



PORT MACQUARIE-HASTINGS
COUNCIL



Ordinary Council

Business Paper

date of meeting: Wednesday 18 October 2017

location: Laurieton School of Arts Hall
Cnr Bold & Laurie Streets
Laurieton

time: 5.30pm

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

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

Community Themes

- ★ Leadership and Governance
- ★ Your Community Life
- ★ Your Business and Industry
- ★ Your Natural and Built Environment

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)
- 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 on an Agenda Item' form
- 'Request to Speak in the Public Forum' form

These can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.

Requests can also be lodged on-line at:

<http://www.pmhc.nsw.gov.au/About-Us/How-Council-Works/Council-Committee-Meetings/Request-to-speak-on-an-Agenda-Item>

<http://www.pmhc.nsw.gov.au/About-Us/How-Council-Works/Council-and-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.

- Council will permit no more than two (2) speakers 'in support of' and two (2) speakers 'in opposition to' the recommendation on any one (1) Agenda Item.
- A maximum of five (5) speakers will be heard in the Public Forum.
- There is no automatic right under legislation for the public to participate in a Meeting of Council or a Committee of Council.
- For a member of the public to be considered to address Council they must agree to strictly adhere to all relevant adopted Council Codes, Policies and Procedures at all times.
- Consideration of items for which requests to address the Council Meeting have been received will commence at 5:30pm.
- When your name is called, please proceed to the Council Table and address Council.
- Each speaker will be allocated a maximum of five (5) minutes to address Council. This time is strictly enforced.
- Councillors may ask questions of a speaker following an address. Each answer, by the speaker to a question, is limited to two (2) minutes. A speaker cannot ask questions of Council.
- An Agenda Item will be debated by Council following the address.
- Council will not determine any matter raised in the Public Forum session, however Council may resolve to call for a future report.
- If you have any documentation to support your presentation, provide two (2) copies to Council by 12 noon on the day of the Meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 12 noon on the day of the Meeting.
- The following will **not** be considered in the Public Forum (in accordance with the Code of Meeting Practice, clause 2.14.14):
 - Proposed or current development and rezoning applications and related matters.
 - A third (3rd) or subsequent application by a single member of the public to address Council on the same issue in the same calendar year. Council, at its discretion, may elect to exempt representatives or members of community groups from this restriction.
 - Any formal procurement process, contract negotiation or dispute resolution being undertaken.
 - Any matter the General Manager (or their delegate) considers inappropriate for discussion in the Public Forum.
- Council accepts no responsibility for any defamatory statements made by speakers.
- Members of the public may quietly enter and leave the Meeting at any time.

Ordinary Council Meeting

Wednesday 18 October 2017

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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 20 September 2017 be confirmed.

PRESENT

Members:

Councillor Peta Pinson (Mayor)
Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
Councillor Michael Cusato
Councillor Sharon Griffiths
Councillor Peter Alley
Councillor Justin Levido
Councillor Geoff Hawkins
Councillor Lee Dixon

Other Attendees:

General Manager (Craig Swift-McNair)
Director of Corporate Performance (Rebecca Olsen)
Director of Development and Environment (Matt Rogers)
Acting Director of Infrastructure (Andrew Doig)
Group Manager Strategic Land Use Planning (Peter Cameron)
Group Manager Governance and Procurement (Blair Hancock)
Governance Support Officer (Bronwyn Lyon)
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

Pastor Simon Chen from the Port Macquarie Baptist Church delivered the Local Government Prayer.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Levido/Intemann

That the Minutes of the Ordinary Council Meeting held on 16 August 2017 be confirmed.

CARRIED: 9/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Geoff Hawkins declared a Non-Pecuniary – Less than Significant Interest in Item 09.05 – 2017 Local Government NSW Conference, the reason being he has put himself forward to attend the Conference.

Councillor Peter Alley declared a Non-Pecuniary – Less than Significant Interest in Item 09.05 – 2017 Local Government NSW Conference, the reason being he has put himself forward to attend the Conference.

Mayor Peta Pinson declared a Non-Pecuniary – Less than Significant Interest in Item 09.05 – 2017 Local Government NSW Conference, the reason being she has put herself forward to attend the Conference.

Councillor Lisa Intemann declared a Non-Pecuniary – Less than Significant Interest in Item 10.01 – 8th Handa Dashi Float Festival and 80th Anniversary of Handa City, Japan, the reason being she is nominated to attend Handa and represent Council.

Mayor Peta Pinson declared a Non-Pecuniary – Significant Interest in Item 14.01 - T-17-38 - Albert Street Bridge Replacement (Kendall), the reason being that she owns a company that has business dealings with one of the tender applicants.

Councillor Levido declared a Non-Pecuniary – Significant Interest in Item 14.01 - T-17-38 – Albert Street Bridge Replacement (Kendall), the reason being he is a partner in the Port Macquarie Law Firm, Donovan Oates Hannaford Lawyers and the firm acts for one of the tenderers in the subject report.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Pinson

That the Mayoral Discretionary Fund allocations for the period 3 August to 6 September 2017 inclusive be noted.

CARRIED: 9/0

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

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

The General Manager confirmed that there was no confidential correspondence to the Ordinary Council Meeting.

08 PUBLIC FORUM

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

- Mrs Priscilla Flemming regarding withdrawal of DA for walking track in the rainforest behind Chepana Street, Lake Cathie.
- Mr Corey Enfield regarding the dead whale buried at Nobbys Beach, Port Macquarie.

RESOLVED: Turner/Hawkins

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

CARRIED: 9/0

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

AGAINST: Nil

08.01 WITHDRAWAL OF DA FOR WALKING TRACK IN THE RAINFOREST BEHIND CHEPANA STREET, LAKE CATHIE

Mrs Priscilla Flemming, on behalf of the Lake Cathie Landcare Group, addressed Council regarding the withdrawal of the DA for the walking track in the rainforest behind Chepana Street, Lake Cathie and requested Council try again for a successful DA. Mrs Flemming answered questions from Councillors.

08.02 DEAD WHALE BURIED AT NOBBYS BEACH, PORT MACQUARIE

Mr Corey Enfield, proprietor of Soul Surfing and on behalf of the local surfing community, addressed Council regarding the dead whale buried at Nobbys Beach and human safety concerns, requesting that the whale be dug up and removed from the beach. Mr Enfield answered questions from Councillors.

REQUEST TO SPEAK ON AN AGENDA ITEM

Councillor Levido left the meeting, the time being 6:26pm.

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

Item 12.01 – Mr Andrew McGrath in support of the recommendation and in relation to DA2016-701 – Seniors Housing Aged Care Facility - 1 Highfields Circuit, Port Macquarie.

Item 12.01 – Mr Matt Hafford in support of the recommendation and in relation to DA2016-701 – Seniors Housing Aged Care Facility - 1 Highfields Circuit, Port Macquarie.

RESOLVED: Dickson/Cusato

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

	<i>CARRIED: 8/0</i>
<i>FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner</i>	
	<i>AGAINST: Nil</i>

SUSPENSION OF STANDING ORDERS

RESOLVED: Intemann/Alley

That Standing Orders be suspended to allow Item 12.01 to be brought forward and considered next.

	<i>CARRIED: 8/0</i>
<i>FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner</i>	
	<i>AGAINST: Nil</i>

**12.01 DA2016 - 701 - SENIORS HOUSING AGED CARE FACILITY INCLUDING
CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS)
AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-
HASTINGS LOCAL ENVIRONMENTAL 2011 - 1 HIGHFIELDS CIRCUIT,
PORT MACQUARIE**

Councillor Levido returned to the meeting, the time being 6:27pm.

Mr Andrew McGrath, Project Architect, addressed Council in support of the proposed development at 1 Highfields Circuit, Port Macquarie and answered questions from Councillors.

Mr Matt Hafford, Palmcare Pty Ltd, addressed Council in support of the proposed development at 1 Highfields Circuit, Port Macquarie and answered questions from Councillors.

RESOLVED: Levido/Cusato

That consideration of this item be deferred pending an on-site inspection by Councillors and a report come back to Council following the on-site inspection.

CARRIED: 8/1

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

AGAINST: Pinson

09.01 CREATION OF OFFICE OF DEPUTY MAYOR

RESOLVED: Cusato/Levido

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to be twelve (12) months.
3. Elect the Deputy Mayor by way of open voting.

CARRIED: 9/0

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

AGAINST: Nil

The General Manager, acting as Returning Officer, called for nominations for the Office of Deputy Mayor.

The Returning Officer, advised that a nomination for the Office of Deputy Mayor had been received for Councillor Lisa Intemann, nominated by two Councillors and accepted by Councillor Lisa Intemann.

The Returning Officer then called for a show of hands in favour of Councillor Intemann for Deputy Mayor.

All Councillors supported Councillor Intemann's nomination.

The Returning Officer declared Councillor Intemann elected to the Office of Deputy Mayor for the ensuing period as resolved by Council.

The Mayor congratulated Councillor Intemann on her election to the Office of Deputy Mayor.

09.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Levido/Griffiths

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

CARRIED: 9/0
FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

09.03 COUNCIL MEETINGS DATES FOR 2018

RESOLVED: Griffiths/Dickson

That Council set the Ordinary Council Meeting dates for 2018 as the third Wednesday of each month (with the exception being no meeting scheduled in January, and an earlier meeting in December due to the proximity of Christmas) being:

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

CARRIED: 9/0
FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

09.04 FUNDING APPLICATIONS FOR STRONGER COUNTRY COMMUNITIES FUND AND REGIONAL CULTURAL FUND

RESOLVED: Intemann/Cusato

That Council:

1. Note that funding applications for Round 1 of the Stronger Country Communities Fund will be submitted in line with the funding requirements by the closing date of 18 October 2017.
2. Note the information relating to the funding application made under the Regional Cultural Fund for new seating for the Ross Family Studio at the Glasshouse.
3. Advise local MPs Leslie Williams and Melinda Pavey of Council's applications under the Stronger Country Communities Fund and request their support for funding.

CARRIED: 9/0

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

AGAINST: Nil

09.05 2017 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

Mayor Peta Pinson, Councillor Geoff Hawkins and Councillor Peter Alley declared Non-Pecuniary – Less than Significant Interests in this item.

RESOLVED: Levido/Griffiths

That Council:

1. Grant approval for Mayor Peta Pinson, Councillor Geoff Hawkins and Councillor Peter Alley to attend the 2017 Local Government NSW Annual Conference to be held in Sydney from 4 to 6 December 2017.
2. Determine that Mayor Peta Pinson, Councillor Geoff Hawkins and Councillor Peter Alley be Council's voting delegates for the Elections of Office Bearers and the Board of Local Government NSW at the Conference.
3. Determine that Mayor Peta Pinson, Councillor Geoff Hawkins and Councillor Peter Alley be Council's voting delegates for voting on motions which determine the policies and priorities for the Local Government NSW and the sector.

CARRIED: 9/0

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

AGAINST: Nil

09.06 QUESTION FROM PREVIOUS MEETING - NSW GOVERNMENT FUNDING

RESOLVED: Intemann/Hawkins

That Council:

1. Note the information provided in relation to NSW Government funding.
2. Request the General Manager give consideration to how best to gain feedback on unsuccessful funding applications so as to improve the chance of funding in future applications and request the General Manager raise the issue of feedback on unsuccessful funding applications with relevant State Ministers in upcoming meetings.
3. Request the General Manager consult Councillors on the issues to be raised at any future Ministerial meetings, and advise the outcomes.

CARRIED: 9/0

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

AGAINST: Nil

09.07 QUESTION FROM PREVIOUS MEETING - DIRECTOR INFRASTRUCTURE POSITION

RESOLVED: Levido/Turner

That Council note the information provided in relation to the Director of Infrastructure position.

CARRIED: 9/0

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

AGAINST: Nil

09.08 PROPERTY INVESTMENT POLICY

RESOLVED: Hawkins/Griffiths

That Council:

1. Place on public exhibition from 25 September 2017 until 24 October 2017 (28 days) the draft Property Investment Policy.
2. Note that a further report will be tabled at the November 2017 meeting of Council, detailing the submissions received from the public during this exhibition period.

CARRIED: 9/0

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

AGAINST: Nil

09.09 INVESTMENT POLICY - REVIEW AND RATING AGENCY DOWNGRADE

RESOLVED: Hawkins/Griffiths

That Council:

1. Adopt the recommended course of action to hold the investments impacted by the rating downgrade event until maturity.
2. Place the revised Investment Policy on public exhibition from 27 September 2017 to 24 October 2017 (28 days).
3. Note that a further report will be tabled at the November 2017 meeting of the Council detailing the submissions received from the public in relation to the Investment Policy, during the exhibition period.

CARRIED: 9/0

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

AGAINST: Nil

09.10 INVESTMENTS - AUGUST 2017

RESOLVED: Alley/Intemann

That Council note the Investment Report for the month of August 2017.

CARRIED: 9/0

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

AGAINST: Nil

09.11 MONTHLY FINANCIAL REVIEW FOR AUGUST 2017

Councillor Turner left the meeting, the time being 7:23pm.

Councillor Turner returned to the meeting, the time being 7:24pm.

RESOLVED: Intemann/Pinson

That Council:

1. Adopt the adjustments in the "Financial and Economic Implications" section of the Monthly Financial Review Report for August 2017.
2. Authorise the General Manager to allocate appropriate funds to address the whale situation on Nobbys Beach, Port Macquarie, as necessary.

CARRIED: 9/0

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

AGAINST: Nil

**09.12 SIX MONTHLY DELIVERY PROGRAM 2013-2017 - PROGRESS REPORT
(JANUARY TO JUNE 2017)**

RESOLVED: Alley/Intemann

That the information in the six monthly Delivery Program 2013-2017 progress report (January to June 2017) be noted.

CARRIED: 9/0

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

AGAINST: Nil

09.13 PAYMENT OF WATER FUND DIVIDEND FOR THE YEAR 2015-2016

RESOLVED: Levido/Hawkins

That Council:

1. Note the achievement of substantial compliance with each of the six best practice guidelines (NSW Best Practice Management Guidelines for Water Supply and Sewerage, August 2007) of:
 - (a) Strategic Business Planning
 - (b) Pricing
 - (c) Water Conservation
 - (d) Performance Reporting
 - (e) Integrated Water Cycle Management
2. Authorise the application to the NSW Government for approval to pay a dividend of \$966,930 to the General Fund from Water Supply operations in accordance with the NSW Best Practice Management Guidelines for Water Supply and Sewerage, August 2007.
3. Determine that if successful in its application that the dividend will be quarantined for stormwater works.

CARRIED: 9/0

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

AGAINST: Nil

09.14 FINANCIAL ASSISTANCE GRANTS

RESOLVED: Intemann/Hawkins

That Council note the 2017-2018 Grant calculations provided by the NSW Local Government Grants Commission for Port Macquarie-Hastings Council in relation to the Financial Assistance Grant calculations.

CARRIED: 9/0

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

**09.15 QUESTION FROM PREVIOUS MEETING - FINANCIAL RESERVES
REVIEW**

RESOLVED: Levido/Alley

That Council note the update regarding the status of the Financial Reserves Review.

CARRIED: 9/0
*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and
Turner*
AGAINST: Nil

**09.16 RECOMMENDED ITEM FROM AUDIT, RISK AND IMPROVEMENT
COMMITTEE - LEGISLATIVE COMPLIANCE 2016-2017**

RESOLVED: Hawkins/Intemann

That Council note the information contained in the report.

CARRIED: 9/0
*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and
Turner*
AGAINST: Nil

**09.17 RECOMMENDED ITEM FROM AUDIT, RISK AND IMPROVEMENT
COMMITTEE - AUDIT, RISK AND IMPROVEMENT COMMITTEE
ANNUAL REPORT 2016-2017**

RESOLVED: Hawkins/Cusato

That Council note the Audit, Risk and Improvement Committee Annual Report for the period 2016-2017.

CARRIED: 9/0
*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and
Turner*
AGAINST: Nil

09.18 NSW CROWN LAND NEGOTIATION PROGRAM - EXPRESSION OF INTEREST

RESOLVED: Levido/Alley

That Council note that an Expression of Interest has been submitted in relation to the NSW Crown Land Negotiation Program.

CARRIED: 9/0

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

AGAINST: Nil

09.19 LAND CLASSIFICATION - LAND ACQUISITION FOR EXPANSION OF THE HOLLISDALE RURAL FIRE SERVICE

RESOLVED: Griffiths/Dickson

That Council classify Lot 11 DP1232850 (Pappinbarra Road, Hollisdale) as operational land.

CARRIED: 9/0

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

AGAINST: Nil

09.20 COMPLIMENTS AND COMPLAINTS ANNUAL REPORT 2016-2017

RESOLVED: Griffiths/Intemann

That Council note the Compliments and Complaints Annual Report for 2016-2017.

CARRIED: 9/0

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

AGAINST: Nil

10.01 8TH HANDA DASHI FLOAT FESTIVAL AND 80TH ANNIVERSARY OF HANDA CITY, JAPAN

Councillor Lisa Intemann declared a Non-Pecuniary – Less than Significant Interest in this item.

RESOLVED: Levido/Griffiths

That Council:

1. Note and accept the invitation from the Mayor of Handa City for three (3) delegates from Port Macquarie-Hastings to attend the 8th Handa Float

-
- Festival and 80th Anniversary of Handa City celebrations in Handa, Japan from 5 to 9 October 2017.
2. Endorse the Deputy Mayor, Lisa Intemann and Handa Working Group members, Ms Patricia Johnson and Mr Bruce Hardy, as Council's delegates to attend the 8th Handa Float Festival and 80th Anniversary of Handa celebrations in Handa, Japan from 5 to 9 October 2017.
 3. Note that the Deputy Mayor's travel expenses will be covered from within the existing 2017-2018 Mayoral budget.
 4. Note that the travel expenses for Ms Patricia Johnson and Mr Bruce Hardy will be a combination of funds within the existing 2017-2018 Handa Sister City budget and a personal contribution from both Ms Johnson and Mr Hardy.
 5. Note that any personal expenses relating to attendance at the Float Festival will be the responsibility of each individual.

CARRIED: 8/1

FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Cusato

10.02 QUESTION FROM PREVIOUS MEETING - LEASH-FREE DOG PARKS

RESOLVED: Turner/Pinson

That Council:

1. Note the information contained in the report.
2. Consider further alternatives for leash-free dog parks in the formation of the 2018-2019 Operational Plan.

CARRIED: 9/0

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

AGAINST: Nil

10.03 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - AUGUST 2017 MEETING

RESOLVED: Intemann/Griffiths

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. Maddison Drewitt be granted the amount of \$500.00 to assist with the expenses she will incur travelling to and competing as a member of the Under 13's Girls State Hockey Team at the National Hockey Championships to be held in Perth from 26 September to 9 October 2017 inclusive.
2. Tom Berryman be granted the amount of \$350.00 to assist with the expenses he will incur travelling to and competing at the Pacific School Games (Swimming) to be held in Adelaide from 2 December to 9 December 2017 inclusive.
3. Morgan Jean be granted the amount of \$250.00 to assist with the expenses he will incur travelling to and competing as a member of the North Coast Team at the NSW CHS Athletics Championships to be held in Sydney from 6 September to 8 September 2017 inclusive.

Councillor Hawkins left the meeting, the time being 07:56pm.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

10.04 ANNUAL REPORT OF THE ACTIVITIES FOR THE MAYOR'S SPORTING FUND 2016-2017

RESOLVED: Pinson/Intemann

That Council note the information outlined in the Annual Report of the Activities for the Mayor's Sporting Fund 2016-2017.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

Item 12.01 – DA2016 - 701 – Seniors Housing Aged Care Facility Including Clause 4.6 Objection To Clause 4.3 (Height Of Buildings) And Clause 4.4 (Floor Space Ratio) Of The Port Macquarie-Hastings Local Environmental 2011 - 1 Highfields Circuit, Port Macquarie – has been moved to another part of the Minute document.

12.02 DA2017 - 342.1 NEW DWELLING INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 271 DP 831575, 14 COASTLANDS PLACE, PORT MACQUARIE

RESOLVED: Intemann/Levido

That the determination of DA2017 – 342.1 for dwelling a including clause 4.6 objection to clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 271, DP 831575, No. 14 Coastlands Place, Port Macquarie, be noted.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

12.03 DA2017 - 414.1 ALTERATIONS AND ADDITIONS TO DWELLING AND CONSTRUCTION OF SWIMMING POOL INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDING) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 266 DP236277, NO 13 THE SUMMIT ROAD, PORT MACQUARIE

RESOLVED: Turner/Griffiths

That DA 2017 – 414.1 for alterations and additions to dwelling and construction of swimming pool including clause 4.6 variation to clause 4.3 (Height of Building) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 266, DP 236277, 13 The Summit Road, Port Macquarie be noted.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

Councillor Hawkins returned to the meeting, the time being 07:58pm.

12.04 DA2017 - 444.1 DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 41 DP 285493, 30 BIRRAMEL DRIVE, DUNBOGAN

RESOLVED: Levido/Turner

That the determination of DA2017 - 444.1 for a dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) of the Port Macquarie-Hastings Local Environmental Plan 201 at Lot 41 DP 285493, 30 Birramal Drive, Dunbogan, be noted.

CARRIED: 9/0

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

AGAINST: Nil

12.05 QUESTION FROM PREVIOUS MEETING - DA - WOOLWORTHS FOOD FOR LESS BUILDING

RESOLVED: Intemann/Turner

That Council note the report on the status of the DA Woolworths Food For Less Building.

CARRIED: 9/0

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

AGAINST: Nil

12.06 QUESTION FROM PREVIOUS MEETING - TREE MANAGEMENT

MOTION: Griffiths

That Council:

1. Note the information contained in the report.
2. Review tree related policies, plans and practices to reduce public risk.

3. Request the GM to provide comparative information on tree policies and management practices from other Councils.
4. Provide a briefing to Councillors and a further report to Council on proposed improvements.

LAPSED FOR WANT OF A SECONDER.

FORESHADOWED MOTION:

MOVED: Alley

That Council note the information contained in the report.

THE MOTION WAS PUT.

RESOLVED: Alley/Hawkins

That Council note the information contained in the report.

CARRIED: 9/0

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

AGAINST: Nil

12.07 THRUMSTER LOCAL ORDERS POLICY

RESOLVED: Intemann/Levido

That Council:

1. Publicly exhibit the attached draft Local Orders Policy to Restrict Keeping of Dogs in Core Koala Habitat Areas at Thrumster for 28 days between 4 October 2017 and 1 November 2017.
2. Accept submissions on the Local Orders Policy for a period of 42 days commencing on 4 October 2017.
3. Consider a further report following completion of the public exhibition period, including a review of submissions and any necessary amendments to the draft Local Orders Policy.

CARRIED: 6/3

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

AGAINST: Cusato, Griffiths and Pinson

13 QUESTIONS FOR NEXT MEETING

13.01 ROADSIDE LITTER CLEAN-UP PROGRAM

Question from Councillor Cusato:

Does Council have a roadside litter clean-up program, including the local main arterial roads, and does Council engage with the State Government to ensure roads (including the Oxley Highway) are kept in an acceptable condition for visitors and local residents?

Comment by Councillor (if provided):

Nil.

**13.02 DIRECTOR OF DEVELOPMENT & ENVIRONMENT
POSITION**

Question from Councillor Levido:

Could the General Manager advise the present position as to the filling of the imminently to be vacant Director of Development & Environment role.

Comment by Councillor (if provided):

Nil.

**13.03 SECTIONS 226(A) AND (C) OF THE LOCAL GOVERNMENT
ACT 1993**

Question from Councillor Levido:

Could the GM advise the practical application of Sections 226(a) and (c) of the Local Government Act 1993 in so far as they relate to Port Macquarie-Hastings Council?

Comment by Councillor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Turner/Dickson

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 14.01 T-17-38 Albert Street Bridge Replacement (Kendall)

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 14.02 T-17-39 Bulli Creek Bridge Replacement

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 14.03 T-17-44 Pipeline Design - Bonny Hills Reclaimed Water Mains

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 14.04 T-17-14 Mulching of Greenwaste and Woodwaste

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 14.05 EOI-17-10 Independent Member of the Town Centre Master Plan Sub-Committee

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: 9/0

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

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 8.42 pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 8.57 pm.

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 14.01 T-17-38 Albert Street Bridge Replacement (Kendall)

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.

RECOMMENDATION

That Council:

1. Accept the tender from Eire Constructions Pty Ltd for \$612,389 (exclusive of GST) for the complete demolition, removal and replacement of Albert Street Bridge at Kendall.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of T-17-38.

Item 14.02 T-17-39 Bulli Creek Bridge Replacement

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.

RECOMMENDATION

That Council:

1. Accept the tender from Bridge and Civil Pty Ltd for \$1,780,000 (exclusive of GST) for the replacement of Bulli Creek Bridge on Comboyne Road.
2. Accept the Schedule of Rates from Bridge and Civil Pty Ltd for variation to the project.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of T-17-39.

Item 14.03 T-17-44 Pipeline Design - Bonny Hills Reclaimed Water Mains

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.

RECOMMENDATION

That Council:

1. Accept the tender from Eco Logical Australia Pty Ltd for \$94,055 (exclusive of GST) to undertake the Pipeline Design of the Bonny Hills Reclaimed Water Mains.
2. Accept the Schedule of Rates from Eco Logical Australia Pty Ltd to undertake the Pipeline Design of the Bonny Hills Reclaimed Water Mains.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-44.

Item 14.04 T-17-14 Mulching of Greenwaste and Woodwaste

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

RECOMMENDATION

That Council:

1. Accept the tender from Davis Earthmoving Pty Ltd to undertake the mulching of Greenwaste and Woodwaste from Council's waste facilities for a term of two (2) years with an option to extend for a further two (2) x one (1) year periods, (such option to be for the benefit of the Council and may be exercised only by the Council in its sole discretion).
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-14.

Item 14.05 EOI-17-10 Independent Member of the Town Centre Master Plan Sub-Committee

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. Appoint the new member in the listed representative position, to the Town Centre Master Plan Sub-Committee, following completion of the current two (2) year membership term:
(a) CBD Trader - Ms Geraldine Haigh.
2. Review the Town Centre Master Plan Sub-Committee Charter prior to calling for EOIs for membership in June 2018, with a specific focus on membership and representation.
3. Invite Mr John McGuigan to be a non-voting Sub-Committee Member utilising Clause 3.4 of the current Charter, for a period of 12 months.

-
4. Commence the appointments by inviting the new members to the next Town Centre Master Plan Sub-Committee Meeting on 28 September 2017.
 5. Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-17-10.
-

The meeting closed at 8.58pm.

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

Councillor's 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: MAYORAL MINUTE - MAYORAL DISCRETIONARY FUND
ALLOCATIONS**

Mayor, Peta Pinson

RECOMMENDATION

That the Mayoral Discretionary Fund allocations for the period 7 September to 4 October 2017 inclusive be noted.

Discussion

Mayoral Discretionary Fund Allocations

The Mayor made the following allocations from the Mayoral Discretionary Fund for the period 7 September to 4 October 2017 inclusive:

Annual Donation to all local schools and education providers for end of year award presentations	\$1,830.00
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	<u>\$1,830.00</u>
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Attachments

Nil

Item: 06.02

**Subject: MAYORAL MINUTE - GENERAL MANAGER'S PERFORMANCE
PANEL**

Mayor, Peta Pinson

RECOMMENDATION

That Council:

- 1. Determine the composition of the General Manager's Performance Review Panel for the 2017-2018 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 Peter Alley as the Councillor nominated by the Council to the General Manager's Performance Review Panel for the 2017-2018 period.**
- 3. Note that Councillor Justin Levido is the General Manager's nominated Councillor on the General Manager's Performance Review Panel for the 2017- 2018 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 2017-2018 period.**
 - b) The reporting to Council of findings and recommendations of reviews for the 2017-2018 period and any actions that should be taken.**
 - c) The determination of any new performance agreement for the period 2018-2019.**
- 5. Determine for the 2017-2018 period that there be one formal performance review at the completion of the period and an informal performance review at seven / eight months, noting that the 2017-2018 General Manager performance plan will run from 1 July 2017 to 30 June 2018.**

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 Ordinary Council Meeting held on 16 November 2016, a Mayoral Minute relating to the General Manager's Performance Review Panel was tabled wherein it 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

Following the resignation of Mayor Peter Besseling on 8 May 2017, Council was required to appoint another Councillor to the General Manager's Performance Panel to fill the vacancy until such time as a new Mayor was elected. At the Ordinary Council Meeting held on 17 May 2017, Council resolved as follows:

06.02 GENERAL MANAGER PERFORMANCE REVIEW PANEL - INTERIM MEMBERSHIP

RESOLVED: Intemann

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

CARRIED: 6/0

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

AGAINST: Nil

The Mayoral by-election was declared in early August 2017, with Mayor Peta Pinson elected as Mayor. The Mayor now needs to take her place on the General Manager's Performance Review Panel. In addition to this, the Deputy Mayoral election took

place at the 20 September 2017 Council meeting, where Councillor Lisa Intemann was elected Deputy Mayor for the next twelve months. In light of the above and as per the recommendation included in this report, it is now appropriate to confirm membership of the General Managers Performance Review Panel for 2017-2018.

