject to demand.

5. Operating Grants & Contributions

YTD Actual \$12.51m; YTD Budget \$11.03m; Variance \$1.48m (favourable)

Operating grants & contributions of \$12.51m are ahead of the YTD budget of \$11.03m. The YTD variance is \$1.48m (favourable) or 113.4% of the YTD budget, and the YTD actuals are 65.8% of the annual budget of \$19.0m.

The total YTD variance of \$1.48m (favourable) mainly comprises of the following:

- \$1.266m (favourable) Roads to Recovery, due to timing;
- \$0.151m (favourable) Section 94 administration levy, due to increased subdivision and building activity in the area; and
- \$0.139m (adverse) Bushfire operating grants, timing issue.

6. Capital Grants & Contributions

YTD Actual \$29.55m; YTD Budget \$12.70m; Variance \$16.85m (favourable)

YTD income from these items is \$29.55m against the YTD budget of \$12.70m, and represents 89.4% of the \$33.04m annual budget. The YTD variance of \$16.85m (favourable) is further dissected into grants and contributions and is discussed below:

- a. \$4.33m (favourable) Capital Grants YTD grant income of \$10.98m is 166.2% of the \$6.657m YTD budget against the annual budget of \$18.47m. The main variances are:
 - \$6.49m (favourable) Stingray Creek Bridge, funding received earlier than expected;
 - \$0.394m (adverse) Lake and Blackbutt Road Intersection, timing issue;
 - \$0.356m (adverse) Bullli Creek Bridge Replacement, timing issue;
 - \$0.268m (adverse) Hyndmans Ck Bridge, timing issue;
 - \$0.206m (adverse) Comboyne Rd Line Marking & Signage, timing issue;
 - \$0.201m (adverse) Bago Rd north of Milligans, timing issue;
 - \$0.186m (adverse) Ocean Dr Matthew Flinders to Greenmeadows, timing issue;
 - \$0.185m (adverse) Pappinbarra Road - Frazers Creek Road Safety Treatment, timing issue; and
 - \$0.480m (adverse) various other grant funded roads projects, timing issue.

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- b. \$12.52m (favourable) Capital Contributions comprise two elements, cash and non-cash. The cash element is Section 64 & 94 developer contributions. The second element is non-cash contributions, being developer provided assets.
- Cash income for the YTD is \$18.566m, against the YTD budget of \$6.045m. This equates to 127.4% of the annual budget of \$14.56m. The variance is due to the increased subdivision and building activity in the area.
 - Non-cash contributions will not be known until towards the end of the financial year.

Expenses

YTD Actual \$95.8m; YTD Budget \$109.3m; Variance \$13.5m (favourable)

1. Employee costs

YTD Actual \$28.857m; YTD Budget \$31.690m; Variance \$2.84m (favourable)

YTD employee costs are \$28.85m versus the YTD budget of \$31.69m, creating a favourable variance of \$2.84m. As at the end of the third quarter, this equates to 91.1% of the YTD budget, and 60.7% of the annual budget of \$47.784m.

Variances are largely due to unfilled positions and timing differences that are contingent upon when employees take their leave and the duration of that leave.

Other variances include:

- \$0.691m (favourable) Workers Compensation. This varies depending on the number of injury claims. The workers' compensation premium remains below the budget. It is deemed prudent to keep the budget at this level, as injury claims determine the actual premium. PMHC actively works to keep claims as low as possible and this is represented by a low claims history.

2. Borrowing costs

YTD Actual \$2.48m; YTD Budget \$2.35m; Variance \$0.13m (adverse)

Borrowing costs of \$2.48m are slightly ahead of the estimated expectations, being 105.3% of the YTD budget of \$2.35m and 41.9% of the \$4.47m annual budget. Note that these costs are subject to the timing of payments, receipts of interest payment information and accrual entries.

3. Materials & Contracts

YTD Actual \$23.94m; YTD Budget \$32.36m; Variance \$8.42m (favourable)

Expenditure to the end of the third quarter is \$23.94m, which is 74.0% of the YTD budget of \$32.36m, and 59.1% of the annual budget of \$40.53m. The YTD variance of \$8.42m (favourable) is mainly due to timing, unless stated otherwise:

Ensuring Good Governance

- \$1.040m (favourable) Natural Resources: across various maintenance projects;
- \$0.873m (favourable) Sewer: across various maintenance projects;
- \$0.671m (favourable) Ferry Management: relating to Slipping of the Hibbard Ferry;
- \$0.630m (favourable) Transport & Traffic: across various maintenance projects;
- \$0.433m (favourable) Drainage: across various maintenance projects; and
- \$0.429m (favourable) Waste section: across various other maintenance projects.

4. Other Expenses

YTD Actual \$8.93m; YTD Budget \$9.20m; Variance \$0.27m (favourable)

The amount expended of \$8.93m for Other Expenses totals 97.0% of the YTD budget of \$9.20m, representing 73.6% of the annual budget of \$12.13m. The YTD variance of \$0.27m (favourable) is predominately made up of:

- \$0.633m (favourable) Electricity & Street Lighting expenses, noting that the payment for these services is made a month in arrears;
- \$0.189m (favourable) Other Donations & Contributions due to timing;
- \$0.248m (adverse) Legal Payments; and
- \$0.352m (adverse) Payments to other levels of Government, due to timing.

5. Net loss from disposal of assets

YTD Actual \$0.05m; YTD Budget \$2.17m; Variance \$2.12m (favourable)

This section relates to the net profit or loss, which occurs from either the sale of assets, such as plant or land, or following asset capitalisation when an asset is renewed and the old asset disposed.

- \$47.1k (loss) represents the net profit or loss on sale or disposal of assets.

Note that a budget review occurs each month with any required adjustments to estimates made at the time. It is therefore not appropriate to make any adjustments at this time. These variances can be largely attributed to timing of events.

Capital Expenditure (excluding Loans)

YTD Actual \$43.93m; YTD Budget \$76.26m; Variance \$32.33m (favourable)

This section includes a comparison of the actual result against the phased capital expenditure budget. Note that the total carry-over budget from 2015-2016 is \$32.334m, of which \$30.371m is capital, and the remaining balance of \$1.963m is operating expenditure.

To the end of the third quarter and excluding the Loan repayments, \$43.93m was expended being 57.6% of the YTD budget of \$76.26m, and 40.8% of the annual budget of \$107.55m. The YTD 'under-spend' is \$32.33m. In addition to this expenditure, there are commitments for works in the order of \$19.0m.

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As a comparison for the YTD and excluding the Loan repayments, the period to the end of March 2017 is ahead of the same time last year. For the third quarter in 2015-2016, a total of \$40.8m was expended being 51.2% of the YTD budget of \$79.8m and 33.3% of the annual budget of \$122.4m.

Wet weather this year has delayed projects under construction and created a knock-on effect impacting the start of other projects. A separate report titled "Infrastructure Works Program Update" is included in the May 2017 Council meeting agenda. This report details the status of various projects, and proposed budget adjustments.

TCorp Ratios

Last year the presentation methodology of all ratios was reviewed to ensure that the reported ratio is a projected year end result. This projection is based on approved full year budget wherever possible, or where this is not possible, it is based on an estimated year end position. The methodology is indicated in the table attached.

Operating Performance Ratio

The Operating Performance ratio is often considered the most important ratio for Council to meet. The result projection as at March 2017 includes all approved adjustments to budgets up to and including the March Council meeting.

There has been an improvement since the original approved budget and Council is closely monitoring budgets to include any savings in future monthly budget reviews.

This ratio may be impacted by year end accruals.

Rates and Annual Charges Outstanding Ratio

Considerable work has been, and continues to be undertaken to enhance this ratio and the ratio achieved for the 2015-2016 financial year (5.34%) was the best Council has produced since 2006. The current forecast is an estimated 5.36%. It should be noted that with reduced outstanding rates comes reduced income from interest charged on outstanding rates and annual charges which then negatively affects other ratios such as Operating performance and Own source revenue. Previously the benchmark for this ratio (provided by Local Government Professionals Australia, NSW [formerly LGMA NSW]) was 6%. The current Code of Accounting Practice has a benchmark for Metro councils of 5% which the auditors have applied to Port Macquarie-Hastings Council.

Building and Infrastructure Renewals Ratio

The building and infrastructure renewals ratio is a difficult ratio for Council to meet as the definition of a renewal is "Works to replace existing assets or facilities with assets or facilities of equivalent capacity or performance capability".

Council often increases the capacity of an asset whilst undergoing a renewal but this portion of the cost is not considered a renewal.

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The ratio does not consider the need for Council to spend on new infrastructure, and is also adversely impacted by gifted assets due to the increase in depreciation as a consequence of these assets.

For a Council to increase its renewal spend to improve this ratio performance may have an impact on the funds available for new assets, such as new footpaths etc.

The Office of Local Government has released a draft "Special Schedule 7 Appendix B - Examples of Renewal and Rehabilitation Costs and Activities" which specifies that costs previously regarded as new assets can be classified as renewals where they relate to the modern engineering equivalent.

Infrastructure Backlog

This ratio has been estimated based on historical percentages applied to budget spend. Significant reseals are expected to be undertaken in this financial year and it is anticipated that this expenditure will address a portion of Council's infrastructure backlog.

Assets Maintenance Ratio

Significant work was done in the 2014-2015 financial year to calculate the actual amount of "required" maintenance for purposes of calculating this ratio. This figure is currently forecast at 0.90 for this financial year.

The Office of Local Government (OLG) definition of required maintenance are those costs identified in the Asset Management Plans (for the reporting period) of routine activities that should be undertaken to sustain the asset in a functional state, ensuring the assets reach the predicted useful life, excluding rehabilitation or renewal. Therefore, if additional road reseals/renewals continue to occur it is expected that the required maintenance may reduce, improving this ratio.

Furthermore the OLG has released a draft "Special Schedule 7 Appendix A - Examples of Maintenance and Operating Activities" which will assist Council in ensuring the correct types of expenditure are included in this ratio.

Options

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

Community Engagement & Internal Consultation

Not applicable.

Planning & Policy Implications

Nil.

Financial & Economic Implications

There are no financial and economic implications in this report. The variances between budget and actual results continue to be monitored.

Ensuring Good Governance

Attachments

- 1 [View](#). Confidential 2016-2017 March Quarterly Budget Review Statement - Consultancy Engagements (Confidential)
- 2 [View](#). 2016-2017 March Quarterly Budget Review Statement

Ensuring Good Governance

Item: 09.08

Subject: OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH COUNCIL

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.5.4 Use procurement, tendering and purchasing approaches that provide best value to the community.

RECOMMENDATION

That Council:

1. Continue to implement the currently adopted integrated strategy to support local business.
2. Place the draft Local Preference Policy incorporating a 5% Notional Price Offset, on public exhibition for a period of 28 days from 24 May to 21 June 2017.
3. Note that a further report will be tabled at the July 2017 meeting of Council, detailing the submissions received from the public during the exhibition period.

Executive Summary

A report was presented to the April 2015 ordinary Meeting of Council detailing a whole-of-Council integrated strategy which was designed to assist locally owned and operated businesses to be more competitive and ultimately more successful in winning a larger, growing share of Council's procurement spend. Since this time, staff have focussed on implementation of these actions.

This report presents a draft Local Preference Policy (LPP) for Council's further consideration to complement the currently adopted integrated strategy to support local business.

Discussion

Council's current integrated strategy to support local business through Council's purchasing of goods and services was adopted by Council at the Ordinary Council Meeting held on 15 April 2015. At that meeting, Council resolved, in part, as follows:

Ensuring Good Governance

09.03 SUPPORTING LOCAL BUSINESS THROUGH COUNCIL'S PURCHASING OF GOODS AND SERVICES

RESOLVED: Turner/Levido

That Council:

1. Note the Key Outcomes and Recommendations listed in the report being the whole-of-Council integrated strategy designed to assist locally owned and operated businesses to be more competitive and ultimately more successful in winning a larger, growing share of Council's procurement spend.

CARRIED: 8/0

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

AGAINST: Nil

Since that time Council staff have continued to implement the adopted strategy under the key areas of:

- Engagement and Collaboration
- Access to Information
- Council Staff Engagement.

Key actions implemented to date include:

Engagement and Collaboration

- Formal tender debriefs and constructive feedback provided to unsuccessful tenderers;
- Annual supplier / business forums held providing information regarding Council tender processes, upcoming opportunities, and generally how to do business with Council;
- The facilitation of tender writing workshops to assist suppliers to provide tender responses that meet specific tendering requirements.

Access to Information

- Enhanced content added to Council's website to better inform suppliers of upcoming opportunities;
- Broader advertising of upcoming opportunities implemented, including via Council's Economic Development Matters newsletter.

Council Staff Engagement

- Ongoing training and awareness provided to staff to promote purchasing from local suppliers.

In adopting the current strategy, it was reported in April 2015 that legal advice received at the time highlighted that there are inherent legal risks associated with the implementation of a local preference policy, specifically in the areas of transparency, consistency, fairness, conflicts of interest and competition law.

Draft Local Preference Policy - 5% Notional Price Offset

A report (attached) was presented to Council at the Ordinary March 2017 Council meeting in response to the following resolution:

Ensuring Good Governance

11.01 NOTICE OF MOTION - OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH COUNCIL

RESOLVED: Turner/Hawkins

That Council:

- 1. Request the General Manager provide a briefing to Councillors in early 2017 outlining options and strategies to increase the opportunities for local firms to do business with Council.*
- 2. Request the General Manager provide a report to the Ordinary Council Meeting on 15 March 2017 outlining options and strategies to increase the opportunities for local firms to do business with Council that complement the current Council adopted integrated strategy for local supply.*

CARRIED: 9/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

At this meeting, Council resolved as follows:

09.12 OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH COUNCIL

RESOLVED: Turner/Hawkins

That Council request the General Manager develop a draft Local Preference Policy incorporating a 5% Notional Price Offset, to be presented to the April 2017 Ordinary Council Meeting for consideration.

CARRIED: 7/1

FOR: Besseling, Alley, Dixon, Hawkins, Intemann, Levido and Turner

AGAINST: Cusato

Accordingly this report presents a draft Local Preference Policy (as attached), incorporating a 5% Notional Price Offset* for Council's further consideration. To allow further research into the development of a draft Policy, this report had been deferred to the May 2017 meeting.

* Price or "Notional Offset" provides a set percentage discount to the pricing submitted by local suppliers to be used in the tender evaluation process. It offers a price advantage to local / regional suppliers during the tender evaluation. For example, if a 5% Price Offset was applied to a local supplier that submitted a \$400,000 tender, the price used in the evaluation / scoring process would be reduced by \$20,000 to \$380,000. If the tender was ultimately successful ie being the most advantageous to Council, a contract would be entered into for the full submitted price of \$400,000.

It should be noted that this could lead to Council paying more for goods and services. For example, if all criteria other than price were equal, the following table shows the result if assessing under a Local Preference Policy Incorporating a Notional Offset:

Tenderer	Local	Non-Local
Submitted Price	\$400,000	\$385,000
Price Offset applied under a notional price offset policy	\$20,000	0
Tender Price Assessed	\$380,000	\$385,000
Result	Winning tender. Council Pays \$400,000	

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The following table shows the result if assessing without a Local Preference Policy:

Tenderer	Local	Non-Local
Submitted Price	\$400,000	\$385,000
Price Offset applied under a notional price offset policy	0	0
Tender Price Assessed	\$400,000	\$385,000
Result		Winning tender. Council Pays \$385,000

The draft Policy includes a cap to minimise the potential cost to Council from such a Policy. The draft Policy has been reviewed by Lindsay Taylor Lawyers to minimise Council's exposure to the inherent legal risks associated with local preference policies, which as previously reported to Council, include the potential for:

- breaches of the obligation under clause 178 of the *Local Government (General) Regulation 2005* to accept the most advantageous tender ie best value;
- breaches of the *Competition and Consumer Act 2010* ie lessening of competition;
- challenges as a result of lack of transparency, consistency and fairness.

These risks cannot be entirely excluded through the terms and management of a LPP and associated procurement documents. Advice received from Lindsay Taylor Lawyers is reflected in the body of this report.

According to legal advice, it could be argued that such a Price Offset is acceptable as it won't have such an impact on price that Council cannot justify the successful tenderer as having lodged the "most advantageous" tender, and will not be sufficient to cause a substantial lessening of competition in the market.

In certain circumstances, a price offset can play a significant role, such as when the market for the particular services or works involves a small profit margin.

Further work is currently being undertaken to ascertain any further detail that may be required to the Policy - if required and where relevant this will be incorporated into the final Policy following the submission period for consideration by Council.

Weighted Local Preference/Local Content selection criteria Policies

Some Councils have adopted Local Preference Policies that take a different approach to the notional price offset approach detailed above. These contain a specific weighted local preference and local content selection criteria.

In respect of these policies, Lindsay Taylor Lawyers provided the following advice:

- such policies have the potential to provide "a significant competitive advantage to 'local content' in the procurement process" and "has the potential to distort the outcome of a procurement process".

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Under such a Policy, the weighting criteria (assuming for simplicity that the criteria are weighted the same) may look something like:

Criteria	Weighting
1. Experience	20%
2. Capability, technical expertise, financial	20%
3. Program, delivery times	20%
4. Local supplier content	20%
5. Pricing	20%
Total	100%

Assuming that criteria 1,2 and 3 are the same, a local supplier who can increase their scoring with local supplier content can submit a much higher price than a non-local supplier and still win the tender. The cost to Council can be significantly more than with a price offset criteria.

It is considered that this approach contains significantly more risk than a Policy that contains a notional price offset provision.