If Council resolves in line with the recommendation included in this report and in line with the 'Guidelines for the Appointment and Oversight of General Managers' then the members of the General Manager's Performance Review Panel for 2017-2018 will be as follows:

- Mayor Peta Pinson;
- Deputy Mayor Lisa Intemann;
- Councillor Peter Alley (as the Councillor nominated by Council) and
- Councillor Justin Levido (as the Councillor nominated by the General Manager).

It should be noted that the General Manager's performance plan for 2017-2018 was finalised by the General Manager's Performance Review Panel in late July 2017 and Local Government Management Solutions have been appointed to facilitate the review of the General Managers performance and to provide assistance to the General Manager's Performance Review Panel throughout 2017-2018.

Attachments

1 [View](#). Guidelines for the Appointment and Oversight of 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

Nil.

Discussion

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

Item: 08**Subject: PUBLIC FORUM**

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

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

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

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

1 Leadership and Governance

What we are trying to achieve

A community that works together in decision making that is defined as ethically, socially and environmentally responsible.

What the result will be

We will have:

- 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 we will get there

- 1.1 Inform and engage with the community about what Council does using varied communication channels
- 1.2 Maintain strong partnerships between all stakeholders - local, state and federal — so that they are effective advocates for the community
- 1.3 Demonstrate leadership
- 1.4 Use innovative, efficient and sustainable practices
- 1.5 Ensure strong corporate and financial management that is transparent and accountable

Item: 09.01

Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.3.2 Build trust and improve Council's reputation through transparency, good decision making and living Council's Values.

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
DA2016-701 – Seniors Housing Aged Care Facility including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 1 Highfield Circuit, PMQ (Item 12.01 – OC 20/09/17)		DDE		Oct 2017
QFPM – Roadside Litter Clean-up Program (Item 13.01 – OC 20/09/17)		DI		Oct 2017
QFPM – Director of Development & Environment Position (Item 13.02 – OC 20/09/17)		GM		Oct 2017
QFPM – Sections 226(a) and (c) of the Local Government Act 1993 (Item 13.03 – OC 20/09/17)		GM		Oct 2017
Settlement Shores Canal Maintenance Plan - Post Exhibition (Item 13.03 - OC 17/05/17)	Submissions under review.	DI	Jul 2017 Aug 2017 Sep 2017	Oct 2017

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
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		Oct 2017
Council Policy – Policy Review and rescission – Post Exhibition (Item 09.09 – OC 16/08/17)		DCP		Oct 2017
Ocean Drive Duplication Steering Group (Regional Transport Infrastructure) Charter – Review (Item 12.03 – OC 16/08/17)		DI		Oct 2017
Long Term Energy Strategy – post exhibition (Item 12.08 – OC 16/08/17)		DDE		Oct 2017
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 Sept 17	Nov 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
Notice Of Motion - By Election For Popularly Elected Mayor - Section 276 (2) Of The Local Government Act, 1993 - Detriment To Sitting Councillor Candidates – response to letter (Item 09.17 – OC 16/08/17)		GM		Nov 2017

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Coastal Walk Master Plan – post exhibition (Item 10.02 – OC 16/08/17)		DDE		Nov 2017
Property Investment Policy – post exhibition (Item 09.08 – OC 20/09/17)		DI		Nov 2017
Investment Policy – post exhibition (Item 09.09 – OC 20/09/17)		DCP		Nov 2017
Thrumster Local Orders Policy – post exhibition (Item 12.07 – OC 20/09/17)		DSG		Dec 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 Jul 2017	Dec 2017
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.	DSG	Dec 2016 May 2017 Jun 2017	Dec 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)	Report proposed after exhibition, review and adoption of Urban Growth Management Strategy.	DSG	Jul 2017	Dec 2017
Planning Proposal - Homedale Road Kew - post exhibition (Item 13.07 - OC 14/12/16)	Awaiting noise impact assessment.	DSG	Oct 2017	Dec 2017

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Port Macquarie Town Centre Pedestrian Facility Investigations - post community engagement (Item 13.05 - OC 14/12/16)	Aspects of the engagement are outstanding	DI	Aug 2017 Oct 2017	Feb 2018
Future of Committees following establishment of Cultural Steering Group (Item 15.05 - OC 19/04/17)	Item is to be discussed at a future Cultural Steering Group meeting	DSG	Jun 2017 Jul 2017 Sep 2017 Oct 2017	Feb 2018
Opportunities for Local Firms to do Business with Council (Item 11.01 – OC 16/08/17)		DCP		Oct 2018
Draft Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowood 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
Tuffins Lane Sporting Fields - Terms of Agreement (Item 06.02 - OC 14/12/16)		GM		TBA
Reclassification Of Land For Hastings Regional Sports Complex - post exhibition (Item 13.04 - OC 15/02/17)		DCP		TBA
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

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Planning Proposal - Lot 14 DP240042, Pioneer Street, North Haven. King And Campbell Pty Ltd For Rd & MI Tate And Tate Developments Pty Ltd - Post Exhibition (Item 13.05 - OC 17/05/17)		DSG		TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle
Mayoral Discretionary Fund Allocations	GM	Monthly
Monthly Financial Update	DCP	Monthly
Investments	DCP	Monthly
Recommendations by the Mayor's Sporting Fund Sub-Committee	SG	Monthly
Development Activity and Assessment System Performance	DDE	Quarterly (May, Aug, Nov, Feb)
Operational Plan – Quarterly Progress Report	DCP	Quarterly (Nov, Feb, April, Aug)
Glasshouse Strategic Plan Update	DCP	Biannual (Feb, Aug)
Delivery Program – Six Monthly Progress Report	DCP	Biannual (Mar, Sep)
Existing Site Specific Planning Proposals – Progress Report	DSG	Biannual (Mar, Sep)
Economic Development Strategy - Progress Report (Item 10.03 - ORD 20/11/2013)	DSG	Biannual (Jun, Dec)
Mayoral and Councillor Fees (Setting of)	GM	Annually (Jun)
MIDROC Strategic Plan 2013-2017 Outcomes (Item 08.03 - ORD 21/08/2013)	GM	Annually (Jul) (re-list to Sep)
Council Policy - Status Report	DCP	Annually (Jul)
Recreation Action Plan – Status Report	DDE	Annually (Jul)
Annual Report of the Activities of the Mayor's Sporting Fund	DSG	Annually (Sep)
Compliments and Complaints Annual Report	DSG	Annually (Sep)

Report	Reporting Officer	Reporting Cycle
Council Meeting Dates	GM	Annually (Sep)
Creation of Office - Deputy Mayor	GM	Annually (Sep)
Audit Committee Annual Report	DCP	Annually (Sep)
Annual Report of Disability Discrimination Act Action Plan	DSG	August 2018
Legislative Compliance Register	CP	Annually (Sep)
MIDROC Strategic Plan 2013-2017 Outcomes (Item 08.03 - ORD 21/08/2013)	GM	Annually (Sep)
Annual Disclosure of Interest Returns	GM	Annually (Oct)
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

Item: 09.02

**Subject: QUESTION FROM PREVIOUS MEETING - DIRECTOR OF
DEVELOPMENT & ENVIRONMENT POSITION**

Presented by: General Manager, Craig Swift-McNair

RECOMMENDATION

**That the information provided on the Director of Development &
Environment position be noted.**

Question from Councillor Levido

Could the General Manager advise the present position as to the filling of the
imminently to be vacated Director of Development & Environment role.

Comments by Councillor (if provided)

Nil.

Response

The Director Development & Environment role was advertised in late August 2017,
with interviews taking place in mid-October 2017.

It is anticipated that should a suitable candidate be identified through this round of
recruitment, then an offer of employment will be made, with a commencement to be
determined.

Attachments

Nil

Item: 09.03

Subject: DISCLOSURES REGISTER - ANNUAL RETURNS 2016-2017

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 the information in the Disclosure Register for 2016-2017.**
- 2. Determine that the following positions become a Designated Person pursuant to the provisions of section 441 of the Local Government Act 1993:**
 - a) Arborist.**
 - b) Invasive Species Officer.**
 - c) Bushland Management Co-ordinator.**
- 3. Note the following position title changes:**
 - a) Director Corporate Performance (previously Director Corporate and Organisational Performance)**
 - b) Director Strategy and Growth (previously Director Community and Economic Growth)**
 - c) Director Infrastructure (previously Director Infrastructure and Asset Management)**
 - d) Property and Leasing Co-ordinator (previously Property Development Manager)**
 - e) Group Manager Governance and Procurement (previously Group Manager Governance and Executive Services)**
 - f) Group Manager Commercial and Business Units (previously Group Manager Commercial and Business Services)**
 - g) Senior Stormwater Engineer (previously Drainage Engineer)**
 - h) Senior Transport Engineer (previously Traffic & Transport Engineer)**
 - i) Transport Engineer (previously Road Engineer)**
- 4. Note that a further report will be presented to the November 2017 Ordinary Council Meeting tabling the outstanding Annual Disclosure Return as detailed in this report.**

Executive Summary

The *Local Government Act 1993* requires the General Manager to keep a register of disclosure returns and table the returns at the first Council meeting after 30 September each year.

The Disclosure Register is public register and can be accessed by members of the public, by appointment.

Discussion

Section 449 of the Local Government Act, requires Councillors and Designated Persons to submit a disclosure return on an annual basis and lodge it with the General Manager by 30 September each year.

Section 450A(1) requires the General Manager to keep a Register of the Returns and section 450A(2) requires the General Manager to table the Returns at the first Council meeting held after 30 September each year.

A review of Designated Persons has been completed and all disclosure returns for the period 1 July 2016 to 30 June 2017 have been lodged and will be tabled, by the General Manager, when this report is dealt with by Council.

The disclosure returns will be held in the Disclosure Register in the Governance and Executive Services Section of Council and, as required by Section 6 of the *Government Information (Public Access) Act 2009*, are available for public inspection, by appointment.

New Positions and Changes to Position Titles and Responsibilities

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

The following new positions should be added to the existing list of Designated Persons:

- Arborist.
- Invasive Species Officer.
- Bushland Management Co-ordinator

The following titles should be amended on the existing list of Designated Persons:

- Director Corporate Performance (previously Director Corporate and Organisational Performance)
- Director Strategy and Growth (previously Director Community and Economic Growth)
- Director Infrastructure (previously Director Infrastructure and Asset Management)
- Property and Leasing Co-ordinator (previously Property Development Manager)
- Group Manager Governance and Procurement (previously Group Manager Governance and Executive Services)
- Group Manager Commercial and Business Units (previously Group Manager Commercial and Business Services)
- Senior Stormwater Engineer (previously Drainage Engineer)
- Senior Transport Engineer (previously Traffic & Transport Engineer)
- Transport Engineer (previously Road Engineer)

Outstanding Annual Disclosure Returns

At the time of writing this report for following Annual Disclosure Return is outstanding:

- Road Safety Co-ordinator

Options

Nil. It is a requirement under the Local Government Act that the disclosure returns be presented to Council.

Community Engagement & Internal ConsultationInternal Consultation

- Councillors.
- General Manager and Directors.
- Group Manager Governance and Procurement.
- Designated Persons.

Planning & Policy Implications

This report meets the Council's legislative requirements with regards to annual disclosure returns for Councillors and designated persons.

Financial & Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 09.04

Subject: DISCLOSURE OF INTEREST RETURN

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.3.2 Build trust and improve Council's reputation through transparency, good decision making and living Council's Values.

RECOMMENDATION

That Council note the Disclosure of Interest returns for the two new members of the Development Assessment Panel.

Executive Summary

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

Discussion

Section 445 of the *Local Government Act 1993*, requires Designated Persons to prepare and submit written returns of interests in accordance with section 449. The following positions are designated person under the Local Government Act:

1. Members of the Development Assessment Panel.

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

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

The returns for the following positions will be tabled at this meeting:

1. Members of the Development Assessment Panel

Options

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

Community Engagement & Internal Consultation

Internal Consultation

- Group Manager Governance and Procurement.
- General Manager.
- Director Development and Environment.

Planning & Policy Implications

There are no planning or policy implications.

Financial & Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 09.05

Subject: COUNCIL POLICY - POLICY REVIEW AND RESCISSIONS - POST EXHIBITION

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.3.2 Build trust and improve Council's reputation through transparency, good decision making and living Council's Values.

RECOMMENDATION

That Council:

- 1. Rescind the Lobbying Policy.**
- 2. Adopt the amended Provision of Information and Interaction Between Councillors and Staff Policy.**

Executive Summary

During the period from 23 August 2017 to 19 September 2017 the following policies were placed on public exhibition:

- Lobbying Policy with the intention to rescind; and
- Provision of Information and Interaction Between Councillors and Staff Policy with the intention to amend.

There were no submissions received on either policies during the public exhibition process.

Discussion

At the Ordinary Council Meeting on 16 August 2017, following a review of a number of Policies, Procedures and Plans, Council resolved to place on public exhibition from 23 August 2017 to 19 September 2017 (28 days) the following policies for rescission or amendment:

- Lobbying Policy with the intention to rescind; and
- Provision of Information and Interaction Between Councillors and Staff Policy with the intention to amend.

Lobbying Policy

The August 2017 Ordinary Council report highlighted the approach to publically exhibit the intent to rescind the *Lobbying Policy* and replace it with the ICAC publication *Lobbying local government councillors – A guide for councillors, constituents and other interested parties* (August 2006) on the Council external website.

Provision of Information and Interaction Between Councillors and Staff Policy.

The August 2017 Ordinary Council report highlighted the approach to publically exhibit the *Provision of Information and Interaction Between Councillors and Staff Policy* with minor amendments.

Public Exhibition

The public exhibition period is now complete with the outcomes of the exhibition process discussed below.

There were a total of ninety-seven (97) visits to Council's engagement website page during the exhibition period. Eighty-three (83) documents were downloaded or viewed. No submissions were received from Council's engagement website.

An analysis of activity by document is provided in the table below.

Document Name	Downloads and Views	Submissions
Lobbying Policy	35	0
Provision of Information and Interaction Between Councillors and Staff Policy	48	0
Total	83	0

No submissions were received via mail, email or in person.

It is recommended that Council:

1. Rescind the Lobbying Policy.
2. Adopt the amended Provision of Information and Interaction Between Councillors and Staff Policy.

Options

Council has the option not to rescind or amend the Policies identified within this report.

Community Engagement & Internal Consultation

The policies that are the subject of this report were available for public comment from 23 August 2017 to 19 September 2017 (28 days). No submissions were received

Planning & Policy Implications

This report recommends the rescission of one (1) current Council Policy.

This report recommends the amendment of one (1) current Council Policy.

Financial & Economic Implications

There are no financial or economic implications.

Attachments

1 [View](#). Policy - Lobbying

2 [View](#). Policy - Provision of Information and Interaction Between Councillors and Staff

Item: 09.06

Subject: COUNCIL POLICY - POLICY REVIEW - NAMING AND RENAMING OF ROADS AND RESERVES

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.3.2 Build trust and improve Council's reputation through transparency, good decision making and living Council's Values.

RECOMMENDATION

That Council:

- 1. Place on public exhibition from 25 October 2017 to 21 November 2017 (28 days) the following revised Policies:**
 - a) Naming and Renaming of Reserves Policy;**
 - b) Naming and Renaming of Roads Policy.**
- 2. Note that a further report will be tabled at the December 2017 meeting of Council, detailing the submissions received from the public during the exhibition period.**

Executive Summary

At the Ordinary Council meeting held on 20 July 2016, Council resolved:

09.06 COUNCIL POLICY REVIEW

RESOLVED: Intemann/Griffiths

That Council:

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

CARRIED: 8/0

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

AGAINST: Nil

The following Policies have now been reviewed as part of the 2016 Policy review process:

- Naming and Renaming of Reserves Policy; and
- Naming and Renaming of Roads Policy.

This report provides an overview of the proposed changes to the Policies for Council's consideration prior to placing the Policies on public exhibition.

Discussion

The following Policies have now been reviewed:

- Naming and Renaming of Reserves Policy; and
- Naming and Renaming of Roads Policy.

Naming and Renaming of Reserves Policy

This Policy ensures consistency with regard to the requirements for the naming and renaming of Council owned reserves (either a public reserve or a drainage reserve), or Crown reserve over which Council has been appointed Crown Land Manager, consistent with the policies and guidelines of the Geographic Names Board of NSW (GNB).

Amendments include:

Key Changes

- The permitted sources of reserve names have been revised to exclude commemorative naming proposals, that is, the use of names of people either living or deceased;
- Notwithstanding this change, the Policy does permit, in exceptional circumstances as determined only by formal resolution of Council, the use of names of deceased persons, eg early settlers, war servicemen and women and other persons who have contributed significantly to the heritage of the area, having regard to the Principles and Guidelines published by the GNB;
- Relevant procedures listed in the previous Policy have been inserted into a new Naming and Renaming of Reserves Procedure.

Other minor changes

- Transfer of content to the new policy template and associated administrative updates, including changes to staff position titles.
- Noting that the Policy is to be reviewed within each term of Council.

Naming and Renaming of Roads Policy

This Policy ensures consistency with regard to the naming and renaming of roads for the purposes of service delivery and public safety, particularly regarding the operation of emergency services and emergency response times, consistent with the policies and guidelines of the Geographic Names Board of NSW (GNB).

Amendments include:

Key Changes

- The permitted sources of road names have been revised to exclude commemorative naming proposals, that is, the use of names of people either living or deceased;

- Notwithstanding this change, the Policy does permit, in exceptional circumstances as determined only by formal resolution of Council, the use of names of deceased persons, eg early settlers, war servicemen and women and other persons who have contributed significantly to the heritage of the area, having regard to the Principles and Guidelines published by the GNB;
- Relevant procedures listed in the previous Policy have been inserted into a new Naming and Renaming of Roads Procedure.

Other minor changes

- Transfer of content to the new policy template and associated administrative updates, including changes to staff position titles.
- Noting that the Policy is to be reviewed within each term of Council.

Permitted Sources of Reserve and Road Names

In proposing the amendment to the permitted sources of reserve and road names, the Policies reflect the GNB Principles and Guidelines which note that the most vexing naming decisions arise when features are named after people, especially those still living. The GNB's experience is that proposals of this kind invariably lead to division in the community. The GNB strongly recommends that local councils do not prepare proposals to name features to honour living persons.

With regard to road naming, the GNB Guidelines state "The names of people who are still alive shall not be used because community attitudes and opinions can change over time".

The GNB also notes that other jurisdictions including some Councils also extend these recommendations to the use of the name of any deceased person.

In general practice, the Policies as amended would work to exclude commemorative naming proposals (that is, the use of names of people either living or deceased) unless in exceptional circumstances where a naming proposal for a deceased person who had contributed significantly to the area was put forward by formal resolution of Council.

Options

Council has the option to place any, all or none of the draft Policies identified within this report on public exhibition for the purposes of amendment.

Community Engagement & Internal Consultation

It is recommended to place the two (2) policies on public exhibition. Should Council resolve to exhibit the policies for the purposes of amendment, a further report will be presented to Council following completion of the exhibition period, for Council to consider any submissions received during the public exhibition period.

During the review of these policies, there has been engagement with:

- Councillors via two (2) Councillor Briefing sessions;
- Finance, Corporate Services and Information Technology Portfolio;
- Director Corporate Performance;

- Group Manager Commercial Business Units;
- Property and Leasing Co-ordinator;
- Council's consultant Statutory Property Officer;
- Geographical Information System (GIS) staff;
- Development Assessment staff;
- Infrastructure and Asset Management staff.

Planning & Policy Implications

There are no planning implications in relation to this report.

This report recommends the amendment of two (2) policies.

Financial & Economic Implications

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

Attachments

1[View](#). Policy - Naming and Renaming of Reserves

2[View](#). Policy - Naming and Renaming of Roads

Item: 09.07

Subject: MONTHLY FINANCIAL REVIEW FOR SEPTEMBER 2017

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.5.1 Manage Council's financial assets and provide accurate, timely and reliable information.

RECOMMENDATION

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

Executive Summary

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

The Council adopted budget position as at 1 July 2017 was a shortfall of \$586,858. The approved budget adjustments since that time have reduced this shortfall position to \$319,641. The budget adjustments included in this report will increase this shortfall position to \$354,133.

Discussion

Monthly Budget Adjustments for September 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 2017-2018 budget along with the proposed movement of funds to accommodate any changes.

Monthly Budget Review Summary

Original Budget as at 1 July 2017	Shortfall	(\$586,858)
<u>Plus adjustments:</u>		
July Review	Balanced	\$0
August Review	Surplus	\$267,217
September Review	Shortfall	(\$34,492)
Forecast budget position for 30 June 2018	Shortfall	(\$354,133)

September 2017 Adjustments

The following adjustments reflect the budget adjustments included in this report that impact Council's budget position:

Item	Surplus/ Shortfall	Amount	Comment
NSW State Emergency Services Contribution	Surplus	\$17,968	Council has received notice of its first quarterly instalment required for the NSW State Emergency Services contribution. The annualized amount is less than anticipated.
Fire and Rescue NSW contribution	Shortfall	(\$10,477)	Council has received notice of its first quarterly instalment required for the Fire and Rescue NSW contribution. The annualized amount is greater than anticipated.
NSW Rural Fire Service Contribution	Shortfall	(\$41,983)	Council has received notice of its first quarterly instalment required for the Rural Fire Service contribution. The annualized amount is greater than anticipated.
Total	Shortfall	(\$34,492)	

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
Grant Funds	1	Grant	\$390,241
Additional Revenue	2	Revenue	\$20,000
Council Report adjustments	3	Reserve	\$2,000,000
Reserve Transfers	4	Reserve	\$600,000

Transfers between projects	5	Revenue/Reserve/S94/Grant	\$1,527,000
Total			\$4,537,241

The following are included in the September 2017 adjustments:

1. Three additional grants have been received and included this month, the total increase in project value for 2017/18 is \$390,241.
 - Council has received a grant from the Roads and Maritime Services for the Newman College School Zone Establishment in the amount of \$22,500.
 - A grant of \$146,941 has been received from the Rural Fire Service for Hazard Reduction.
 - Council has received a grant from the Roads and Maritime Services for the Intersection of Gordon and Grant Streets in Port Macquarie in the amount of \$220,800
2. The Library has raised \$20,000 through the sale of books etc. to enable the purchase of new materials.
3. A budget of \$2m has been allocated for the Street Lighting Upgrade to LED Luminaires in line with Council resolution 12.02 to the August Council meeting.
4. One project requires additional reserve funding this month:
 - The Lake Road Upgrade – Toorak Circuit to Oxley Highway was initially split over the 2017/18 and the 2018/19 financial years. It has been decided to move the 2018/19 funding into 2017/18 to allow the project to be completed this financial year. As such \$600k in reserve funding has been moved into 2017/18.
5. Budgets have been transferred between projects to allow for better management:
 - The Dunbogan Waste Depot is now closed so the income budgets of \$127,000 allocated against this depot have been transferred to Kew Transfer Station.
 - To maximise the use of current S94 holdings the transport and traffic section have nominated road works that can be undertaken using the current road resealing budgets and including appropriate S94 funding. Beechwood Road west of Bain's Bridge is one of these projects and a budget of \$1.4m has been allocated. The total budget has been funded by transferring \$869,055 from the Road Resealing allocation, \$156,897 in S94 and \$374,048 Roads to Recovery grant.

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 increase the current budget shortfall to a shortfall of \$354,133.

Responsible Accounting Officer Statement

The approved original budget result for 2017-2018 was a shortfall of \$586,858. The budget adjustments in this report increase the current shortfall from \$319,641 to a shortfall of \$354,133. The shortfall position is considered an un-satisfactory result for the year and as such budgets will need to be closely monitored during the remainder of the year with a view to reducing this shortfall.

Attachments

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

Item: 09.08**Subject: INVESTMENTS - SEPTEMBER 2017****Presented by: Corporate Performance, Rebecca Olsen**

Alignment with Delivery Program

1.5.1 Manage Council's financial assets and provide accurate, timely and reliable information.

RECOMMENDATION

That Council note the Investment Report for the month of September 2017.

Executive Summary

- Total funds invested as at 30 September 2017 equals \$261,944,972.
- The actual year-to-date investment income of \$1,983,969 represents 37.22% of the total annual investment income budget of \$5,330,600.
- In line with Council's Investment Policy, the total portfolio has performed above benchmark levels.

DiscussionOverview

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. 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 September 2017, comply with this Act.

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

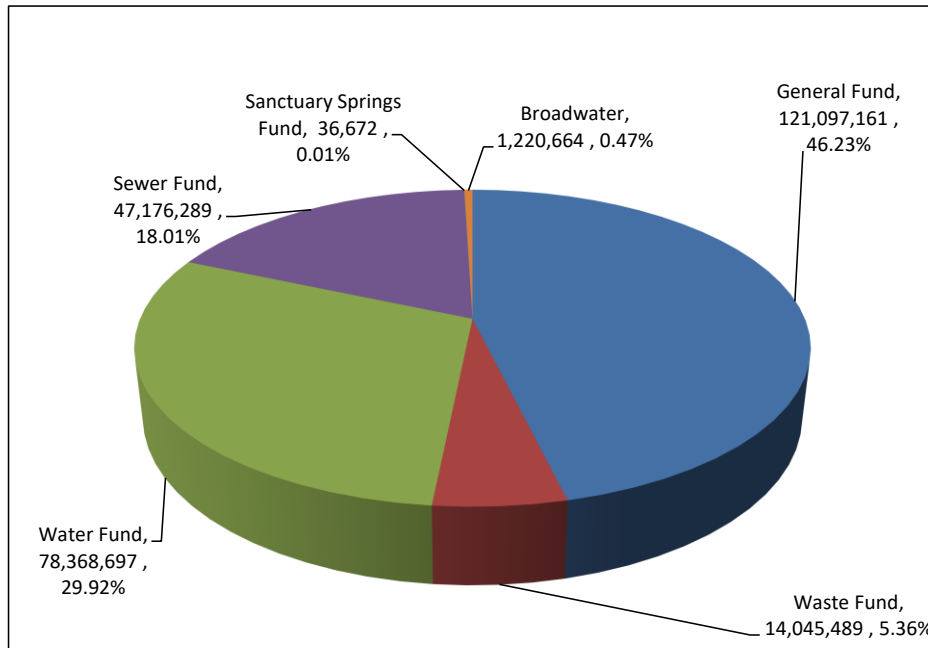
As at 30 September 2017, the investments held by Council totalled \$261,944,972 and were attributed to the following funds:-

General Fund	121,097,161
Waste Fund	14,045,489
Water Fund	78,368,697
Sewer Fund	47,176,289
Sanctuary Springs Fund	36,672
Broadwater	1,220,664
	<hr/>
	261,944,972

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.

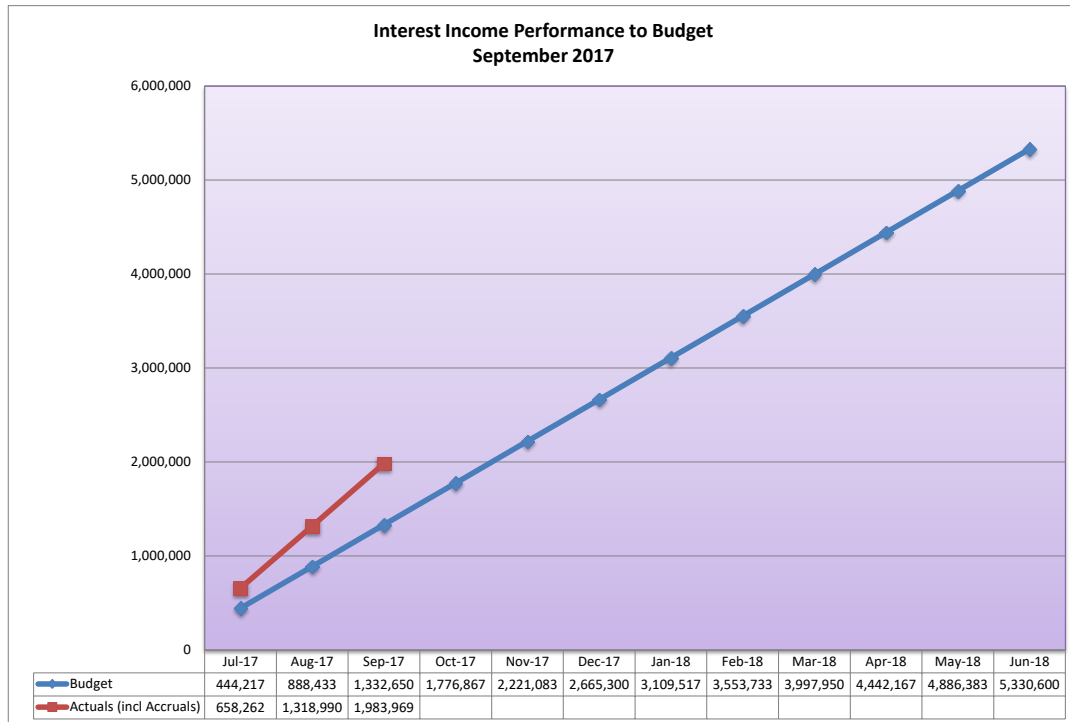
These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

Investments by Fund – as at 30 September 2017



Portfolio Performance

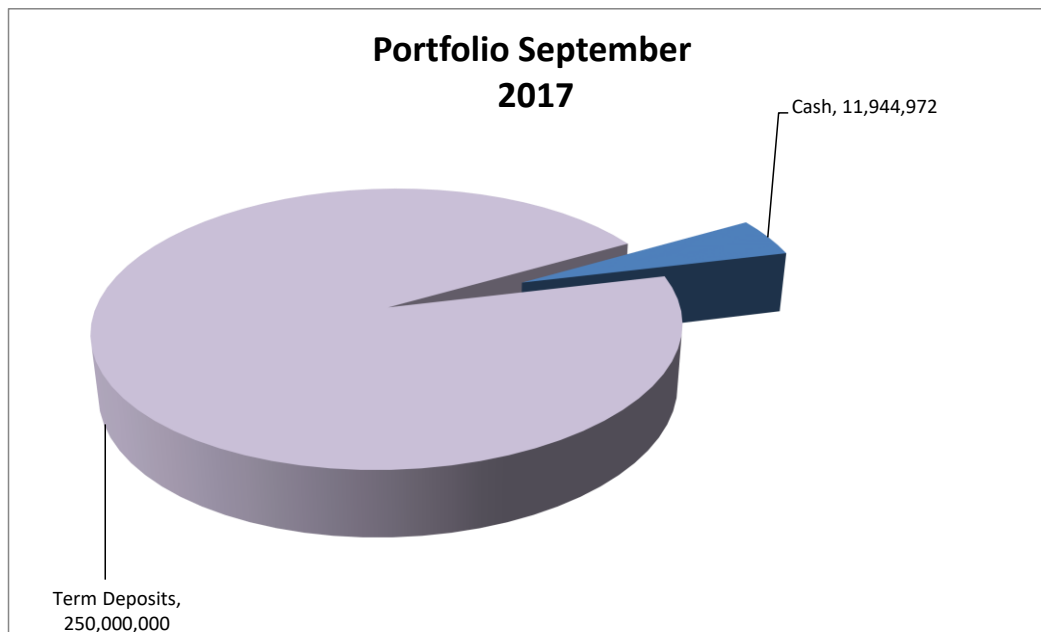
- Council's total investment portfolio performance as at 30 September 2017 was 1.28% above the benchmark (3.06% against 1.78%). Benchmark being the Bank Bill reference rate as at 29 September 2017 as identified on www.bloombergingdices.com.
- The actual year-to-date investment income of \$1,983,969 represents 37.22% of the total annual investment income budget of \$5,330,600.



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

Investment Portfolio Mix

Council's current portfolio is made up of cash and term deposits. The total term deposits represent 95.44% of the total investment portfolio. As at 30 September 2017, the total investment portfolio was \$261,944,972 which is up from \$261,175,070 as at the end of August 2017. This consists of term deposits of \$250,000,000 and cash \$11,944,972



Term Deposits - Current month \$250,000,000 - Prior month \$236,000,000

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 September 2017 is as follows:

Term to Maturity

This table as at 30 September 2017 shows the amounts invested by various maturity profiles. These are in accordance with limits established by Council's Policy.

Table 1:

Term to Maturity	Balance \$	% Held	Policy Min	Policy Max
0 - 12 months	\$122,000,000	48.80%	40.00%	100.00%
1 - 3 years	\$96,000,000	38.40%	0.00%	60.00%
3 - 5 years	\$32,000,000	12.80%	0.00%	30.00%
Grand Total	\$250,000,000	100.00%		

Overall Portfolio Credit Framework

All institutions that Council invests with are rated by acknowledged credit rating agencies, Standard & Poors, Moody's and Fitch. 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 tables below group 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.

As advised in the previous report to Council, Standard & Poors and Moody's downgraded a number of Australian financial institutions which affected the limits held within both the rating and institutional limit frameworks, as required within Council's Investment Policy.

A review of Council's Investment Policy, and the approach to the recent rating event was presented at the September council meeting. The recommended changes are currently on public exhibition awaiting community feedback. All community feedback will then be considered and noted at the November council meeting for council endorsement of all anticipated changes.

Standard & Poors

As previously identified, as a result of the downgrading by Standard and Poors of Bank of Queensland and Bendigo & Adelaide Bank from the A to the BBB category, the BBB category is in excess of the policy's maximum limits.

Table 2a:

Rating Framework S&P	Total	% Held	Maximum % Policy	Variance	Comments
A	13,000,000	5.20%	60.00%	54.80%	OK
AA	140,000,000	56.00%	100.00%	44.00%	OK
AD/Unrated	2,000,000	0.80%	10.00%	9.20%	OK
BBB	95,000,000	38.00%	15.00%	-23.00%	Outside Policy
Grand Total	250,000,000	100%			

Moody's

Whilst Moody's also downgraded a number of institutions, no institution was required to move to a different rating band. Council therefore remains within policy limits.

Table 2b:

Rating Framework	Total	% Held	Maximum % Policy	Variance	Comments
A	88,000,000	35.20%	60.00%	24.80%	OK
AA	140,000,000	56.00%	100.00%	44.00%	OK
AD/Unrated	2,000,000	0.80%	10.00%	9.20%	OK
BBB	20,000,000	8.00%	15.00%	7.00%	OK
Grand Total	250,000,000	100%			

Cash - Westpac Business Cash Reserve Account

Current month \$11,944,972 - Prior month \$25,175,070

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 September, \$16 million in funds matured with \$30 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 (1.78% September 2017).

The largest sector of the portfolio is the term deposit allocation of \$250,000,000 (last month \$236,000,000) or 95.44% of the total.

Investment Portfolio by Maturity Date - as at 30 September 2017

Inv Name	Type	Rating (S&P)	Purchase Date	Maturity Date	Yield	Face Value
Bendigo Bank	TD	BBB+	8-Oct-15	8-Oct-17	2.98%	5,000,000
Bank of Queensland	TD	BBB+	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	BBB+	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	BBB+	14-Jan-16	15-Jan-18	3.10%	2,000,000
Bank of Queensland	TD	BBB+	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	BBB+	16-Nov-16	16-Feb-18	2.85%	2,000,000
Bendigo Bank	TD	BBB+	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	2.83%	3,000,000
Westpac Banking Corporation	TD	AA-	27-Apr-16	27-Apr-18	3.29%	4,000,000
Bendigo Bank	TD	BBB+	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
ME Bank	TD	BBB	19-May-17	19-May-18	2.70%	3,000,000
Westpac Banking Corporation	TD	AA-	19-May-17	21-May-18	2.77%	4,000,000
Bank of Queensland	TD	BBB+	20-Jun-13	20-Jun-18	5.00%	4,000,000
Commonwealth Bank	TD	AA-	22-Jun-17	22-Jun-18	2.60%	5,000,000
Bendigo Bank	TD	BBB+	7-Jul-16	6-Jul-18	3.05%	2,000,000
Bank of Queensland	TD	BBB+	16-Nov-16	16-Jul-18	2.92%	3,000,000
Westpac Banking Corporation	TD	AA-	24-Jul-17	24-Jul-18	2.79%	4,000,000
Commonwealth Bank	TD	AA-	4-Sep-17	31-Jul-18	2.60%	7,000,000
Westpac Banking Corporation	TD	AA-	15-Aug-16	15-Aug-18	2.96%	3,000,000
Bank of Queensland	TD	BBB+	16-Nov-16	16-Aug-18	2.92%	3,000,000
Westpac Banking Corporation	TD	AA-	22-Aug-17	22-Aug-19	2.90%	3,000,000
ING Bank	TD	A	22-Aug-17	22-Aug-19	2.75%	5,000,000

Inv Name	Type	Rating	Purchase Date	Maturity Date	Yield	Face Value
Westpac Banking Corporation	TD	AA-	4-Sep-17	4-Sep-18	2.80%	3,000,000
Westpac Banking Corporation	TD	AA-	4-Sep-14	4-Sep-18	4.22%	4,000,000
Bendigo Bank	TD	BBB+	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
ING Bank	TD	A	24-Jul-17	24-Sep-18	2.70%	3,000,000
St George	TD	AA-	27-Sep-16	27-Sep-18	3.10%	4,000,000
Bendigo Bank	TD	BBB+	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
National Australia Bank	TD	AA-	19-May-17	19-Nov-18	2.66%	2,000,000
ING Bank	TD	A	13-Sep-17	13-Dec-18	2.70%	5,000,000
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	BBB+	15-Mar-17	15-Mar-19	3.10%	4,000,000
Bendigo Bank	TD	BBB+	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	BBB+	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
ME Bank	TD	BBB	19-May-17	20-May-19	2.87%	3,000,000
Rabobank	TD	Aa2	23-May-16	23-May-19	3.15%	6,000,000
Bendigo Bank	TD	BBB+	7-Jul-16	8-Jul-19	3.15%	2,000,000
Westpac Banking Corporation	TD	AA-	24-Jul-17	24-Jul-19	2.94%	4,000,000
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
Commonwealth Bank	TD	AA-	4-Sep-17	29-Aug-19	2.73%	3,000,000
Westpac Banking Corporation	TD	AA-	4-Sep-17	4-Sep-19	2.96%	3,000,000
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	BBB+	19-May-17	19-May-20	3.00%	3,000,000
Westpac Banking Corporation	TD	AA-	13-Sep-17	14-Sep-20	3.17%	3,000,000
Bank of Queensland	TD	BBB+	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	BBB+	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
Rabobank	TD	Aa2	8-Jun-17	7-Jun-21	3.02%	5,000,000
Bank of Queensland	TD	BBB+	15-Mar-17	15-Mar-22	3.80%	2,000,000
Rabobank	TD	Aa2	8-Jun-17	7-Jun-22	3.22%	5,000,000
Rabobank	TD	Aa3	13-Sep-17	13-Sep-22	3.38%	3,000,000
Westpac Banking Corporation	TD	AA-	13-Sep-17	13-Sep-22	3.41%	3,000,000
Total TD's						250,000,000
Westpac Business Cash						
Reserve Account	CASH				2.20%	11,944,972
Total Portfolio						\$261,944,972

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

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 September 2017 is 1.28% above the benchmark (3.06% against 1.78%) and year to-date income is 37.22% of the total annual budget.

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

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 \$13,800.70 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

Item: 09.09

Subject: DIGITAL TECHNOLOGY PROJECTS STATUS

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.4.1 Provide efficient technology and inclusive digital systems that are easy to use and easy to access.

RECOMMENDATION

That Council note the information in the Digital Technology Projects Status report.

Executive Summary

At the Ordinary Council Meeting held 16th August 2017, Council resolved:

09.18 NOTICE OF MOTION – ICT STRATEGY

RESOLVED: Hawkins/Alley

That Council:

- 1. Request the General Manager provide a further update to the October 2017 meeting on the ongoing implementation of Council's ICT Strategy, with a particular emphasis on the expected flow of efficiency benefits to Council's operations in the remainder of the current term of this Council.*
- 2. Noting that other new significant Council Strategies, such as the EDSG are updated six monthly, request the General Manager provide further updates on progress made and efficiencies gained at regular 6 monthly intervals in February and August of each calendar year until (and including) August 2020.*

CARRIED: 9/0

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

AGAINST: Nil

Discussion

Council was last briefed on our ICT renewal project progress in a report to the ordinary Council meeting in March 2017. Within this report, the following was addressed:

- Critical Issues identified through a review conducted in 2015, which highlighted the current technology issues across Council, and;
- Detailed the project work undertaken to date as part of the \$4.3 million ICT renewal program, which included upgrades to all of Councils physical ICT infrastructure.

Project Updates

Since the last report to Council, Digital Technology staff have continued to implement projects under the existing ICT renewal program.

ICT Infrastructure:

At the end of the 16/17 financial year, \$3,311,421 million of the allocated \$4,330,500 ICT renewal budget had been utilised. This has delivered to Council a significant enhancement to its foundational technology infrastructure. Into the 17/18 financial year, a number of infrastructure projects have progressed as detailed below:-

- Finalised the delivery of upgraded desktop hardware to Council staff. This has upgraded some 420 desktops across the organisation to Windows 10 and upgraded desktop productivity software to Microsoft Office 2013. This has also introduced new touchscreen Windows 10 systems for community use within each library branch in the LGA.
- Upgrade of all of Councils WiFi network has commenced. A procurement RFQ was awarded to Telstra to assist in delivering new cloud managed, Cisco Meraki units. These units will reduce staff support effort and onsite IT equipment required to enhance mobile access for Council staff, while extending public WiFi access at selected locations around the LGA.
- Setup of Microsoft Azure Cloud services has commenced. This is the first step in enabling future use of Cloud computing services, and will first host Councils websites in distributed data centres in Eastern Australia. We will continue to leverage this service into the future.

Corporate Applications:

Moving into 2018, the focus will begin to shift towards applications, and away from infrastructure. While infrastructure supports the foundations of our technology, applications enable value and efficiencies for Council staff and our community. A number of projects on this front have commenced, with the largest being an upgrade to our Financial, Property and Asset system, Authority. This will be implemented in two phases, over an 18 month period.

Since the last report to Council, phase one has commenced. This includes the upgrade to the core financial, property and assets system to the latest version and is scheduled to go live in December 2017. Included in this is an upgrade to Councils document management system, which will provide the first step in enable mobile access to documentation from mobile devices.

The Digital Technology team continues to engage with internal departments, and through existing service planning processes, to identify future opportunities for phase two. This phase is scheduled to commence in early 2018. The focus on which is:

- Review of requirements and delivery of mobile computing initiatives across Council. This will include improving the efficiency of field based staff in their conduct of inspections and works across the LGA.
- Opportunities to reengineer business processes, to deliver more automation and introduce workflow processes. This includes looking at heavy manual--tasks for Council staff, such as paper based time sheeting and invoice approvals.

- Introduction of a new Human Resource Information System, to further support the engagement of our people and reduce manual effort across our Organisational Development function through the use of technology.
- Upgrade of Councils customer systems, with a view to improving our call centres first point of contact and also supporting the integration of online forms and requests to front end systems through to actions in the office or field.

As this project work has progressed, the telephone system replacement project has been brought forward. This project was slated to commence in 2018, but technology issues impacting our staff productivity were identified with the current systems, predominantly due to the age of the existing technology. In alignment with our existing architecture, Skype for Business is currently being implemented as a replacement. This will not only replace voice calling for staff, it will also introduce:

- Video conferencing capability across Council, allowing staff and councillors to initiate and join meetings via video from any device.
- Introduce new ways to collaborate and communicate, including the use of instant messaging, virtual whiteboards and screen sharing.
- Improved mobile/field staff communications with the ability to use video in the field. Importantly, a shift towards using data and not traditional voice phone calling will allow Council to reduce voice calling costs over time.

Future Roadmap for term of Council

In the last Council report we identified that potential future projects will need to be aligned to Council business needs, and aligned to customer requirements in order to realise future strategic and operational benefits. Following recent service planning workshops, a rethink in this space has taken place in order to meet the changing expectations of a growing mobile, consistently connected and community centric local government.

Since the release of the first iPhone in 2007, it is clear that the way in which people interact with their communities, business and local councils has changed, and keeps changing. For a local authority, with such a wide and diverse array of services, keeping pace with the advancement of technology and communication methods is a huge challenge. New digital technologies, such as wearable devices, mobile apps, cloud computing, Smart City sensors, big data and Artificial Intelligence, combined with huge growth in connectivity and social media keep transforming how we need to see the future of our City.

Our future technology roadmap takes into account Port Macquarie-Hastings Council is undergoing huge growth within the region. The need to deliver to our community on what we say we will deliver, while remaining agile to disruptive and innovative changes means our technology roadmap for the future needs to grow to focus on community facing outcomes, and not just support our internal use of IT.

Part of our roadmap approach for the future term of Council is to provide digital technology in support of:

- Our re-thinking of our customer interaction strategy, to support more community-centric approaches to our service delivery,

- Transforming our service models internally to put the customer at the middle of everything we do and build a shift towards online digital channels,
- Redesigning and streamlining our business processes, using technology to automate and workflow manual steps to release staff productivity and value,
- Building a more flexible, agile and integrated technology architecture in support of our community and organisational growth.

It is recognised that these bullet points are crucial to all modern organisations and in particular for our community, as technology continues to be an essential enabler of our strategic outcomes. In turn, our future technology roadmap for the term of this Council, recognises that being flexible, agile, innovative and integrating our technology with our community expectations is what needs to be delivered.

It is important to remember that we will only be successful in this delivery if the Council continues to build and deliver on a leading vision which incorporates Smart City concepts for our future city, supports with resourcing and funding the integration of new technologies across Council, and leverages the benefits of investing in data to gain new insights into our services, community and operations in order to find the efficiencies, reduce costs of maintaining assets and challenge the status quo of “how we do things”.

Benefits

While it still remains a task to commence the review of the existing opportunities and inefficiencies across Council, in order to provide a more detailed report of benefits gained through technology adoption, the commencement of phase two of our corporate applications program into 2018 is intended to be the start of delivery against this future roadmap.

The previous report to Council identified the potential benefits to be realised, such as:

- Improvement in business performance and increase in staff productivity through improved system performance and availability of information;
- Reduction in back-office operational costs through introduction of system automation and digital workflows;
- Reduction in operational costs of items such as paper, mail and services associated with same;
- Reduction in future capital expense by moving ICT workloads and applications to the “Cloud”.
- Improve quality and speed of decision making through data/information analytics and real time reporting;
- Enhanced customer experience (in the front-office) with Council services through focused, customer-centric, digital and online services.
- Growth in collaboration and networking capabilities for staff, local business and state/federal governments;
- Enable the mobile workforce, reduce travel times, improve customer satisfaction with work completed;
- Reduction in infrastructure asset maintenance costs through digital and smart city technologies.

Phase two of the corporate applications program is about:

- Adopting a modern and customer centric digital platform, to seamlessly connect our customers with Councils front and back-office processes, providing a personalised multi-channel experience.
- Enabling new ways of working for Council staff, by delivering mobile computing in the field and extending technology to remote offices.

While the key benefits into the term of this Council can only be summarised at this stage, through these digital service improvements we expect the benefits to focus on:

- Improved community satisfaction with interaction across Council,
- Anytime, anywhere access for the community to our digital services,
- Maximising operational efficiencies across Council departments,
- Mobility for the community, councillors and staff,
- Greater insights for decision making and transparency of data,
- Agility, flexibility and responsiveness to our organisations and communities growth.

These benefits are underpinned by technologies which support our ability to transition our staff into new ways of working, using new collaboration tools internally, increasing the adoption of mobile capabilities for our field staff and slowly moving customer interactions seamlessly over to digital channels, while providing more transparent and consistent experiences no matter which internal departments of Council are involved.

Community Engagement & Internal Consultation

Engagement with a range of Council business units has been undertaken over the delivery of outcomes to date. These include:

- General Managers Office
- Executive Management Team
- Group Managers
- Airport Staff
- Laboratory Staff
- Glasshouse Staff
- Crematorium Staff
- Operational Staff
- Finance, Corporate Services and Information Technology Portfolio.

Planning & Policy Implications

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

Financial & Economic Implications

There are no specific financial and economic implications in relation to this report. The current program is being delivered within existing allocated budgets and an allocation has been made within the 2017/2018 budget for continued works. Current expenditure against the project is \$3,311,421 of \$4,330,500 budgeted to complete the works as planned. Following development of the future digital technology strategy, budget refinements may need to be made.

Attachments

Nil

Item: 09.10

Subject: ALTERATION TO THE BOUNDARY OF THE GEOGRAPHIC LOCALITIES OF PEMBROOKE AND BLACKMANS POINT

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.2.1 Promote Council participation and build linkages in local, state and federal initiatives, forums and opportunities to support Council's continued planning for the growth of the region.

RECOMMENDATION

That Council make application to the Geographical Names Board to add those parts of Lots 3 and 4 DP1191388 situated on the east of the Pacific Motorway to the geographic locality of Blackmans Point.

Executive Summary

A report to consider the alteration of the boundary of the geographic localities of Pembroke and Blackmans Point to take into consideration the alignment of the new Pacific Motorway and to address concerns from a landowner regarding mail delivery.

Discussion

Properties belonging to the owner of 7857 Pacific Highway, Pembroke straddle the geographic localities of Pembroke and Blackmans Point. The properties are bisected by the Pacific Highway and soon to be opened Pacific Motorway. The properties are depicted bounded by the red line in the plan attached to this report.

The owner of these properties has written advising of concerns with mail delivery. Whilst the delivery of mail is the domain of Australia Post, the delivery of mail to Pembroke (Postcode 2446) and Blackmans Point (Postcode 2444) are handled by different mail contractors. It appears that including the majority of the owner's properties within the geographic area of Blackmans Point should alleviate the mail delivery issue. The owners residence is situated within the area proposed to be included within Blackmans Point.

The acquisition of some of the owners' land for construction of the Pacific Motorway provides a timely opportunity to review the geographic locality boundaries in the area. Following the opening of the Pacific Motorway, the Pacific Highway will become a service road and will be renamed as Hastings River Drive. The owner has previously been consulted in regard to the road name alteration and the alteration of the geographic locality in conjunction with the road name as a single process which causes the least impact on the owner.

A plan depicting the land to be added to the geographic locality of Blackmans Point is attached to this report.

Options

There is the option to:

1. Make an application to the Geographical Names Board to alter the boundary of the localities of Pembroke and Blackmans Point.
2. Not make an application to the Geographical Names Board to alter the boundary of the localities of Pembroke and Blackmans Point.

Community Engagement & Internal Consultation

The landowner has provided his written concurrence to the proposed boundary alteration.

The Geographical Names Board has provided written confirmation that as only a single landowner is affected by the proposal, and provided the landowner agrees with the proposed alteration, then no further public notification or consultation is required to alter the boundary.

Once altered, notification of the alteration of the locality boundary to statutory and emergency services is conducted by the Geographical Names Board.

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. Making an application to the Geographical Names Board does not incur a fee.

Attachments

1 [View](#). Plan showing current geographic locality boundaries

2 [View](#). Plan showing land to be added to the geographic locality of Blackmans Point

Item: 09.11

Subject: REGIONAL TRANSPORT INFRASTRUCTURE STEERING GROUP CHARTER

Presented by: Infrastructure, Andrew Doig

Alignment with Delivery Program

1.4.2 Deliver agreed services at the agreed service level at best value.

RECOMMENDATION

That Council:

- 1. Endorse the Regional Transport Infrastructure Steering Group Charter.**
- 2. Establish monthly meetings of the Regional Transport Infrastructure Steering Group to commence in February 2018 with the Major Projects Portfolio Councillors as Councillor Representatives.**
- 3. Dissolve the Ocean Drive Duplication Steering Group as a result of the formation of the Regional Transport Infrastructure Steering Group**

Executive Summary

At the 16 August 2017 Ordinary Council meeting it was resolved:

RESOLVED: Levido/Turner

That Council:

1. Note the current status of the Ocean Dr Duplication project including the estimated construction costs of \$60 million.
2. Request the General Manager to write to the Local Member for Port Macquarie and the NSW Roads Minister seeking a funding commitment to progress to construction of this project.
3. (a) Endorse the conversion of the Ocean Drive Duplication Steering Group to the Regional Transport Infrastructure Steering Group with focus initially on the Ocean Drive Port Macquarie Duplication Project, the Port Macquarie Orbital Road Project, Boundary Street Port Macquarie project, Hastings River Drive Port Macquarie, Lake Road Port Macquarie Upgrade Project and the Ocean Drive Transport Corridor together with any further projects referred to the Steering Group by Council from time to time; and
(b) Request the General Manager bring back a report to Council's October 2017 meeting as to any amendments required to the Charter of the Ocean Drive Duplication Steering Group to give effect to this resolution.

CARRIED: 9/0

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

AGAINST: Nil

Discussion

The attached Charter was developed in line with the Ocean Drive Duplication Steering Group Charter.

Options

Council has the option to approve, decline or amend the recommendation.

Community Engagement & Internal Consultation

Internal consultation occurred between the Director Strategy and Growth and Acting Director Infrastructure.

Planning & Policy Implications

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

Financial & Economic Implications

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

Attachments

1 [View](#). DRAFT Regional Transport Infrastructure Steering Group Charter

Item: 09.12

Subject: COUNCILLOR PORTFOLIO STRUCTURE - REVISED

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

RECOMMENDATION

That Council:

1. Endorse the revised Councillor Portfolio Structure as follows:
 - (a) Communication, Governance and Community Relations
Chair: Mayor Peta Pinson
Alt Chair: Councillor Lisa Intemann
Alt Alt Chair: Councillor Rob Turner
 - (b) Major Projects
Chair: Councillor Justin Levido
Alt Chair: Councillor Mike Cusato
 - (c) Roads & Transport Infrastructure
Chair: Councillor Sharon Griffiths
Alt Chair: Councillor Lee Dixon
 - (d) Economic and Cultural Development
Chair: Councillor Rob Turner
Alt Chair: Councillor Geoff Hawkins
 - (e) Water, Stormwater, Sewer and Waste
Chair: Councillor Lisa Intemann
Alt Chair: Councillor Justin Levido
 - (f) Towns, Villages and Public Spaces
Chair: Councillor Lee Dixon
Alt Chair: Councillor Sharon Griffiths
 - (g) Planning, Environment and Sustainability
Chair: Councillor Peter Alley
Alt Chair: Councillor Rob Turner
 - (h) External Grants and Revenues
Chair: Councillor Mike Cusato
Alt Chair: Councillor Peter Alley
 - (i) Finance, Corporate Services and Information Technology
Chair: Councillor Geoff Hawkins
Alt Chair: Councillor Lisa Intemann

to champion the advancement of Council's key priorities by providing a means of gathering, receiving and discussing information in an efficient and timely manner;
2. Endorse the Councillor Portfolio Protocol attached to this Report but with updated Attachment per 1 above; and
3. Note that the monthly Councillor Portfolio Reporting Meeting will be held immediately following the Councillor Briefing scheduled for 4.00pm on the 4th Wednesday of each month.

Comments by Councillor (if provided)

This Notice of Motion relates to Council's Portfolio structure and is aimed at achieving 3 things:

1. endorsing the Portfolio structure moving forward;
2. placing a renewed focus on the Communications, Governance and Community Relations Portfolio; and
3. clarifying the meeting cycle with respect to the Councillor Portfolio Reporting Meetings which will be immediately following the Wednesday afternoon/evening Councillor Briefing on the 4th Wednesday of each month.

With respect to point 2, I have had the personal view for some time that "communications" per se is something that Council has not handled well and by "Council" I mean both the organisation and the elected body.

This is due to various reasons, some of which relate to Council taking a very conservative approach to its dealings with the media (in all formats) and a natural bashfulness in blowing its own trumpet. However, a big issue is the failure to develop and adopt a well thought out, comprehensive and effective whole of Council communications strategy.

I believe that now is the time to take the bit between our teeth and give long overdue attention to this issue.

It is for this reason that I believe a restructured Communications, Governance and Community Relations Portfolio as detailed above, will give Council the best opportunity to move forward on this issue.

Attachments

- 1 [View](#). Councillor Portfolio Protocol - adopted 2016 11 16

2 Your Community Life

What we are trying to achieve

A healthy, inclusive and vibrant community.