In preparation for the March 2017 report to Council, Council staff contacted a number of Councils as part of the research undertaken. Subsequent contact was made to determine if there has been any measurement undertaken of quantifiable benefit, but this has not occurred in any of the Councils that were contacted.

Social Procurement

Further to the report tabled at the Ordinary Council Meeting held on 15 March 2017, staff have also investigated an alternative “social procurement policy” approach adopted by some Councils.

A similar approach was researched by Council staff in late 2014/early 2015 as part of the research undertaken before the development of the current strategy to support local business.

Social procurement may be seen as being motivated and informed by a Council’s role of civic leadership in its local area and desire to benefit the local community and promote social justice through its procurement activities.

Such a policy seeks to incorporate social benefit into procurement within the context of purchasing on a value for money basis. The Policy considers local supply / local content and community benefit (eg community sponsorships / philanthropic activities, employment and training opportunities etc) split 50/50 within a combined weighted selection criteria with a weighting of various percentages of the total evaluation.

It is considered that a social procurement policy is in essence a Weighted Local Preference/Local content Policy with the same inherent legal risks in that it has the potential to provide “a significant competitive advantage to ‘local content’ in the procurement process” and “has the potential to distort the outcome of a procurement process”.

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According to legal advice received on the specific application of a Social Procurement Policy (SPP) are the following:-

- legal risks involved in potential breaches of the LG Act and LG Reg and the CC Act through the application of the APP, including but not limited to:
 - o the risk of substantial pecuniary penalties if the CC Act is breached,
 - o the risk of substantial claims for damages by suppliers who suffer loss or damages as a consequence of a breach,
- confusion amongst stakeholders as the scope and application of the SPP having regard to key definitional matters, particularly those relating to local suppliers, local content and local area,
- criticism, complaints and challenges from suppliers who are unsuccessful because of the application of the SPP,
- reputational damage as an entity with whom others may not wish to conduct because of the SPP,
- reduced access to, or higher costs for, goods, services and facilities resulting from:
 - o the application of the SPP itself in circumstances where suppliers are not awarded the lowest priced contract,
 - o persons being reluctant to conduct business with the Council,
- community criticism resulting from increased costs to the Council and the wider community through the application of the SPP,
- resource diversion involved in dealing with criticism, complaints, challenges and the like concerning the SPP.

Summary

Council currently has in place an integrated strategy to support local business and does spend a significant amount in the local community.

Local preference policies can operate in a number of ways but generally give advantage to locals over and above other suppliers. For this reason, such policies may be favoured by local suppliers.

Local preference policies however, carry a number of legal risks depending on their nature. In this report, a number of manifestations of a local preference policy have been referred to: namely:

- A Notional Price Offset
- Weighted Local Preference/Local Content selection criteria
- Social procurement.

Any approach that favours local suppliers is fundamentally unfair to persons other than local suppliers. Some legal risks can be managed by additional rigour in administration and documentation, but unfairness cannot be addressed.

It is considered that a notional price offset, rather than a weighted local preference/social procurement policy is more transparent, more able to be consistently applied and less likely to dissuade suppliers from tendering. On balance, it is therefore considered that of the local preference options, a policy incorporating a notional price offset represents the least risk to Council in comparison to the other forms of an LPP presented in this report.

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Options

Council has the option to:

- Maintain the status quo, and continue to implement the currently adopted integrated strategy to support local business through Council's purchasing of goods and services; or
- To implement a 12 month trial of the Local Preference Policy incorporating a 5% Notional Price Offset. This trial can take place once Council has adopted the Policy and will enable Council to measure its success during the trial period.
- Give further consideration to the implementation of a weighted local preference/social procurement policy.

Community Engagement & Internal Consultation

Internal consultation has been undertaken with:

- General Manager
- Director, Corporate Performance;
- Group Manager, Governance and Procurement;
- Group Manager, Commercial Business Units;
- Strategic Procurement Manager;
- Procurement Operations Coordinator.

Planning & Policy Implications

The implementation of any Local Preference Policy will also result in the need for a comprehensive review and revision of Council's current suite of procurement policies, procedures, tendering and request for quotation documentation etc to ensure that all relevant procurement documents refer to and explain the application of the LPP to ensure transparency, consistency of application, and to reduce challenges by unsuccessful tenderers.

Financial & Economic Implications

The implementation of a LPP poses an additional administrative, process and financial burden on Council with evaluation criteria, evaluation processes, and Council tender reports needing to specifically address how Council is satisfied that it will still select the most advantageous tender when the LPP is applied.

The implementation of a LPP has the potential to add costs to goods and services, in that Council may pay more for a contract than it otherwise would due to the application of the LPP as described in the body of the report, however the Draft Policy as proposed mitigates this somewhat with a 5% notional price offset and an overall cap.

Attachments

1 [View](#). March 2017 Report to Council

2 [View](#). Draft Tendering Local Preference Policy

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Item: 09.09

Subject: QUESTION FROM PREVIOUS MEETING - TENDER ASSESSMENTS

Presented by: Corporate Performance, Rebecca Olsen

RECOMMENDATION

That Council notes the information provided in the Question from Previous Meeting - Tender Assessments report.

Question from Deputy Mayor Intemann:

Could the General Manager please advise the details and wording of whatever law, regulation or legal advice that Council relies on in:

1. Not making publicly available as part of the tender scope the intended weighting for a tender assessment; and
2. Not sharing with an unsuccessful tenderer their tender score and/or ranking position.

Comments by Councillor (if provided):

Nil.

Response

There is no legal requirement not to disclose or to disclose weightings for evaluation criteria in tender documents or to disclose or not to disclose the scores and rankings. It is a matter for Council whether it does so.

The current (and historical) practice is to not reveal the weightings to ensure that tender responses are not biased towards the criteria which have higher weightings and an accurate and full response is given in respect of all criteria. This gives Council the best evidence to assess and consequently determine which is the most advantageous tender for Council.

Given that pricing of a tenderer may be revealed following the tender process, not revealing the scores and rankings assists to ensure that rankings of other tenderers are kept confidential and to ensure that competitiveness in the marketplace is not eroded over time as tenderers become aware of rankings in series of tenders.

It is considered that a debrief to unsuccessful tenderers which is offered by Council, should be sufficient to provide information as to why a tenderer was unsuccessful. Rankings and scores can only further assist by giving tenderer's access to

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information (directly or indirectly) as to how their competitors have performed which is not considered appropriate as this should remain confidential.

Information and Privacy Commission

Tenderers have, in the past, sought information relating to tenders. Applications are assessed in relation to the *Government Information (Public Access) Act 2009 (NSW)* (The Act).

The Act establishes a comprehensive system for public access to government information.

The Act makes government information more accessible to the public by requiring government agencies to make certain sorts of information freely available; encouraging government agencies to release as much other information as possible; giving the public an enforceable right to make access applications for government information; and restricting access to information only when there is an overriding public interest against disclosure.

The public access to government information is overseen by the *Information and Privacy Commission* (IPC).

Legal advice has been sought in relation to this issue, and this advice is attached for information. *This attachment provides advice concerning litigation, or advice that would otherwise be privileged from production in proceedings on the ground of legal professional privilege. Local Government Act 1993 - Section 10A(2)(g).*

Attachments

- 1 [View](#). Confidential - Disclosure of Weightings and Rankings in Tender Processes - Legal Advice (Confidential)

Ensuring Good Governance

Item: 09.10

Subject: MAKING A DECISION ABOUT FUTURE RATES

Presented by: Corporate Performance, 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. Note that the Independent Pricing and Regulatory Tribunal NSW (IPART) have determined that Port Macquarie-Hastings Council "may increase its general income in 2017-18 by 5.39%, including the rate peg of 1.5%.
2. Note that the special variation can be retained in the Council's general income base permanently.
3. Note that this special variation is a continuation of the funding provided by the existing special variation which expires 30 June 2017 and is for the purpose of maintaining and renewing Council's road network.

Executive Summary

In 2012 a Special Rate Variation (SRV) of 4.43% in addition to the rate peg was approved by the Independent Pricing and Regulatory Tribunal New South Wales (IPART), under guidelines set by the NSW Office of Local Government.

This was approved for a period of five years and is due to expire on 30 June 2017. The value of the expiring SRV is approximately \$1.7m in additional revenue in 2016-2017.

At the February 2017 Council meeting, Council resolved to apply to for a special rate variation as follows:

RESOLVED: *Intemann/Hawkins*

That Council:

1. Adopt the amended 2013-2017 Delivery Program.
2. Adopt the amended Long Term Financial Plan 2016-2026.
3. Request the General Manager submit an application to the Independent Pricing and Regulatory Tribunal (IPART) under section 508(2) of the NSW Local Government Act 1993, for a permanent single year Special Rate Variation (SRV) of 3.89% in addition to the rate peg amount of 1.5% (total 5.39%), noting that this is a continuation of the funding provided by the existing SRV which expires June 2017, for the purpose of maintaining and renewing Council's road network.

CARRIED: 8/1

FOR: *Besseling, Alley, Cusato, Dixon, Hawkins, Intemann, Levdo and Turner*

AGAINST: *Griffiths*

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On 16 February 2017, Council submitted the application to IPART for the purpose of funding road network maintenance and renewal.

On 9 May 2017 IPART publicly announced their decision allowing Council to “increase its general income in 2017-18 by 5.39%, including the rate peg of 1.5% that is available to all councils. The special variation can be retained in the council’s general income base permanently.¹”

Conditions attached to the approval include:

- Use of the additional income must be for the purposes of maintaining and renewing the road network as outlined in the application; and
- Council must meet reporting requirements.

After the existing special variation expires, the net impact of this newly approved special variation is an increase to general income equivalent to the rate peg of 1.5%.

Discussion

IPART released their determination on 9 May 2017. This determination details Council’s request and the basis upon which IPART reached their decision.

IPART’s report noted that Council’s application met the criteria with IPART finding the following:

1. *The need for the proposed revenue reflects community priorities as is demonstrated in the above IP&R documents.*
2. *The council provided evidence that the community is aware of the need for, and extent of, the rate rise. It used a variety of strategies to inform the community, with the purpose of the special variation clearly outlined. There were sufficient opportunities for community feedback, and the council considered the community’s views.*
3. *The impact of the proposed rate rises on ratepayers is reasonable given the council’s existing rate levels, the purpose of the special variation, indicators of the community’s capacity to pay, and the council’s consideration of ratepayers’ willingness and capacity to pay. The net impact in 2017-18 of the proposed and expiring special variations is 1.5%, a rise equal to the rate peg.*
4. *The council provided evidence that the relevant IP&R documents have been exhibited and adopted.*
5. *The council demonstrated productivity savings and cost containment strategies in past years, and indicated its intention to realise further savings during the period of the special variation.*

IPART also noted that Council had considered a number of alternative funding sources. An extract of their determination is noted below:

¹ IPART Determination 2017-18

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The council has considered a number of alternative revenue options such as user fees and charges, borrowing, and funding expenditure from reserves:

- *In the case of user charges and fees, the council concluded the implementation of road access fees would be impractical.*
- *Borrowing was ruled out as an alternative funding source due to the ongoing nature of roads maintenance expenditure.*
- *Whilst the council has a relatively high level of reserves, 70% of the \$214 million cash and reserves balance is externally restricted and allocated to specific funding purposes, and hence could not be redirected to the maintenance and renewal of the council's road network."*

A copy of the public determination by IPART is attached.

Options

This report is an information report.

Planning & Policy Implications

The amount of the variation will be incorporated into the 2017/2018 budget and long term financial plans.

Financial & Economic Implications

The current SRV funding will expire as of 30 June 2017.

This expiring SRV of \$1.7m will be replaced by the new SRV, with the net impact being a 1.5% increase to general income which is the approved rate peg.

Attachments

- 1 [View](#). Local Government Determination for Port Macquarie-Hastings Council's Application for a Special Variation for 2017-18

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: RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND
SUB-COMMITTEE - MARCH AND APRIL 2017 MEETINGS

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

2.9.1 Provide a range of sporting and recreational opportunities.

RECOMMENDATION

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

1. Matthew Catania be granted the amount of \$500.00 to assist with the expenses he will incur travelling to and competing at the Australian Junior Athletics Championships to be held at Sydney Olympic Park from 26 March to 2 April 2017 inclusive.
2. Harrison Northey be granted the amount of \$500.00 to assist with the expenses he will incur travelling to and competing at the 2017 Georgina Hope National Age Swimming Championships to be held at Brisbane Aquatic Centre, Queensland from 18 - 20 April 2017 inclusive.
3. Luke Mapstone be granted the amount of \$500.00 to assist with the expenses he will incur travelling to and competing at the 2017 Georgina Hope National Age Swimming Championships to be held at Brisbane Aquatic Centre, Queensland from 18 - 20 April 2017 inclusive.

Executive Summary

The Mayor's Sporting Fund Sub-Committee met on 6 April 2017 (March meeting postponed) and 27 April 2017 and reached consensus on Item 8 (Applications) at both meetings and submits the above recommendation for Council's consideration.

Attachments

- 1 [View](#). Extract Item 8 - MSF March Meeting
2 [View](#). Extract Item 8 - MSF April Meeting

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: 2017-2021 ECONOMIC DEVELOPMENT STRATEGY

Presented by: Strategy and Growth, Jeffery Sharp

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:

- 1. Note the submissions and feedback received on the draft 2017-2021 Economic Development Strategy during the public exhibition period 20 March - 17 April 2017.**
- 2. Adopt the 2017-2021 Economic Development Strategy as amended based on public comment and further review by the Economic Development Steering Group.**
- 3. Note six-monthly reports will be presented to Council to update on implementation of the Strategy.**

Executive Summary

The 2017-2021 Economic Development Strategy proposes to build on the successful implementation of the 2013-2016 Economic Development Strategy. It is intended that the Strategy will focus Council's efforts on further creating the right environment for growth by contributing to the development of a diverse, vibrant and resilient economy that will drive jobs growth and economic success in years to come.

Following public exhibition of the draft Strategy, this report outlines submissions received and amendments made as a result. The submissions and amendment were considered by Council's Economic Development Steering Group at a meeting on 5th May 2017, and the final draft Strategy is presented for adoption.

Discussion

At the Ordinary Council meeting held on 15 March 2017 it was:

RESOLVED Turner/Cusato

That Council:

- 1. Place on public exhibition the Draft 2017-2021 Economic development Strategy for a period of 28 days from 20 March - 17 April 2017 inclusive.*
- 2. Undertake broad consultation during the exhibition period with industry and business groups.*
- 3. Note that a further report is planned to be tabled at the 17 May 2017 meeting of Council, detailing the submissions received from the public during the exhibition period.*

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CARRIED: 8/0

FOR: Besseling, Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

The recent public exhibition period of the draft Strategy resulted in six submissions being received (refer Attachment 1). Following further review with the Economic Development Steering Group, the submissions have prompted some minor changes to selected elements of the draft Strategy (as detailed in the table below). The final draft Strategy is provided at Attachment 2 and recommended for adoption by Council.

The delivery of the 2017-2021 Strategy will be undertaken as a partnered approach between Council and key stakeholders, with on-going oversight by the Economic Development Steering Group. As was the approach with the 2013-2016 Economic Development Strategy, progress on implementation of the Strategy will be reported to Council on a bi-annual basis.

Options

Council may choose to:

1. Adopt the 2017-2021 Economic Development Strategy as attached;
2. Request that further amendments be made to the draft Strategy and a revised version be tabled at a future meeting of Council.

Community Engagement & Internal Consultation

Consultation has taken place with the following:

- Economic Development Steering Group;
- Economic and Cultural Development Portfolio Councillors;
- General Manager;
- Relevant Council Group Managers;
- Local Chambers of Commerce and other business and industry groups;
- The broader community via public exhibition with the following submissions/feedback being received on the draft Strategy:

Submission: Draft 2017-2021 Economic Development Strategy		Issue
1.	Peter Newman	The Strategy needs to better plan for the growth of tourism and influence the location, and nature, of new tourism related product.
	Response/Comment:	<p>The following action has been included under Strategic Objective 5: <i>Review existing tourism-zoned land and investigate potential sites for future tourism development.</i></p> <p>The submission is also to be considered in drafting the updated Urban Growth Management Strategy (Strategic Objective 5)</p>

Helping Our Community Prosper

Submission: Draft 2017-2021 Economic Development Strategy		Issue
		Actions); Tourism Product Gap Analysis (Strategic Objective 11 Actions) and the implementation of the Destination Management Plan (Strategic Objective 12 Actions).
2.	Port Macquarie Chamber of Commerce	Supportive of the Strategy and its focus. Suggests the Strategy define annual priorities and that immediate actions should be centred on the delivery of infrastructure priorities.
	Response/Comment:	<p>Infrastructure priorities will continue to be set by Council annually. As noted in the Strategy, it is proposed that Council's Economic Development Steering Group work to consider and recommend annual priority actions under the Strategy.</p> <p>In addition, the following clarification has been included under Section 5.2:</p> <p><i>This Strategy has been developed to maintain a level of flexibility in Council's economic development related activity and to allow us to be responsive to changes in economic circumstances and/or industry needs.</i></p> <p><i>Note, the objectives and actions contained in the Strategy are not listed in order of priority and priorities will continue to be reviewed and determined over the life of the Strategy.</i></p>
3.	Graham	The lighthouse is an iconic attraction and cycle/pedestrian access should be improved as a priority.
	Response/Comment:	The feedback is noted and priority infrastructure projects will be considered as part of Strategic Objective 6.
4.	John Oxley	<ol style="list-style-type: none"> 1. Actions in the Strategy should have associated timeframes. 2. Strategy should include actions which remove barriers to development. 3. The education sector is underrepresented in the list of actions.
	Response/Comment:	<ol style="list-style-type: none"> 1. The Strategy implementation will be delivered in line with targets set under Council's Operational Plan. There will also be six monthly and annual reviews by the Economic Development Steering Group and Council as part of the implementation. 2. Agreed, this will be a focus under outcome 1.