What the result will be

We will have:

- Community hubs that provide access to services and social connections
- 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 we will get there

- 2.1 Create a community that feels safe
- 2.2 Advocate for social inclusion and fairness
- 2.3 Provide quality programs, community facilities and public spaces, for example, community halls, parks and vibrant town centres
- 2.4 Empower the community through encouraging active involvement in projects, volunteering and events
- 2.5 Promote a creative and culturally rich community

Item: 10.01**Subject: QUESTION FROM PREVIOUS MEETING - ROADSIDE LITTER
CLEAN-UP PROGRAM****Presented by: Infrastructure, Andrew Doig**

RECOMMENDATION

That Council note the information provided regarding roadside litter clean-up program.

Question from Councillor Cusato

Does Council have a roadside litter clean-up program, including the local main arterial roads, and does Council engage with the State Government to ensure roads (including the Oxley Highway) are kept in an acceptable condition for visitors and local residents?

Comments by Councillor (if provided)

Nil.

Response

Generally any significantly sized waste accumulated on the roadside is removed by Council's Waste Section.

Council's Waste Section also undertake clean-ups of the following roads about four times per year:

- Hastings River Drive
- Oxley highway: Hospital to Gordon St
- Ocean Drive: Kew to Gordon St
- Bago Road
- Houston Mitchell Drive
- Settlement Point Road
- Various other roads

There is no roadside litter clean-up program undertaken by Council other than those noted above. There has been ongoing dialogue with the RMS regarding the Oxley Highway, establishing responsibility for vegetation maintenance and litter collection. However, unless a formal agreement is determined, Council will not undertake litter control on state highways.

Council's Transport & Stormwater Network (TSN) Section will deal with waste/litter if it poses a major public risk. For example concrete spills or industrial waste spilt onto a roadway.

However, the removal of general litter, like chip packets, coke bottles etc while untidy, does not typically pose a serious public risk and TSN currently do not have the resources available to undertake regular litter collection.

Attachments

Nil

Item: 10.02

Subject: 2016-2017 COMMUNITY GRANTS PROJECTS FOR
ENDORSEMENT

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2017-2018 Round 1 for the total amount of \$107,008 to:

<u>Organisation Name</u>	<u>Project</u>	<u>Funding</u>
General:		
Catholic Parish of St. Agnes	#LitFest2444	\$10,000
Early Connections Port Macquarie	Shade cloth	\$1,650
Hastings Valley Mountain Bikers	Signage	\$1,048
Port Macquarie Lions Club	New shelving	\$2,466
Hamilton Green Management Group	Signage	\$3,740
Port Macquarie Tennis Club	Protective padding	\$1,679
Riding for the Disabled - Kendall	Protective gear	\$2,099
Wauchope Poultry Club	Exhibition equipment	\$2,032
	<u>Sub Total:</u>	\$24,714
Non Council Owned Halls:		
Byabarra Hall and Recreational Reserve Trust	Toilet upgrade	\$9,550
Rollands Plains Recreational Reserve Trust	Disabled Access	\$8,950
	<u>Sub Total:</u>	\$18,500
Christmas & New Year's Events:		
Port Macquarie Neighbourhood Centre	Christmas event	\$650
Wauchope Chamber of Commerce	Christmas event	\$4,500
Beechwood Public School P&C	Christmas event	\$3,788
Camden Haven Chamber of Commerce	Christmas event	\$5,000

Telegraph Point Community Association	Christmas event	\$1000
Byabarra Hall Recreational Reserve Trust	Christmas event	\$987
Lake Cathie Bonny Hills Lions Club	Christmas event	\$2,430
Kendall Heritage Society	Christmas event	\$1,250
	<u>Sub Total:</u>	\$19,605
Environmental Grants:		
Port Macquarie Landcare Group	Environmental Activities	\$10,000
Friends of Kooloonbung Creek	Weed Management	\$5,000
	<u>Sub Total:</u>	\$15,000
Band Grants:		
Port Macquarie Hastings Municipal Band	Band grant	\$10,000
Camden Haven Community Band	Band grant	\$7,100
Hastings Koalas Orchestra	Band grant	\$4,865
Hastings District Pipe Band	Band Grant	\$7,224
	<u>Sub Total</u>	\$29,189
	<u>Total Allocated</u>	<u>\$107,008</u>

Executive Summary

The first round of the annual community grant process was once again very competitive. Attendance at the four Community Grant Information Sessions held in August 2017 was high, with many community groups represented for the first time.

Thirty three applications were submitted across all categories of the grant round. Of these, the above twenty four were endorsed by the Internal Steering Committee as having successfully met the Community Grants Criteria.

Discussion

Community Grants

A total of \$107,008 is recommended for allocation in 2017-2018 Round 1 for the Community Grants program as follows:

- General Grants for a range of innovative projects which align with the *Port Macquarie-Hastings Towards 2030 Community Strategic Plan* (\$24,714);
- Non Council Owned Hall Grants for maintenance and capital improvements (\$18,500);
- Christmas and New Year's Eve events across the Port Macquarie-Hastings Local Government Area (\$19,605);
- Environmental Grants seek to assist volunteer environmental groups with environmental restoration works on public bushland (\$15,000)

- Band Grants to assist community bands that provide public performances at community events across the Port Macquarie- Hastings Local Government Area (\$29,189).

The Christmas and New Year's Eve Event has an annual allocation of \$16,700. It is recommended that \$2905 be reallocated from the general community grant fund to allow for all communities in the LGA that applied for a grant to receive funding.

The Community Grant Guidelines 2017-2018, available on Council's website, set out the objectives, eligibility and assessment criteria, and other information for the grant round. On-line applications were submitted on *SmartyGrants*, a best practice on-line grants management system.

Information sessions were held in Port Macquarie (x2), Laurieton and Wauchope in August, 2017.

Applications opened on 7 August 2017 and closed on 1 September 2017. A total of thirty three applications were received of which thirteen were in the General category, two in the Non Council Owned Hall category, one in the Place Making category, eight in the Christmas and New Year's Eve Events category and four in the Band Grants category.

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

On 29 September 2017 following Stage 1 and Stage 2 of the preliminary assessments, applications were considered by the Internal Steering Committee, with the endorsed applications forwarded to Council for approval.

Next Steps

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

Successful applicants will be invited to attend a public event on 1 November 2017 whereby they will be presented with their cheques by the Mayor. Councillors will be invited to attend this event to be held in the Function Room.

Community Engagement & Internal Consultation

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

Internal consultation included:

Council Staff on Steering Committee; Community Grants:

Senior Economic Development Officer

Financial Operations Manager

Senior Landscape Architect

Engineering Development Coordinator

Ecologist
Natural Resources Officer

The internal Committee then proposed the allocations to Council's Executive Staff for consideration and endorsement to Council for adoption.

Planning & Policy Implications

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

Financial & Economic Implications

Council has an annual allocated budget for community grants of \$158,857 (\$142,157 for general grants and \$16,700 for Christmas/New Year's grants) within the Community Place budget and \$20,000 for Environmental Grants within the Environmental Budget.

A summary of funding outcomes for 2017/2018 Round one is provided in Table 1.

Table 1:

Grant Category	Funds Allocated
General Community	\$24,714
Non Council Owned Halls	\$18,500
Christmas and New Year's Eve	\$19,605
Environmental	\$15,000
Community Band	\$29,189
Total	107,008

Attachments

Nil

Item: 10.03

Subject: RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND
SUB-COMMITTEE - SEPTEMBER 2017 MEETING

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

2.3.2 Provide a range of inclusive sporting and recreational opportunities and facilities to encourage a healthy and active lifestyle.

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. Lachlan Jones be granted the amount of \$750.00 to assist with the expenses he would have incurred travelling to and competing at Cycling Australia's Junior Road National Championships to be in Tasmania from 1 September to 2 September 2017 inclusive

Executive Summary

The Mayor's Sporting Fund Sub-Committee met on 31 August 2017 and reached consensus on Item 8 (Applications) at the meeting and submits the above recommendation for Council's consideration.

Attachments

- 1 [View](#). Extract - Mayor's Sporting Fund Sub-Committee Meeting - September 2017

3 Your Business and Industry

What we are trying to achieve

A region that is a successful place that has vibrant, diversified and resilient regional economy that provides opportunities for people to live, learn, work, play and invest.

What the result will be

We will have:

- A strong economy that fosters a culture supportive of business and ensures economic development of the region
- Townships, villages and business precincts that are vibrant commercial, cultural, tourism, recreational and/or community hubs
- A region that attracts investment to create jobs
- Partnerships that maximise economic return and create an efficient and effective business environment

How we will get there

- 3.1 Embrace business and a stronger economy
- 3.2 Create vibrant and desirable places
- 3.3 Embrace opportunity and attract investment to support the wealth and growth of the community
- 3.4 Partner for success with key stakeholders in business, industry, government, education and the community

Item: 11.01**Subject: EVENT SPONSORSHIP PROGRAM****Presented by: Strategy and Growth, Jeffery Sharp**

Alignment with Delivery Program

3.1.3 Implement Major Events Strategy.

RECOMMENDATION

That Council pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Event Sponsorship Program Round 1 2018 in the total amount of \$20,000 to:

Event Name	Event Date	Funding
Suck it up Buttercup	1-2 June, 2018	\$5,000
Port Macquarie Running Festival	11 March, 2018	\$5,000
Slice of Haven	27 May, 2018	\$5,000
Hello Koalas Festival	7-11 June, 2018	\$5,000

Executive Summary

At the Ordinary Council meeting held on 20 April 2017 Council considered the 2016-17 Community Grants projects for endorsement including the second round of the 2017 Event Sponsorship Program. It was resolved to request the General Manager provide a briefing to the Economic and Cultural Development Portfolio around the existing Community Grants and Event Sponsorship Program processes for evaluating applications. The outcome of this briefing was to provide a separate report to Council on the Event Sponsorship Program Round 1 2018 application evaluations, as well as some background information on the program to date.

Discussion

Round 1 of funding for 2018 under Council's Event Sponsorship Program opened on 7 August, and closed on 1 September 2017. This round of funding was open to events being held in the first half of 2018. Four applications were received with three of these events (Suck it up Buttercup, Port Macquarie Running Festival and Slice of Haven) having received support under the Program in previous years.

Event Sponsorship Program applicants are required to demonstrate that the proposed event is either a driver of significant overnight visitation (i.e. a measurable economic impact, evidenced by previous data collected), or has the potential to grow to major event status with a significant economic impact. There are up to four grants consisting of \$5,000 allocations on offer per round, with \$40,000 allocated to the program per

year. A maximum of three re-occurring allocations to any one event can be made under this program.

Applicants are also required to detail how the \$5,000 grant will be spent, with the proposed spending required to be allocated toward marketing activities which assist in attracting out of region visitors.

From the Program's inception in February 2015 until mid-2016, applications were assessed by a panel of staff and the Economic Development Portfolio Councillors. In September 2016, due to Council elections and the review period falling within the Council caretaker period, an internal review panel was established to assess applications.

The individual panellists are provided with a matrix containing the previously established Program criteria, and weightings (see Table 1). Ratings are assigned and scores tallied. The Panel then meets to discuss each application and make a final assessment. Criteria and weightings are as follows (with 1 being the lowest and 5 being the highest), and applicants are then ranked with the top 4 generally receiving a sponsorship amount of up to \$5,000 each. 65% is payable prior to the event, with the remaining 35% paid upon satisfactory acquittal (evidenced by visitor data).

Table 1- Program Criteria & Weightings

Criteria	Weighting
Potential to become a major event & attract significant visitor nights	5
Unique to the Region/Mid North Coast	3
Financial sustainability	4
Substantial Economic impact (or potential for)	3
Event organiser experience & resourcing	3
Off-peak or shoulder season placement	5
Robust marketing plan	4

Since the Sponsorship Program's inception in 2015, 39 applications have been received (not including the current round), with 27 allocations of sponsorship totalling \$101,000 to the following events:

Table 2- History of allocations under the Event Sponsorship Program

Event Name	Year	Sponsorship granted	Est. Economic Impact
Ekam Yoga Festival	2015	\$3,500	\$17,000
Big Band Blast	2015	\$5,000	\$309,000
3 Rivers Rowing Festival	2015	\$3,500	\$45,000
King of the Mountain Fun Run	2015	\$2,000	\$33,000
Sand Mudder	2015	\$2,000	\$22,000
Beatles Festival	2016	\$2,000	\$135,000

Bago Bluff Mountain Bike Marathon	2016	\$2,000	\$40,000
Port Macquarie Running Festival	2016	\$3,000	\$585,000
Suck it up Buttercup	2016	\$5,000	\$500,000
Ekam Yoga Festival	2016	\$5,000	\$20,000
3 Rivers Rowing Festival	2016	\$2,500	\$45,000
Big Band Blast	2016	\$5,000	\$309,000
Port Macquarie Beer & Cider festival	2016	\$5,000	\$360,000
Northern Division Road Cycling Championships	2016	\$2,000	\$29,000
Luminosity Youth Summit	2016	\$4,000	\$20,000
Sand Mudder	2016	\$3,000	\$90,000
Beach to Brother Running Festival	2016	\$5,000	\$308,000
King of the Mountain Fun Run	2016	\$1,500	\$22,500
Suck it up Buttercup	2017	\$5,000	\$233,000
Port Macquarie Beatles Festival	2017	\$5,000	\$416,000
Port Macquarie Running Festival	2017	\$5,000	\$763,000
Slice of Haven	2017	\$5,000	\$647,000
Blues & BBQ Festival	2017	\$5,000	\$695,000*
Ekam Yoga Festival	2017	\$2,500	\$44,000*
Port Macquarie Beer & Cider Festival	2017	\$5,000	\$568,000*
Beach to Brother Running Festival	2017	\$5,000	\$220,000*
Port Macquarie Mountain Bike Festival	2017	\$2,500	\$55,000*
TOTAL	27	\$101,000	\$6,530,500

*Estimates in red. Acquittal data for these events due 30 November 2017.

Options

- Council can endorse the final assessment of the internal review panel, which is to grant \$5,000 to each of the following applicants (in ranked order):
 - Suck it up Buttercup
 - Port Macquarie Running Festival
 - Slice of Haven
 - Hello Koalas Festival
- Council does not endorse the final assessment of the internal review panel. This will result in the further options of either not expending any of the allocated budget for this round of funding or re-opening this round of funding and calling for new applications.

Community Engagement & Internal Consultation

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

Internal consultation included:

Director Strategy & Growth
Group Manager Economic Development & Communications
Destination Management Coordinator

Internal Review Panel:

Group Manager Assets & Property Investment
Group Manager Community Place
Acting Major Events Manager

The review panel's process was then considered by Council Executive Staff members prior to the presentation of this report.

Planning & Policy Implications

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

Financial & Economic Implications

Since February 2015, Council has allocated \$101,000 to the Event Sponsorship Program with a return on investment of \$6,530,500 being realised (through a calculated economic impact considering visitors nights as a direct result of these events).

For the purpose of this report, Council has an annual allocated budget for the Event Sponsorship Program of \$40,000 divided between two contestable funding rounds. Should Council choose to adopt Option 1 from this report, \$20,000 will be allocated from this budget to the four events recommended.

Attachments

Nil

4 Your Natural and Built Environment

What we are trying to achieve

A connected, sustainable, accessible community and environment that is protected now and into the future.

What the result will be

We will have:

- Effective management and maintenance of essential water, waste and sewer infrastructure
- A community that is prepared for natural events and climate change
- Sustainable and environmentally sensitive development outcomes that consider the impact on the natural environment
- Accessible transport network for our communities
- Infrastructure provision and maintenance that meets community expectations and needs
- Well planned communities that are linked to encourage and manage growth
- Accessible and protected waterways, foreshores, beaches and bushlands
- An environment that is protected and conserved for future generations
- Renewable energy options that are understood and accessible by the community

How we will get there

- 4.1 Provide (appropriate) infrastructure and services including water cycle management, waste management, and sewer management
- 4.2 Aim to minimise the impact of natural events and climate change, for example, floods, bushfires and coastal erosion
- 4.3 Facilitate development that is compatible with the natural and built environment
- 4.4 Plan for integrated transport systems that help people get around and link our communities
- 4.5 Plan for integrated and connected communities across the Port Macquarie-Hastings area
- 4.6 Restore and protect natural areas
- 4.7 Provide leadership in the development of renewable energy opportunities
- 4.8 Increase awareness of issues affecting our environment, including the preservation of flora and fauna



Item: 12.01

Subject: DA2016 - 701 - SENIORS HOUSING AGED CARE FACILITY INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL 2011 - 1 HIGHFIELDS CIRCUIT, PORT MACQUARIE

Report Author: Matt Rogers

Applicant:	All About Planning
Owner:	Palmcare Pty Ltd
Estimated Cost:	\$17.8M
Parcel no:	9077

Alignment with Delivery Program

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

RECOMMENDATION

That DA2016 - 701 for a Seniors Housing Aged Care Facility Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 4, DP 262236, No. 1 Highfields Circuit, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application (DA) for a seniors housing aged care facility including clause 4.6 objection to clause 4.3 (height of buildings) and clause 4.4 (floor space ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP) at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979. This report is an updated report from the Council Ordinary Meeting of 20 September 2017.

The DA has been considered by Council's Development Assessment Panel (DAP) on 23 August 2017. The following resolution was made at the DAP meeting:

Resolution as per recommendation subject to the following changes to conditions of consent:

- *Amend plan references in condition A1 for plans 01-004, 01-003, 01-002, 01-001, 01-000 from 17 May 2017 to 18 May 2017*
- *Delete last paragraph in condition B(19)*

The DA was been considered by at an Ordinary Meeting of Council on 20 September 2017. Council resolved:

RESOLVED: Levido/Cusato

That consideration of this item be deferred pending an on-site inspection by Councillors and a report come back to Council following the on-site inspection.

At the time of writing this report, a site inspection had been scheduled for Tuesday 17 October 2017.

Since the 20 September 2017 Council meeting, the Applicant has submitted an amended basement parking plan with an additional 8 spaces. A total of 31 parking spaces are now provided. The Applicant has also submitted amended gross floor area (GFA) and floor space ratio (FSR) calculations that are consistent with exemptions to GFA identified in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. These amendments have been reviewed and the FSR calculations have been updated in this report including the extent of clause 4.6 variation required under Port Macquarie-Hastings Local Environmental Plan 2011.

Following exhibition of the application, two (2) submissions have been received. An additional third late submission was received and is attached to this report.

The Applicant has made an offer to enter into a Voluntary Planning Agreement in relation to proposed/required sewer bypass main works external to the site necessary to service the development.

The recommended conditions attached to this report have been updated in line with the recommendations by DAP and to reflect the revised basement plan referred to above.

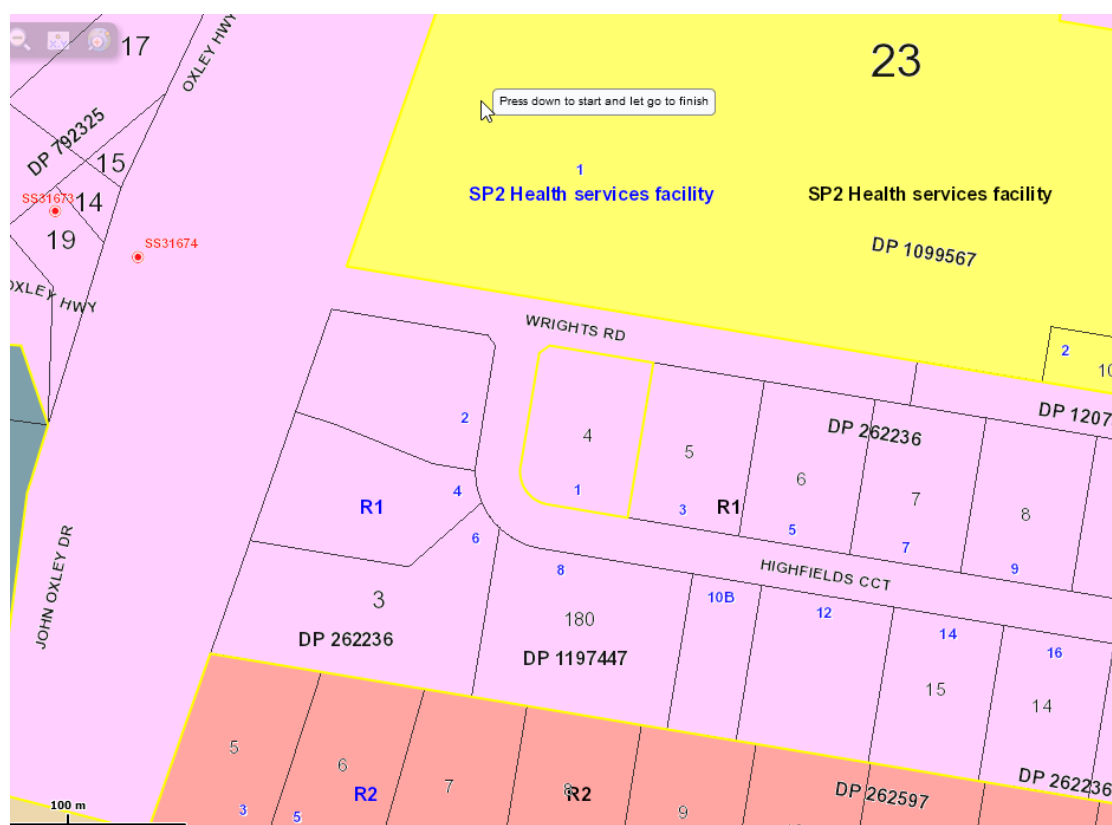
- In accordance with the Department of Planning and Environment Circular PS 08-014, the proposal includes variations to development standards in the LEP by more than 10%. As such, the application is required to be determined by full Council.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 3544m².

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 (nearmap 2017):



On-site is an existing single storey brick and tile house with tennis court, swimming pool and separate detached garage and some existing vegetation.

This dwelling is generally consistent with the type of detached housing that remains in the area, however it is noted that the precinct is rapidly transforming into a higher density health and education hub with only a few permanent detached dwellings now remaining.

Immediate neighbours to the subject site are a Urology Medical Centre to the east at 3 Highfields Circuit and the Wrights Road Reserve to the North.

Other near neighbours include a 2 and 3 storey residential flat building (including affordable rental housing) directly opposite at 4 Highfields Circuit, together with a strata titled unit development at No. 2 Highfields Circuit known as The Highfields Villas and a 72 resident Newcastle University student accommodation facility at 6 Highfields Circuit.

Also opposite the site are newer medical centres.

The site is accessed by vehicles off Wrights Road from the Oxley Highway roundabout, and which has recently been modified to incorporate slip lanes into and out of Wrights Road.

2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- 105 bed vertical village aged care facility.
- The facility comprises three key block elements, two with a two and three storey building form and the central block with a single, two and three storey form, all with basement parking under, to be accessed directly off Highfields Circuit.
- The buildings have articulated facades and a defined entrance, including separate portico pick-up and drop-off area from Highfields Circuit.
- Vehicular access to a secure basement parking area is to be provided off Highfields Circuit from the southern boundary of the site. There are lifts and stairs from the basement parking area to service all levels.
- A number of landscaped communal outdoor living spaces are proposed within the site (refer perspectives and plans) for use by residents, visitors and staff.

Refer to attachments at the end of this report.

Application Chronology

- 7 September 2016 – DA lodged with Council.
- 15 to 28 September 2016 – Neighbour notification of proposal
- 29 September 2016 – Additional information request to address initial issues identified – sewer, traffic impacts, off-street parking, foot paving, submission issues, social impact, arborist report and front setback.
- 6 October 2016 – Additional information received from Applicant in response to assessment issues identified including amended landscape plan and Arborist report.
- 6 October 2016 – Applicant requested advice on construction of deep carrier bypass sewer main in Major Innes Road.
- 7 October 2016 – Advice provided to Applicant that costing unable to be provided for deep carrier sewer main.
- 7 October 2016 – Applicant requested further advice on potential conditions for sewer bypass main and relationship to other developments.
- 12 October 2016 – Advice provided to Applicant of likely conditions for construction of bypass sewer main if development approved.
- 20 December 2016 – Additional information received from Applicant including traffic impact assessment and amended basement plan.
- 12 January 2017 – Advice provided to Applicant on sewer bypass main including providing an indicative map of potential alignment. Owner's consent requested for sewer works – refer comments later in report.
- 8 February 2017 – Advice provided to Applicant to confirm owner's consent required for sewer works and process for decision/determination of DA.
- 9 March 2017 – Additional advice and plans sent to Applicant with regard to sewer works being constructed as part of the Student Accommodation DA on Kingfisher Road and works constructed as part of the Charles Sturt University (CSU) development.
- 3 April 2017 – Applicant advised that CSU provides support to the construction of sewer and queried whether formal owner's consent required.
- 18 April 2017 – Applicant requested advice on process for offering a Voluntary Planning Agreement (VPA) in relation to seeking monetary offset for constructing the sewer bypass main works and timing.
- 20 April 2017 – Advice provided to Applicant on process for a VPA.
- 26 April 2017 – Advice provided to Applicant that formal owner's consent required from CSU for sewer bypass main works.
- 24 May 2017 – Additional advice provided to Applicant on process for VPA offer.

- 26 May 2017 – Amended plans received from Applicant with no additional changes to number of bedrooms or building height. Essentially internal design changes only.
- 2 June 2017 – Letter of offer to enter into a VPA received from Applicant.
- 2 June 2017 – Advice provided to Applicant to confirm acknowledgement of VPA offer and process.
- 9 June 2017 – Requested update from the Applicant with regards to seeking owner's consent from CSU.
- 19 June 2017 – Proposed heads of agreement for the draft VPA sent to the Applicant.
- 19 June 2017 – Applicant queried what the offset monetary amount will be paid to the proponent/Applicant if the development is approved and VPA entered into.
- 20 June 2017 – Advice provided to Applicant that current and future contributions would be covered under the proposed definitions for sewer augmentation refund and sewer augmentation contribution in the proposed VPA.
- 28 June 2017 – Applicant provided advice of acceptance to heads of agreement for proposed VPA.
- 19 July 2017 – Owner's consent from CSU received from Applicant for sewer main works and advice requested on timeframe for determination of the DA.
- 20 July 2017 – Advice provided on timing for DA being reported to DAP and Council.
- 3 October 2017 – Applicant submitted revised basement plan showing an additional 8 car parking spaces and additional information in relation to (GFA and FSR calculations).

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

With reference to clauses 6 and 7, the subject land is less than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP do not require consideration.

State Environmental Planning Policy No.55 – Remediation of Land

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

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

Given the nature of the proposed development and proposed stormwater controls, the proposal will be unlikely to have any adverse impacts on existing aquaculture industries within the Hastings River approximately 3.5 kilometres from the site.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The following assessment table checklist is provided to address compliance with the requirements of this SEPP:

Clause	Proposed	Complies
4. Land to which Policy applies		
<p>Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:</p> <p>(a) development for the purpose of any of the following is permitted on the land:</p> <p>(i) dwelling-houses,</p> <p>(ii) residential flat buildings,</p> <p>(iii) hospitals,</p> <p>(iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or</p> <p>(b) the land is being used for the purposes of an existing registered club.</p>	<p>Land zoning is urban - R1 general residential.</p> <p>Permitted uses enable the subject development.</p>	Yes
5. Relationship to other environmental planning instruments		
<p>If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.</p>	<p>Noted - LEP provisions relationship considered.</p>	Yes

8. Seniors		
<p>In this Policy, <i>seniors</i> are any of the following:</p> <p>(a) people aged 55 or more years,</p> <p>(b) people who are resident at a facility at which residential care (within the meaning of the <i>Aged Care Act 1997</i> of the Commonwealth) is provided,</p> <p>(c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.</p>	Seniors housing proposed.	Yes
9. People with a disability		
<p>In this Policy, <i>people with a disability</i> are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.</p>	Seniors housing proposed.	Yes
10. Seniors housing		
<p>In this Policy, <i>seniors housing</i> is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:</p> <p>(a) a residential care facility, or</p> <p>(b) a hostel, or</p> <p>(c) a group of self-contained dwellings, or</p> <p>(d) a combination of these,</p> <p>but does not include a hospital.</p> <p>Note. The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing.</p> <p>Accommodation provided by seniors housing does not have to be limited</p>	Seniors housing proposed.	Yes

<p>to seniors or people with a disability. Clause 18 provides that seniors housing may be used for the accommodation of the following:</p> <p>(a) seniors or people who have a disability,</p> <p>(b) people who live within the same household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</p> <p>Relevant classifications in the <i>Building Code of Australia</i> for the different types of residential accommodation are as follows:</p> <p>(a) Class 3, 9a or 9c in relation to residential care facilities,</p> <p>(b) Class 1b or 3 in relation to hostels,</p> <p>(c) Class 1a or 2 in relation to self contained dwellings.</p>		
11. Residential care facilities		
<p>In this Policy, a <i>residential care facility</i> is residential accommodation for seniors or people with a disability that includes:</p> <p>(a) meals and cleaning services, and</p> <p>(b) personal care or nursing care, or both, and</p> <p>(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,</p> <p>not being a dwelling, hostel, hospital or psychiatric facility.</p> <p>Note. The <i>Aged Care Act 1997</i> of the Commonwealth requires residential care facilities to which that Act applies to meet certain requirements.</p>	<p>The proposal is best characterised as a <i>residential care facility</i>.</p>	Yes

18. Restrictions on occupation of seniors housing allowed under this Chapter		
<p>(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:</p> <p>(a) seniors or people who have a disability,</p> <p>(b) people who live within the same household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</p> <p>(2) A consent authority must not consent to a development application made pursuant to this Chapter unless:</p> <p>(a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and</p> <p>(b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the <i>Conveyancing Act 1919</i>, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).</p> <p>(3) Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.</p>	Condition recommended to require an appropriate s88B instrument restriction to seniors housing only.	Yes
26. Location and access to facilities		
(1) A consent authority must not consent to a development application made pursuant to this Chapter	The proposed aged care facility will also include on-site medical services and	Yes - capable

<p>unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p> <p>(2) Access complies with this clause if:</p> <p>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</p> <p>(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the</p>	<p>care, a shop, beauty salon and cafe as outlined in the submitted details and illustrated on proposed plans.</p> <p>The residents will also have access to the Busways Local bus routes which run on the Oxley Highway and to the base hospital and on to Settlement City Shopping Centre and the Port Macquarie CBD (and which have extensive medical, banking, commercial, retail and community services).</p> <p>A condition is recommended to require a footpath to be constructed to link up to the Base Hospital frontage to provide compliant accessibility.</p>	
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<p>distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),</p> <p>and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or</p> <p>(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),</p> <p>and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).</p>		
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<p>Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.</p> <p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p> <p>(4) For the purposes of subclause (2):</p> <p>(a) a <i>suitable access pathway</i> is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and</p> <p>(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.</p> <p>(5) In this clause:</p> <p><i>bank service provider</i> means any bank, credit union or building society or any post office that provides banking services.</p>		
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28. Water and sewer		
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p> <p>(2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.</p>	<p>Refer to comments later in this report addressing water supply and sewer servicing. Sewer upgrades are required external to the site to address current catchment capacity issues.</p>	Yes
30. Site analysis		
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.</p> <p>(2) A site analysis must:</p> <p>(a) contain information about the site and its surrounds as described in subclauses (3) and (4), and</p> <p>(b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on land adjoining land zoned primarily for</p>	<p>A satisfactory site analysis plan complying with the provisions of clause 28 (1) and (2) has been submitted.</p> <p>Details of the site and the description of the surrounds and locality as detailed in the submitted Statement of Environmental Effects.</p>	Yes

<p>urban purposes, an aerial photograph of the site):</p> <p>(i) explaining how the design of the proposed development has regard to the site analysis, and</p> <p>(ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.</p> <p>(3) The following information about a site is to be identified in a site analysis:</p> <p>(a) Site dimensions:</p> <ul style="list-style-type: none"> • length • width <p>(b) Topography:</p> <p>spot levels and/or contour</p> <ul style="list-style-type: none"> • north point • natural drainage • any contaminated soils or filled areas <p>(c) Services:</p> <ul style="list-style-type: none"> • easements • connections for drainage and utility services <p>(d) Existing vegetation:</p> <ul style="list-style-type: none"> • location • height • spread of established trees • species <p>(e) Micro climates:</p> <ul style="list-style-type: none"> • orientation • prevailing winds <p>(f) Location of:</p> <ul style="list-style-type: none"> • buildings and other structures • heritage features and items including archaeology • fences • property boundaries • pedestrian and vehicle access <p>(g) Views to and from the site</p>		
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<p>(h) Overshadowing by neighbouring structures</p> <p>(4) The following information about the surrounds of a site is to be identified in a site analysis:</p> <p>(a) Neighbouring buildings:</p> <ul style="list-style-type: none"> • location • height • use • balconies on adjacent properties • pedestrian and vehicle access to adjacent properties <p>(b) Privacy:</p> <ul style="list-style-type: none"> • adjoining private open spaces • living room windows overlooking site • location of any facing doors and/or windows <p>(c) Walls built to the site's boundary:</p> <ul style="list-style-type: none"> • location • height • materials <p>(d) Difference in levels between the site and adjacent properties at their boundaries</p> <p>(e) Views and solar access enjoyed by neighbouring properties</p> <p>(f) Major trees on adjacent properties</p> <p>(g) Street frontage features:</p> <ul style="list-style-type: none"> • poles • trees • kerb crossovers • bus stops • other services <p>(h) The built form and character of adjacent development (including buildings opposite on both sides of the street(s) fronted):</p> <ul style="list-style-type: none"> • architectural character • front fencing • garden styles 		
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<p>(i) Heritage features of surrounding locality and landscape</p> <p>(j) Direction and distance to local facilities:</p> <ul style="list-style-type: none"> • local shops • schools • public transport • recreation and community facilities <p>(k) Public open space:</p> <ul style="list-style-type: none"> • location • use <p>(l) Adjoining bushland or environmentally sensitive land</p> <p>(m) Sources of nuisance:</p> <ul style="list-style-type: none"> • flight paths • noisy roads or significant noise sources • polluting operations <p>(n) Adjoining land uses and activities (such as agricultural activities).</p>		
32. Design of residential development		
A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.	See below.	Yes
33. Neighbourhood amenity and streetscape		
<p>The proposed development should:</p> <p>(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</p> <p>(b) retain, complement and sensitively harmonise with any</p>	<ul style="list-style-type: none"> • The proposed development satisfactorily responds to the rapidly evolving character of the area by presenting a 1 and 2 storey form to the western frontage of the site, and which then steps up behind to a 3 storey scale. • The proposed built form is further broken up into 	Yes

<p>heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</p> <p>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p> <p>(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</p> <p>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</p> <p>(f) retain, wherever reasonable, major existing trees, and</p> <p>(g) be designed so that no building is constructed in a riparian zone.</p>	<p>three wings and is set into the site in the north eastern corner to reduce overall height across the site.</p> <ul style="list-style-type: none"> • • Setbacks to the boundaries are acceptable. • • There are no conservation areas or heritage items in the vicinity of the site identified in the Hastings LEP 2011. • • The proposal is compatible with the desired neighbourhood character particularly having regard to the adoption of mix of 1, 2 and 3 storey built form, the roof lines and broken up nature of the building footprint and generous setbacks to side boundaries. • • No existing building line is apparent for this section of Highfields Circuit. • • The landscape plans submitted will add to the streetscape. • • The proposal is not being constructed in a riparian zone. 	
<p>34. Visual and acoustic privacy</p>		
<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>The location and design of windows and common balconies will not have any identifiable adverse impacts to neighbouring properties.</p> <p>The proposed landscaping on the site will soften the building and provide a satisfactory outlook for both residents of the proposed facility and adjoining neighbours.</p>	<p>Yes</p>

<p>Note. The Australian and New Zealand Standard entitled AS/NZS 2107—2000, <i>Acoustics—Recommended design sound levels and reverberation times for building interiors</i> and the Australian Standard entitled AS 3671—1989, <i>Acoustics—Road traffic noise intrusion—Building siting and construction</i>, published by Standards Australia, should be referred to in establishing acceptable noise levels.</p>	<p>Acoustic treatment of the north western corner of the building, which is closest to the Wrights Road roundabout, is proposed.</p>	
<p>35. Solar access and design for climate</p>		
<p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p> <p>Note. AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.</p>	<ul style="list-style-type: none"> • The proposal has adopted a 1, 2 and 3 storey built form with suitable setbacks to boundaries. There will be no significant overshadowing of adjoining properties and which it is noted are either non-residential uses or well setback from the road frontage in any event. • Therefore adequate sunlight access will be maintained to adjacent properties. 	<p>Yes</p>
<p>36. Stormwater</p>		
<p>The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<p>Refer to comments later in this report addressing stormwater requirements. On-site detention stormwater facilities are proposed.</p>	<p>Yes</p>

37. Crime prevention		
<p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</p> <p>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</p> <p>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<ul style="list-style-type: none"> The Applicant has advised that the proposal has been designed to protect the security of residents through the design of building entries which are highly visible (both into and out of) which are monitored by receptionists, and which are lockable at the appropriate times. <p>Passive surveillance of the streets and on-site common areas is achieved.</p> <p>The details submitted are considered satisfactory.</p>	Yes
38. Accessibility		
<p>The proposed development should:</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>The proposal has clear designated pedestrian links which can be used to walk to the nearby hospital or other medical facilities and the nearby bus stop.</p> <p>Satisfactory and logical pedestrian and vehicular entrances to the proposal along with satisfactory onsite parking have been provided as detailed on the submitted plans for the proposal.</p> <p>A condition is recommended to require a footpath to be constructed to link up to the Base Hospital frontage to provide compliant accessibility.</p>	Yes

39. Waste management		
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The proposed development provides for waste facilities that maximise recycling by the provision of appropriate facilities.	Yes
45. Vertical villages		
<p>(1) Application of clause This clause applies to land to which this Policy applies (other than the land referred to in clause 4 (9)) on which development for the purposes of residential flat buildings is permitted.</p> <p>(2) Granting of consent with bonus floor space is subject to subclause (6), a consent authority may consent to a development application made pursuant to this Chapter to carry out development on land to which this clause applies for the purpose of seniors housing involving buildings having a density and scale (when expressed as a floor space ratio) that exceeds the floor space ratio (however expressed) permitted under another environmental planning instrument (other than <i>State Environmental Planning Policy No 1—Development Standards</i>) by a bonus of 0.5 added to the gross floor area component of that floor space ratio.</p> <p>Note. For example, if the floor space ratio permitted under another environmental planning instrument is 1:1, a consent authority may consent to a development application for the purposes of a building having a density and scale of 1.5:1.</p> <p>(3) Subsection (2) applies even if the floor space ratio permitted under another environmental planning instrument is expressed in a development control plan.</p> <p>(4) In calculating the gross floor area for the purposes of subclause (2), the</p>	<ul style="list-style-type: none"> Residential Flat Buildings are permitted on the subject site under the LEP 2011. <p>It is proposed to utilise the available floor space ratio bonus provided in the SEPP (Housing for Seniors) for vertical village applications involving a minimum 10% component of affordable accommodation.</p> <p>A total FSR of 1.19:1 is being proposed. The Applicant has submitted that FSR is in excess of the SEPP's FSR bonus, but not in excess of a 10% variation to the maximum FSR standard as addressed in the application for a clause 4.6 variation. The 0.5:1 FSR bonus is acknowledged in merit in the clause 4.6 variation later in this report.</p> <ul style="list-style-type: none"> A minimum 10% of the dwellings for residents will be affordable places, as stipulated in the SEPP. A condition is recommended to enforce. 10% of total bed places will be identified by the operator. A condition is recommended in this regard. 	Yes

<p>floor space used to deliver on-site support services (other than any floor space used to deliver communal or residents' living areas) is to be excluded.</p> <p>(5) However, if the area of the floor space referred to in subclause (4) is greater than 50% of the gross floor area, then the area that may be excluded under subclause (4) is limited to an area that does not exceed 50% of the gross floor area.</p> <p>(6) Requirements relating to affordable places and on-site support services A consent authority may only grant consent to a development application as referred to in subclause (2) if:</p> <p>(a) the consent authority is satisfied, on written evidence, that:</p> <p>(i) the proposed development will deliver on-site support services for its residents, and</p> <p>(ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and</p> <p>(b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.</p> <p>(7) Grounds on which consent cannot be refused A consent authority must not refuse consent as referred to in subclause (2) only because the proposed development does not comply with a standard referred to in clause 40 (4) (a), 48 (a), 49 (a) or 50 (a).</p> <p>(8) Conditions on grants of development consent A development consent may be granted as referred to in subclause (2) subject to a condition that requires the creation of a restrictive or positive covenant on land to which a development application relates</p>		
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<p>concerning the continued provision of the affordable places identified in the application.</p> <p>(9) A development consent may be granted as referred to in subclause (2) subject to a condition that requires the affordable places identified in a development application to be owned and managed by an organisation providing community housing that is registered for the time being with the Office of Community Housing.</p> <p>(10) Subclauses (8) and (9) do not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.</p> <p>(11) Clause does not apply to certain heritage affected land Nothing in this clause applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the <i>Heritage Act 1977</i> applies.</p> <p>(12) Definitions In this clause:</p> <p><i>affordable place</i>, in relation to seniors housing, means a dwelling for the accommodation of a resident:</p> <p>(a) whose gross household income falls within the following ranges of percentages of the median household income for the time being for the Sydney Statistical Division according to the Australian Bureau of Statistics:</p> <table><tr><td>Very low income household</td><td>less than 50%</td></tr><tr><td>Low income household</td><td>50% or more but less than 80%</td></tr></table>	Very low income household	less than 50%	Low income household	50% or more but less than 80%		
Very low income household	less than 50%					
Low income household	50% or more but less than 80%					

<p>Moderate income household 80–120%</p> <p>(b) who is to pay rent that does not exceed a benchmark of 30% of the resident's actual household income.</p> <p><i>on-site support services</i>, in relation to residents of seniors housing, means:</p> <p>(a) 3 meals a day provided on a communal basis or to a resident's dwelling, and</p> <p>(b) personal care, and</p> <p>(c) home nursing visits, and</p> <p>(d) assistance with housework.</p>		
48. Standards that cannot be used to refuse development consent for residential care facilities		
<p>A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds:</p> <p>(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or</p> <p>(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</p> <p>(c) landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,</p> <p>(d) parking for residents and visitors: if at least the following is provided:</p> <p>(i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and</p>	<p>The proposal is required to provide 23 car parking spaces and 1 ambulance bay based on the following:</p> <ul style="list-style-type: none"> 105 beds are proposed = $105/10 = 11$ spaces minimum to be provided. Peak staff numbers are proposed to up to 24 which requires 12 spaces at a ratio of 1 space to 2 staff. <p>1 parking space can be provided for an ambulance in the front drop off area at ground level.</p> <p>The proposal provides 31 parking spaces, 8 more than the minimum required by the SEPP.</p> <p>The SEPP states that Council cannot refuse the application on grounds of off-street parking provision</p>	Yes

<p>(ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and</p> <p>(iii) 1 parking space suitable for an ambulance.</p> <p>Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.</p>	<p>where it provides the minimum numbers.</p>	
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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 R1 general residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for seniors housing is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

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

- the proposal is a permissible landuse;
 - the proposal will provide for suitably located high care residential accommodation.
- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
 - Clause 4.3, the maximum overall height of the building above ground level (existing) is 9.8m (1.3m or 15.2% exceedance) which is unable to comply with the standard height limit of 8.5 m applying to the site. *Refer to clause 4.6 below for specific details.* The sections of the building above the 8.5m height are shown on the plans attached to this assessment report.
 - Clause 4.4, the floor space ratio of the proposal is 1.19:1.0 which exceeds the maximum 0.65:1 floor space ratio applying to the site. The Seniors SEPP allows for a 0.5:1 floor space ratio bonus (1.15:1 FSR permitted) and therefore the proposed FSR represents a 0.04:1 or a 3.4% variation. Refer to clause 4.6 below for specific details. As noted above, the Applicant has identified that specific floor areas within the building (those providing on-site support services under the Seniors SEPP) are not required to be counted in the GFA calculations. The approach taken by the Applicant in this regard is considered correct.
 - Clause 4.6 – provides for the granting of development consent for development even though it will contravene a development standard imposed by the LEP or any other environmental planning instrument. The Applicant has lodged a clause 4.6 objection under the LEP in regards to variations to building height and floor space ratio standards.

The following justification points are provided to address why compliance with the development standards are unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental grounds to justify contravening the standard:

1. Both the proposed variation in Height of Building at 1.3m or 15.2% of the standard and the proposed variation in addition to assumed allowance for extra floor space under the Seniors SEPP FSR control at an additional 0.04:1, 137.5m² or 3.4% (above the assumed Seniors SEPP standard extra floor space allowance), are minor, and will not result in any identifiable unacceptable impacts on adjoining properties or public areas including the surrounding street;
2. The Seniors SEPP 2004 does not have a statutory maximum building height for the development (by default under clause 40 of this SEPP) as Residential Flat Buildings are permitted in the PMH LEP 2011 R1 General Residential Zone in which the site is located;
3. The proposed development including the proposed variation to the PMH LEP 2011 height of building control and the Seniors SEPP 2004 FSR control is consistent with the objectives for development within the subject R1 General Residential Zone under the PMH LEP 2011 to (relevantly) provide for the housing needs of the community, to provide a variety of housing types and densities and to enable other land uses that provide facilities or services to meet the day to day needs of residents.
4. The proposed development including the proposed variation to the PMH LEP 2011 height of building control and the Seniors SEPP 2004 FSR control will also be consistent with the objectives of the Seniors SEPP 2004 as contained in clause 2(1) including making efficient use of existing infrastructure and increasing the supply of seniors housing.
5. The proposed additional building height and FSR will not create any detrimental impacts on adjoining properties in regard to bulk and scale, privacy and overshadowing;
6. There are no immediately adjoining residential dwellings to the subject site. The only immediately adjoining property is to the east (No. 3 Highfields) is a Urology Clinic. To the west and south the site has frontage to Highfields Circuit and to the north, the Wrights Road existing vegetated road reserve. Opposite the site in Highfields Circuit there are additional medical consulting rooms to the west and south of the site with two newer residential accommodation developments which run more or less end on or perpendicular to the street (one of which has a 3 storey height taking advantage of that site's topography). This lack of immediately adjoining residential development avoids any possibility of detrimental amenity impacts such as bulk and scale, aural and visual privacy and overshadowing being created from the variations;
7. The proposed development is located within a rapidly emerging and transitioning higher density health precinct including large accommodation facilities, medical centres and the significant Port Macquarie – Base Hospital building to the north of the site. The development with its proposed 1, 2 and 3 storey building height and FSR will be generally in keeping and context with this surrounding development;
8. The development has a well-considered and thoughtful architectural design which is a stepped 1, 2 and 3 storey, E-shaped building which has

- effectively minimised the perception of bulk and scale to the surrounding streets and adjoining properties;
9. The proposal is consistent with the objectives of the subject development standard (being *Clause 4.3 – Height of Buildings* of the PMH LEP 2011) particularly as the height of the building will provide a transition in built form from the Port Macquarie Hospital to the north;
 10. The approval of the proposal with the subject variations to the height of building and FSR control will also not create an undesirable precedent or cumulative effect as the development is within the defined emerging Hospital precinct with unique characteristics and built forms. The maximum height of the recent additions to the Hospital is 18.75m from existing ground level.

The variations are therefore recommended to be supported.

It is noted that the Department of Planning and Environment Circular PS08-003 provides Council with the assumed concurrence of the Director General with respect to the Clause 4.6 variation.

In accordance with the Department of Planning and Environment Circular PS 08-014, the proposed variation is greater than 10% which requires the DA to be determined by full Council.

- Clause 5.9, several listed trees in Development Control Plan 2013 are proposed to be removed. Refer to comments later in this report addressing flora and fauna.
- Clause 5.10, heritage - the site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.7, airspace operations – A condition is recommended to address any potential for construction cranes extending up into the defined Obstacle Limitation Surface (OLS) associated with the operations of the Port Macquarie Airport.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

(iii) Any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

There are no precinct specific provisions relating to Highfields Circuit.

Whilst the subject development proposal is not a Residential Flat Building, given the nature of the building, the development provisions (as applicable and listed below) relating to Residential Flat Buildings are considered to be appropriate to have regard to.

It should be noted that where DCP provisions are inconsistent with the standards of the Seniors Housing SEPP, the SEPP standards will prevail to the extent of any inconsistency.

DCP 2013: Residential Flat Development, Tourist and Visitor Accommodation and Mixed Use Development			
DCP Objective	Development Provisions	Proposed	Complies
3.3.2.2	Satisfactory site analysis plan submitted.	Satisfactory site analysis plan submitted.	Yes
3.3.2.3	Statement addressing site attributes and constraints submitted.	Statement addressing site attributes and constraints submitted.	Yes
3.3.2.4	<p>Streetscape and front setback:</p> <ul style="list-style-type: none"> • Within 20% of the average setback of the adjoining buildings. • 3m setback to all frontages if no adjoining development. • 2m setback to secondary frontages. • Max. 9m setback for tourist development to allow for swimming pool. 	<p>There are no other similar scale buildings along the subject western and southern sides of Highfields Circuit. The proposed front setbacks are as follows:</p> <ul style="list-style-type: none"> • Min. 5.055m setback to the south front boundary. • Min. 6.0m setback to the west front boundary. • The Applicant has stated that the porte coche awning is setback 3.5m from the west front boundary. 	Yes
3.3.2.5	Primary openings aligned to street boundary or rear of site.	The site is a corner lot. Satisfactory orientation of openings to both street frontages and rear northern boundary.	Yes
	<p>Side setbacks comply with Figure 3.3-1:</p> <ul style="list-style-type: none"> • Min. Side setback 1.5m for 75% of building depth. • Windows on side walls min. 3m from side boundary. <p>3m minimum where adjacent to existing strata titled building.</p>	1m minimum eastern side setback for rear half of building	No*
	Side walls adjacent to existing strata-titled buildings should be articulated and modulated to respond to the existing buildings.	N/A	

3.3.2.6	<ul style="list-style-type: none"> Min. 6m rear setback (including sub basements) 	Site is a corner lot	N/A
	Corner sites consolidated with adjacent land where possible.	No consolidation necessary	N/A
	Deep soil zones: <ul style="list-style-type: none"> Extend the width of the site and have minimum depth of 6m. Are contiguous across sites and within sites (see Fig 3.3-4).	6m north side setback and other areas within the site provide deep soil zones.	Yes
3.3.2.9	Deep soil zones accommodate existing advanced trees, and allow for advanced tree planting.	Detailed landscape plan submitted which is satisfactory.	Yes
3.3.2.11	<ul style="list-style-type: none"> Deep soil zones integrated with stormwater management measures. 	Deep soil zone has limited identifiable integrated stormwater management identified.	Yes
3.3.2.12	Sunlight to the principal area of ground-level private open space of adjacent properties should not be reduced to less than 3 hours between 9.00am and 3.00pm on June 22.	Sunlight to the principal area of ground-level private open space of adjacent properties not reduced to less than 3 hours between 9.00am and 3.00pm on June 22. Note that there is only a Urology medical centre next door.	Yes
3.3.2.13	Internal clothes drying space provided (not mechanical).	Proposal is for high care aged facility being different to typical residential flat building with self-contained dwellings. In house cleaners will be provided.	Yes
3.3.2.14	Ceiling fans provided in preference to air conditioning.	No details. Proposal is not a BASIX affected building.	N/A
3.3.2.15	Solar hot water systems (or equivalent technology) provided.	No solar hot water system proposed.	N/A
	Photovoltaic arrays installed where practical.	No PV arrays proposed	N/A
	Landscape plan provided including: <ul style="list-style-type: none"> 35% soft landscaping with minimum width of 3m. 	Detailed landscape plan submitted which is satisfactory.	Yes

	<ul style="list-style-type: none"> Existing vegetation and proposed treatment. Details of hard landscaping. Location of communal recreational facilities. Species not to obscure doors, paths, etc. <p>Street trees in accordance with Council's list.</p>		
	Existing vegetation to be retained and nutrient-rich water prevented from entering native gardens.	Detailed landscape plan submitted which is satisfactory.	Yes
3.3.2.16	<ul style="list-style-type: none"> Landscape plan to demonstrate how trees and vegetation contribute to energy efficiency and prevent winter shading on neighbouring properties. 	Detailed landscape plan submitted which is satisfactory.	Yes
3.3.2.17	Street trees in accordance with Council's list.	One street tree proposed.	Yes - capable
3.3.2.18	All dwellings at ground floor level have minimum 35m ² of private open space, including one area 4m x 4m at maximum grade of 5% and directly accessible from living area.	No dwellings proposed	N/A
3.3.2.19	Where open space is of irregular shape, areas having a width less than 2m are excluded from calculated area.	n/a	
3.3.2.20	<p>Building to be designed so that:</p> <ul style="list-style-type: none"> Busy, noisy areas face the street. Quiet areas face the side or rear of the lot. <p>Bedrooms have line of site separation of at least 3m from parking areas, streets and shared driveways.</p>	<p>Building design layout is satisfactory having regard to the street orientations. Acoustic treatment of the north western corner of the building, which is closest to the Wrights Road roundabout, is proposed.</p> <p>Parking is within basement.</p>	Yes

3.3.2.26	<ul style="list-style-type: none"> Development complies with AS/NZS2107:2000 <i>Acoustic – Recommended design sound levels and reverberation times for building interiors for residential development.</i> 	<p>The proposal will be required to meet the requirements of the Building Code of Australia which is required to be checked at Construction Certificate stage.</p> <p>Acoustic treatment of the north western corner of the building, which is closest to the Wrights Road roundabout, is proposed.</p> <p>Parking is within the basement which will not create any identifiable internal amenity issues between parking and sleeping areas.</p>	Yes
	<p>Direct views between living room windows to be screened where:</p> <ul style="list-style-type: none"> Ground floor windows are within 9m of windows in an adjoining dwelling. Other floors are within a 12m radius. <p>Living room windows are within 12m radius of the principal area of private open space of other dwellings.</p>	<p>There are no primary living areas in each of the nursing home/high care rooms.</p> <p>Notwithstanding there are no significant adverse privacy impacts identified to warrant refusal of the application.</p> <p>Note that there is only a Urology medical centre next door.</p>	Yes
3.3.2.28	Developments to be designed in accordance with AS 1428.	The development is capable of compliance with AS1428.1. Specific compliance details will need to be addressed as part of the Construction Certificate	Yes – capable
3.3.2.30	<ul style="list-style-type: none"> Lift over-runs and plant integrated within roof structures. 	Lift over-runs and plant integrated within roof structures.	Yes

3.3.2.31	Outdoor recreation areas on roof tops to be landscaped and incorporate shade structures and wind screens.	The outdoor terrace proposed on the first and second floor plan levels are not provided with any shade structures. These areas are intended to provide a useable open space for occupants. Future shade structures can be provided if required.	No - however capable to provide shade if required in future.
3.3.2.36	Outdoor roof areas oriented to the street.	Outdoor roof areas orientated to Highfields Circuit.	Yes
	Roof design to generate interesting skyline.	Roof design will generate an interesting skyline.	Yes
	Facade composition should: <ul style="list-style-type: none"> • Have balance of horizontal and vertical elements. • Respond to environmental and energy needs. • Incorporate wind mitigation. • Reflect uses within the buildings. Include combination of building elements.	Façade composition acceptable design.	Yes
	Building elements, materials and colours consistent or complimentary to those existing in the street.	Building elements, materials and colours acceptable.	Yes
3.3.2.37	<ul style="list-style-type: none"> • Entrances clearly identifiable from street level. 	Entrances clearly identifiable from street level.	Yes
3.3.2.38	Entries provide clear line of sight between one circulation space and the next.	Entries provide clear line of sight between one circulation space and the next.	Yes
3.3.2.39	Entries avoid ambiguous and publicly accessible small spaces in entry areas.	Entries avoid ambiguous and publicly accessible small spaces in entry areas.	Yes
	Entries sheltered and well lit.	Entries sheltered and well lit.	Yes
	Entries and circulation spaces sized for movement of furniture.	Entries and circulation spaces sized for movement of furniture.	Yes

	Corridors minimum 2.5m wide and 3.0m high.	Corridors minimum 2.1m minimum width.	Variation of 0.4m acceptable as relates to a high care aged facility and not typical residential flat building with dwellings
	Corridor lengths minimised and avoid tight corners.	Corridor lengths minimised and avoid tight corners.	Yes
	Longer corridors articulated by: <ul style="list-style-type: none"> • Changing direction and width. • Utilising series of foyers. Incorporating windows.	Longer corridors articulated by: <ul style="list-style-type: none"> • Changing direction and width. • Utilising series of foyers. Incorporating windows.	Yes
	Secure open air clothes drying facilities that are: <ul style="list-style-type: none"> • easily accessible, • screened from public domain and communal spaces, located with high degree of solar access.	Laundry area provided in basement designed specifically for the needs of a high care aged facility	N/A
	<ul style="list-style-type: none"> • Public and private space clearly defined. 	Public and private space clearly defined.	Yes
3.3.2.42	Entrances: <ul style="list-style-type: none"> • oriented to public street, • provide direct and well lit access between car parks, lift lobbies and unit entrances, • optimise security by grouping clusters (max. 8) around a common lobby 	Entrances: <ul style="list-style-type: none"> • oriented to public street, • provide direct and capability for being well lit access between car parks, lift lobbies and unit entrances 	Yes

3.3.2.44	Access to all parts of the building to be controlled.	Given the nature of the proposed high care use – access control will be provided throughout the site.	Yes
	Above ground utility infrastructure integrated with building design.	Above ground utility infrastructure integrated with building design including new electricity substation.	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill <1.0m change 1m outside the perimeter of the external building walls	Yes
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	Can be addressed as part of Construction Certificate	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No hollow bearing trees are proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	Several trees are proposed to be removed. A specialist Arborist Report has also been submitted to address potential impacts on trees within the adjoining Wrights Road reserve to the north.	Yes – applied for removal
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distribution road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing minimal in width	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. The requirements of this DCP are overridden by the requirements of the Seniors SEPP as detailed earlier in this report.	31 nominated parking spaces are proposed within the basement parking area. The proposal provides more parking than the minimum Seniors SEPP requires.	N/A
2.5.3.11	Section 94 contributions	Refer to main body of report.	Yes - condition
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Basement parking area proposed	N/A
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway proposed	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater drainage requirements are capable of being managed as part of plumbing construction.	Yes

The proposal seeks to vary the Development Provision relating to the recommended side setback on the eastern side of the site. Specifically, the eastern-most section of the building is setback 1m from the eastern site boundary which is unable to comply with the 3m side setback DCP provision (applicable for residential flat buildings rather than aged care facilities).