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Submission: Draft 2017-2021 Economic Development Strategy		Issue
		<p>The Strategy now includes a definition of “solutions focussed culture” at Strategic Objective 1: <i>Solutions focussed is defined as “an engaged, innovative and communicative workforce focussed on finding new ways of delivering quality outcomes (solutions) for our stakeholders in a timely and effective manner”.</i></p> <p>3. The Economic Development Steering Group has reviewed the draft and determined the actions under Strategic Objective 8 appropriately reflect the education sector as a key priority.</p>
5.	Greg Freeman (New member, Economic Development Steering Group)	<ol style="list-style-type: none"> 1. Innovation and sustainability should have a greater presence in the Strategy in the Executive Summary and where possible in the Strategic Objectives and Actions. 2. Smart regional city initiatives should be a priority. 3. The actions should include a requirement to build awareness of grant opportunities for local businesses. 4. Council should look to take a leadership role in securing industry specific conferences and events using such a forum to showcase its areas of expertise. 5. The approach to creative industries development may need expansion.
	Response/ Comment:	<ol style="list-style-type: none"> 1. The document was reviewed with the Economic Development Steering Group and some amendments have been made to ensure innovation and sustainability were suitably included in various sections. 2. The following has been included as an action under Strategic Objective 9: <i>Continue to implement and plan for smart city initiatives.</i> 3. The following has been included as an action under Strategic Objective 17: <i>Build awareness of grant opportunities for local businesses.</i> 4. Whilst covered under Strategic Objective 9, this will also be considered by Council staff in a broader regional leadership

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Submission: Draft 2017-2021 Economic Development Strategy		Issue
		sense. 5. See response below in relation to Arts Mid North Coast submission.
6.	Kevin Williams (on behalf of Arts Mid North Coast)	<ol style="list-style-type: none"> 1. Seeking stronger leadership by Council to realise the potential of creative industries in the region. 2. The Strategy should provide more detail on the proposed actions in the creative industries space. 3. Council should work more closely with key stakeholders, including Arts MNC, to capitalise on the opportunities associated with creative industries.
	Response/ Comment:	<ol style="list-style-type: none"> 1. Creative industries are noted as a key industry under Action 19 and further specific Creative Industries Actions are contained within Council's Cultural Plan. The Cultural Plan is to be reviewed by August 2017 and this submission will be further considered as part of that review with Council's Cultural Steering Group. 2. The following has been included as an action under Strategic Objective 19: <i>Cultural Plan Implementation and Ongoing Review.</i> 3. The following has been included as an action under Strategic Objective 19: <i>Work with key stakeholders to recognise, support and promote creative industries.</i>

All persons/Groups who made a submission have been advised that this report was being presented to Council and have been given the opportunity to speak to their submission and in support or opposed to the recommendation. Additionally, the following feedback and subsequent amendments have been made following further Economic Development Steering Group and Council staff review:

- Updated visitor performance measures;
- Reference to the need to align with other strategic documents;
- Updated population and dwelling approval targets;
- Inclusion of reference to recreation action plan priorities (Hastings Regional Sporting Complex and commercial use of these spaces);
- Specific reference to Port Macquarie Health and Education Precinct Planning as a priority.

Planning & Policy Implications

If Council chooses to adopt the draft Economic Development Strategy, then some of the actions included in the Strategy may see Council review and revise selected

Helping Our Community Prosper

policies and related documents in order to ensure that economic development considerations are taken into account.

Financial & Economic Implications

Council plays an important role in setting the scene for enterprises and investments to thrive in the local government area or “creating the right environment for economic growth”. There is the potential for significant economic benefits to the Local Government Area if the outcomes identified in the adopted Strategy are achieved.

If Council chooses to adopt the draft 2017-2021 Economic Development Strategy any future financial implications placed upon the organisation in undertaking the actions as detailed in the Strategy will be reported to Council as appropriate.

Attachments

1 [View](#). Submissions - 2017-2021 Draft Economic Development Strategy

2 [View](#). 2017-2021 Port Macquarie Hastings 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: DA2017 - 32.1 - ADDITION OF FLOATING PONTOON AND STORAGE SHED FOR JET SKIS ASSOCIATED WITH AN EMERGENCY SERVICES FACILITY (MARINE RESCUE) - LOT 1 DP 1064060, BULLER STREET, PORT MACQUARIE

Report Author: Matt Rogers

Applicant: Marine Rescue NSW
Owner: State of NSW, Department of Industry - Lands
Estimated Cost: \$31,000
Parcel no: 16916

Alignment with Delivery Program

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

RECOMMENDATION

That DA2017 - 32 for the addition of a floating pontoon and storage shed for jet skis associated with an emergency services facility (Marine Rescue) at Lot 1 and 2, DP 1064060, No. 11A Buller Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for additions of a floating pontoon and storage shed for jet skis associated with an emergency services facility (Marine Rescue). The report provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

This matter was reported to Council's Development Assessment Panel (DAP) on 12 April 2017. The following resolution was made by DAP:

*The Panel was unable to reach consensus. For = Dan Croft and Grant Burge.
Against = Paul Drake.*

The dissenting recommendation from Paul Drake was 'DA2017- 32 for an addition of floating pontoon and storage shed for jet skis associated with an emergency services facility (Marine Rescue) at Lot 1 and 2 DP 1064060, No. 11A Buller Street, Port Macquarie, be determined by refusing consent for the following reason: That the proposal will have an adverse visual impact. The subleasing of space within the existing Marine Rescue building, which could otherwise house the jet skis, should not be used as a reason to support the proposal.

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

The structure is proposed to be installed in the Hastings River adjoining the existing Marine Rescue building.

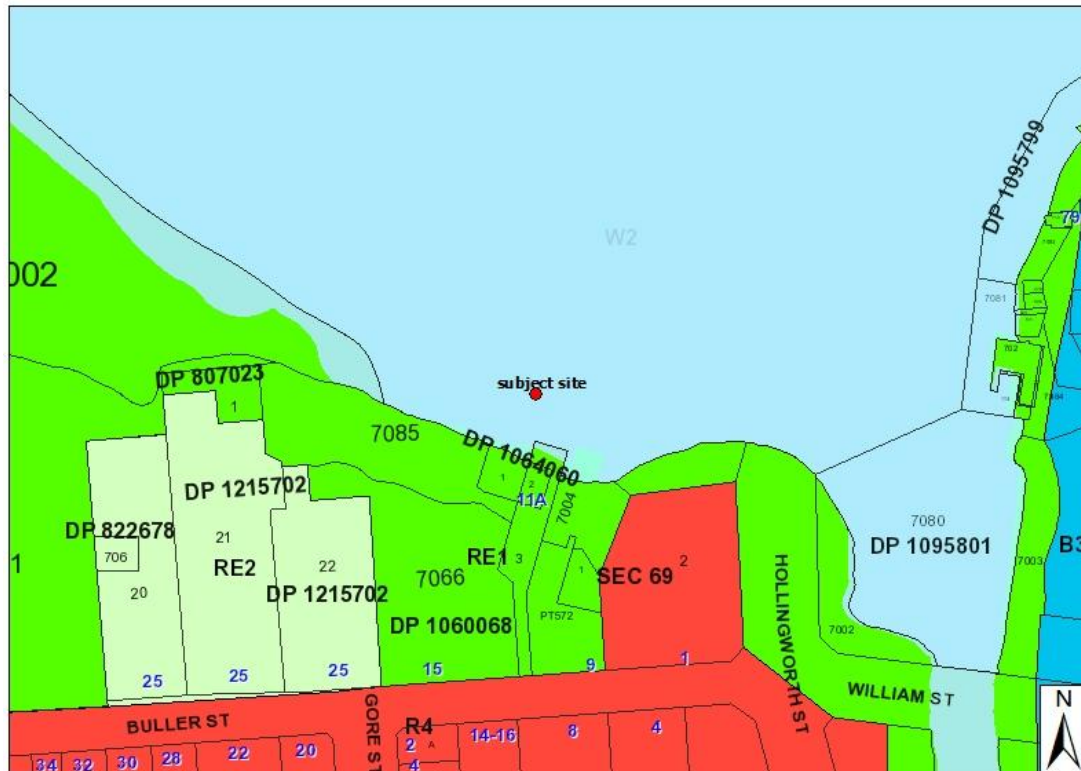
Council has an interest with the role of leasing the adjoining building to the Marine Rescue. Given the outcome of the DAP meeting and as there have been submissions received, the DA is required to be determined at an Ordinary Meeting of Council in accordance with Council's Conflict of Interest - Development Application Policy.

1. BACKGROUND

Existing sites features and Surrounding development

The site is a section of the Hastings River adjoining the existing Marine Rescue building located on its own lots within Westport Park, Port Macquarie.

The site is zoned W2 Recreational Waterways 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 (July 2016):

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2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Install an additional floating pontoon and enclosed storage shed for two (2) rapid response water craft (jet skis) and associated emergency equipment for Marine Rescue.
- The proposal will be available for use 24/7 however will only be occupied by staff during daylight hours except for emergency callouts.
- The storage shed will be constructed of marine grade aluminium framing and marine colourbond with as close a colour to the existing buildings as possible (see following image).

Looking After Our Environment



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Refer to attachments at the end of this report for plan details.

Application Chronology

- 19 January 2017 - DA lodged.
- 7 March 2017 - Advice received from the NSW Office of Water that a Controlled Activity approval is not required.
- 2 February to 3 March 2017 - Neighbour notification.
- 12 April 2017 - DA considered by DAP.

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:

The provisions (where applicable) of:

(a)(i) Any environmental planning instrument

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.

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State Environmental Planning Policy No. 62 – Sustainable Aquaculture

Given the nature of the proposed development, the proposal will be unlikely to have any identifiable adverse impact on existing aquaculture industries within the Hastings River.

State Environmental Planning Policy No. 64 – Advertising and Signage

No signage is proposed.

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

The site is located within a coastal zone noting clause 4 of the SEPP.

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

Having regard for clauses 2, 8 and 12 to 16 of the SEPP and clause 5.5 of the PMH LEP 2011, the proposed development will not result in any of the following:

- a) any restricted access (or opportunities for access) to the foreshore
- b) any adverse amenity impacts along the foreshore to warrant refusal of the application. No impacts to the broader scenic qualities of the coast can be identified;
- c) any adverse impacts on flora and fauna;
- d) the development being subject to any adverse coastal processes or hazards;
- e) any significant conflict between water and land based users of the area;
- f) any adverse impacts on any items of archaeological/heritage;
- g) reduction in the quality of the natural water bodies in the locality (due to effluent and stormwater disposal, construction impacts, landuse conflicts);
- h) adverse cumulative impacts on the environment;
- i) a form of development that is unsustainable in water and energy demands.

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 W2 Recreational Waterways. In accordance with clause 2.3(1) and the W2 zone landuse table, the proposed development for a *wharf or boating facility* and *emergency services facility* is a permissible landuse with consent.

The objectives of the W2 zone are as follows:

- *To protect the ecological, scenic and recreation values of recreational waterways.*
- *To allow for water-based recreation and related uses.*
- *To provide for sustainable fishing industries and recreational fishing.*

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

- the proposal is a permissible landuse;
- the scenic value of the Hastings River will not be adversely impacted upon to an extent that would warrant recommending refusal of the application.

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- Clause 5.7 – development below highwater mark – jetties etc. A Development Application has been lodged for the structure as required by this clause.
- Clause 5.9 - no listed trees in Development Control Plan 2013 are proposed to be removed.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.3, the site is land within a mapped “flood planning area” (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard) In this regard, the following comments are provided which incorporate consideration of the objectives of Clause 7.3, Council’s Flood Policy 2015, the NSW Government’s *Flood Prone Lands Policy* and the NSW Government’s *Floodplain Development Manual* (2005):
 - The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change;
 - The proposal will not result in a significant adverse affect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties;
 - The proposal incorporates measures to minimise and manage the flood risk to life and property associated with the use of land. Conditions are also recommended to require specific installation measures;
 - The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;
 - The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- Clause 7.4 – Flood risk management – land between the flood planning area and the line that is shown as the probable maximum flood level on the Flood Planning Map and/or land surrounded by the flood planning area. The structure is capable of complying with flood installation requirements.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services.

(a)(ii) Any proposed instrument that is or has been placed on exhibition

No draft instruments apply to the site.

(a)(iii) Any DCP in force

Port Macquarie-Hastings Development Control Plan 2013:

The proposal will not contravene any of the applicable Development Provision requirements of this DCP noting there is no specific development controls related to this commercial floating pontoon proposal. The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The structure is restricted to not be open to the general public.

(a)(iii)(a) Any planning agreement or draft planning agreement

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

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(a)(iv) Any matters prescribed by the regulations

NSW Coastal Policy 1997

The proposed development is consistent with the objectives and strategic actions of this policy. (See Clause 5.5 of LEP 2011 and Assessment Officers Assessment Table under section (b) for assessment against Coastal Policy Objectives)

(a)(v) Any Coastal Zone Management Plan

No plan of management can be identified which applies within the Hastings River.

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

Context and setting

The proposed floating pontoon and storage shed are proposed to be installed in the Hastings River attached to existing pylons adjoining the existing Marine Rescue building. NSW Land and Environment Caselaw *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor (2013) NSWLEC 1046* has been cited during assessment of the DA which assists in providing guidance for assessment of suitability of the proposed structure in the Hastings River.

The Hastings River is identified as a highly desirable waterway. The use of Hastings River as a waterway is initially regulated by the W2 Recreational Waterways zoning which regulates permitted landuses within/on the waterway.

A key consideration of the assessment of this application relates to the general appropriateness of the structure within the waterway. The process must account for reasonable development expectations as well as retaining a satisfactory enjoyment for members of the general public who enjoy outlooks from such public places.

Unlike carrying out view sharing impact assessments (which adopts the proposition that sitting views are more difficult to protect than standing views), the impact on appreciation of a public domain view should not be subject to any height constraint. Public domain views are one that is for the enjoyment of the whole population. Of particular relevance to consideration of this application is to identify the intensity of public use of this location where the enjoyment is likely to be obscured, in whole or part, by the proposed development. A private viewpoint from a neighbour's property the Waters Edge Motel has also been taken into consideration.

The analysis required of the proposed development's public domain impact is both quantitative as well as qualitative.

A photo taken from the existing view from the public footpath (which is adjoining an objectors premises - the Waters Edge Motel) to the south-east of the proposed installation is shown as follows. The pontoon and shed are to be installed in between the last two(2) pylons at the end of the existing floating pontoon (refer to second image photo montage plan which shows view from approximate high tide beach level).

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Applicant's photomontage:



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The following comments are provided having regard to the planning principles steps for assessment impacts on views from the public domain and the adjoining Waters Edge Motel:

- The existing jetty structure including pylons and floating pontoon presents an existing obstruction to the view out into the Hastings River at a number of viewpoints along the Westport Park foreshore.
- There are number of boats moored in the River which result in temporary visual change to the public view.
- There are no other floating storage sheds of this nature identified in the immediate area of the Hastings River.
- There are viewpoints from the public domain along the pathway and foreshore running east and west where there is a view out into the River which will be partially interrupted. The photo shown above is one important vantage point identified. This is also similar viewpoint to the adjoining private property the Waters Edge Motel.
- The size of the structure to be installed has a maximum height of 3.25m and width of 5m x 4.5m length from existing water level (which will fluctuate). The height and size of the structure is limited and will not extend out past the last pylon and will be likely not to significantly protrude above the height of the existing pylon obstruction.
- The view back to the Central Business District area from the foreshore west of the Marine Rescue building will also be impacted upon.
- The pathway and foreshore are considered to be a highly used public domain area.
- The distant land, buildings and water interface beyond the structure to the east and west (the CBD and Sails Resort) currently visible beyond the siting for the structure will be partly obstructed. The public viewpoints from the footpath along the front of the Waters Edge Motel and from the deck at this motel are more elevated than the western foreshore section.
- The colour of the shed will be matched as close as possible to the existing adjoining Marine Rescue building. An alternate dark or grey colour as an alternative is considered unnecessary to consider given the small size of the structure being limited and the structure should be identified as having purpose.
- It is considered from a qualitative and quantitative perspective that the proposal is considered to have a moderate view impact on the public domain.
- It is recommended that a time limited consent be only granted which restricts approval for two(2) years only from installation to revisit the suitability of the proposal at that time. Refer comments later in report also.

No outdoor lighting of the pontoon and storage shed are proposed.

There are no significant adverse privacy impacts to neighbouring properties.

There are no adverse overshadowing impacts to neighbouring properties.

Parking

The nature of proposal is provide a storage shed for jet skis associated with the existing operations of the Marine Rescue centre on the adjoining site. No additional

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parking is proposed to be provided. It is considered that based upon the information provided that the nature of the development will not trigger any additional parking demand for the existing operations of the adjoining Marine Rescue building.

Water Supply Connection

No water supply issues requiring consideration.

Sewer Connection

No sewer issues requiring consideration.

Stormwater

The installation is to be sited within the Hastings River with no specific requirements with regard to stormwater disposal required.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

Following a site inspection (and 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.

Air and microclimate

The installation 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.