The relevant objectives are:

- *To allow flexibility in the siting of buildings while limiting the extent to which any building overshadows or overlooks adjacent properties.*
- *To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.*
- *To provide acoustic and visual privacy.*
- *To provide adequate area for deep soil planting.*

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- the proposal is located immediately adjacent to a non-residential use to the east, being a urology clinic and associated car park;
- the wall length along this boundary does not result in any loss of residential amenity or significant overbearing effects;
- the proposal will not create an unreasonable overshadowing impact on the adjoining property to the east;
- a larger setback is alternatively proposed along the northern boundary of the site;
- a multi-dwelling housing proposal or single dwelling could be proposed with a 1.0m side setback up to 8.5m in building height under the general housing provisions of the DCP.

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

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

No planning agreement has been entered into relating to the site. The Applicant has however made an offer in writing to seek commencement of process to prepare a Planning Agreement. Council Staff are currently negotiating the terms of the Planning Agreement however no Agreement has been formally entered into at this point.

The infrastructure requirements listed below with regard to sewer are required to be developer funded and Council is willing to facilitate Voluntary Planning Agreements (VPA) in the area to allow the cost of the infrastructure to distribute among multiple developers. This would be generally set up through a percentage breakdown for the cost of the infrastructure amongst the developers on an ET basis.

The infrastructure is recommended to be built as part of this development with the cost sharing details to be worked through separately after the development consent is issued.

iv) any matters prescribed by the Regulations:

Demolition of buildings AS 2601 – Clause 92

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

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

No Coastal Zone Management Plan applies to the subject site.

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

Context and setting

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

The proposal is considered to be sufficiently compatible with other development in the locality and adequately addresses the intent of planning controls including the floor space ratio and building height (noting the variations proposed) for the area.

The proposal will not have any identifiable adverse impacts on existing view sharing.

The proposal will be unlikely to generate any significant adverse lighting impacts.

There are no significant adverse privacy impacts identified to neighbouring properties.

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

Roads

The site has road frontage to Highfields Circuit, Port Macquarie.

Adjacent to the site, Highfields Circuit is a sealed public road under the care and control of Council. Highfields Circuit is a local road containing an 8m carriageway within a 20m road reserve.

Traffic and Transport

During the assessment of the DA, the Applicant has submitted a Traffic Impact Assessment form Woolacotts Consulting Engineers. A copy of the report is attached to this assessment report. Findings of the study determined:

Existing traffic concerns within Highfields Circuit all relate to on-street parking and congestion caused by poor parking, vehicles searching for parking and construction activities. We recommend that the on-street parking within Highfields Circuit be reviewed by Council and appropriate signage be erected to control the location and time available for non-resident parking. As a minimum we recommend formalising the no parking signage for the street frontage of this proposed development, which corresponds to the inside of a blind corner and is within close proximity of the roundabout intersection with Wrights Road. Conditions should also be placed on the parking of construction vehicles, to ensure they do not disrupt traffic flow by causing obstructions. The traffic generated by the proposed development is relatively minor and will have minimal impact on existing traffic conditions.

The findings of the traffic report are recommended to be supported. It is also noted that no parking signs are erected along the frontage of the development. Review of existing Highfields Circuit on-street parking and signage recommendations would need to be addressed separate to the DA process.

Site Frontage & Access

Vehicle access to the site is proposed through multiple driveway access to Highfields Circuit. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Due to the type and size of development, additional works are required to include concrete footpath paving (minimum 1.2m wide) along the full frontage.

Parking and Manoeuvring

A total of 31 nominated parking spaces (including 2 disabled spaces) have been provided on-site. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available and conditions have been imposed to reflect these requirements.

Water Supply Connection

Council records indicate that the development site has an existing 20mm metered water service.

Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development. Fire service and backflow protection requirements must be addressed in accordance with AS 2419.

Detailed plans will be required to be submitted for assessment with the Section 68 application.

Refer to relevant conditions of consent.

Sewer Connection

Council records indicate that the development site is connected to Sewer via junction to the existing sewer line that runs outside the southern property boundary.

The proposed development must discharge sewage to an existing or proposed sewer manhole. Any abandoned sewer junctions must be capped at the main.

The existing Council sewer system does not have sufficient capacity to facilitate the proposed development. This has been discussed extensively with the Applicant during the assessment of the DA. The following sewer infrastructure upgrades are required:

1. A new Sewer Pump Station of diameter 2.4 metres (located on the future CSU site) and lead in gravity trunk mains along the eastern boundary of Lot 7 DP 1094444 (currently being constructed by the student accommodation on Kingfisher Road DA2015 - 95).
2. Approximately 450m of sewer rising main from the Sewer Pump Station (described in requirement 1 above) to an existing sewer manhole located near Major Innes Road.
3. A deep carrier bypass sewer main through Major Innes Drive near the intersection of John Oxley Drive.
4. Approximately 150 metres of deep gravity sewer main along Major Innes Road
5. Approximately 250 metres of gravity sewer main on the northern side of Lot 8 DP 1094444.

The infrastructure requirements listed above are unable to be included in a Local Area Development Services Plan (DSP) and will not be applicable to contribution offsets if constructed. The contributions for the development would be the current DSP rates only and there would be no additional charge from another DSP.

The infrastructure requirements listed above are recommended to be developer funded and it has been recommended that the Applicant offer a Voluntary Planning Agreements (VPA) to allow the cost of the infrastructure which could also include distribution of cost among multiple developers. This would be generally done through a percentage breakdown for the cost of the infrastructure amongst the developers on an Equivalent Tenement (ET) basis.

Stormwater

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit/pipeline within Highfields Circuit.

A detailed site stormwater management plan will be required to be submitted for assessment with the Section 68 application and prior to the issue of a Construction Certificate.

In accordance with Council's AUSPEC requirements, the following must be incorporated into the stormwater drainage plan:

- On-site stormwater detention facilities
- Water quality controls

Refer to relevant conditions of consent.

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.

Soils

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

Air and microclimate

The construction and/or operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

Flora and fauna

During the assessment of the DA, an Arboriculture Impact Assessment Report prepared by The Tree MD Pty Ltd has been submitted to address tree retention outside the boundary on the northern side of the site within the Wrights Road reserve.

The author of this report established that excavation to within 4 meters of the existing fence line and 2.5m from the fence north of the tennis court location would not compromise the structural integrity of the Council trees. Further protective measures are specified to allow for the retention of soil moisture and that any tree roots encountered are preserved or pruned in accordance with the Australian Standard Pruning of Amenity Trees AS 4373 - 2007.8.

With the setback of the proposed development wall at 6m from the fence line with 3m deep excavation there can be sufficient room allocated for the protection and retention of the trees. Identifiable concerns are raised if the removal of the fence line, shed and tennis court are carried out with heavy machinery. Root development within the site is expected to be minimal due to the constraints of the fence line and concreted areas as well as the poor compact soil conditions within the site.

Additional concerns are raised with the establishment of footpaths or excavation for services or the location of a substation around Tree 1 and Tree 2, it is recommended that these designs are either above grade or a diploma level arborist oversees the possible excavation of the area. With the utilisation of a load sharing surface pedestrian access could be permitted through the Tree Preservation Zone.

The requirements of the Arborist Assessment are considered acceptable and recommended to be supported. An appropriate condition is recommended to require compliance with the recommendations.

Construction of the proposed development will require the removal/clearing of several trees within the site itself however these trees are not considered to be significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Section 5A of the Act is considered to be satisfied.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of Section J of the Building Code of Australia. No adverse impacts anticipated.

Noise and vibration

Acoustic treatment of the north western corner of the proposed nursing home is proposed to reduce noise associated with operation of the Base Hospital and the nearby Wrights Road roundabout.

During construction some noise and vibration may impact on the residential villas opposite however construction activities will only occur during those hours permitted by the Council.

The operational noise levels from the proposal will not be out character with the future intent of the precinct.

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

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

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 proposal will provide for suitable additional seniors housing which is encouraged by State legislation.

Economic impact in the locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction and aged care 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 will fit into the locality and the site attributes are conducive to the proposed development particularly due to the proximity to the Port Macquarie Base Hospital and medical precinct.

(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. Redacted copies of the submissions are attached to this report.

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

Submission Issue/Summary	Planning Comment/Response
Inadequate parking facilities provided.	31 parking spaces within a basement parking area and a designated drop-off area is proposed at the front of the development. This parking provided is greater than the minimum off-street parking spaces required under State legislation.
The locality is already experiencing car parking over-flow from hospital employees and visitors which is putting strain on legitimate patients trying to park at nearby medical centres.	
Very limited car parking spaces considering number of staff and visitor numbers.	
The capacity of the access roads and other infrastructure to cope with the increased traffic and itinerant visitors is becoming a real concern for tenants and owners within the locality.	During the assessment of the DA, the Applicant has submitted a Traffic Impact Assessment from Woolacotts Consulting Engineers. The findings of the report are noted and supported.
The width and capacity of Highfields Circuit to withstand the amount of usage per day has not been upgraded.	During the assessment of the DA, the Applicant has submitted a Traffic Impact Assessment from Woolacotts Consulting Engineers.
Wear and tear on the road is evident.	
Most days, vehicles are parked on the street from No 6 to No 12, which requires vehicles of regular car width to pass each other cautiously, with narrow space between.	The condition of the road is noted and is a Council issue to resolve. Any upgrades to Highfields Circuit would need to be addressed separately to the DA process.
Trucks and larger vehicles attending properties 1-5 and 2-12 are physically unable to get out of the traffic flow, thus reducing it to one-lane only. With the increased number of people driving on the street, attending their place of work or study, or attending specialist appointments, this is problematic and at times unsafe to all concerned.	It is noted that currently parking is only permitted on the southern side of the road. Adequate room is available for two vehicles to pass each other and access the parking areas within the development.
	It is noted that these are existing conditions that are not the responsibility of the development. Any upgrades to Highfields Circuit would need to be addressed separately to the DA process.

<p>The development proposed at No 1 Highfields Circuit appears to utilise the entire footprint of land available, apart from the council verge and required distance from a neighbouring fence line. Thus trades people and delivery trucks will not have room to park on the property during construction. This has been an issue with three other recent developments on the street.</p>	<p>Construction activity concerns are noted. A condition has been recommended requiring a construction management plan be provided prior to construction certificate address construction traffic and parking.</p>
<p>Where there is legal verge parking on other properties further down the street, what provisions will be put in place for verge restoration of those other than No 1?</p>	<p>Conditions of consent require a security bond to be held during construction which can be used to address damage related to construction.</p>
<p>The street is a cul-de-sac with the end being down the hill and around a narrow bend. There is no turning circle at the end of the street. Trucks have had to reverse all the way back, up the street in the past. What provisions will the developer be required to put in place, to ensure all large vehicles and trucks attending the site are made aware <u>not</u> to proceed down the street in order to turn around or exit the street.</p>	<p>Details regarding traffic and site parking management will need to be addressed as part of the construction management plan for the building site.</p>
<p>What provisions will the developer be required to put in place to ensure trucks do not proceed past the boundary of No 3 in order to keep the power lines intact and if they have ignored instruction and proceeded, ensure safety once lines are found lying across the road.</p>	<p>Construction deliveries will need to be addressed as part of the construction management plan for the building site.</p>
<p>The plans for the development of No 1 include underground parking entered from the area of the property that is around the corner from the proposed main entrance. The main entrance is shown to be central to the property frontage, with no parking for deliveries or visitors at this point. To further assist traffic flow into the street off the roundabout at the junction of Wright's Road and Highfields Circuit, I propose it is necessary for the developers to ensure there is bold signage erected angularly towards traffic entering the street, to advise all vehicles attending the property that they need to proceed round the bend in order to park.</p>	<p>This potential issue is noted. A condition is recommended to require suitable signage to be in place at the front of the development area to advise that parking is available at the rear of the development. It is understood that the porte coche area is a drop-off and pick-up area only.</p>

(e) The Public Interest:

The proposed development will be in the wider public interest with provision of appropriate additional high care housing.

The proposed development satisfies relevant planning controls, as justified including well founded variations to standard, and is unlikely to impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

5. CONCLUSION

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

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

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

Attachments

- 1[View](#). DA2016 - 701.1 DA Plans
- 2[View](#). DA2016 - 701 Recommended Conditions
- 3[View](#). DA2016 - 701.1 Nursing Home Survey
- 4[View](#). DA2016 - 701.1 Traffic Study
- 5[View](#). DA2016 - 701.1 Submission - Byrne & Black
- 6[View](#). DA2016 - 701.1 Submission - Green
- 7[View](#). DA2016 - 701.1 Submission - Rashid

Item: 12.02

**Subject: PROPOSED ROAD CLOSURE - UN-NAMED ROAD ADJOINING 631
BATAR CREEK ROAD, BATAR CREEK**

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.5.3 Develop, manage and maintain Council Business Units through effective commercial management.

RECOMMENDATION

That Council:

- 1. Make application to the Department of Industry – Lands and Forestry for the closure of that part of the un-named road depicted in registered road plan R9387-1603 south of the current creek being the extent shaded in the Plan drawn by Hopkins Consultants under their reference 7152.**
- 2. Request the Department of Industry – Lands and Forestry vest the closed road in Council as operational land.**
- 3. Subject to the vesting of the closed road as operational land, accept the value assessed by Council's Consulting Valuer as being the purchase price to be paid by the owners of 631 Batar Creek Road.**
- 4. Delegate to the General Manager authority to sign:**
 - a) The linen plan of road closure and first title creation;**
 - b) The Land and Property Information Request form for issue of certificate of title for the closed road;**
 - c) The Land and Property Information Transfer form;**
 - d) The Contract for Sale or Purchase of Land.**

Executive Summary

An application has been received for the closure and purchase of an un-named Council owned road that adjoins 631 Batar Creek Road, Batar Creek. As required by the *Roads Act 1993* mandatory notification of the proposed road closure has been conducted. This report recommends that application be made to the Department of Industry – Lands and Forestry for the closure of part of the road originally applied for closure.

Discussion

An application has been received for the closure and purchase of an un-named Council owned road that adjoins 631 Batar Creek Road, Batar Creek. The extent of the road applied for closure is shown in the attached plan. Following consultation with the owner of 623 Batar Creek Road, an amended area of road closure is now requested.

Options

There is the option to:

1. Make application to the Department of Industry – Lands and Forestry for the closure of the road.
2. Not make application to the Department of Industry – Lands and Forestry for the closure of the road.

Community Engagement & Internal Consultation

The proposed road closure has been notified to the public by Notice published in the local print media. At the conclusion of the mandatory 28 day notification period, no enquiries or submissions were received.

The proposed road closure has been notified to Statutory Authorities as required by the Department of Industry – Lands and Forestry. At the conclusion of the mandatory notification period, no objections were received.

Notification was provided to the adjoining landowner in the format required by Department of Industry – Lands and Forestry. A submission was received requesting that the extent of the proposed closure be modified so as to exclude that part of the originally surveyed road that coincides with what is now a creek. The adjoining owner states that in conjunction with Landcare, he maintains the creek bed and that part of the creek bank that is on his property. The adjoining owner wishes to continue with that maintenance. Council's road closing applicant has modified the road closing application so that the area of creek is excluded. The modified extent is shaded on the attached plan No 7152 drawn by Hopkins Consultants Pty Ltd.

Council's Infrastructure Division staff have determined that the road is not required for future access purposes and may be closed and sold.

Planning & Policy Implications

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

Financial & Economic Implications

If the closure is supported by Council the Department of Industry – Lands and Forestry vests the closed road in Council as 'operational' land. Council's Consulting Valuer will determine the value of the land comprising the area of closed road. The amount determined by the Valuer will represent the amount to be paid to Council by the owner of 631 Batar Creek Road. As prescribed by the *Roads Act 1993*, monies received from the sale of closed roads are to be spent either on maintaining the road network of acquiring land for road purposes.

All costs involved in the road closing process are being met by the owner of 631 Batar Creek Road.

Attachments

- 1[View](#). Extent of un-named road applied for closing and purchase
- 2[View](#). Amended area of road applied for closing and purchase
- 3[View](#). Road Plan R9387-1603

Item: 12.03

Subject: LONG FLAT VILLAGE SEWER SCHEME - ACQUISITION OF LAND AND EASEMENT

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

4.1.3 Plan, investigate, design and construct sewerage assets ensuring health, safety, environmental protection and the future growth of the region.

RECOMMENDATION

That Council:

- 1. Pay compensation in the amount of \$13,500 (GST Exclusive) to the owners of Lot 1 DP1061397, D & L Hollis, for the acquisition of Lot 1 and the easement for drainage of sewage 3 wide shown as (A) in plan of acquisition prepared by Surveyor Mark William Rogers reference 17203DP01.**
- 2. On registration of the plan of acquisition by the Land Titles Office, advertise for a period of 28 days the draft resolution "It is intended to classify Lot 1 (5076 Oxley Highway, Long Flat) as operational land".**
- 3. Note that a further report will be provided detailing any submissions received during the advertising period.**
- 4. Pursuant to Section 377 of the Local Government Act 1993, delegate to the General Manager authority to sign:**
 - a) Deed of acquisition/Contract for Sale**
 - b) Land Titles Office Transfer Form**
 - c) Land Titles Office Purchaser Declaration Form**
 - d) Letter to NSW Office of State Revenue seeking exemption from the payment of Stamp Duty.**

Executive Summary

Planning is advancing for the provision of sewer to Long Flat, Comboyne and Telegraph Point. Integral to the functioning of the sewer service, the construction of pumping stations, treatment plants and the laying of pipes to convey both treated and untreated waste water is required. Where possible, the provision of the sewer infrastructure has been placed within Council owned land or roads; however, at Long Flat the acquisition of private property is required to house the new infrastructure.

This report deals with the acquisition of land to enable construction of the sewer pumping station and the acquisition of an easement for the sewer pipe that leads to the pumping station.

Discussion

Planning for the provision of a reticulated sewer scheme to service Comboyne, Long Flat and Telegraph Point is ongoing.

At Long Flat, the acquisition of private land is necessary to enable the construction of a sewer pumping station and a treatment plant. Pipes will be laid to link the properties being served by the scheme to the pumping station and the treatment plant.

This report deals with the acquisition of and for the sewer pumping station and the acquisition of an easement for the pipe that links to the pumping station. The pumping station is to be constructed, and the pipe to be laid, on the northern side of the Oxley Highway, on property known as Lot 1 DP1061397 (5076 Oxley Highway) in the ownership of D & L Hollis. The location of the land to be acquired (Lot 1) and the easement for drainage of sewage (A) are shown highlighted in the survey plan of acquisition prepared by Mark William Rogers under reference 17203DP01.

Options

The acquisition of the land and easement is required to enable construction of the Long Flat Sewer Scheme.

Community Engagement & Internal Consultation

There has been ongoing consultation with the landowners, D & L Hollis.

There has been ongoing consultation between Officers of the Infrastructure Division and the Corporate Performance Division.

Planning & Policy Implications

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

Financial & Economic Implications

The acquisition of the land and the easement entitles the landowners to compensation. Having regard to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, Council's Consulting Valuer has assessed fair compensation for acquisition of the land and the easement at \$13,500 (GST Exclusive). A written offer in this amount was made to the landowners who have accepted the offer.

The agreement as to compensation is now reported to Council so that the acquisitions can proceed.

Attachments

1 [View](#). Plan highlighting land and easement to be acquired

Item: 12.04**Subject: SETTLEMENT SHORES ESTATE - FINAL CANAL MAINTENANCE
PLAN****Presented by: Infrastructure, Andrew Doig**

Alignment with Delivery Program

4.1.6 Develop and implement annual maintenance and renewal programs for stormwater assets.

RECOMMENDATION**That Council:**

- 1. Adopt the final Settlement Shores Estate Canal Maintenance Plan as attached to this report.**
- 2. Note the submissions received from the public during the exhibition period.**
- 3. Consider an allocation of \$690,000 from General Fund to the Canal Reserve during the preparation of the 2018/19 Operation Plan to fund works identified within the Settlement Shores Estate Canal Maintenance Plan.**
- 4. Receive a further report within the 2018/19 financial year outlining the canal maintenance undertaken in the 2017/18 financial year, the planned maintenance to be undertaken in 2018/19 and the adjusted cost estimate for the remaining maintenance works.**

Executive Summary

The draft Settlement Shores Estate Canal Maintenance Plan was placed on public exhibition for a 28 day period in June 2017, following a report to the May 2017 Ordinary Council meeting. During the exhibition period Council received six submissions which resulted in minor changes to the draft plan. The comments received centred on particular properties and the identified maintenance adjacent to those properties. Concerns were also raised regarding the shortfall in funding for the plan over the next ten years.

The final Settlement Shores Estate Canal Maintenance Plan is attached. This 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 hydraulically. The condition of the canals and how they are performing was largely unknown and there was evidence that several pieces of 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.

Council undertook a project to review and update the Canal Maintenance Plan over the 2015/16 and 2016/17 financial years.

A hydrographic survey and visual condition assessments were undertaken at the end of 2015. Community engagement was undertaken over April and May 2016 with the draft maintenance plan being produced in October 2016.

The draft maintenance plan was placed on public exhibition for a period of 28 days in June 2017. During this period Council received six submissions. As noted previously, comments received centred on particular properties and the identified maintenance adjacent to those properties. Concerns were also raised regarding the shortfall in funding for the plan over the next ten years. Specific details regarding the submissions are outlined in the Community Engagement & Internal Consultation section below.

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 can either adopt the recommendations as presented in this report or adopt alternative resolutions.

Community Engagement & Internal Consultation

The draft Canal Maintenance Plan was placed on public exhibition for 28 days from 30 May to 27 June 2017. During this period Council received six submissions. The submissions and associated responses are summarised below. All submissions are attached to this report.

The submissions did result in some minor adjustments to the final plan regarding maintenance responsibilities for some property owners.

Submission	Issue
<p>1. Deborah & Stephen Ringe</p>	<p>“Port Macquarie Council is responsible for maintaining and dredging of the canals to the property line” – Settlement Shores land release document</p> <p>It is Council’s neglect of this responsibility that has/is causing the major problems on the canals.</p> <p>1. Boat Ramps</p> <p>A very large percentage of properties require major maintenance or replacement of boat ramps due to undermining/scour of the foundation material. This foundation material is within the waterway vested in Council and the boat ramp owners are not responsible or allowed to interfere with the sediment beyond their property boundaries.</p> <p>It is also noted that a number of new boat ramps have been built and approved recently that do not comply with Council guidelines. They have no toe or edge beams which maximises the possibility of undermining/scouring.</p> <p>2. Revetment Walls and Private Beach Zones</p> <p>Lack of maintenance of the beach zone beyond 2.1 metres from the revetment walls causes the private beach zones to erode faster and thus expose the revetment walls to greater overturning forces. The revetment walls were designed to be embedded and retain a height of only 150 mm.</p> <p>As the Council controls the vast majority of the sediment in the canal adjoining any particular private property, no amount of replenishment of the private beach zone will be effective if the Council zone is not maintained – as with any erosion/sediment transportation, Mother Nature starts at the bottom and works up.</p> <p>Clearly, to maintain the canals in their original designed order, more frequent maintenance than that which has been carried out to date, is required. The lack of maintenance over the years has led to the current very poor state of the canal system.</p> <p>3. Vegetation</p> <p>Seagrasses, intertidal grasses, mangroves and salt tolerant grasses that spread over revetment walls all help to maintain sediment and hence</p>

Submission	Issue
	<p>stabilise the system. These elements all need to be encouraged, not discouraged, as per the report. Additionally, these elements help give a more 'natural' feel to the environment and provide habitat for other animals.</p> <p>4. Sediment Material Testing There are a number of locations where the revetment walls have been undermined to expose the asbestos corrugated sheeting adjoining the underside. Indeed, in some locations, the asbestos has been snapped off when the revetment concrete headwall has toppled over.</p> <p>These exposed asbestos locations will have released fibres into the waters and some of that will have settled into the sediments. Was the asbestos content of the sediments to be used for replenishing of beaches measured, and if so, what is the content level of asbestos in the sediments?</p> <p>Funding of Works All properties that front the canals have higher Unimproved Capital Value than the properties (on the opposite side of some streets) that don't front a canal – e.g. Ballina Cres. These higher values increase the rates paid by those property owners by amounts in excess of \$1000 p.a.</p> <p>This report identifies 430 rateable properties, thus over 10 years an additional minimum of \$4.3M will be paid by these properties to Council (above and beyond normal rates for non-canal properties). Council's expenditure according to this report is approx. \$2.7M over 10 years.</p>
Response/ Comment:	<p>All boat ramps and jetties/pontoons within the canals are private infrastructure. The repair, replacement and continual maintenance of the structure and its surrounds is the responsibility of the resident.</p> <p>Council has allocated funding in the 2017/18 Operational Plan to undertake the first stage of canal dredging in 2018.</p> <p>Prior to any works being carried out, Council will undertake detailed planning to identify if any vegetation removal is required.</p> <p>The sediment sampling that was undertaken did not sample for asbestos. Prior to dredging works Council will undertake additional sampling to ensure there is no risk of asbestos.</p>

Submission		Issue
		The general rates levied on a property are not specifically applied only to services at that property. General rate income is consolidated and allocated based on all the operational requirements of Council across the entire Port Macquarie-Hastings Local Government Area. General Rates vary across the entire Local Government Area.
2.	Darrell & Lorraine Stibbard	<p>Lack of routine maintenance by Council causing damage to private boat ramp— so we believe that Council is responsible for repairing it.</p> <p>Funding - Over the last 30 years we (and others) have paid rates on our property at a higher level than similar blocks that don't front onto canals. We don't get anything extra from Council for this money and we are unaware of any being spent specifically on the canals. We think it's time we got something for this extra money we pay and there is a need to do it now.</p>
	Response/ Comment:	<p>All boat ramps and jetties/pontoons within the canals are private infrastructure. The repair, replacement and continual maintenance of the structure and its surrounds is the responsibility of the resident.</p> <p>The general rates levied on a property are not specifically applied only to services at that property. General rate income is consolidated and allocated based on all the operational requirements of Council across the entire Port Macquarie-Hastings Local Government Area. General Rates vary across the entire Local Government Area.</p>
3.	Grahame Wilson	<p>Funding, or lack thereof, is the single issue directly impacting on the success of the CMP.</p> <p>If Council identifies and approves a source of funding for the anticipated shortfall in the 2017 CMP, there is no need to comment further. If not, further information / consultation will be required to inform the community of the status of the CMP.</p> <p>Title restriction of Canal Embankment and existing obstructions:</p> <ul style="list-style-type: none"> - Council needs to establish a clear policy regarding enforcement of covenants within the canals. - This policy should be publicised by direct mail to all landowners.

Submission	Issue
	<p>Boat Wash - A major impact on the stability and effectiveness of revetment walls, as well as the retention of sand on beaches, is the wash of passing boats.</p> <p>Council should join with Roads and Maritime Services in publicising requirements for boats using the river / canals.</p> <p>Also takes proactive actions such as increased signage on canals, information on websites, pamphlets on safe / responsible boating within the Hastings River provided to tourism operators and boating / fishing competition organisers etc.</p>
<p>Response/ Comment:</p>	<p>Council will continue to review the title restriction on properties within the canals and establish a policy regarding the enforcement of the restrictions.</p> <p>Council has established a good relationship with the RMS boating officer for the Hasting River. The RMS have recently improved the boat signage within the Canals with 14 signs being replaced, including the installation of new signs. Council will continue to work with the RMS to promote the appropriate use of boating craft within the canals.</p>
<p>4. Raymond Cleary & Rhonda Schouten</p>	<p>Number 1. The replacement of pebbles Council estimated cost of \$4,000. As we the landowners are responsible for approx 2 metres of land from the canal wall and Council is responsible for the rest we would like to know what amount of the pebble stabilization cost of \$4,000 would be the landowners cost and what amount would the council be responsible for.</p> <p>Number 2. The patchy Vegetation growth on BZ through cobbles. Upon examination, at low tide, we can see only 3 very small patches of vegetation growing between the pebbles which can be removed by hand in an instant. I would have thought any native vegetation (not mangroves of course) would help keep pebbles and sand in place.</p> <p>Number 3. Piles need to be replaced. We completely disagree with this as we moved in to 38 Commodore Crescent in 2009 and have had</p>

Submission		Issue
		the jetty installed since then, our jetty except for next door – Number 40 Commodore Crescent – is the newest jetty to be built in this area and that our piles are not needing replacing, they are in good condition. We would like to bring to your attention the jetty at 44 Commodore Crescent, which by the way has no maintenance issues according to the canal Master CMP Register (xlsx), this jetty has had leaning piles since the first day we moved into 38 Commodore Crescent in 2009.
	Response/ Comment:	<p>Approximately 20% of the beach zone that fronts a property is the responsibility of the owner, therefore out of the estimated \$4000 per property frontage for rock replacement, \$800 would be the responsibility of the owner. A more accurate cost of the works would be determined during detailed planning. Council would work closely with each affected property owner.</p> <p>A review has been conducted of the maintenance activities at 38 Commodore Cres and the Master CMP Register has been updated in line with your information accordingly.</p>
5.	Ken Bainbrigge	<p>We have reviewed the CMP and note 2 actions relating to our property being BZ3 and OB4</p> <p>1. We have no objection to removal of the mangrove tree and note that it lies within Councils area of works. (The tree does provide habitat for bird life.)</p> <p>2. The Council approved low level boat shed requires some form of landscape treatment to maintain access. While technically the retaining walls encroach on the 7.9 meter setback most of the walls would be below the natural embankment gradient and therefore should not be considered an obstruction to flows. An unobstructed 2.6 metre vehicular corridor behind the revetment wall has been maintained for vehicle access of maintenance vehicles should they be required. Retaining walls have been designed with large radius curves to allow free water movement around them. The wall construction is a modular block design enabling dismantling at a future date should it be required. The overall design of the foreshore treatment now accommodates a considerable flood water storage capacity. All landscaping works were in place when Council</p>

Submission		Issue
		issued the occupation certificate. We request Council reconsider the OB4 status.
	Response/ Comment:	Council will undertake detailed planning at each property prior to undertaking any works where each maintenance activity would be reviewed along with detailed discussion with each property owner. The Canal Maintenance Plan is a high level guiding document.
6.	Bob Pearson	<p>Report: BZ3 Mangrove on the foreshore, seaward of revetment</p> <p>Comment: The tree is more than 6 metres from the revetment wall, thus clearly more than 2.1 metres from the revetment wall and not the responsibility of the Landowner.</p> <p>Report: JE1 Blockwork piers, cracked and rotated. Replace blockwork piers</p> <p>Comment: Only one pier is in the claimed condition</p> <p>Report: T1 Garden bed and small shrubs within 7.9 m from revetment wall.</p> <p>Comment: They would not prevent continuous access along the canal embankment if necessary.</p> <p>Additional Comment: The 2004 maintenance plan also included reference to a covenant that "there be no buildings, fences, trees or other obstructions within 5.4 metres (7.9 metres in the case of the Governors Way) of the revetment wall". It does not appear that this requirement was enacted at that time as there are still many mature trees and palms within these boundaries that would be more than 13 years old.</p> <p>The 2017 master observations identify 148 cases relating to the T field for the 433 properties. The present vegetation is home to many birds and is in almost all cases attractive and it would be a real pity to enforce the requirement based on the need as stated previously and outlined below.</p> <p>The 2004 report states:</p> <p>"It was always considered, that tradespersons and their plant and equipment may one day need to gain access to waterfront properties by means of the bank along the water frontage. While there will seldom be the need for Council workers to use the</p>

Submission		Issue
		sloping bank on adjoining properties for access, it is in everybody's interest that access via the waterway bank is available when necessary." Why is it in everybody's interest if it is for each landowner?
	Response/ Comment:	<p>Council will undertake detailed planning at each property prior to undertaking any works where each maintenance activity would be reviewed along with detailed discussion with each property owner. The Canal Maintenance Plan is a high level guiding document.</p> <p>Council will continue to review the title restriction on properties within the canals and establish a policy regarding the enforcement of the restrictions. Having clear maintenance access does benefit all land owners if they need to get access to the rear of their property.</p>

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 Settlement Shores Estate 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.

This is a strategic estimate and will be continually refined as detailed planning is completed for different maintenance activities. At the completion of each financial year a review of works undertaken versus budget will be undertaken and the forward budget estimate adjusted as necessary.

The estimated financial implications per year are as follows:

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.

Council, as part of the maintenance plan review, has undertaken a review of all boating structures within the canals. This review has identified a number of structures for which a licence fee was not being collected and this has resulted in the annual income being increased from approximately \$95,000 to \$110,000.

As at July 2017 the reserve had a balance of \$693,092.

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

Based on the annual income of approximately \$110,000 being allocated to the canal maintenance reserve there is a shortfall of approximately \$1.09 million across the ten years for the funding of the Canal Maintenance Plan.

Council will need to consider an allocation of \$799,510 in the 2018/19 Operation Plan to undertake the identified maintenance activities.

In order to fund the 2018/19 maintenance activities, Council will need to consider an allocation of \$690,000 from the General Fund to be transferred to the Canal Reserve to make up the short fall from the Boating Structures Licence fee income.

As Council can only prepare and adopt an Operational Plan and budget for one financial year at a time the funding for future year's works will need to be considered in the development of each subsequent Operational Plan and corresponding budget.

Attachments

1[View](#). Settlement Shores Estate Canal Maintenance Plan Final Report

2[View](#). Combined Submissions - Settlement Shores Estate Canal Maintenance Plan Review_Redacted

Item: 12.05

Subject: SHORT-TERM HOLIDAY LETTING IN NSW: OPTIONS PAPER

Presented by: Development and Environment, Matt Rogers

Alignment with Delivery Program

4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development.

RECOMMENDATION

That Council make a submission to the Short-Term Holiday Letting in NSW Options Paper based on the issues outlined in this report.

Executive Summary

Following consideration of issues associated with the management of short-term holiday letting at the March 2016 Ordinary Meeting, Council resolved that a report be provided as to the findings and recommendations arising from the Inquiry into the *“Adequacy of the regulation of short-term holiday letting in New South Wales”*.

This report provides a summary of the options outlined in the *Short-Term Holiday Letting in NSW Options Paper* and recommends issues to be raised by Council in a submission to the NSW Government.

In summary, it is recommended that a submission advocate for the implementation of a range of options including; self-regulation, strata laws, planning regulation and registration, that combined will provide a practical framework for the management of short-term holiday letting.

Discussion

In December 2015 and March 2016 Council considered reports dealing with local planning controls that sought to address concerns about the potential impact of short-term holiday letting (STHL) on residential amenity.

The staff reports noted that a large number of existing dwellings are used for STHL and that these uses generally do not have a significant impact on residential amenity. However, where larger scale dwellings are used for STHL, there is greater likelihood that the dwelling will be used for larger gatherings and it is this type of use, commonly referred to as “the party house” that can have amenity impacts.

At that time, it became apparent that an Inquiry into the *“Adequacy of the regulation of short-term holiday letting in New South Wales”* was underway and had the potential to influence local approaches to dealing with the issue. At the March 2016 Ordinary Council Meeting it was subsequently resolved:

RESOLVED: Besseling/Roberts

That Council:

1. Note the information contained in the report.
2. Note the current Inquiry into the “*Adequacy of the regulation of short-term holiday letting in New South Wales*” is underway in the NSW Parliament.
3. Request a further report be provided to Council as to the findings and recommendations arising from the above Inquiry.

CARRIED: 8/1

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

AGAINST: Sargeant

This report addresses point 3 of the resolution.

In 2016, the NSW Legislative Assembly Committee on Environment and Planning conducted an inquiry into the adequacy of the regulation of STHL in New South Wales. Three public hearings were held between March and May 2016 and 212 public submissions were received. The Committee’s final report was published on 19 October 2016 and made 12 recommendations. The full report can be found on the Parliament of NSW website.

The key recommendations were that the NSW Government:

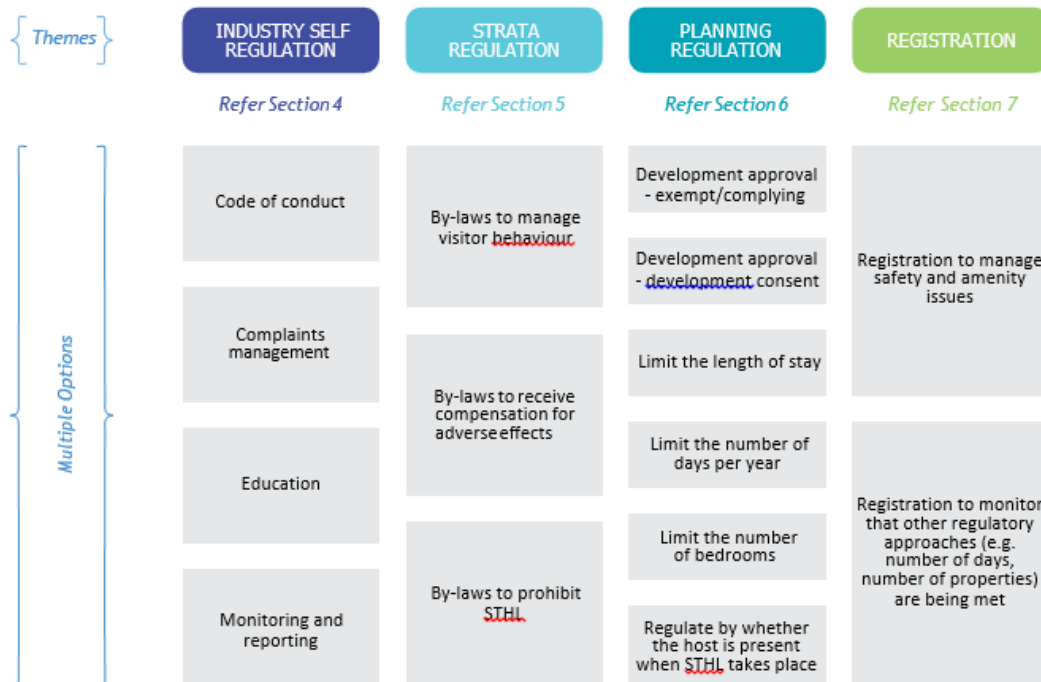
- amend planning laws to regulate STHL;
- allow home sharing, and letting a principal place of residence, as exempt development;
- allow empty houses to be let as exempt and complying development;
- strengthen owners’ corporations’ powers to manage and respond to issues in strata properties; and
- commit to further investigating impacts from STHL on traditional accommodation operators.

On 19 April 2017, the NSW Government responded to the Parliamentary Committee Report indicating general support for the recommendations. It then prepared an Options Paper to inform an appropriate way for government to respond to STHL.

The Options Paper is attached to this report. It recognises that there has been rapid growth in this industry in recent years, largely as a result of new online booking platforms, and notes the value of the industry nationally to be worth \$31.3B, providing income for property owners and creating jobs through the establishment of new businesses to manage transactions between property owners and customers. The Paper also notes that STHL accounts for 25% of total visitor nights and occurs in both regional and metropolitan areas.

The Options Paper identifies four potential approaches or themes for the management of STHL which are summarised in the figure below:

Figure 1 STHL Management Themes



The following commentary is provided in relation to each of the themes.

Industry Self-Regulation

The concept of self-regulation revolves around a Code of Conduct that industry would support and abide by. A Code would have an education benefit for industry, confirm complaint management mechanisms, allow for non-compliant properties to be removed from listing platforms (e.g. Air B&B trial) and facilitate monitoring and reporting of the STHL industry.

Submission:

A Code of Conduct is a positive element that should be supported. However, industry self-regulation alone is not likely to address problem STHL uses, such as party houses.

Strata Regulation

A number of options are canvassed for changes to strata laws to provide more effective remedies to owners' corporations to deal with STHL in strata buildings, including:

- making lot owner/ occupants liable for the conduct of occupants, unless owners had taken reasonable steps to prevent conduct breaching by-laws or causing a nuisance or hazard;

- streamlining and simplifying enforcement processes for breaching by-laws or causing a nuisance or hazard;
- allowing owners' corporations to apply to the Residential Tenancies Tribunal for an order to require owners to pay increased contributions to the administrative or capital works funds; and/ or
- enabling the Tribunal to make orders, in appropriate circumstances:
 - to cease conduct breaching by-laws or causing a nuisance or hazard;
 - for payment of compensation;
 - imposing a civil penalty; and/ or
 - to cease using the relevant lot for STHL, usually for a specified period.

The Options Paper also notes argument for and against laws that allow owners' corporations to prohibit STHL.

Submission:

Changes to strata laws that enable owners' corporations to effectively manage adverse impacts of STHL are supported. Changes such as those noted in the Options Paper would provide a number of realistic mechanisms to deal with inappropriate STHL without relying on Council compliance options alone.

Planning Regulation

Planning regulation options outlined in the Options Paper are not unlike those reported to Council at the December 2015 and March 2016 Ordinary Meetings. They rely on setting criteria by which STHL uses could be considered exempt development, complying development or development requiring consent.

In general terms, those STHL uses that are considered small scale would not require approval. The following triggers to determine the level of regulation are discussed in the Option Paper:

- Length of Stay
- Number of bedrooms
- Presence of the host

The need for a consistent definition of STHL in NSW is also recognised by the Paper which suggests that the most appropriate definition of STHL is as *a dwelling, or part of a dwelling, that provides short-term accommodation, but does not include tourist and visitor accommodation.*

Submission:

Triggers on the length of stay to determine whether a STHL use can be exempt or complying development are considered a necessary element not only to define lower impact STHL, but to adequately differentiate STHL from longer tenancy arrangements. An overall limit of 60 days use of a dwelling as short term rental accommodation in any 12 month period is considered a reasonable approach. It should be noted that it is difficult from a compliance perspective to monitor length of stay and therefore a requirement for hosts to maintain records of STHL use to enable compliance checks to be carried out would also be necessary.

Limiting the number of bedrooms that STHL can be carried out in without a DA is considered to be a primary mechanism for addressing potential amenity impacts.

While it is recognised that limiting the number of bedrooms is not a fool proof measure for limiting occupancy, it is a clear signal of the intent of the regulatory system in relation to low impact uses. A 4 bedroom limit is considered a reasonable trigger in this regard.

The presence of a host is arguably the most effective control for limiting amenity impacts and any proposal for STHL where a host is present to be exempt development should be supported.

Staff have previously reported to Council the option of requiring the display of a sign at the front entry point to the property which provides a 24 hour management contact number where the owner of the dwelling is not in residence at the time of a short term rental. This remains an option for consideration and could be a trigger for when STHL is regulated a complying development, along with other suitable criteria for uses that should not be exempt, but are not of a scale that require a DA.

Council has previously considered other matters that could be included as triggers for the level of regulation including:

- Parking requirements
- Waste management
- Bushfire
- On-site sewage management

These issues, and other like the suitability of STHL on flood prone land, should also be considered as part of any state-wide approach to regulating STHL.

Note that any STHL use that does not meet the triggers noted above would require development consent. The DA process allows for the detailed assessment of amenity impacts and a merit based decision on whether the STHL use should be approved.

It is also recommended that the definition for STHL be constructed so that it is consistent with other related definitions in the standard LEP.

Registration

Registration or licencing is an option that would assist in managing the potential impacts of STHL. It would work along with other options including regulation and elements of self-regulation by ensuring that landlords are aware of the regulatory requirements and a Code of Conduct. The Parliamentary Committee found that the concept of a registration system hosted by a Government agency rather than an industry body, was supported by most of stakeholders including residents in strata buildings.

Submission:

A registration system hosted by a NSW Government Agency is supported. Such a system should be online to reduce costs and should require all the necessary information from a landlord to also serve as a "self-assessment" tool for compliance with the planning regulatory system adopted for NSW.

For the effective management of STHL to be achieved, a suite of measures will be required. Elements of each of the Themes covered by the Option Paper will be necessary. Importantly, a consistent approach across NSW is required to provide certainty to landlords and neighbours. Opportunities exists for minimising the costs of

compliance on industry, including the use of exempt and complying development and online tools for STHL registration.

Depending on the planning triggers used, there are potential regulatory and compliance implications associated with the regulation of STHL and therefore potential financial impacts exist for Council. Should the planning triggers be set to high, then Council does not have the resources necessary to conduct extensive investigations into unauthorised short-term rental accommodation and it is impractical to require consent for every short term rental undertaken in the Port Macquarie-Hastings area. This issue should also be raised as a matter for consideration in Council's submission.

Options

Council has a number of options in relation to this matter including:

- Making a submission to the NSW Government in line with the issues raised in the report
- Making a submission raising alternative issues.
- Not making a submission

It is recommended that Council make a submission in line with the content of this report, which seek to provide practical and realistic input into the management of STHL in NSW.

Community Engagement & Internal Consultation

Not applicable.

Planning & Policy Implications

Depending upon the NSW Government's final position on regulating STHL, Council's planning position may change.

The government could make changes to the Standard Instrument Local Environmental Plan which will effect amendments to the Port Macquarie-Hastings LEP 2013 without further reference to council.

The government could also introduce model clauses that Council could consider for inclusion in the Port Macquarie-Hastings LEP 2013 at a future time.

Financial & Economic Implications

There are potential implications associated with the regulation of STHL depending upon the NSW Government's final position, as noted above.

Given the size of the STHL industry, there are also potential economic implications for our area, though it is difficult to predict the extent of impact.

Attachments

1 [View](#). Short Term Letting Options Paper

Item: 12.06

Subject: URBAN GROWTH MANAGEMENT STRATEGY 2017-2036 -
COMMUNITY ENGAGEMENT

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development.

RECOMMENDATION

That Council:

1. Exhibit the draft Urban Growth Management Strategy 2017 for a period of six (6) weeks, commencing 1 November 2017 and finishing 13 December 2017.
2. Accept written submissions by e-mail or post up to close of business on Friday 22 December 2017.
3. Consider a further report reviewing submissions following close of the exhibition period.

Executive Summary

This purpose of this report is to present the 2017 draft Urban Growth Management Strategy (UGMS) and to recommend that it be placed on public exhibition to provide an opportunity for community input. The draft UGMS is included as **Attachment 1** with this report.

The draft UGMS has been prepared to align with the goals, directions and actions contained in the North Coast Regional Plan (NCRP) 2036 prepared by the State government. The plan was released by the Minister for Planning in March 2017. The NCRP forms the basis for regional and local planning decisions and Council is required to ensure local planning controls reflect the priorities contained in the regional plan. All levels of government, the private sector and communities will need to work together to deliver the NCRP.

This is the first review of the UGMS, the original being prepared by Council in 2010 in response to the requirements of the former regional plan – the Mid North Coast Regional Strategy. The original UGMS was endorsed by the NSW government in May 2011. It is one of Council's principal long term strategies. The UGMS provides a strategic planning framework for all forms of urban land use, including residential, large lot residential, industrial retail and tourist development.

The UGMS looks forward 20 years and beyond, using census data and demographic projections to predict the future needs of our community.

The draft strategy has been prepared and compiled by Council's Strategic Land Use planning team in consultation with a Working Group of representatives from various Council Divisions and in consultation with the NSW government. The draft UGMS builds on the existing growth strategy and community input into the 'Our Place → Our Future Discussion Paper' in 2014-2015.

The following report provides a brief summary of the UGMS and submissions that have been received during preparation of the draft UGMS. It is recommended that Council place the draft UGMS on public exhibition, as detailed below:

Background

The draft UGMS 2017 (See Attachment 1) is being developed by Council to replace the current Port Macquarie-Hastings UGMS 2011.

The existing UGMS was endorsed by the Department of Planning & Environment (DP&E) in May 2011 and is based on the Mid North Coast Regional Strategy 2009.

The new draft UGMS 2017 is based on the North Coast Regional Plan, which was finalised by the State government in March 2017.

Council will be working within the governance arrangements that are proposed for the North Coast Regional Plan implementation and it is proposed that Council will seek State government endorsement for the UGMS following a proposed period of community engagement and review, as recommended in this report.

Council has undertaken planning for a number of new areas of proposed growth since 2011, including:

- The Thrumster Urban Release Area in Port Macquarie (est. 4,000 dwellings),
- The Rainbow Beach Urban Release Area between Lake Cathie and Bonny Hills (est. 2,000 dwellings),
- The Sancrox and Fernbank Creek employment zones on the Pacific Highway at Port Macquarie (approx. 90 ha of industrial land),
- An expansion of the Birdon Marine Working Waterfront zone on the Hastings River,
- An urban design framework for the Wauchope Town Centre,
- Additional land for bulky goods retail in Port Macquarie,
- Place based planning to facilitate higher density residential development in the central Port Macquarie CBD, and
- Planning for a number of smaller, infill development sites.

Some initiatives from the 2011 UGMS are ongoing, including planning for:

- A new Health and Education Precinct in Port Macquarie
- A Business Park at the Port Macquarie Airport,

- A residential release area at Yippin Creek in Wauchope,
- Properties at South Lindfield in Port Macquarie,
- Gateway sites at the intersection of the Pacific and Oxley Highways,
- A strategic Plan of Management for Koalas,
- A Biodiversity Strategy for the Port Macquarie-Hastings, and
- A review of Development Contributions Plans.

These initiatives have been carried forward in the draft 2017 UGMS.

Council has also undertaken planning for the Sancrox area since 2011. Council resolved on 18 February 2015 to: Include as part of Council's current review of the Port Macquarie-Hastings Urban Growth Management Strategy 2011, consideration/investigations;

- a) to determine whether urban development relating to Port Macquarie should be permitted to the west of the Pacific Highway with such consideration/investigations to include the potential urban capability/serviceability/capacity of lands between Oxley Highway to the north, Pacific Highway to the west and Houston Mitchell Drive to the south in reaching any conclusion or conclusions; and
- b) as to the viability of rural residential development in the Greater Sancrox area.

The Council resolution regarding planning at Sancrox is shown in **Attachment 2**.

The 2017 Draft Port Macquarie-Hastings UGMS

The aim of the UGMS is to provide a strategic planning framework, to prioritise and guide investigations for different types of urban land use in the Port Macquarie-Hastings. The draft Strategy includes planning principles and an assessment of projected supply and demand for different land use types. It also identifies new areas for investigation to meet projected demand and to allow investment to flow to those areas.

The draft UGMS has been prepared in 2 volumes.

1. Volume 1 provides a summary of the key facts and proposed actions.
2. Volume 2 provides a more detailed discussion regarding urban growth issues and actions to 2036.

The content of Volume 2 is presented in the following Parts:

Part 1 provides an introduction, including the Port Macquarie-Hastings Vision: A *sustainable high quality of life for all*.

Part 2 provides context for the UGMS, including key information regarding:

- Planning for the NSW North Coast Region
- A description of our Local Places
- Demographic statistics and projections, and

- Environmental and natural resource factors

Part 3 of the draft UGMS provides a draft planning framework in relation to housing, including an analysis of current housing supply and longer term growth options.

In summary, there is a projected demand for 10,000 new dwellings to accommodate the 23,000 new people that are expected in the Port Macquarie-Hastings by 2036. We are generally well placed to accommodate this projected growth in existing undeveloped residential areas. However, there are limited options for new growth areas to accommodate growth beyond 2036.

The draft Strategy aims to provide *Housing Choice - now and in the future* and looks at two key aspects of housing in order to achieve that goal.

1. Achieving a better fit between housing types and the changing needs of our community
2. Establishing residential zoned land for population growth that limits any adverse impact on the environment and other costs to the community

There are 11 draft key housing actions in Part 3 of the draft Strategy, which include:

- A review of local environmental plan (LEP) and development control plan (DCP) provisions to promote appropriate housing choice options,
- Neighbourhood planning at Wauchope CBD and Kendall,
- Urban release area planning at Wauchope (Yippin Creek), West Lake Cathie and at West Lindfield and Fernbank Creek in Port Macquarie,
- Preparation of a structure plan for the West Bonny Hills investigation Area,
- Investigation of land at Telegraph Point for limited rural residential development, and
- A review of LEP provisions for small lots around nominated rural villages.

Part 4 of the draft Strategy looks in more detail at the actions needed to plan for employment growth with the aim of achieving a prosperous and diversified economy. Part 4 includes an analysis of strategic planning for retail and industrial growth, tourism and for emerging industry sectors, such as health, education, creative industries and aviation.

In relation to retail and business uses, it is concluded that the current centres hierarchy is well placed to accommodate the forecast growth in retail and commercial demand to 2036. The Port Macquarie CBD is again highlighted as the primary retail and business centre and key to Port Macquarie's continued role as a Regional City in the North Coast Regional Plan. Planning for smaller scale, mixed use retail is proposed in conjunction with the proposed Health and Education Precinct in Port Macquarie.

The current supply of industrial land in the Port Macquarie-Hastings is also well placed to accommodate projected demand to 2036, with opportunities for a range of industry types including:

- larger, export oriented development,
- marine industry development,
- smaller, light and general industrial development to serve emerging populations, and
- service industry and business park development close to Port Macquarie.

There are 8 draft key actions in Part 4, related to employment areas:

- A review of planning provisions for the Port Macquarie CBD,
- Council led precinct planning for the proposed health and education precinct,
- A new Destination Management Plan for the Port Macquarie-Hastings,
- Planning for a Business Park at the Port Macquarie Airport,
- Planning for the 'gateway sites' at the intersection of the Pacific and Oxley Highways,
- Investigation of land at the intersections of Ocean Drive with Houston Mitchell Drive and Bonny View Drive for service industrial development,
- Investigation of options for future service industrial land in the Camden Haven, and
- A review of planning controls for rural and environmental areas in relation to recreation, agri-business and nature-based tourism.

Part 5 of the draft Strategy provides a summary of other actions that will be needed in the coming 5 years in relation to strategic planning, road, water, sewerage and stormwater infrastructure, environmental management, community facilities, open space, place making and community engagement.

In relation to transport planning, Council has coordinated planning in place for a network of collector and perimeter roads, pathways and cycleways, to promote connectivity within our new urban release areas. However, there is general pressure on the road network due to population growth, which will need to be addressed in coming years.

The draft UGMS 2017 has been prepared in parallel with the Area Wide Traffic Study (AWTS), in order to ensure that there is consistency in assumptions regarding potential future land use. The AWTS is expected to be finalised and tabled in the near future and will be also considered in the review of the draft UGMS.

There are 14 draft Key Actions in Part 5, which include:

- Collaboration with the NSW government to prepare a Regional Cities Action Plan

- A review of various Development Contributions Plans
- Analysing the feasibility of Orbital Roads around Port Macquarie
- Construction of Stage 1 of the new Thrumster Sewerage Treatment Plant
- Completion of the proposed Biodiversity Strategy and Coastal Areas Koala Plan of Management, and
- The preparation of a Coastal Management Plan.

Options

The analysis and proposed key actions in the draft Strategy are based on preliminary analysis and engagement by Council staff. They are presented as a basis for community engagement.

Council can opt to proceed to exhibition as recommended or defer exhibition, pending further review of the draft Strategy.