Flora and fauna

Installation of the proposed development will not require any removal/clearing of any marine vegetation or result in any identifiable adverse impacts to marine ecology. The proposal will therefore 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

No adverse impacts anticipated. Standard precautionary site management condition recommended.

Energy

No adverse impacts anticipated.

Noise and vibration

No adverse impacts anticipated. Condition recommended to restrict construction /installation to standard construction hours.

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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.

The Applicant has stated that the proposal will provide for the storage of Emergency Service rescue Craft (2 jet skis), which are involved in saving lives on the water.

Economic impact in the locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

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.

(c) The suitability of the site for the development

The proposal can fit into the locality and the site attributes are conducive to the proposed development.

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

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

Two(2) written submissions have been received following public exhibition of the application.

Both submissions are relating to the property identified below:

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Key issues raised in the submissions received and comments in response to these issues are provided as follows:

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Submission Issue/Summary	Planning Comment/Response
Proposal will be visually prominent in the waterway, intrusive and very unattractive.	The proposal will be likely to have a potential moderate visual impact on public domain views of the Hastings River.
Proposal will aesthetically detract from the beauty on the Hastings River and will be major eyesore to the community and guests of the motel.	The storage shed will be constructed of marine grade aluminium framing and marine colourbond with as close a colour to the existing buildings as possible.
Proposal will possibly impede navigation within the Hastings River.	It is noted that space in the existing Marine Rescue building is sub let to Surf Clubs and this has impacted the utility of the building for Marine Rescue purposes.
No mention is made of what material will be used in construction. The pontoon storage shed will rust and corrode in time and become a foreshore eyesore.	As stated earlier in this report, a condition is recommended to time limit the development consent to a limit of two(2) years from installation of the structure.
A precedent for similar pontoon structures along the Hastings River frontage will be created.	The matter can be reviewed at that time including any consideration given to better use of the existing Marine Rescue building space and to any potential Policy reviews including the Westport Park Plan of Management.
The surf club equipment should be stored elsewhere and the timeframe in actioning a jet ski rescue would be halved and the waterway remain untouched.	Given there is a public interest safety issue as a matter for consideration, the time limited consent, the size of the structure, its co-location and the proposal not being for a private developer a precedent is unlikely to occur.
Question whether in 2015 an application to extend the existing Marine Rescue building was approved.	No adverse impact to navigation within the River can be identified particularly given the structure is to be located and attached landward of the last pylon already installed in the River.
The proposal is out of character with the surrounding area as there are no floating storage sheds on this section of water way.	The plan included on additions to the existing Marine Rescue building shown are not approved or form part of this application. The plans are not to be stamped approved and not referenced in the development consent conditions.
Disagree that there is no loss or reduction of views identified in the submitted information.	
The consultation with Waters Edge Motel has not been extensive enough.	The DA has been neighbour notified to the subject landowner which does not take into any pre-neighbour consultation undertaken by the Applicant.

(e) The Public Interest:

The Applicant has stated that the proposal will provide for the storage of Emergency Service rescue Craft (2 jet skis), which are involved in saving lives on the water. The proponent has advised that Marine Rescue are taking up to 30-35 minutes to deploy a jet ski which is not acceptable from an emergency service standard.

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It is noted that a minor addition could be proposed to the existing building on the adjoining land to which the Marine Rescue NSW building is sited. However, It is understood that the current NSW Government Plan of Management for Westport Park dated 30 July 2012 does not permit any new additions to the existing building.

On balance, it is considered that the public interest of providing a critical safety service outweighs any potential moderate negative visual impacts of the structure within the Hastings River.

As stated earlier in this report, a condition is recommended to time limit the development consent to a limit of two(2) years from installation of the structure. The matter can be reviewed at that time including consideration being given to better use of the existing Marine Rescue building space and any potential Policy reviews including the Westport Park Plan of Management.

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

N/A

5. CONCLUSION

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

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application.

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](#). DA2017 - 32.1 Plans
- 2 [View](#). DA2017 - 32.1 Marine Rescue Letter
- 3 [View](#). DA2017 - 32.1 Recommended Conditions
- 4 [View](#). DA2017 - 32.1 Submission - McPherson & Hakvoort for Waters Edge
- 5 [View](#). DA2017 - 32.1 Submission - Simmons for Sunbird Investments Pty Ltd

Looking After Our Environment

Item: 12.02

Subject: DA2017 - 149.1 DWELLING AND SWIMMING POOL INCLUDING
CLAUSE 4.6 OBJECTION TO CLAUSE 4.4 (FLOOR SPACE RATIO)
OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL
PLAN 2011 AT LOT 65 DP 239779, NO. 13 THIRD AVENUE, BONNY
HILLS

Report Author: Matt Rogers

Applicant: King & Campbell Pty Ltd
Owner: T L McCudden & O W Bowen
Estimated Cost: \$497,200
Parcel no: 23974

Alignment with Delivery Program

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

RECOMMENDATION

That the determination of DA 2017 - 149.1 for a Dwelling and Swimming Pool including Clause 4.6 Objection to Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 65, DP 239779, No. 13 Third Avenue, Bonny Hills, be noted.

Executive Summary

This report is for Council's information and relates to the approval of the subject Development Application under delegated authority by the Group Manager Development Assessment. 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 floor space ratio of the proposed development is 0.66:1, which does not comply with the maximum floor space ratio of 0.65:1 applying to the site. The variation equates to 1.7% of the standard (less than 10%).

Having considered the application and the Clause 4.6 variation to Clause 4.4 of the LEP, the variation was considered acceptable as it related to an additional 5.4m² of sub-floor storage space, located predominantly below the finished ground level outside the walls of the dwelling. Construction of additional floor space in this manner would not result in any change to the external appearance of the building or its perceived bulk and scale. The scale of the building is consistent with other dwellings

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in the locality and the proposal does not result in any adverse privacy, view loss or overshadowing impacts.

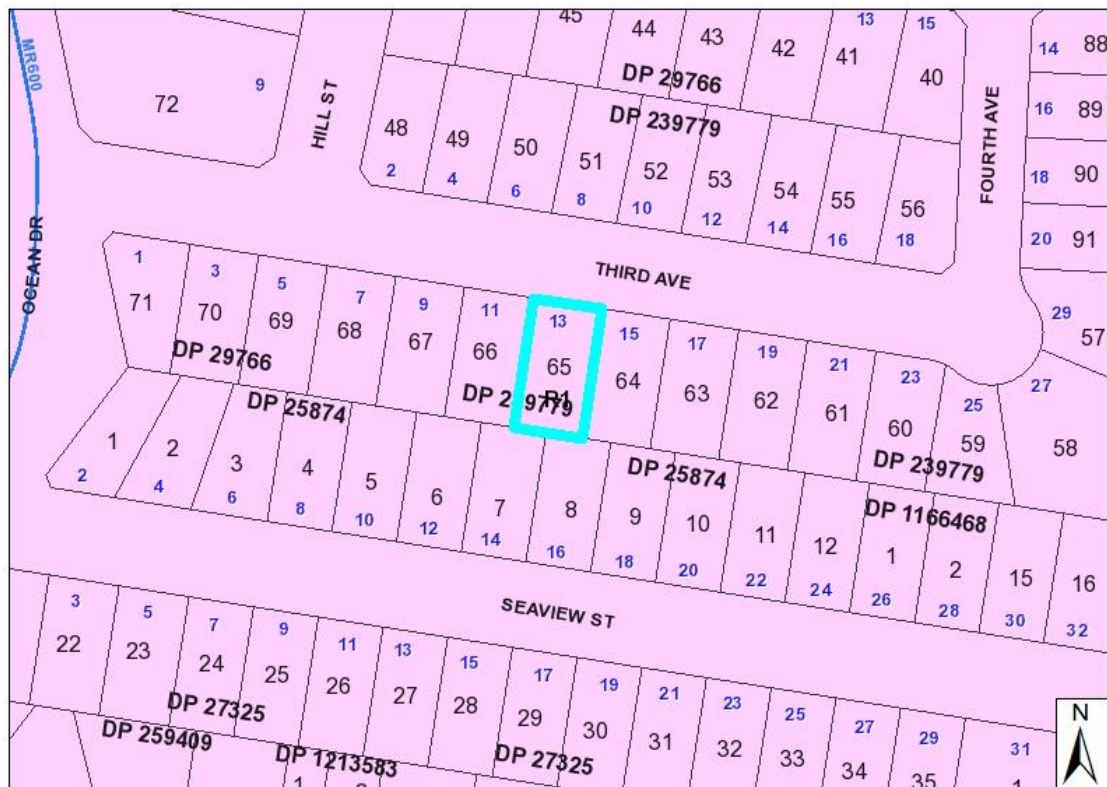
The Department of Planning and Environment's circular PS 08-003 provides for the Director General's assumed concurrence where a variation is not more than 10% of the standard. The circular advises that where Clause 4.6 variations are approved under delegated authority that Council be advised of the decision made and it be appropriately recorded.

1. BACKGROUND

Existing sites features and surrounding development

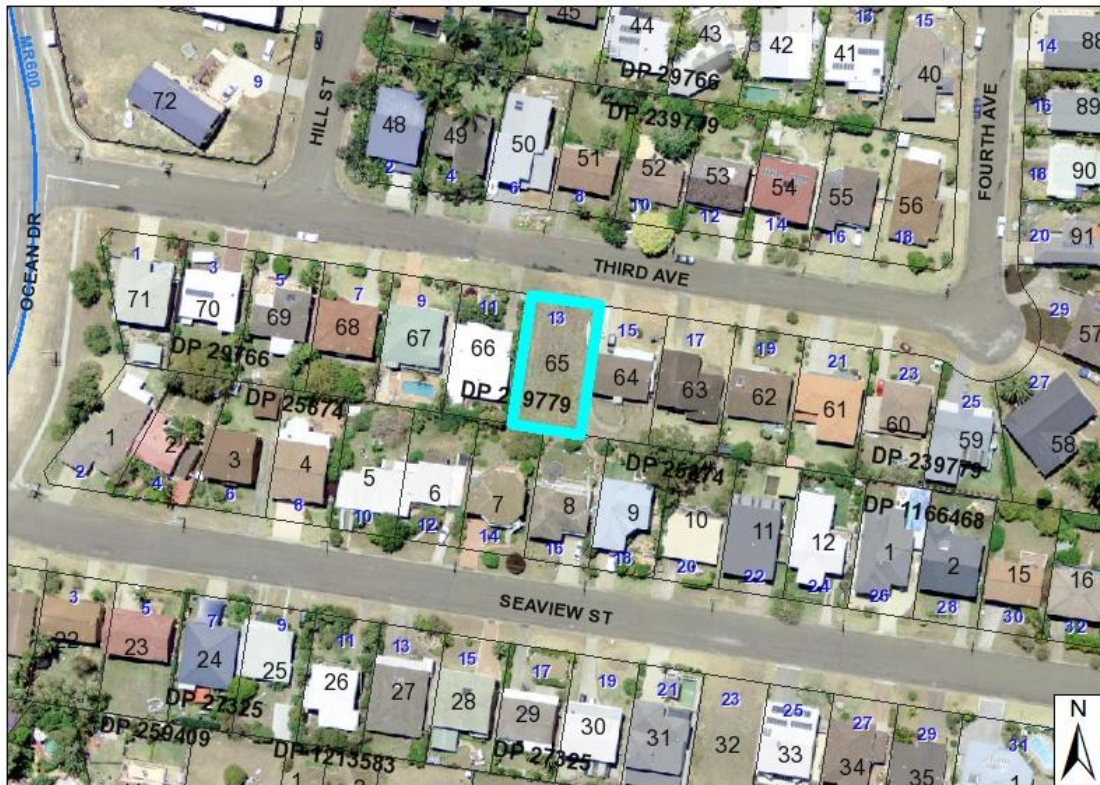
The site has an area of 486.9m².

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



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

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2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of a two storey dwelling and swimming pool.

Refer to attachments at the end of this report.

Attachments

- 1 [View](#). DA2017 - 149.1 Consent Approval
- 2 [View](#). DA2017 - 149.1 Stamped Approved Plans

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Item: 12.03

Subject: DRAFT WASTE STRATEGY 2017 - 2024 EXHIBITION SUBMISSIONS

Presented by: Development and Environment, Matt Rogers

Alignment with Delivery Program

4.4.1 Reduce waste to landfill, utilising appropriate education, facilities and strategies.

RECOMMENDATION

That Council adopt the Port Macquarie-Hastings Waste Strategy 2017-2024 incorporating the amendments noted in the report.

Executive Summary

Council's previous Waste and Resource Management Strategy (2011-2015) provided the platform for substantial achievements in local waste management. In late 2015 Council engaged MRA Consulting Group, specialists in waste management planning, to review Council's achievements, assess the key industry drivers and recommend a renewed vision and strategic direction for waste management in the local area. This included significant research and cost benefit analysis of options which are detailed in the Background Options Report used to develop the new draft strategy.

The draft Waste Strategy 2017-2024 and Background Options Report went on public exhibition from 16 March 2017 - 14 April 2017.

The primary purpose of this report is to inform Council of the results of the community engagement and seek Council's adoption of the draft Waste Strategy 2017-2024.

Six (6) submissions were received during the exhibition period. Small changes to the exhibited draft Waste Strategy have been made in response to points raised in the submission.

It is recommended that Council proceed to adopt the Waste Strategy as amended in response to the points raised in the submissions.

Discussion

As a first step to developing the *Port Macquarie-Hastings Waste Strategy: 2017 – 2024 (Strategy)* a Background and Options Report reviewed the drivers relevant to current and future waste management in the Port Macquarie-Hastings area, assessed the implications with respect to Council's strategic waste management position and developed a renewed vision for sustainable waste management. The Background and Options Report (provided in the Council Meeting Agenda on 15 March 2017) has formed the basis of the Strategy.

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The Strategy is designed to provide a framework and an informed and sustainable direction for all of Council's waste and resource management activities over the next eight (8) years. It has been developed to focus on specific and unique local issues and challenges, building upon the momentum gained through the implementation of the previous Waste and Resource Management Strategy (2011-2015). The Strategy will:

- align with the objectives of the *NSW Waste and Resource Recovery Strategy: 2014 – 2021* (the *NSW WARR Strategy*);
- integrate with, and leverage off, the *Midwest Regional Waste Avoidance and Resource Recovery Strategy: 2014 – 2021* (the *Regional WARR Strategy*); and
- assimilate with integrated planning and reporting frameworks to ensure linkages with Operational and Delivery Plans.

The delivery mechanism for the *Strategy* will be via the implementation of action plans focussing on achieving specific objectives and targets associated with overarching programs. This delivery mechanism is being developed in consideration of a series of guiding principles that have been identified as being important to Council's strategic waste management future.

The draft Strategy was considered by Council on 15 March 2017 when Council resolved as follows:

12.01 DRAFT WASTE STRATEGY 2017 - 2024

RESOLVED: Intemann/Cusato

That Council:

1. Place the draft Waste Strategy 2017-2024 on public exhibition between 16 March to 14 April 2017.
2. Note that a further report is planned to be tabled at the May 2017 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 8/0

FOR: Besseling, Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

As a result of the Strategy exhibition, six submissions were received which are detailed later in this report. Several changes are proposed to the exhibited draft Waste Strategy 2017 - 2024 in response to issues raised in the submissions. These changes are described in the Community Engagement & Internal Consultation section of this report.

Options

After considering submissions to the Strategy, Council may:

1. Adopt the Strategy in the form in which it was publicly exhibited, or
2. Adopt the Strategy with proposed alterations.
3. Adopt the Strategy with changes not identified by this report.

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Staff comments on the submissions have been provided to give Council certainty that the issues raised in the submissions have been carefully considered. Changes to the draft Strategy have been incorporated where appropriate. It is recommended that Council proceed to adopt the Strategy in accordance with option 2 above, as amended in response to the submissions. A copy of the amended Strategy is attached.

Community Engagement & Internal Consultation

The draft Waste Strategy 2017-2024 and Background Options Report went on public exhibition from 16 March 2017 - 14 April 2017. Six submissions were received. Copies of the submissions are attached. A review of the issues raised in the submissions is provided below.

Submission 1		Issues (summarised)
1.	<i>Chay Khamson</i> <i>Kathy Khamson</i> <i>Peter Michael</i> <i>Jim McGahey</i> <i>Kelly Benson</i> <i>Greg Bell</i> <i>Jill Bell</i> <i>Beverly Sibthorpe</i>	<p>Rural Property Waste Education/Assistance needs to be undertaken in response to continued anecdotal evidence of on-site burning/dumping of all waste streams as a common & widespread practice. There is also anecdotal evidence of terrestrial animals (both domestic and wild) suffering from ingestion of farm plastics..</p> <p>An education program could include the following:</p> <ul style="list-style-type: none"> • regular information about disposal options/costs • education materials about plastics, why they shouldn't be left to decompose in paddocks, near rivers and health consequences of burning toxic materials • assistance to find solutions/alternatives (e.g. centralised storage) of silage-related waste (wrap, mesh, twine)
	Response/ Comment:	<p>The Waste Strategy is proposed to be updated to include consideration of rural waste education.</p> <p>Disposal options/costs are available on Councils web site.</p> <p>PMHC will consider updates to its web site to include information on the hazards of disposing of plastics on farms.</p> <p>PMHC has accepted silage wrap for recycling previously as a part of a Midwaste trial project, but the service is currently on hold after the contractor stopped the service. Midwaste continues to investigate silage and other soft plastic recycling.</p>
2.	<i>Chay Khamson</i> <i>(and others)</i>	<p>Waste Education:</p> <ul style="list-style-type: none"> • Continued development of programs for all school levels • Access to interactive tip/Materials Recovery Facility (MRF) tours need to be a part of education programs
	Response/ Comment:	<p>PMHC plans to continue with its schools education program and is expanding the program to include pre-schools.</p> <p>Tours and community talks are being considered, however need to be balanced with available resources.</p>

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3.	<i>Chay Khamson (and others)</i>	A Tip-shop/reuse centre is well overdue in PMHC, Council could innovate by including related social enterprises as part of the premises or Libraries of Things, which are now proliferating around the world.
	Response/ Comment:	<p>A resource recovery area has been included in the new Kew Transfer Station, which opened in April 2017.</p> <p>A trial of reusable material separation has been continuing with a local charity at the Port Macquarie (Kingfisher Road) Waste Management Facility. A more permanent tip shop/reuse centre is being considered for the future development of the site.</p> <p>It proposed that the Strategy be updated to clarify that an investigation of a tip shops/reuses centre will be undertaken in conjunction with development plans for the Port Macquarie Waste Management Facility.</p>
4.	<i>Chay Khamson (and others)</i>	<p>Single-use plastic ban</p> <ul style="list-style-type: none"> • Lead the PR campaign for PMHC's public stance against single-use plastics • Support a motion for the ban of single-use plastics in PMHC, such as are being seen now even in developing countries
	Response/ Comment:	<p>The NSW State and Federal Governments have the legislative authority to restrict plastic bags. PMHC could resolve to support the reduction in their use, however this would have no legal effect. As a large regional community a plastic bag ban would require significant resources and voluntary participation by local businesses.</p> <p>Soft plastic recycling in its many forms will continued to be considered where possible as a local and regional opportunity. It is proposed to be clarified in the Strategy that a broader extent of accepted recycling materials will be considered when developing the new contract for the Materials Recycling Facility (MRF).</p>
5.	<i>Chay Khamson (and others)</i>	Partnerships could be made with local universities to investigate recycling options for Industrial waste assistance/innovation. For example the kitchen construction industry could be provided assistance to find recycling options for large accumulations of offcuts.
	Response/ Comment:	PMHC has recognised commercial and industrial (C&I) waste as a high priority waste stream and has included various actions to assist businesses to better manage their waste.
6.	<i>Chay Khamson (and others)</i>	Liaison should be undertaken with Department of Education to implement strong waste policy options in PMHC schools & develop a streamlined approach to schools' waste options that involves changing the physical hardware for schools' waste collection
	Response/ Comment:	PMHC's current school education program includes assistance and advice to schools to better manage their waste.
Submission 2		Issues (summarised)

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7.	<i>Malcolm McNeil</i>	Soft (plastic bag) recycling - the effort by the supermarkets is token only and only the dedicated recyclers utilise such avenues of recycling.
	Response/ Comment:	Refer to comments on item 4 above.
8.	<i>Malcolm McNeil</i>	Miscellaneous electric and electronic goods not covered by the current schemes
	Response/ Comment:	There are currently limited options available for most (small) mixed electric/ electronic goods not covered by e-waste collections and the Federal Governments <i>Product Stewardship Program</i> . The Strategy is proposed to be amended to include a note regarding potential for these items to be investigated as a part of the MRF contract review.
9.	<i>Malcolm McNeil</i>	Development of an Op Shop at the Waste Transfer Stations, possibly in conjunction with a local community/charity group.
	Response/ Comment:	Refer to comments on item 3 above.
10.	<i>Malcolm McNeil</i>	Suggestion that the strategy should cover specifics of Polystyrene this waste stream.
	Response/ Comment:	Options for Polystyrene are discussed in the Strategy and will be further explored in the upgrading of waste facilities and in the MRF contract review.
11.	<i>Malcolm McNeil</i>	Did not notice any detail about extracting energy from waste.
	Response/ Comment:	Energy from Waste was explored during the last tender for the Organic Resource Recovery Facility (ORRF) and is discussed in the Strategy Background report. Given the current high costs and uncertainties with technology for organics waste processing and new legislation, it is not recommended for PMHC at this time. Note that the potential or energy production from landfill gas will be assessed as part of a current landfill gas extraction trial being pursued by Council.
12.	<i>Malcolm McNeil</i>	Suggests serious consideration to a 2 tiered charge at the Waste Transfer Stations, with fully sorted waste attracting a basic charge and unsorted waste attracting a surcharge. This would need to be part of an education campaign.
	Response/ Comment:	This is included in the strategy and will be explored as a part of landfill pricing reviews, particularly for C&I waste.
Submission 3		Issues (summarised)
13.	<i>John Schwab</i>	Recycling of expanded polystyrene - there is increasing use of this material as trays for the sale of foodstuff and currently the only place to put such items is in the red bin. While this subject is

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		addressed in section 6.2.3 items 4 and 5, rather than carrying out an audit let's just do something about it as per item 5. To finance such an operation is it possible to levy businesses that use the material?
	Response/ Comment:	Refer to comments on item 10 above. It is not possible for Council's to levy businesses locally that use the material.
14.	<i>John Schwab</i>	A lot of households may only generate a small amount of kitchen organic waste each week and consider it a problem to put out a green bin when there are only two or three bags of such waste. Maybe some form of community bin may encourage more people to recycle their green waste.
	Response/ Comment:	This issue is recognised but is difficult to administer for the domestic sector. It is easier to encourage connections with neighbours and facilitate shared bins for villas or Multi Unit Dwellings (MUDS) rather than another option for single dwellings. The concept for shared organic waste collections being applied to C&I premises is included in the Strategy.
15.	<i>John Schwab</i>	An issue not addressed in the strategy was single use polythene bags as used by the supermarkets (excluding Aldi). There are a number of communities that have banned the use of such bags. Council should look at phasing in such a policy in the Port Macquarie Hastings local government area.
	Response/ Comment:	Refer to comments on item 4 above.
Submission 4		Issues (summarised)
16.	<i>Chris McLoughlin</i>	It is time for home owners to be fined if they do not comply with filling their 3 bins with the correct waste. There are many retirement villages , etc in this area and most of them just use red bins and nothing else, this is a disgrace. Some in the community still do not use their green bins correctly.
	Response/ Comment:	PMHC has a 'three strikes and you're out' system in place to address contamination in the domestic stream. If contamination continues the bin is removed and the owner must pay to have it returned. Retirement villages are considered 'commercial' premises and will be addressed by C&I campaigns proposed in the Strategy.
Submission 5		Issues (summarised)
17.	<i>A. Forester</i>	Given the difficulty with volumes of recycled waste in the red bin Council could consider a local incentive creating competition between pick up routes.
	Response/ Comment:	Incentives for improved recycling will be considered as a part of the expanded waste education service review.

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18.	<i>A. Forester</i>	The majority of garbage is largely everyday packaging from food and other consumables. A trial (in absence of local government legislation) to reward suppliers to "Coles/Woolworths" of low volume or recyclable packaging could be considered.
	Response/ Comment:	The NSW State and Federal Governments have the legislative authority to restrict packaging through The Australian Packaging Covenant. The reduction in packaging is supported, however Council does not have legal powers in this area. Council has provided comment on packaging issues to the EPA.
19.	<i>A. Forester</i>	Was data kept on the mixed garbage survey on what household items were largest volume. These items could potentially be reduced from supply (retail) downward to household and finally council waste services. For instance utilising biodegradable plastic film when wrapping packaged food. Without addressing or considering the source of waste - packaging from retail - food/consumables - the waste resource management plan is still "after the fact" issue. That is the source of the waste is not being reduced.
	Response/ Comment:	Refer to comments on item 18 above.
Submission 6		Issues (summarised)
20.	<i>Midwaste Regional Waste Group</i>	The term of the Strategy is 8 years which aligns with the current Cairncross landfill approval. The timeframe may pose some challenges in relation to State and Regional Policy positions as the current Strategies for NSW and Midwaste will reach completion in 2021. Prior to and in conjunction with Waste Less Recycle More funding from the State Government, they are increasingly taking a proactive role in the management of waste related infrastructure across the state (Sec 3.2.7.1, p19).
	Response/ Comment:	A strategy review is proposed in 2021 to address any new issues and to update the document as necessary.
21.	Midwaste	Midwaste is comprised of six (6) member councils – the Draft says five (5) (p23).
	Response/ Comment:	This is proposed to be amended in the Strategy.
22.	<i>Midwaste</i>	<i>Midwaste Regional Waste Avoidance and Resource Recovery Strategy 2014-2021</i> is currently under review. This will be completed in July 2017 (p23). MIDWASTE requests that Appendix C includes the reviewed Regional WARR Strategy if possible, but at least refers to the review timing in the PMHC Strategy.
	Response/	The reviewed Regional WARR Strategy will be taken into account

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	Comment:	as appropriate.
23.	Midwaste	It is unclear why the Bin Trim program has been singled out of all the Waste Less Recycle More (WLRM) initiatives for mention in 3.2.10 (p21). This initiative is likely to change under WLRM II and Midwaste's view is it should not be included in the State Strategy Framework section.
	Response/Comment:	This will be amended in the Strategy with reference to Bin Trim included under section 3.2.9.
24.	Midwaste	<p>Section 3.3.1 covers the introduction of the Container Deposit Scheme (CDS) and could be updated as more information is now available.</p> <ul style="list-style-type: none"> ○ The Scheme start date has been extended to December 1st 2017. ○ Midwaste, with the support of the NSW EPA, has recently completed a CDS specific audit for which the raw data is available. The report will be available in May 2017. ○ Midwaste has identified one of the key challenges with the CDS Regulation is the way the 'ownership' of the contents of the kerbside recycling bin have been included in the scheme. MRF Operators will be the Claim Recipient for these contents and are required to have a signed agreement with all councils who use their facility as to an agreed percentage of the 10cents/container within 12months of Scheme commencement. The difficulty of this negotiation will vary across the state, however, Midwaste is strongly advocating for legal support with this negotiation for councils. ○ The Draft MRF Protocol outlines the proposed sampling regime which will create some challenges on an operational level, and will likely be a negotiation point for MRFs. ○ The inclusion of potential opportunities from the CDS in the Draft PMHC Strategy is to be commended. Raw data from the recent CDS audit shows that 74% (PMHC and KSC) of the comingled bin is CDS included product, so these opportunities are significant.
	Response/Comment:	The information is noted.
25.	Midwaste	<p>Midwaste would like to see opportunities for recycling of textiles and small electronics included. A pilot has already been completed in our region for textiles and looks likely to continue as an ongoing program.</p> <p>Small electronics are being collected very successfully through satchels in other jurisdictions in NSW.</p>
	Response/Comment:	The Strategy is proposed to be amended to include a note regarding potential for these items to be investigated as a part of a

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	Comment:	MRF contract review. For some items such as textiles Op shops/ Tip shops remain a strong option.
26.	<i>Midwaste</i>	Regional Waste Audits have been completed by Midwaste in 2011, 2014/15 and 2017, with data available by Council and by sub-region. It is unclear in 4.1.3 if the audits being discussed are the 2015 Midwaste co-funded audits or additional audits funded through the Environment Trust.
	Response/ Comment:	This will be clarified in the Strategy.
27.	<i>Midwaste</i>	Midwaste would like to commend the range of recommendations in Section 6.2.1 and 6.2.4
	Response/ Comment:	Comment noted.
28.	<i>Midwaste</i>	The feasibility study for a 'dirty MRF' would build on the Business Case developed by MRA for Midwaste in 2014. The NSW Infrastructure Needs Analysis 2011 indicated that C&I processing facilities should be developed in Coffs Harbour and Port Macquarie.
	Response/ Comment:	Comment noted.
29.	<i>Midwaste</i>	All recommendations should incorporate community engagement and education strategies. Midwaste would recommend that this be clarified in 6.1.1 rather than, or in addition to, a separate point.
	Response/ Comment:	Agree that all programs require engagement and education strategies. This will be undertaken in accordance with Council's Community Engagement Policy.
30.	<i>Midwaste</i>	Midwaste contractors are regularly asked why there is no Reuse Centre in Port Macquarie, and it is noted that this is not discussed in the Draft. Some reference to the reasoning behind this omission, and/or opportunities for the development of such a facility, are recommended.
	Response/ Comment:	Refer to comments on item 3 above.
31.	<i>Midwaste</i>	Midwaste members have agreed to continue exploring options for regional tyre contracting (6.3.2.6). A recent request for tender received no responses, however, Midwaste will explore options for cross regional opportunities with regional waste groups North East Waste and Northern Inland Regional Waste.
	Response/ Comment:	Comment noted.

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32.	<i>Midwaste</i>	There are several areas throughout the Draft that appropriately refer to Midwaste targets and actions. However, due to our current Strategy review, some are unlikely to be continued going forward e.g. 4.1.4 (target likely to change); 6.4 – ReSourceful Schools program is unlikely to continue due to reduced funding availability; Public Place Litter bin audits have been completed and is unlikely to continue due to conflicting priorities and reduced funding.
	Response/ Comment:	It is proposed to amend the Strategy to take this advice into account.
33.	<i>Midwaste</i>	Several actions relating to C&I are outlined in Table 5. Midwaste is currently conducting, and likely to continue, a Food Waste Avoidance Business program. Additionally, there is interest to expand current program areas into the C&I and MUD space. Midwaste recommends the addition of a generic action along the lines of 'liaise with and support relevant existing and developing Midwaste projects'.
	Response/ Comment:	It is proposed to amend the Strategy to take this advice into account.

Planning & Policy Implications

The Waste Strategy will guide Council's Waste Management programs and link to State and Regional Waste Planning. It is intended to build on the success of the previous strategy, carry through ongoing programs and continue development and growth of Council's waste infrastructure and services. The proposed programs are consistent with NSW State Government strategic direction and national best practice programs for waste management.

The findings of the Waste Strategy have been summarised into a list of recommended actions for Council consideration, taking into account Council's objective to implement best practice waste management and resource recovery services.

Financial & Economic Implications

Timeframe and cost indications are comparative estimates at this point. Detailed financial and timing information will be developed and included in individual project plans for incorporation into the Operational Plan.

It is expected that the implementation of the Strategy will have an overall positive economic impact by reducing the cost of landfilling over time and stimulating economic activity associated with resource recovery and recycling.

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Attachments

- 1 [View](#). PMHC Waste Strategy Post Exhibition Draft 2017
- 2 [View](#). Waste Strategy Submission - Khamsona and others
- 3 [View](#). Waste Strategy Submission - McNeil
- 4 [View](#). Waste Strategy Submission - Midwaste
- 5 [View](#). Waste Strategy - Online Responses

Looking After Our Environment

Item: 12.04

Subject: CONTAMINATED LAND POLICY

Presented by: Development and Environment, Matt Rogers

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the Contaminated Land Policy and Guidelines as attached to this report.

Executive Summary

On 15th March 2017 Council resolved to publicly exhibit the draft Contaminated Land Policy and draft Contaminated Land Guidelines. The documents were placed on public exhibition from 16th February 2017 to 16th March 2017 via advertisements in local newspapers, on council's website and council's "Listening" webpage, and via email to several local companies involved with contaminated land investigation and management. The documents were available in hardcopy at each of Council's offices and libraries.

The primary purpose of this report is to inform Council of the results of the community engagement.

During the public exhibition period the "Have Your Say" Summary Report indicates that there were 58 total visits with 17 downloads of the Draft Policy and 11 of the Draft Guidelines. Of the visitors to the site the report indicates that 54 were "Aware", 30 were "Informed" and one was "Engaged".

Two written submissions were received.

One submission from a local resident was more related to various issues surrounding the roadside stockpiling of soil and/or road base than the Draft Policy and Guidelines. The other submission was from an environmental consultant company based in Coffs Harbour that operates in the mid north coast region and the issues raised are addressed within the report below.

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Discussion

Contaminated land matters are inherently complex, often requiring a high level of technical expertise and knowledge to appropriately assess and manage. Councils have a key role in protecting and restoring the quality of the environment through informed planning decisions and effective land management and the assessment and management of contaminated land is an important function of local government.

A MIDROC Contaminated Land Program (the 'Program') was established with assistance from the NSW Environmental Protection Authority (EPA) and the NSW Environmental Trust to improve the capacity of MIDROC councils to manage contaminated land.

As part of the Program a draft Contaminated Land Policy (the Policy) and Guidelines (the Guidelines) have been developed in addition to a suite of contaminated land resources which aim to provide a legally compliant framework for managing contaminated land in a responsible and regionally consistent manner. An aim of the Program and Policy is to improve regional development standards and outcomes.

The draft Policy and Guidelines outline Council's role and considerations in dealing with land contamination matters and will be consistent with other MIDROC councils.

Options

Council could opt to:

1. Retain Council's existing 2010 PMHC Contaminated Land Policy; or
2. Adopt the Policy and Guidelines as recommended.
3. Adopt a Policy and Guidelines with amendments not canvassed by this report.

Community Engagement & Internal Consultation

During the public exhibition period the "Have Your Say" Summary Report indicates that there were 58 total visits with 17 downloads of the Draft Policy and 11 of the Draft Guidelines. Of the visitors to the site the report indicates that 54 were "Aware", 30 were "Informed" and one was "Engaged".

Two written submissions were received.

One submission from a local resident was more related to lodging a formal complaint about various issues surrounding the roadside stockpiling of soil and/or road base than the Draft Policy and Guidelines. As the resident requested that a formal complaint be lodged, the email was forwarded to Infrastructure staff for investigation and response. The various issues raised by the resident are summarised in Points 1 to 4 below.

The other submission was from an environmental consultant company based in Coffs Harbour that operates in the mid north coast region and the issues are also summarised below. Refer to points 5 to 9 below.

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Submission		Issues (summarised)
1.	Malcolm Borger	The roadside stockpiling of large amounts of material by PMHC encourages/attracts others to dump wastes/materials. These materials/wastes may be contaminated.
	Response/Comment:	The submission did not relate to the draft Policy specifically. The General Manager responded to Mr Borger's submission in a letter dated 15 March 2017 and explained the rationale behind the temporary storage of road maintenance materials in road reserves. See response attached.
2.	Malcolm Borger	A previous complaint was made about the visual approach along Hastings River Drive from the stockpiling of soil etc.
	Response/Comment:	See comment in 1. above.
3.	Malcolm Borger	PMHC is unable to properly deal with contaminated land in good faith due to the continued stockpiling of any type of material on road sides.
	Response/Comment:	See comment in 1. above.
4.	Malcolm Borger	Mr Borger will request the NSW Environment Protection Authority (EPA) test the stockpiled material on Hastings River Drive for contamination.
	Response/Comment:	See comment in 1. above.
Submission		Issues (summarised)
5.	Whitehead and Associates Environmental Consultants	The Draft Policy and Draft Guidelines are generic, lengthy and overly prescriptive.
	Response/Comment:	<p>A MIDROC Contaminated Land Program (the 'Program') was established with assistance from the NSW Environmental Protection Authority (EPA) and the NSW Environmental Trust to improve the capacity of MIDROC councils to manage contaminated land.</p> <p>As part of the Program a draft Contaminated Land Policy (the Policy) and Guidelines (the Guidelines) have been developed in addition to a suite of contaminated land resources which aim to provide a legally compliant framework for managing contaminated land in a responsible and regionally consistent manner. An aim of the Program and Policy is to improve regional development standards and outcomes.</p> <p>The Draft Policy and Guidelines outline Council's role and considerations in dealing with land contamination matters and will</p>

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Submission	Issues (summarised)
	be consistent with other MIDROC councils.
<p>6. Whitehead and Associates Environmental Consultants</p>	<p>The Draft Policy places too much emphasis and reliance on obtaining a statutory Site Audit as a means of an independent review and will have significant implications to due to additional costs (eg \$10-\$20,000 extra) and the effect on consultants. The submission recommends retitling the section to "Independent Review" which promotes an initial review by a suitably qualified contaminated land practitioner first with the requirement for a statutory Site Audit being a last option. On this point the submission further advises that <i>"there is a risk that the absolute implementation of the Draft Policy will sterilise marginally contaminated land from development"</i>.</p>
<p>Response/Comment:</p>	<p>The NSW EPA administer the NSW Site Auditor Scheme which provides a pool of accredited 'site auditors' who can be engaged to review investigation, remediation and validation work conducted by contaminated land consultants.</p> <p>The SEPP 55 Planning Guidelines recommends that a council policy should list circumstances where council will require a site audit. In consideration of this, the Draft Policy states the following:</p> <p>"Council <u>may</u> request a Site Audit where:</p> <ul style="list-style-type: none"> ▪ It is believed that the information provided by the proponent is incorrect or incomplete ▪ Verification is required to confirm that information provided by the proponent adheres to appropriate standards, procedures and guidelines ▪ Council does not have the internal resources or expertise needed to conduct its own technical review ▪ Land use is proposed to change to a more sensitive land use (for example, rezoning commercial to residential)" <p>These points are largely based on the list provided in section 3.6.1 of the SEPP 55 Planning Guidelines which outlines where council should request a site audit. The use of "may request" allows council and the proponent the opportunity to seek further information prior to triggering a site audit. This section of the Policy then goes on to discuss the use of other qualified consultants where a statutory site audit is deemed not necessary. Sections 3.5 and 3.6.1 of the SEPP 55 Planning Guidelines allows for an independent review by a</p>

Looking After Our Environment

Submission		Issues (summarised)
		<p>suitably qualified contaminated land practitioner.</p> <p>After 1 July 2017 all contaminated land reports submitted to the NSW EPA must be prepared, or reviewed and approved by a certified consultant. The NSW EPA has recognised three certification bodies for contaminated land practitioners.</p>
7.	Whitehead and Associates Environmental Consultants	<p>The requirements on consultants under the Draft Policy to provide professional experience and references is unduly onerous and duplicates the requirement for contaminated land practitioner accreditation. The submission recommends the deletion/removal of the final two bullet points.</p>
	Response/Comment:	<p>Contaminated land investigation and management is broad and highly technical so every consultant won't be qualified and/or suitably experienced in every field/aspect. To address this, the Draft Policy requests a consultant provide background information about past experience in similar roles as well as references that can prove their capabilities. This is considered appropriate to verify a consultant's advice is reliable and/or that the consultant is suitable for certain tasks.</p> <p>The relevant section including the bullet points of the Draft Policy are copied in below:</p> <p>"Professional contaminated land reports, plans and advice</p> <p>All professional contaminated land related reports, plans or official advice to be considered by council must be accompanied by a cover letter that includes the following information:</p> <ul style="list-style-type: none"> • Company/practitioner contact details • Scope of works to be overseen by the practitioner • Qualifications relevant to services being provided • Past professional experience in comparable projects • Two references from past clients that have received similar services" <p>This section of the Draft Policy has been developed to assist council in ensuring that the advice it is basing planning and consent decisions on is suitable and does not result in unsuitable development being approved which could increase the risk of contaminated land impacts on the community and environment.</p>
8.	Whitehead and Associates Environmental Consultants	<p>There are only two (2) Accredited Site Auditors based in the mid north coast region (Byron Bay);</p>
	Response/	<p>The Draft Policy and the SEPP 55 Planning Guidelines allow</p>

Looking After Our Environment

Submission		Issues (summarised)
	<p>Comment: council to consider a formal review by a suitably qualified practitioner in lieu of a Statutory Site Audit carried out by an Accredited Site Auditor. Section 3.6.1 of the SEPP 55 Planning Guidelines outlines where council should request a statutory Site Audit.</p> <p>The use of “may request” in the relevant section of the Draft Policy allows Council the opportunity to seek further information prior to triggering a Site Audit. This section of the Draft Policy then goes on to discuss the use of other qualified consultants where a statutory Site Audit is deemed not necessary. Section 3.6.1 of the SEPP 55 Planning Guidelines allows for an independent review by a suitably qualified contaminated land practitioner.</p>	
9.	Whitehead and Associates Environmental Consultants	The Draft Guidelines make reference to numbered section headings in the Policy but the Policy has no numbered Section Headers.
	<p>Response/Comment: Comments noted. The Draft Policy “Contents Page” and numbered section headings will be reinstated in the Draft Policy so that they align with those listed in the Guidelines for ease of use.</p>	

The draft Policy and Guidelines have been developed in consultation with MIDROC councils and the EPA.

There has been internal consultation with staff from Geographical Information Services, the Infrastructure Division and the Development and Environment Division.

Planning & Policy Implications

There are no significant planning and policy implications in relation to this report as the Policy and Guidelines are largely based on the existing NSW Department of Planning “Managing Land Contamination” Planning Guidelines SEPP 55 - Remediation of Land, 1998.

Financial & Economic Implications

There are not expected to be any significant adverse financial and economic implications in relation to this report given that the Policy and Guidelines are largely based on the existing NSW Department of Planning “Managing Land Contamination” Planning Guidelines SEPP 55 - Remediation of Land, 1998 and seek to more clearly outline existing requirements to all stakeholders rather than introducing new requirements.

Looking After Our Environment

Attachments

- 1 [View](#). Draft Contaminated Land Policy
- 2 [View](#). D2017 039745 Draft Contaminated Land Policy Guidelines 2017
- 3 [View](#). Contaminated Land Policy and Guidelines 2017 Submission -Whitehead and Associates
- 4 [View](#). Contaminated Land Policy and Guidelines 2017 Submission - Mr Borger
- 5 [View](#). Contaminated Land Policy and Guidelines 2017 - Council Response to Mr Borger

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: TOWN CENTRE MASTER PLAN SUB-COMMITTEE CHARTER

Presented by: Infrastructure, Andrew Doig

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 adopt the amended Town Centre Master Plan Sub-Committee Charter in line with the revised Council organisation structure as adopted 19 April 2017.

Executive Summary

This report tables an amended Town Centre Master Plan Sub-Committee Charter incorporating changes made following the newly adopted Council structure.

Discussion

At the Ordinary Council meeting held on 19 April 2017, Council resolved to adopt a new structure, effectively seeing the Director of Infrastructure and Asset Management move into the role of Director of Strategy and Growth.

In line with this structure, the responsibilities for the Town Centre Master Plan Sub-Committee are being moved to the Director of Strategy and Growth. Not only does this provide a level of consistency to the Sub-Committee, it also moves the Sub-Committee into a forward planning Division of Council.

Options

Council has the option to either adopt the recommendations of this report, to amend the recommendations or to decline to adopt the recommendations.

Community Engagement & Internal Consultation

Internal consultation has been undertaken with:

- General Manager
- Director Infrastructure and Asset Management

Planning and Providing Our Infrastructure

Planning & Policy Implications

Strategic advice and recommendations to Council from the Town Centre Master Plan Sub-Committee will assist in the ongoing revitalisation of the Port Macquarie CBD, consistent with the adopted Port Macquarie Town Centre Master Plan (1992 and reviewed 2014).

Financial & Economic Implications

There are no direct financial implications as a result of this report, the independent external members are volunteers and no financial reward is offered to these positions; however the strategic advice and recommendations from the Sub-Committee will assist Council in ensuring that ongoing revitalisation of the Port Macquarie CBD is undertaken in a prudent and cost effective manner.

While the Town Centre Master Plan Sub-Committee may advise and make recommendations to Council with regard to the strategic direction of the CBD, all recommendations that commit Council to the expenditure of funds or commit Council to a particular outcome or course of action will be referred to the relevant Director, who will determine under delegation, the process for implementation. Where necessary, the recommendation will be the subject of a report to Council, for Council to make a formal determination and resolution on the issue.

Attachments

1 [View](#). Draft Town Centre Master Plan Sub-Committee Charter

Planning and Providing Our Infrastructure

Item: 13.02

Subject: INFRASTRUCTURE WORKS PROGRAM UPDATE

Presented by: Infrastructure, Andrew Doig

Alignment with Delivery Program

5.1.2 Develop and implement the annual maintenance and preventative Works Programs for Roads and Transport assets.

RECOMMENDATION

That Council:

- 1. Note the information provided in this report.**
- 2. Adopt the adjustments to the 2016/17 Operational Plan as detailed.**
- 3. Adopt the capital works budget adjustments as detailed in the report.**
- 4. Give consideration to including the projects deferred from the 2016/17 Operational Plan into the 2017/18 Operational Plan to be adopted in June 2017.**

Executive Summary

This report provides an update to Council on the progress of the Capital Works Program specifically noting the effects of significant periods of wet weather during 2017. The report makes recommendation for the deferral of several projects into the 2017/18 FY, and additionally makes recommendation for several capital works budgets to be adjusted (in part) into the 2017/18 FY also.

Information is also provided in the report on some of the effects on operational works, in particular road maintenance activities.

Discussion

The capital Works Program for this Financial Year has been significantly delayed due to the exceptionally wet weather experienced in the past few months.

March 2017 was the wettest March in more than two decades with records indicating we have had well over 700mm broadly across the LGA this calendar year.

For many projects, this has had a significant effect on progress during 2017 to date.

Wet weather is not only directly effecting our projects but is also effecting our sub contractors, for example, bitumen spray seal contractors and road stabilisation contractors, who are held up on projects for other clients across the state and particularly in the north coast region where the wet weather has been most concentrated. The weather has also reduced our ability to undertake the preparation for our proactive resealing maintenance works due to the significant increase in reactive maintenance activities requiring the reallocation of staff.

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Staff are foreshadowing an under expended works program compared to 2015-2016 as a result of these weather delays.

Given this wet period has occurred in the middle of what is usually one of our most productive construction periods within the financial year, we estimate a loss of between 50-80% of the past 12+ weeks to wet weather and associated clean ups.

In many cases, it is still too early to confirm the cost implications of these delays on each project, however it is anticipated that the majority of wet weather allowances and contingency allocations for each project will be over expended.

Examples of wet weather impacts:

Hyndmans Creek Bridge Replacement on Comboyne Rd - this site has been inundated several times with recent rain events which has significantly delayed construction works. Wet weather has consequently seen the initial programmed road shutdown(to allow the old bridge removal and new bridge girder installation) date of 1 May extended to late June 2017. This delay necessitates the continuation of project expenditure and management into the 2017/18FY, and allows a portion of the current year budget to be reallocated to the 2017/18 FY also.

Pappinbarra Road rehabilitation - wet conditions have resulted in the cancellation of scheduled spray sealing on two occasions. The initial seal was originally scheduled for March; however the seal was delayed until 29th April some 6.5weeks behind program.

Houston Mitchell Drive - rainfall 2017 to date has resulted in delays in excess of 30 working days. The expected contractual completion date has consequently been extended to June 2017.

Construction of the multi-use synthetic field at Wayne Richards Stage 5 - early rainfall in February / March resulted in delays placing and preparing the gravel pavement and also the availability of the asphaltting contractor. Ongoing rain in March has delayed establishment of the turfing contractor who has been similarly delayed on projects in the Hunter region. Subject to the programmed commencement of the contractor, the project completion will have extended from an initial forecast completion of 31 March to end of May 2017.

Unsealed Road Maintenance, As at 4 April 2017, Councils grading crews had only been able to operate for 3 days over the proceeding 3 week period. In addition along with the delay in being able to work, the rains have caused significant scour and loss of gravel to a number of our unsealed roads. This has significantly impacted upon the overall grading program delivery and much of our gravel re-sheeting budget has been required to fix these roads, rather than improve the overall network.

Sealed Road Maintenance, As at 4 April 2017 Road rehabilitation works have been delayed by approximately 2 weeks. Resealing in the Wauchope area has been delayed by approximately 1 month which will result in a reduction in the amount of resealing works that can be undertaken. The delay in preparation works has pushed sealing works deep into the Autumn months. As the temperature drops the pavement temperatures become too cold to allow for the resealing to bind and as such there

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will be approximately a 25-35% reduction in the areas resealed this financial year. Resealing cannot recommence until September at the earliest.

Over one hundred additional rain related customer requests have been received by the Transport and Stormwater Network section, with customers requesting pothole repairs, scouring of gutters, shoulder grading, debris collection on bridges, street sweeping of debris off roads, removal of trees over roads, repairs and upgrades associated with flooding of low lying infrastructure, sinkhole repairs due to high velocity flows through the pipe network and blocked pit and pipe repairs. The weather event has greatly increased our need to attend to reactive rather than proactive maintenance, such as the resealing preparation, thus delaying these programs. However it should also be noted that the areas in which we have completed our proactive resealing, such Lake Cathie, Bonny Hills, Laurieton, and Lakewood we have had no issues in relation to potholes and the need for reactive road maintenance.

The below table is an extract from the attached 'Proposed Budget Deferral to 2017/18' document. Further information is provided in the attachment regarding proposed changes, comments and forecast budget expenditure.

OP Reference	Project Name	2016/2017 Budget	Proposed budget amount to be adjusted to 2017/18 FY from 2016/17FY
5.1.1.3 (z)	Beechwood Road - Reconstruction Stage 2: Rosewood Road to Riverbreeze	\$1,250,000	\$1,000,000
5.5.3.1 (e)	Small Town Sewerage - Comboyne	\$241,117	\$229,061
5.5.3.1 (f)	Small Town Sewerage - Long Flat	\$255,592	\$242,812
5.5.3.4 (g)	Small Town Sewerage - Telegraph Point	\$296,699	\$281,864
5.3.1.3 (b)	Googik Track Stage 2	\$75,696	\$75,696
5.3.1.2 (i)	Flynns Beach Revetment Wall	\$841,289	\$841,289
5.3.1.4 (z)	Town Green - design and implement Master Plan	\$526,114	\$420,891
5.5.6.3 (b)	Stormwater Remediation - Skyline Terrace Bonny Hills	\$45,000	\$45,000
5.1.1.3 (l)	TCMP Construction of Town Square	\$3,608,905	\$3,428,460
5.5.6.4 (b)	Stormwater Remediation - Calwalla Crescent	\$35,056	\$35,056
Not in OP	Lake Cathie Accessible Fishing Platform	\$121,959	\$97,567
5.1.1.4 (dd)	Wauchope Town Centre Works - improve pedestrian amenity Stage 1	\$140,000	\$126,000
5.5.1.2 (b)	Southern Arm Trunkmain along Houston Mitchell Drive	\$5,500,002	\$5,500,002
5.5.3.3 (i)	Thrumster Reclaimed Water - Interim Supply Mains	\$500,004	\$450,004
5.5.3.3 (h)	Port Macquarie Sewer Pump Station 71 and new Rising Main to STP	\$1,388,749	\$1,388,749
5.5.1.3 (o)	Sancrox Reservoir - 750mm to Area 13 trunk main	\$1,500,000	\$1,500,000
5.1.1.4 (w)	Gordon Street Upgrade - Horton to Lake Road (Hay Street Leg Design)	\$1,650,000	\$825,000
5.1.1.3 (x)	Albert Street Bridge	\$575,000	\$575,000
5.1.1.3 (y)	O'Neills Bridge - Batar Creek Road	\$480,000	\$480,000
5.1.1.3 (w)	Hyndmans Creek Bridge	\$1,500,000	\$300,000

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5.1.1.1 (a)	Hartys Creek Bridge	\$3,041	\$3,041
5.1.1.4 (v)	Bulli Creek Bridge	\$904,398	\$904,398
		TOTAL	\$18,749,890

Options

This report is provided as an update. Councillors have the option to approve the recommendations as recommended or propose alternative(s).

Community Engagement & Internal Consultation

Council continues to work closely with stakeholders to communicate the impacts and delayed programs resultant from the wet weather.

Planning & Policy Implications

There are significant planning implications on next year's Capital Works Program and the Operational Plan as a result of the very wet weather in 2017. The impact on the proposed works program for 2017/18FY is detailed in the attachment Capital works summary (attachment) to this report.

The deferral of several capital works projects is also proposed as part of this report. That attached project summary details those projects recommended to be deferred from 2016-17 One Year Operational Plan to the 2017-18 One Year Operational Plan for delivery.

The current financial year and 2017/18 resealing and rehabilitation programs can be adjusted to manage the delays, however this will place added pressure on current maintenance crew resourcing, which may affect our response times to customer requests.

Financial & Economic Implications

There are significant financial implications in the form of increased capital works carry over budgets to the 2017-18 FY.

Whilst the wet weather events have reduced works expenditure against forecasts, there have also been increased clean up and rework costs (unscheduled costs). This has the potential to impact on contingency allocations and total project costs.

The deferral of expenditure from the current financial year caused by these weather events is now seen as unavoidable, however there will be significant resourcing implications in 2017/18 as a result. The recommended deferral of some works into the 2017/18 program may require some adjustments to the draft 2017/18 Capital Works program. This is currently on public exhibition and will be presented to Council for final adoption at the June 2017 Ordinary Meeting of Council.

This report is intended to foreshadow an under expended works program compared to 2015-16 as a result of weather delays. The budget adjustments proposed are included in an attachment to this report for Council endorsement.

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Attachments

- 1 [View](#). Wet weather impacts on Infrastructure works
- 2 [View](#). Proposed Budget Deferral to 2017/18

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Item: 13.03

Subject: SETTLEMENT SHORES CANAL MAINTENANCE PLAN

Presented by: Infrastructure, Andrew Doig

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Place on public exhibition the draft Settlement Shores Canal Maintenance Plan from 30 May 2017 until 27 June 2017 (28 days).**
- 2. Note that a further report is planned to be tabled at the July 2017 meeting of Council, detailing the submissions received from the public during the exhibition period.**

Executive Summary

The Settlement Shores Estate canals comprises nine separate canal channels and act as key drainage channels for the surrounding areas with several stormwater outlets discharging into the canals. A detailed assessment of the canals was required to determine what maintenance activities would be required, when they should be conducted and a strategic cost estimation of the works.

A hydrographic survey and visual condition assessments of canal infrastructure were undertaken at the end of 2015. Initial community engagement was undertaken over the period April to May 2016 with the draft report being produced in October 2016. Final community consultation on the draft plan is required prior to finalising the plan with its subsequent implementation starting in the 2017/18 financial year.

The Canal Maintenance Plan will guide maintenance planning and activities within the Settlement Shores canal estate over the next ten years.

Discussion

The Settlement Shores Estate canals comprises nine separate canal channels and act as key drainage channels for the surrounding areas with several stormwater outlets discharging into the canals. The canals themselves are made up of private land and Council land (drainage reserve) and include several key pieces of infrastructure including the revetment wall, flood mitigation weir, erosion protection rock coverings, stormwater outlets, private concrete boat ramps and other boating facilities. The condition of this infrastructure and how it performs is related to the overall condition of the canals, the amount of sediment build-up and how the canals are performing hydrologically. The condition of the canals and how they are performing was largely unknown and there was evidence that several pieces of

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infrastructure were in poor condition and not operating at an appropriate level of service for the community within the Settlement Shores Estate. The last condition assessment and survey of the canals was undertaken in 2003 with a subsequent maintenance plan being prepared in 2004.

Whilst minor maintenance and flood clean-up works have been undertaken by Council within the canal area in recent years and more recently with the moderate to major flooding of the Hastings River in February / March 2013, no major maintenance works have been undertaken within the canals since 2006/07.

A detailed assessment of the canals was required to determine what maintenance activities would be required, when they should be conducted and a strategic cost estimation of the works. In conjunction with this assessment community engagement was undertaken to determine what is an adequate level of service for the community fronting the canals and who is responsible for what maintenance (private land owner or Council) and to what extent.

Based on these requirements Council engaged Haskoning Australia Pty Ltd. to manage the required investigations, condition assessments and produce an up-to-date Canal Maintenance Plan.

A hydrographic survey and the majority of the visual condition assessments were undertaken at the end of 2015. Community engagement was undertaken over April and May 2016 with the draft report being produced in October 2016. Prior to finalising the plan with its subsequent implementation starting in the 2017/18 financial year final community consultation on the draft plan is required.

The Canal Maintenance Plan will guide maintenance activities within the Settlement Shores estate over the next ten years. This includes maintenance undertaken by both Council and private land owners.

The main maintenance activities identified within the Maintenance Plan are:

- Dredging
- Rock Protection reinstatement
- Beach Zone renourishment
- Drainage Outlet repairs
- Minor revetment wall repairs
- Reactive (flood) Maintenance

Options

Council may either choose to public exhibit the draft plan as presented or recommend amendments prior to exhibition.

Council has previously committed to the preparation of a Canal Maintenance Plan for the Settlement Shores Canals and public exhibition of the draft plan is the final stage before it can be finalised.

Community Engagement & Internal Consultation

Initial community engagement was undertaken as part of the review project over the period March to April 2016. This engagement consisted of two community

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engagement sessions within the canal estate and a resident survey, which was mailed to all canal residents and available online via Council's engagement website.

Council staff engaged with approximately 70 canal residents over the two engagement sessions and received 161 survey responses.

Based on the survey responses received, the preferred priority of maintenance actions is:

- 1: Dredging to restore canal waterway depths
- 2: Placement of sand on beach areas
- 3: Fill boat ramp edge/end cavities with concrete or rock protection
- 4: Concrete crack/chip repairs on revetment walls
- 5: Placement of appropriately sized rock protection on beach areas

The survey also asked residents to answer the following:

Would you support the introduction of a special rate to fund a higher level of canal maintenance? (Yes / No)

83% of responses answered No with only 17% indicating they would support an additional rate or fee to increase the level of maintenance service. However, the majority of those who did indicate 'yes' stated that their support was conditioned on there being greater transparency and guarantee of the works.

The purpose of this initial engagement was to inform canal residents of the review project and to gain an understanding of the community's expectations with regards to canal maintenance. The feedback received has been incorporated into the plan with some key outcomes being changes to the way private maintenance is approved by Council, a focus on long lasting maintenance actions and acknowledging the need for greater cooperation between Council and the Roads and Maritime Service for controlling boating activities that degrade canal infrastructure.

All submissions made by the community during the initial consultation period in 2016 will be reported to Council with any other submission made during this exhibition period of the draft maintenance plan.

Planning & Policy Implications

The Canal Maintenance Plan will be the guiding document for all maintenance planning for the Settlement Shores Canal estate over the next ten years.

Financial & Economic Implications

The draft Settlement Shores Canal Maintenance Plan has identified a strategic budget that is required to adequately maintain the Settlement Shores canals. The estimated total budget across the 10 years covered by the plan is \$2,772,040.

The estimated financial implications per year are as follows:

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ANNUAL BUDGET

Year	Council Expense
2017/18	\$594,880
2018/19	\$799,510
2019/20	\$414,510
2020/21	\$913,740
2021/22	\$26,350
2022/23	\$ -
2023/24	\$ -
2024/25	\$ -
2025/26	\$ -
2026/27	\$23,050

TOTAL \$2,772,040

The cost per Council maintenance activity is as follows:

Dredging: \$1,652,940
 Rock Protection reinstatement: \$384,600
 Beach Zone renourishment: \$688,000
 Drainage Outlet repairs: \$5,000
 Minor revetment wall repairs: \$1,500
 Reactive (flood) Maintenance: \$40,000

Council established an operational reserve (within the General Fund) for canal maintenance in 2003. Revenue collected from the boating structures licence fee is allocated to this reserve. The annual income from the licence fee is approximately \$95,000.

As at July 2016 the reserve had a balance of \$598,092 with anticipated income of \$95,000 for the 2016/17 financial year, leaving a balance of \$693,092.

Council has allocated the identified 2017/18 funds of \$594,880 in the draft 2017/18 Operational Plan for canal major maintenance and dredging.

Based on the annual income of approximately \$95,000 being allocated to the canal maintenance reserve there is a shortfall of approximately \$1.2 million across the ten years for the funding of the Canal Maintenance Plan.

Council will need to consider a suitable funding mechanism for the identified shortfall when the final plan is adopted.

Attachments

1 [View](#). Draft Settlement Shores Canal Maintenance Plan

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Item: 13.04

**Subject: DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM
PERFORMANCE**

Presented by: Development and Environment, Matt Rogers

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 Development Activity and Assessment System Performance report for the second quarter of 2016-2017.

Executive Summary

This report provides a summary of development assessment, building certification and subdivision certification activities for the January to March 2017 quarter. Data on the number of applications and processing times, together with a commentary on development trends is provided for the information of Council.

Discussion

The following table provides data on the volume of applications received and determined over the quarter relative to the year-to-date average and monthly average of the preceding four years.

The monthly average development application (DA) volume data for 2016-2017 to date has been the same that which was experienced in 2015-2016, with an average of 85 DAs received per month. In relation to the monthly data over the last quarter though, March saw 108 DAs, and 63 building construction certificates received, being significantly greater than the average data. It will be interesting to see whether the 2016-2017 average will surpass 2015-2016 average over the final quarter.

March also saw a significant spike in plumbing and drainage applications with a total of 104 applications determined compared to the monthly 2016-2017 average of 83. This coupled with the large number of CCs and building inspections is a good indicator of the continued high level of 'on the ground' activity and confidence in the sector. This activity is unlikely to slow down in the foreseeable future noting the large number of land releases in Port Macquarie, Lake Cathie and Wauchope.

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Applications Received and Determined									
Applications Type	2012-13 Monthly Average	2013-14 Monthly Average	2014-15 Monthly Average	2015-16 Monthly Average	2016-17 Monthly Average	2016-17 TOTAL	Jan-17	Feb-17	Mar-17
DAs Received	52	70	76	85	85	764	60	91	108
DAs Determined	53	65	74	79	78	705	75	75	96
DA Modifications Received	11	11	14	17	15	133	5	19	18
DA Modifications Determined	11	11	14	15	14	126	7	9	21
Complying Development Certificates Received by Council	11	13	10	7	9	78	7	12	7
Complying Development Certificates Determined	9	12	10	7	8	76	7	8	8
Complying Development Certificates Determined (Private Certifier)	11	14	15	21	20	179	18	5	29
Construction Certificates (Building Work) Received by Council	35	42	46	41	42	382	34	41	63
Construction Certificates (Building Work) Determined by Council	33	38	45	38	36	325	34	27	48
Construction Certificates Building Work Determined (Private Certifier)	12	17	20	29	27	240	25	17	30
Building Inspections Undertaken	286	371	393	407	442	3975	255	389	458
Plumbing & Drainage Applications Determined	42	52	64	72	83	751	49	64	104
Infrastructure Construction Certificates Received	2	5	8	9	13	119	7	12	16
Infrastructure Construction Certificates Determined	2	4	6	9	9	80	3	3	14
Subdivision Certificates Received	3	8	10	11	1	106	7	10	16
Subdivision Certificates Determined	7	7	9	10	11	101	6	13	13
Roads Act Applications Determined	30	30	38	49	45	408	10	48	78

The following table outlines the estimated value of works per development type approved for the quarter. Residential development continues to be the dominate sector:

Value of Works DA	Jan-17	Feb-17	Mar-17	Total to Date 2016 - 2017	Total 2015 - 2016
Ancillary DA	\$458,000	\$440,650	\$346,117	\$3,736,149	\$7,423,973
Ancillary CDC	\$39,800	\$121,002	\$126,000	\$776,238	\$943,054
Commercial DA	\$0	\$50,000	\$1,593,000	\$6,817,871	\$18,824,700
Commercial CDC	\$600,000	\$0	\$330,000	\$2,992,590	\$3,910,036
Community DA	\$0	\$0	\$0	\$425,000	\$35,342,500
Community CDC	\$0	\$0	\$0	\$0	\$0
Industrial DA	\$150,000	\$0	\$0	\$3,027,300	\$26,315,171
Industrial CDC	\$0	\$0	\$0	\$503,000	\$229,172
Residential DA	\$13,012,397	\$21,191,069	\$16,797,453	\$150,637,056	\$188,223,692
Residential CDC	\$2,112,695	\$1,185,407	\$5,280,758	\$27,225,818	\$38,233,676
Rural DA	\$0	\$435,000	\$1,052,570	\$4,752,806	\$8,095,352
Rural CDC	\$120,000	\$0	\$90,500	\$844,092	\$1,556,255
Subdivision DA	\$1,550,000	\$19,305,000	\$30,000	\$26,561,000	\$17,173,100
Tourist DA	\$1,130,000	\$0	\$0	\$1,377,860	\$14,923,909
Tourist CDC	\$0	\$0	\$0	\$690,000	\$90,000
Total	\$19,172,892	\$42,728,128	\$25,646,398	\$230,366,780	\$361,284,590

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Applications of note during the quarter include:

- DA2016 - 661 - residential flat building, Clarence Street, Port Macquarie.
- DA2016 - 997 - medical centre, Savoy Street, Port Macquarie
- DA2017 - 21 - Additional primitive camp ground sites, Wauchope Showground

Quarterly application processing data and longer term trends for the various application types is provided in the table below. It is noted that gross monthly average DA processing time of 53 days for the 2016-2017 year to date monthly average is an improvement on the 58 days monthly average for the 2015-2016 year. Additional casual planning resources employed to assist with the high volumes of applications and has positively impacted on processing times. Management will continue to monitor application volumes and processing times and evaluate resourcing options.

Gross processing times for engineering related applications have improved over the quarter compared to the 2015-2016 year. Gross monthly average processing times for construction certificates for 2016-2017 to date is 73 days, this is down on the 2015-2016 monthly average of 94 days. The gross monthly average processing days for subdivision certificates for the quarter was 58 days, this is down from 97 days in the 2015-2016 year.

PMHC Application Processing Performance	NSW 2014 - 15						
	Monthly Average	2014-15 Average	2015-16 Average	2016-17 Average	Jan-17	Feb-17	Mar-17
DAs Processing - Net Median Days	48	30	30	29	40	30	28
DA Processing - Net Average Days	48	36	34	34	40	36	32
DA Processing - Gross Average Days	76	56	58	53	55	70	42
Complying Development Processing - Net Average Days		13	6	6	3	5	8
Complying Development Processing - Gross Average Days	22	14	7	8	9	5	12
Building Construction Certificate Processing - Net Average Days		12	9	9	4	19	8
Building Construction Certificate Processing - Gross Average Days		49	51	48	37	97	43
Plumbing & Drainage Applications Processing - Net Average Days		17	16	15	16	8	15
Plumbing & Drainage Applications - Gross Average Days		61	51	43	55	37	62
Infrastructure Construction Certificate Processing - Net Average Days		41	54	39	30	30	58
Infrastructure Construction Certificate Processing - Gross Average Days		114	94	73	107	69	94
Subdivision Certificates Processing - Net Average Days		33	42	39	42	39	31
Subdivision Certificates Processing - Gross Average Days		72	97	58	55	66	56
Roads Act Applications Processing - Net Average Days		16	17	20	24	10	50
Roads Act Applications Processing - Gross Average Days		41	43	48	52	51	96

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Options

This is an information report.

Community Engagement & Internal Consultation

Development assessment statistics are discussed internally as the key indicator of system performance.

Feedback on the customer experience has continued to be sought, through monthly meetings with specific applicants, to build upon the information obtained from the recent customer survey as previously reported to Council.

The independent review into Council's land development approval processes includes a strong external engagement element and will continue to be a focus for staff in the short to medium term as detailed in the report on this matter to the April 2017 Ordinary Council Meeting.

Engagement on these matter is also undertaken through the Construction Industry Action Group.

Planning & Policy Implications

There are no planning and policy impacts.

Financial & Economic Implications

This report does not have direct financial or economic implications. However, monitoring the performance of the development assessment system is an important undertaking given the role of development regulation in the broader economy and the need to minimise costs to business and the community in managing development.

Attachments

Nil

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Item: 13.05

Subject: **PLANNING PROPOSAL - LOT 14 DP240042, PIONEER STREET, NORTH HAVEN. KING AND CAMPBELL PTY LTD FOR RD & ML TATE AND TATE DEVELOPMENTS PTY LTD**

Presented by: **Strategy and Growth, Jeffery Sharp**

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Prepare a planning proposal 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 respect to Lot 14 DP 240042, Pioneer Street North Haven to change the zoning of the land to part residential, part rural and part environmental protection, as described in this report.
2. Forward 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.
3. Request that the Secretary 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.
4. Delegate authority to the Director Strategy and Growth to make any minor amendments to the Planning Proposal as a result of the Section 56 Gateway Determination, prior to public exhibition of the proposal.
5. Undertake community consultation in accordance with the Gateway Determination.
6. Receive a report following the public exhibition period to demonstrate compliance with the Gateway Determination and to assess any submissions received.

Executive Summary

The purpose of this report is to consider a planning proposal for a proposed rezoning of land to part residential, part rural and part environmental protection purposes.

The 10.6 hectare site is vacant land in Pioneer Street North Haven. The site adjoins developed zoned residential land to the south and east and rural land to the west, north and north-east.

It is recommended that Council proceed with a planning proposal as described in this report and seek a gateway determination from the NSW Department of Planning and

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Environment pursuant to section 56 of the *Environmental Planning and Assessment Act 1979*.

Discussion

The Site

The site adjoins existing developed residential land to the south and east and rural land to the west, north and north-east.

Figure 1 shows the location of the site in relation to existing zoned residential land and dwellings in the surrounding locality.

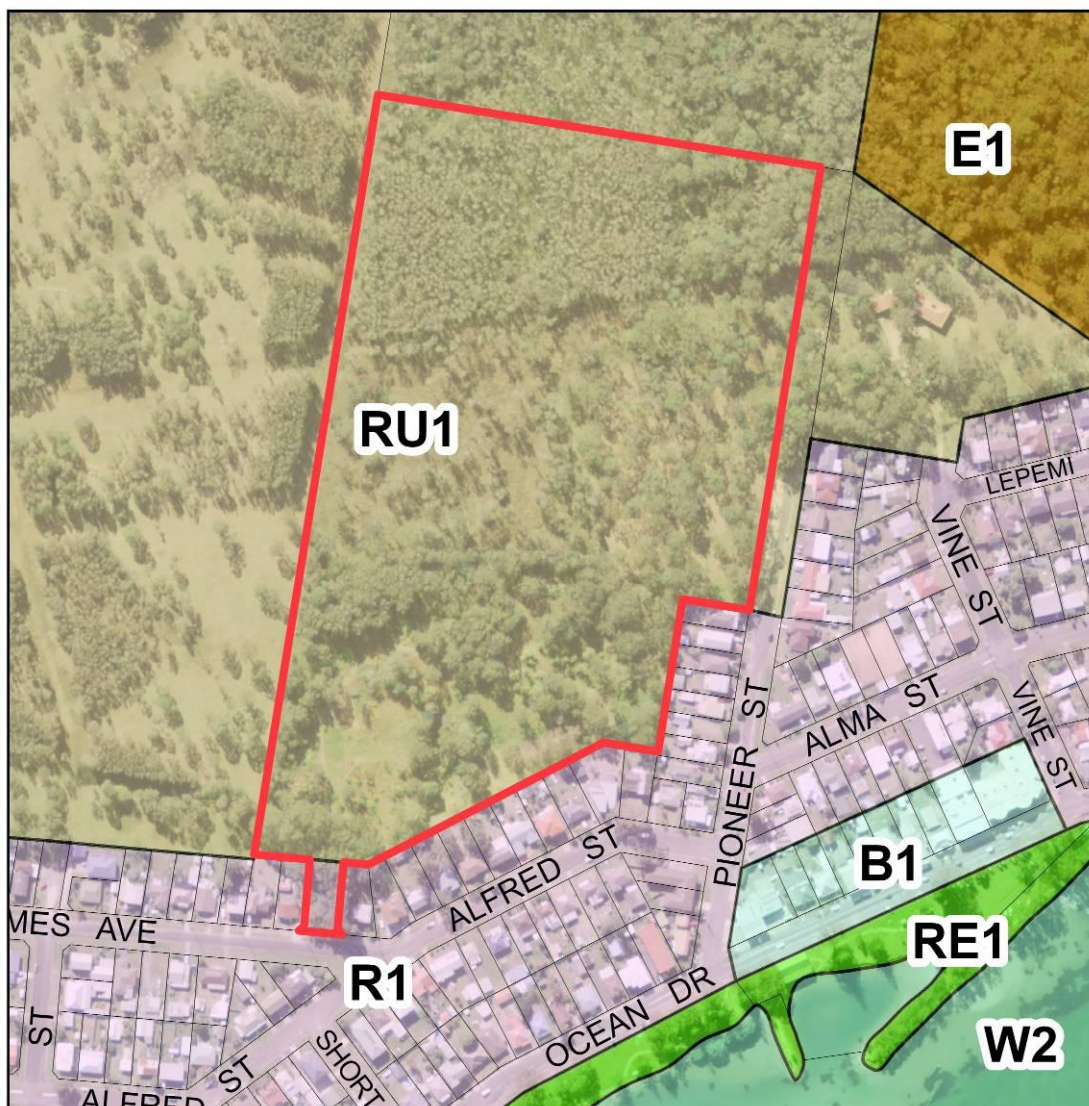


Figure 1 Site Context

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The Proposal

The proposal involves an amendment to the *Port Macquarie-Hastings Local Environmental Plan (PMHLEP) 2011* to rezone Lot 14 DP 240042 Pioneer Street North Haven (the site) from RU1 Primary Production to part R1 General Residential, consistent with surrounding residential development.

Land containing ecological values and land to be revegetated to provide clearing offsets is proposed to be rezoned to E2 Environmental Conservation. Part of the land will remain RU1 Primary Production.

Figure 2 shows the existing and proposed zones.

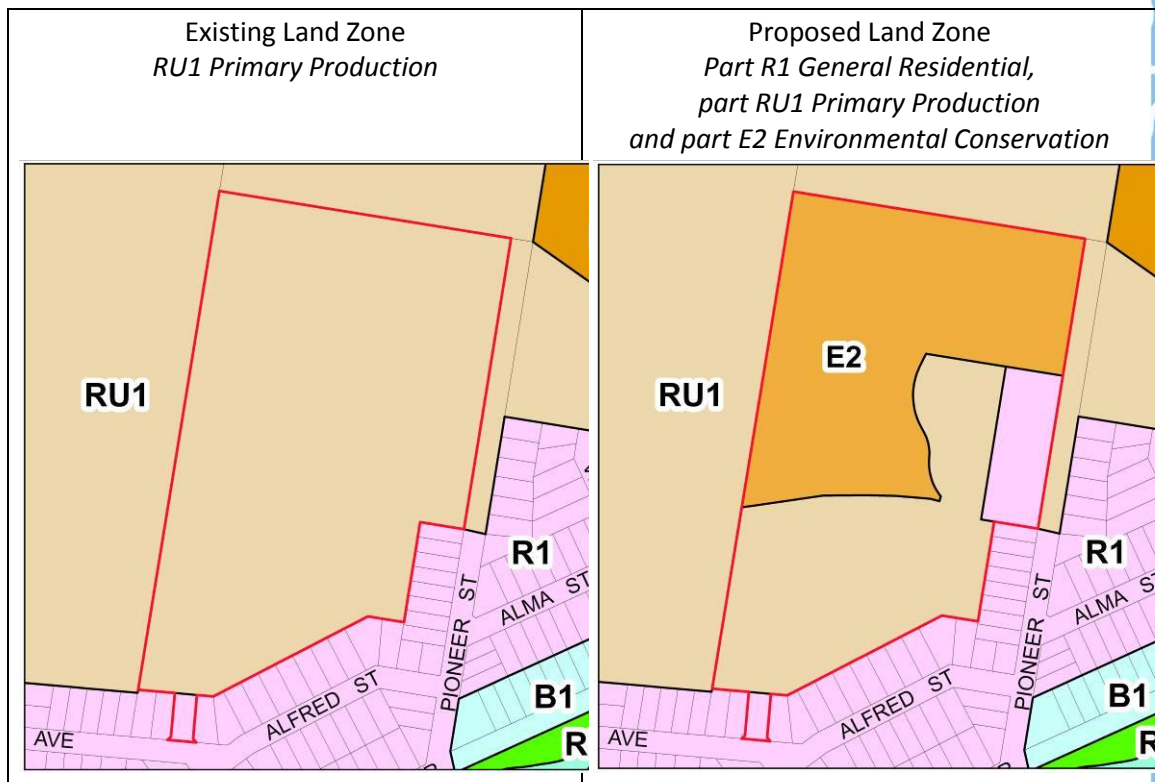


Figure 2 Existing and Proposed Zones

Assessment

A draft planning proposal (see Attachment 1) has been prepared by Council's Strategic Land Use Planning section. Key considerations have included flooding hazard, stormwater drainage, ecology, bushfire hazard and Aboriginal and Cultural Heritage, as discussed below.

Flooding hazard

The '*Camden Haven River & Lakes System Flood Study*', was completed in July 2013 and adopted by Port Macquarie-Hastings Council on 20th November 2013.

The land owner engaged Worley Parsons to prepare a Flood Risk Assessment (7th March 2016) in support of the rezoning request.

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The Flood Risk Assessment concluded that the land proposed for rezoning would be classified as high hazard flood storage (with inundation levels up to and exceeding 1m). However, the site would be considered as minor infill residential development and consequently the report considers that the site can be modified by relatively minor filling to enable the site to be classified as low hazard flood storage area.

This would allow the rezoning to be consistent with Council's Flood Policy (adopted 21 October 2015) and Council's Flood Risk requirements under the Urban Growth Strategy.

To avoid significant difference in ground levels from existing residential development in the street, the report recommends the site to be filled to a depth of up to 900mm, to RL 2.23m AHD, and for future dwellings to achieve a minimum floor level of RL4.14m AHD.

Council's Principal Waste and Environmental Engineer confirms that the proposal can proceed on the following basis:

- The site is a 'minor/logical extension' of the residential zone that provides no further rezoning opportunities within the floodplain.
- The limited impact due to the proposed filling only occurs on the residual land area that is currently owned by the applicant.
- Any future development consent will require a section 88b or similar instrument to be put in place to require two (2) story dwellings with;
 - the ground floor to be non-habitable (garages or laundry), and
 - the second floor to be above 4.15m AHD.

On this basis, it is considered that the rezoning is able to proceed.

Stormwater drainage

The site is very flat and difficult to drain to a trunk drainage system. The applicant has submitted a Geotechnical Assessment report that identifies the site is composed of clean sand soils with a high infiltration rate and capable of disposing of stormwater by infiltration. A Stormwater Concept Plan has been submitted providing for soak away systems through infiltration. The concept is considered to be appropriate and feasible for the site.

The Stormwater Concept Plan is supported by an offer to enter into a Planning Agreement with Council to provide soak away systems in each residential allotment, and to reconstruct Pioneer Street to facilitate drainage from the road to a soak away area to the north.

Council's Senior Stormwater Engineer raises no objections towards the proposed rezoning, subject to detailed stormwater plans and associated geotechnical information being submitted at development application stage.

Matters to be addressed in the development application are:

- stormwater being managed generally in accordance with the principals of the Stormwater Concept Plan prepared by King and Campbell, and

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- demonstration that the size of the proposed 'soakaway' trenches servicing both the private allotments and road carriageway complies with AUSPEC specifications, and
- the proposed 'soakaway system' servicing lot 5 being located such that there are no adverse impacts on the adjoining dwelling to the west, and
- a covenant/restriction as to user being placed on the title of each allotment requiring:
 - that no stormwater discharge be permitted to Pioneer Street, and
 - all stormwater discharge be directed to the 'soakaway system', and
 - the owner to maintain the 'soakaway system' in accordance with an adopted maintenance plan.

It is considered that stormwater drainage from future development of the site is capable of acceptable management.

Ecology

Darkheart Eco-Consultancy completed an Ecological Impact Assessment (March 2006) on behalf of the owner, which identified endangered ecological communities (Subtropical Floodplain Forest on Coastal Floodplains and Swamp Sclerophyll Forest on Coastal Floodplains) and threatened species habitat for Squirrel Gliders and foraging for some other species.

Based on the Darkheart Report, the extent of proposed residential and environmental protection zones was initially identified. Recommendations have been made to minimise vegetation loss, and care during the construction phase.

An addendum to the Darkheart Report has been prepared on behalf of the owner (Naturecall, 28/09/2016) which updates the vegetation assessment and provides a number of additional recommendations including identification and protection of hollow bearing trees, selective retention of trees within Asset Protection Zones (APZs) for future dwelling houses, supervision of clearing activities during construction phase and fencing to prevent removal of native vegetation within the proposed E2 zone.

In addition, the owner has offered to enter into a Planning Agreement to prepare a Vegetation Management Plan to include details associated with management and ongoing maintenance of the E2 lands, APZs and habitat trees.

The Darkheart recommendations are considered to be adequate to ensure that there are no significant impacts on threatened species.

Offsets will be required consistent with Council policy for any loss of significant vegetation.

Bushfire

The site is mapped as bushfire prone land - Vegetation Category 1.

The applicant has submitted a Bushfire Constraints Assessment (ABPP PL, 11.10.2016) which provides an assessment for future development of the site involving residential subdivision to create six (6) residential lots and a residue lot. The

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assessment recommends an APZ of 27m, and the proposed zone and subdivision layout demonstrates that a building envelope and 27m APZ will be contained within each lot.

Subject to necessary bushfire protection requirements, including APZ's and fire trails, being accommodated within urban lot boundaries, the proposal is considered to have addressed bushfire hazard.

Site contamination - SEPP 55 Remediation of Land

Council must be satisfied that there is no contamination of the site that poses any risk to future residents pursuant to SEPP 55 Remediation of Land. If a preliminary site investigation indicates such a risk may be present, a detailed site contamination investigation and remediation plan is required to support a proposal.

The land is not mapped as contaminated on Council's contaminated land register. A preliminary site investigation (Phase 1,) under the Contaminated Land Management Guidelines will be required before the planning proposal can progress to public exhibition, but this need not prevent the proposal proceeding to a Gateway determination.

Aboriginal and Cultural Heritage

The site is located within the Bunyah Local Aboriginal Land Council area.

An Aboriginal and Cultural Heritage Assessment is required to be prepared prior to the planning proposal proceeding to public exhibition and community consultation. The assessment will inform the planning proposal to ensure adequate consideration of the archaeological significance of the planning area to Aboriginal people, including an assessment of tangible and intangible aspects and values of Aboriginal and cultural heritage, consistent with the Office of Environment and Heritage Guidelines. The absence of an assessment at this stage need not prevent the planning proposal proceeding to a Gateway Determination.

Proposed Voluntary Planning Agreement

The land owner has offered to negotiate a Planning Agreement (VPA) with Council to manage stormwater drainage, the security of environmental lands, and the management of bushfire hazard.

It is noted that it is not intended to dedicate any environmental land, or require payment of ongoing management of environmental lands, as part of the development.

In the circumstances it is considered that the planning agreement need not be tied to the rezoning, and can be addressed as part of any future development application for the subdivision of the land following completion of the rezoning.

Options

Council's options are to:

1. Do nothing (the land would remain as rural land).

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2. Resolve to prepare a planning proposal based on the information contained in this report and to send it to the NSW Department of Planning and Environment for a gateway determination. Unresolved matters, as discussed in this report, are assumed to be capable of being satisfactorily addressed through the lodgement of additional information.
3. Resolve to prepare a planning proposal differently to that described in this report and send it to the NSW Department of Planning and Environment for a gateway determination.
4. Resolve not to support the preparation of a planning proposal for the site.

Option 2 is the preferred option as it is considered that the land is capable of providing for minor infill residential development as proposed.

Community Engagement & Internal Consultation

Should the proposal be supported, the Department of Planning and Environment's (DP&E's) Gateway determination will specify consultation requirements.

Community consultation for planning proposals will normally include notification in a local newspaper, to adjoining landowners and on Council's website for the duration of the exhibition. In addition, the exhibition material will be available at the Port Macquarie Administration building.

Consultation with State agencies is likely to be required with the NSW Office of Environment and Heritage, NSW Rural Fire Service and Birpai Aboriginal Land Council.

In preparing the planning proposal to date, internal consultation has occurred with staff of Council's flooding, transport & stormwater, bushfire, environment, contributions, parks, water and sewer sections.

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 consistent with the Port Macquarie-Hastings Urban Growth Management Strategy representing a minor extension to the R1 General Residential zone. Finalisation of the planning proposal will complete Pioneer Street, representing the final extent of residential zoning within the North Haven flood plain. It is not expected that this will create a precedent in other locations.

The recommended zones are shown in Figure 2. Associated recommended development standards including Height of Building (HOB), Minimum Lot Size (LSZ) and Floor Space Ratio (FSR) will be consistent with adjoining residential development:

Zone	Lot Size	FSR	HOB
R1 General Residential	450m ²	0.65:1	8.5m
E2 Environmental Conservation	6ha based on the extent of land proposed to be zoned for environmental conservation	-	8.5

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	and necessary to prevent further subdivision.		
RU1 Primary Production	6ha based on the extent of residual rural land and necessary to prevent further subdivision.	-	8.5

Financial & Economic Implications

The applicant has paid rezoning fees consistent with Council's Policy, which are considered to reasonably cover the costs associated with the administrative, planning and exhibition costs of preparing the Planning Proposal.

Attachments

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-17-07 Supply of Two (2) 40kw Out-front Self Propelled Mowers
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-17-18 Pipeline Design - Beechwood Water Supply Upgrade
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-17-20 TCMP Town Square
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-17-26 Bespoke Furniture Design and Supply - Town Square Upgrade
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.
 - Item 15.05 Construction of Houston Mitchell Drive Stages 2 and 3 Update
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole on the basis that the items to be considered are of a confidential nature.
3. That the recommendations made in Confidential Committee of the Whole be made public as soon as practicable.

**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-17-07 Supply of Two (2) 40kw Out-front Self Propelled Mowers

**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-17-18 Pipeline Design - Beechwood Water Supply Upgrade

**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-17-20 TCMP Town Square

**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-17-26 Bespoke Furniture Design and Supply - Town Square
Upgrade**

**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

Item 15.05 Construction of Houston Mitchell Drive Stages 2 and 3 Update

**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