There is no statutory requirement that Council exhibit the draft Strategy. However, it is normal practice to exhibit a draft Strategy to provide every opportunity for community input. The proposed community engagement for the draft Strategy is summarised below:

Community Engagement & Internal Consultation

Consultation has been undertaken across the various Divisions of Council during preparation of the draft Strategy to ensure that the Strategy considers relevant issues across all of Council's functions. There has also been preliminary consultation with the NSW Department of Planning & Environment (DP&E) and consultation with key interest groups in relation to tourism and economic development.

Council has received correspondence from 70 individuals, community groups and State agencies with an interest in the Strategy outcomes, during preparation of the Strategy. The correspondence covers a wide range of issues and there are conflicting views in some instances, which have been considered by Council staff in the preparation of the draft Strategy.

It is not practical to address all issues raised in this report, however, a summary of the correspondence is provided as **Attachment 3** to this report and a copy of all the correspondence has been provided for the information of Councillors.

Council has a register of persons who have expressed an interest in the draft Strategy in order that these people can be notified at key stages in the process of preparing the draft Strategy. All parties have been advised that the draft Strategy is being presented to Council with this report and that there will be a formal opportunity to comment on the draft Strategy during exhibition.

As was the case when Council exhibited the draft UGMS in 2011, a large number of submissions are expected during the formal exhibition period. These submissions will be reviewed and reported to Council, with a response to issues raised, following the exhibition period.

It is recommended that Council exhibit the draft Strategy for a period of 6 weeks from 1 November 2017 to 13 December 2017, including:

- Formal notification in newspaper
- Press release
- Information and opportunities to input on Council website
- Community information sessions, and
- Referral to State government agencies

Planning & Policy Implications

The NSW Department of Planning & Environment is responsible for planning in NSW and oversees the planning undertaken by councils throughout the State. This planning includes the Environmental Planning & Assessment Act 1979 (as amended), State Environmental Planning Policies and Regional Plans, like the North Coast Regional Plan, which provides a framework for growth on the NSW North Coast.

The Regional Plan includes a large number of implementation actions for North Coast councils and puts the onus on councils to demonstrate that planning is being undertaken in accordance with regional planning principles. It proposes the preparation of action plans for regional cities, including Port Macquarie (Action 7.1) and requires that councils prepare local growth management strategies and local plans to meet the region's projected housing needs (Action 22.1).

The preparation of an Urban Growth Management Strategy, as discussed in this report, is a key step for Council, to establish a local planning framework that is consistent with the Regional Plan. The aim is that the UGMS will be endorsed by the Department, after exhibition and review by Council, as the basis for planning that is undertaken by Council and as a key step in the preparation of a Regional City Action Plan.

The draft UGMS is also one of Council's key strategies under the Port Macquarie-Hastings Community Strategic Plan 'Towards 2030', which provide the basis for Council's Delivery Programs and annual Operational Plans. The strategies are therefore key in determining actions, priorities, resources and reporting. The draft UGMS proposes actions over the next 5 years, noting that a further review of the UGMS is planned to take place in 2022 following review of the North Coast Regional Plan.

Financial & Economic Implications

The preparation of the draft UGMS has been coordinated by Council's Strategic Land Use Planning section, in consultation with other sections of Council and has been funded as a normal part of Council's operations. There are no additional financial implications to fund the preparation of the draft Strategy.

There are a number of ongoing funding issues for Council related to urban growth. These issues are summarised in Part 5 of the draft UGMS.

Attachments

- 1[View](#). Draft UGMS 2017-2036 Vol 1 and 2
- 2[View](#). OC Minute February 2015
- 3[View](#). Correspondence Summary

Item: 12.07

Subject: RECOMMENDED ITEM FROM TOWN CENTRE MASTER PLAN
SUB-COMMITTEE - PORT MACQUARIE FORESHORE

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the request from the Town Centre Master Plan Sub-Committee that it have representation on the Department of Primary Industries Lands 97A Committee.**
- 2. Determine Council representation on the Section 97A Committee when the NSW Government finalise the Terms of Reference of the Section 97A Committee.**

Executive Summary

The Town Centre Master Plan (TCMP) Sub-Committee met on 28 September 2017, and reached consensus on Item 05 (05) Port Macquarie Foreshore.

Town Centre Master Plan Sub-Committee resolution:

That the Town Centre Master Plan Sub-Committee have representation on the Department of Primary Industries Lands 97A Committee.

Executive Management Comment

The adopted Town Centre Master Plan (TCMP) charter highlights that recommendations to Council are to be made through the relevant Director. In this instance, Council's Executive team have reviewed the TCMP resolution and provide the following information to support the recommendation presented as part of this report.

Further information has been provided to Council since the 28 September 2017 TCMP meeting that indicates the Department of Primary Industries Lands are drafting a charter / terms of reference for the Section 97A Committee. Once the charter / terms of reference is finalised Council will have a better understanding as to whether representation shall be provided by the TCMP members, staff, or a combination of both etc.

Supporting the TCMP's recommendation, staff recommend delaying the representation decision until the Section 97A charter / terms of reference is finalised by the NSW Department of Primary Industries.

Accordingly, a recommendation to Council based on the original TCMP Sub-Committee intent is now presented to Council for consideration.

Attachments

Nil

Item: 12.08

Subject: RECOMMENDED ITEM FROM TOWN CENTRE MASTER PLAN
SUB-COMMITTEE - CBD MAINTENANCE IMPROVEMENTS
MONTHLY PROGRESS REPORT

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

4.6.1 Develop and implement a range of programs for the environmental management of lands within the local government area.

RECOMMENDATION:

That Council monitor the painting of rocks along the Town Green river frontage and beyond, prior to determining a prohibition of the practice.

Executive Summary

The Town Centre Master Plan Sub-Committee met on 28 September 2017, reached consensus on Item 06 (attached). The recommendation from the TCMP Sub-Committee is as follows:

That Council:

1. *Install signage to prohibit painting on the rocks at Town Green from the breakwall to William Street footbridge.*
2. *Consider education and communication programs advising the community of the above.*

Executive Management Comment

The adopted Town Centre Master Plan (TCMP) charter highlights that recommendations to Council are to be made through the relevant Director. In this instance, Council's Executive team have reviewed the TCMP resolution and provide the following information to support the recommendation presented as part of this report.

In this instance the Executive believe that the situation of rock painting fronting the Town Green and beyond should be monitored prior to the prohibition of painting.

The rock faces available along the frontage are small in comparison to those on the Breakwall. Whilst the views of the TCMP are noted, many residents and visitors are supportive of the practice of rock painting continuing.

It is worth noting that Crown Lands is currently responsible for the management of the existing Breakwall from Town Beach to the Town Green. As Councillor's would

be aware, there is long standing practice of rock painting along the Breakwall in Port Macquarie.

Attachments

1 [View](#). Item 06 Town Centre Master Plan Sub-Committee 2017 09 28

Item: 12.09

Subject: LONG TERM ENERGY STRATEGY - CONSIDERATION OF SUBMISSIONS

Presented by: Strategy and Growth, Jeffery Sharp

Alignment with Delivery Program

4.7.1 Promote renewable energy outcomes within Council.

RECOMMENDATION

That Council:

- 1. Note the submissions to the Draft Long Term Energy Strategy as discussed in this report.**
- 2. Adopt the Long Term Energy Strategy based on the comments received during the exhibition period.**
- 3. Receive a report in October 2018 on progress in implementing the Long Term Energy Strategy.**

Executive Summary

Council has developed a draft Long Term Energy Strategy which focuses on the future financial sustainability of Council. The strategy provides a framework to guide and facilitate strategic decision making to manage Council's energy resources, and comprises the following key components:

1. Council will aim to source 100% of its electricity from renewable sources by 2027.
2. Council will aim to implement one or more mid-scale solar projects, when this technology becomes cost efficient to install and operate, in the medium to long term.
3. Council will continue to implement appropriate energy efficiency initiatives (including but not limited to more small-scale solar projects) in the short to medium term.
4. Strategic advice will be periodically obtained by Council to inform the organisation of relevant advances in renewable energy technology.

At the Ordinary Council meeting on 16 August 2017 Council resolved to publicly exhibit the draft Long Term Energy Strategy for a period of 28 days.

Discussion

This public exhibition period is now complete with the outcomes of the exhibition process discussed below. There were 196 visitors to Council's engagement website to view the Strategy during the exhibition period, with the Strategy document downloaded 76 times. 14 submissions were received.

It is recommended that Council now formally adopt the Long Term Energy Strategy based on the comments received during the exhibition period.

Options

Council may either choose to adopt the Long Term Energy Strategy or adopt a modified strategy or proceed without a strategy.

Community Engagement & Internal Consultation

The draft Long Term Energy Strategy was available for public comment from 21 August 2017 to 20 September 2017. The submissions received have been grouped by theme and are detailed below.

Ref. No	Submission Author	Submission
Topic 1: Positive Support for Strategy		
1.	Angela Frimberger	Well done! I'm very proud of my Council for putting forth this excellent proposed Energy Strategy. Switching over to renewable energy makes good economic sense as well as environmental sense. This Strategy will support local employment and save Council money in the long run. In addition, Council's commitment to a strong renewable energy target, and publicity about it, will elevate our area's tourist appeal and boost the hospitality and tourism industry. Adopting this proposal will represent a boon for multiple sectors of our economy. This is well worth the cost. In addition, I'm happy to know that my local Council is a good steward of our beautiful natural resources and environment!
2.	Mel Gray-Thompson	Wouldn't it be good with our sun, wind and tides and our regional advantage to produce renewable energy; if we created a sustainable energy council including our influence in other spheres such as our investment portfolio to support the future not the past technologies as good for those who live and work here; it would be good for the present and an investment to reward the future not to burden our future generations with liabilities of climate change and poor financial decisions ignoring the needs to change.
3.	Mick Lyons	I congratulate and applaud Council on its initiative to consider a long term energy strategy for our City. The challenge will be to sell the Strategy to the Councillors and to the local community. The capital cost may scare people off and the savings that would accrue should be emphasised. The report by 100% Renewables includes a summary of similar initiatives in other towns and cities of the mid North Coast and North Coast. This information would be useful in selling the Strategy, making people more aware that the Strategy is not an isolated effort by our Council. Apart from the obvious energy

		savings that will result, the savings compared to business-as – usual should also be made clear.
4.	Jan Francis	My family and I are all for working towards 100% renewable energy and so are glad to read your draft to source land for solar panels and as soon as feasible a large scale storage battery. We have solar panels now and certainly plan to have battery storage in the future at our home too.
5.	Janet Dawson	<p>May I commend council for the steps it is taking in looking at this all important issue and for making the discussion papers available to the public.</p> <p>I am a home owner who for the past ten years has had 24 solar panels on my roof as well as solar hot water. I am totally committed towards moving to 100 percent renewables and urge council to follow this path.</p> <p>Some ideas which occur to me include:</p> <ul style="list-style-type: none"> - making full use of our wonderful climate by requiring all council buildings and all new home and other construction to have solar panels and solar hot water. - use of smaller, 12 seater vehicles for public transport routes. These would use less fossil fuel than the very large buses, which are seldom full. - increased water recycling. - increased bush regeneration and tree planting as carbon offset.
6.	Jane Stevenson	<p>I endorse every action that will result in Port Macquarie-Hastings being 100% renewable as early as possible. Solar panels on every council-owned structure including playing fields etc.</p> <p>Electricity purchased only from 100% renewable energy providers.</p>
7.	Tom Whelan	Dear Councillors I have read with great interest the draft long term energy strategy and fully support the proposed recommendations and actions. It was gratifying to see that Council will work towards a 100% renewable energy goal, and that it will do so with economic rigour, realisable short and mid-term goals, and public accountability. I strongly recommend that this policy be adopted.
8.	John Drinan	Thank you for the opportunity to review the Draft Long Term Energy Strategy. First, congratulations will be well-deserved if Council agrees to the 2027 target to be 100% renewable. I would hope this might be brought forward as equipment costs continue to decline and technology improvements continue to occur.
9.	Hadyn Oriti, Port Macquarie Chamber of Commerce	<p>Energy is a significant part of the cost of Council operations. That it should be the subject of a long-term strategy paper is to be commended.</p> <p>The Chamber does not have any concern about energy efficiency as a goal. The higher efficiency the better, so long as benefit warrants the expenditure.</p>

10.	Antony Moore	I applaud the Council for proposing a strong carbon-neutral energy platform for our area. I would not compromise on moving as rapidly as feasible to carbon neutral status. Particularly with the many coastal communities, this is an important initiative.
11.	John Handford	I compliment Council on the Draft Long Term Energy Strategy and Report.
12.	Colleen Carmody	I am very pleased to see Council working towards a clean energy target, independently of any other government body. I believe the 10 year timeframe is realistic to achieve a 100% renewable generation of power and if the timeline has to be adjusted to take into account unforeseen contingencies then Council should be empowered to meet and adjust accordingly. A short-term, mid-term and long-term strategy is a good way to allocate tasks and costs over time.
14.	Stuart Watson and Harry Creamer, Climate Change Australia	<p>Climate Change Australia Hastings supports all efforts to increase energy efficiency – it is the free lunch you get paid to eat! Council and the community will benefit in three broad ways – economic, environmental and social.</p> <p>Economic – As the Sunshine Coast Council plan shows, there are big savings possible by replacing conventional grid power purchased from the retailers, with user-generated renewable energy. These savings can be used in a variety of ways – more staff, rate reductions, project funding. The Strategy will also create local work in construction, installation and maintenance.</p> <p>Environmental – By replacing coal power with solar power, Council will be helping the national task of emissions reduction, which Australia's Coalition government signed up to in 2016, to reduce Australia's emissions by 27% by 2030. These emission reductions must come from somewhere, they don't just appear out of nowhere. The energy sector is the 'low-hanging fruit' of emission reductions. If not here, then where – transport, buildings, industry, agriculture or land use? In reality, emission reductions must come from all of these sectors and local councils must take a leading role, with or without national leadership.</p> <p>By moving to net zero emissions, Council will also be setting a good example to the community it serves. One of Council's corporate values is that it leads by example. However at present only 1.6% of Council's electricity comes from renewable energy – not a great example! The community is moving faster than Council on the transition to clean energy – over 25% of dwellings in our local government area, more than 20,000 local households, have solar generation with an installed capacity of more than 22 MW. Many of these households are energy exporters producing net zero emissions.</p>



		<p>Social - By implementing the Strategy in full, Council will be aligning itself with these energy pioneers. Council will be joining the community investing in our future.</p> <p>Summary - There is no good reason why Australia cannot have 100% renewable energy within a decade, providing electricity that is far cheaper than today. The sun and the wind come at no cost to generate – as nature's gifts they are free. System security is increasingly possible through a combination of battery storage and pumped hydro. These are exciting times for local councils to become involved in clean energy generation in Australia and Council is taking the first big steps to get on board.</p> <p>Council's Draft Long Term Energy Strategy takes council beyond the traditional 'roads, rates and rubbish' of local government, and into the world of twenty first century energy generation, emission reductions and energy efficiency. As a community group, we strongly encourage Council along this path and request that the recommendations contained in this submission, be taken seriously and implemented for maximum effect. Renewable energy is very popular among Australians and Council can reap the harvest of goodwill that comes from leading the way if it engages the community in ways we recommend.</p>
	Response:	The positive support received for the draft Strategy is noted.
Topic 2: Energy Crisis		
9.	Hadyn Oriti, Port Macquarie Chamber of Commerce	The nation is currently facing an energy crisis. The Federal Government is grappling with a loss of base load power into the foreseeable future and electricity costs are sky-rocketing. South Australia, which has only a 50% (not 100%) renewable energy target, has endured blackouts and more are predicted this summer. It has acquired diesel generators consuming 80,000 litres per hour to ensure the lights stay on. Business is under pressure and consumers are struggling with energy costs.
	Response:	These energy supply issues and electricity cost uncertainty are noted and demonstrate the need for Council to put in place an appropriate strategy to plan for and manage its long term energy requirements.
Topic 3: Strategy Rationale		
9.	Hadyn Oriti, Port Macquarie Chamber of Commerce	<p>Council will aim to source 100% of its electricity from renewable sources by 2027.</p> <p>The fundamental question to ask is "Why?"</p> <p>Having a target will only compel Council to do all in its power to achieve the target and to dismiss or play down concerns about cost. It is folly.</p> <p>The rationale for this draft strategy is set out at the beginning of the document. Surprisingly, the context is not some inadequacy of the grid based power, its cost or unreliability. It is merely that</p>

		1.6% of energy needs are currently sourced from renewables. Quite frankly that is not a sufficient reason.
	Response:	1.6% is a statistic that is provided in the report for context, however it does not constitute the rationale for developing the draft Strategy. Due to the nature of Council's operations, Council is a large consumer of energy. As a result, Council recognises the importance of responsibility planning for and managing its long term energy requirements. This has been articulated in the opening paragraph of the draft Strategy.
Topic 4: Timing of Strategy		
9.	Hadyn Oriti, Port Macquarie Chamber of Commerce	The simple fact is when renewable energy becomes sufficiently reliable and cheap it will displace coal and other fossil fuel energy sources. Until then, no government (and especially not local government) has a role to play gambling rate payers' funds on specific technologies and by doing so imposing additional costs on taxpayers and ratepayers. The concern of this Chamber is that council has identified a particular form of electricity generation without regard to technological development. AGL has recently had to recall batteries used in a solar and storage trial in South Australia. Clearly there was an issue relating to the technology used in that case, although AGL has been coy about revealing exactly what the issue was. That trial cost participants \$5,000 to have the solar and storage "solution" installed in their household. Later it emerged that the subsidies from the tax payer for that "solution" amounted to \$25,000 per household involved. This is not cheap technology, and the draft strategy is right to call the costs prohibitive. The leading edge in technology development is often derisively called the "bleeding edge"; and for good reason.
	Response:	The specifics of AGL's solar battery trial are outside the scope of this draft Strategy document, however it is agreed that it is prudent to wait until technology is economically viable before looking to implement. This approach forms the basis of the timing outlined in the draft Strategy, and has been informed by expert advice.
Topic 5: Environmental Stewardship		
9.	Hadyn Oriti, Port Macquarie Chamber of Commerce	It is not enough that some in the community have a warm feeling about saving the planet. That is not Council's role.
	Response:	The draft Strategy has been developed in line with the priorities of the following strategic plans: 1. Council's Towards 2030 Community Strategic Plan, being the overarching 10 year plan that is prepared by Council and the community based on community priorities. This Plan provides for the following outcomes: - An environment that is protected and conserved for future generations

		<p>- Renewable energy options that are understood and accessible by the community</p> <p>2. The NSW Government's North Coast Regional Plan. This plan states the following priority:</p> <p>Goal 1 – The most stunning environment in NSW – Direction 4 – Promote renewable energy opportunities.</p>
Topic 6: Federal Support of Renewable Energy		
9.	Hadyn Oriti, Port Macquarie Chamber of Commerce	Not mentioned in the draft strategy is that the Federal Government has a renewable energy target and subsidises renewable energy suppliers. Tax payers are already subsidising the growth of renewable technology. The amount sourced from renewable energy will increase overtime because of Federal Government action and the advance of technology. The Council will, together with all other users of energy, be the beneficiary of that increase in the use of renewable energy sources.
	Response:	<p>Work being done by other levels of government to support renewable energy initiatives in Australia is acknowledged. Given that these initiatives change over time, they are not directly referenced in the draft Strategy.</p> <p>The draft Strategy focuses on the elements of Council's operations that it has control over, being efficiency initiatives and energy sourcing opportunities.</p>
Topic 7: Generation of Electricity by Council		
8.	John Drinan	Pending the proposed mid-scale generation plant(s), I would also endorse progressive installation of PV on all Council buildings according to a firm schedule, and a constant search for efficiencies.
13.	Christina Parkin	PMHC needs to ensure they adopt a policy embracing energy saving options in addition to a commitment for the installation of renewable technology infrastructure where ever possible eg solar panels/inverter technology makes a lot of sense when council buildings are mostly utilised during the day during a time of maximum solar capture. It makes a lot of sense to save ratepayer funds where possible.
	Response:	<p>Part 3 of the draft Strategy states:</p> <p>"Council will continue to implement appropriate energy efficiency initiatives (including but not limited to more small-scale solar projects) in the short to medium term"</p> <p>Specifically, part 3(a) of the strategy identifies the continued use of solar technology on Council buildings where it is economically feasible:</p> <p>"Solar PV behind the meter – continue to implement at feasible sites, continue to undertake site assessments on additional sites and implement if feasible."</p>
9.	Hadyn Oriti, Port Macquarie Chamber of Commerce	<p>Why is council looking to re-establish itself as an electricity generator when it has no expertise in this area? As has been demonstrated above AGL, an expert in this area, runs into problems. Why does Council assume it would not encounter similar problems which will effectively put its investment at risk?</p> <p>If the expertise can be acquired, the technology proved with rigorous cost control and stringent modelling is applied showing</p>

		<p>an appropriate return on investment, then Chamber's objection can be addressed. However, the willingness to proceed in this fashion is not demonstrated in the draft strategy and the Chamber has concerns that the goal of 100% renewables would weaken resolve to continue applying the necessary stringency</p> <p>The draft strategy clearly relies on something beyond the control of this council and, indeed, all levels of government. 10 years is not a long time – especially trying to achieve anything where local government is the lead agency.</p> <p>Our recommendation is that Council not enter upon an area in which it has no technological expertise. It is gambling rate payers' funds to no purpose. Council should leave the generation of electricity to the experts.</p>
	Response:	<p>Council has been generating electricity through roof mounted solar PV installations since 2012.</p> <p>This has been achieved utilising existing in-house capabilities, and sourcing additional outside expertise as required.</p> <p>Council will continue to utilise this approach as it generates additional electricity through the use of solar technology in a prudent manner.</p> <p>As Council monitors and investigates the feasibility of a future mid-scale PV, it will continue to rely on expert advice.</p>

Topic 8: Financial Considerations

9.	Hadyn Oriti, Port Macquarie Chamber of Commerce	<p>This Chamber believes that the draft strategy as released is significantly flawed and betrays a Green ideological authorship at the cost of necessary stringent and financially prudent controls.</p> <p>No one will argue against the absolute certainty that renewable energy will one day replace fossil fuel technology. However, in life, timing is everything. Further, while most residents would applaud a Council that sources all of its energy needs from renewables, many of those same people will balk and change their mind when the cost becomes known.</p> <p>Virtue signalling is a phrase that describes the need to be seen to be doing something, symbolic or otherwise, for the general good without incurring any personal cost. If the draft long term energy strategy could be described only as virtue signalling, then it would not warrant any time from this Chamber making a submission. That, however, is not the case.</p> <p>Another phrase that comes to mind when reading the draft strategy is that 'the road to hell is paved with good intentions.'</p> <p>Council should carefully consider all financial implications of this strategy before its adoption.</p> <p>In its current form, the draft strategy is not capable of being adopted by a prudent council.</p> <p>This draft strategy will increase the financial burden on Council. That burden is not borne by those who push this proposal, but rather by rate-payers, including businesses of the LGA.</p> <p>Superficially it might be attractive to Council to consider a target of 100% renewables by 2027. It is perceived to be a good</p>
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		<p>branding exercise to say “We are 100% renewable”. It is also easy for Council to announce such a target.</p> <p>The cost of this branding exercise means that it is simply not a sufficient or adequate reason for the adoption of this draft strategy. Let there be no mistake, this strategy has all the hall marks of being pushed to achieve an agenda of those who have never baulked at spending more of other people’s money to achieve their objectives.</p> <p>The draft strategy does not demonstrate any consideration of the principles of sound financial management as defined in section 8B from the Local Government Act 1993, beyond using weasel words such as “in a financially sustainable manner”. That gives us no comfort when the over-riding objective is not aligned at all to cost and is based on “forecast advances in technologies”, noting that they are “currently cost prohibitive”. Everything in this document suggests that any rational person charged with prudently managing another’s money would wait for the technology to advance to the stage where it can be deployed at a manageable and competitive cost to alternatives. Our recommendations are that:</p> <p>a) Council look to achieve best practice in electricity efficiency and wherever possible look to implement the most cost effective method of doing so;</p> <p>b) If the strategy is to be adopted, then it must include an over-riding principle that not one dollar should be outlaid until there is a guaranteed return-on-investment model that has been fully costed; including for maintenance and all ongoing costs.</p> <p>3. Council will continue to implement appropriate energy efficiency initiatives.</p> <p>Again, the Council, as the custodian of rate payers’ funds, must be vigilant that it does not spend one cent on projects that do not deliver value to ratepayers.</p> <p>This Chamber has no problem with 100% renewable energy. We welcome it. However, it is wrong for this council or any government, to add to ratepayers’ burden by a strategy that does not have affordable cost efficiency at its heart.</p>
	Response:	<p>The underlying principle of the draft Strategy is to wait for appropriate technologies to advance to a stage where they can be deployed at a manageable and competitive cost to existing alternatives. This demonstrates a considered and prudent financial approach is being promoted.</p> <p>Council has implemented this approach for a number of years. The energy initiatives and projects currently being implemented by Council are being implemented on the basis that the existing technology provides value for money to ratepayers, and results in an improved long-term operational outcome to Council.</p> <p>For any future initiatives as identified within the draft Strategy, only once the technology advances to a stage where it can be deployed at a manageable and competitive cost to existing alternatives will it be considered by Council.</p>
3.	Mick Lyons	<p>The cost data in the 100% Renewables report is more than 12 months old and therefore the projected cost savings are</p>

		conservative in an age when the cost of renewable energy inputs are steeply reducing.
14.	Stuart Watson and Harry Creamer, Climate Change Australia	<p>The figures used in the report are now over two years out-of-date. Since then there has been a significant cost reduction to install mid-scale solar farms. We therefore call on Council to commission a review of the costs of the proposed solar farm on Council land. Rather than costing \$20 million, we think the current figure is probably closer to \$10 million. This will allow Council to speed up the adoption of this proposal.</p> <p>Point 4 of the Strategy foreshadows Council commissioning a review of the costs of the proposed mid-scale solar farm to reflect cost-reductions to install mid-scale plants since the Strategy was written. Assuming the Strategy is adopted by Council, we submit that should go ahead immediately.</p>
	Response:	As noted in the Strategy, Council will periodically obtain strategic advice to inform the organisation of relevant advances in renewable energy technology. This will include information on the cost of current technology and the implementation and operating costs of relevant recent projects in the broader market.
Topic 9: Reducing Energy Consumption		
9.	Hadyn Oriti, Port Macquarie Chamber of Commerce	<p>As with the strategy generally, it is wrong to adopt a target of megawatt reductions per annum. Rather the object should be cost reductions. Otherwise the reduction in usage becomes the driver and costs are permitted to blow out. We do not want a situation where Council buildings are rationed on use of air-conditioners, for example. Rather, emphasis should be on efficiency in a cost effective manner.</p> <p>Our recommendation is that Council have an energy efficiency and cost reduction strategy rather than a renewable target. This will achieve a reduction in use of coal and gas fired power and reduce costs to rate payers.</p>
		Council has utilised the principles of energy efficiency and energy reduction as the basis for developing the draft Strategy, which support the achievement of a strategic 10-year target. These are the elements which Council has some control over.
Topic 10: Electricity Grid		
9.	Hadyn Oriti, Port Macquarie Chamber of Commerce	The draft strategy does not suggest de-coupling from the grid, it will presumably stay on the grid, ensure continuing baseload power and be underwritten by NSW taxpayers and electricity users generally. Any additional cost will be sheeted home to ratepayers.
	Response:	The interface between a future mid-scale PV and the existing grid will be reviewed when such a project becomes economically viable to implement. This is currently envisaged to be in 2027.

		Economic viability implies an improved overall outcome to ratepayers.
Topic 11: Land for Mid-Scale PV		
12.	Colleen Carmody	It is assumed that Council has sufficient land for this endeavour. A strategy to use a number of methods of generation and it is assumed this strategy includes storage should add to the reliability of the system. If the distribution is spread over the local government area then supply should be uninterrupted even if one large scale generator is out of order for any reason and the load has to be redistributed.
	Response:	Council has identified sites which may be suitable for the installation of a mid-scale PV system. The interface between a future mid-scale PV and the existing grid will be reviewed when such a project becomes economically viable to implement. This is currently envisaged to be in 2027.
Topic 12: Population Growth		
11.	John Handford	I would request Council take into account in their planning (short, medium and long term) that the main problem facing the world, on the world macro and local area micro scales is excessive population growth. Reputable studies state that the biggest problem affecting the long term human sustainability, quality of life and the intrinsic right of all flora and fauna (plants and animals) to exist is population growth. Council state that by far the largest power use is the machinery to maintain water and sewerage supply. It is logical that increasing population will require more water and sewerage treatment. Also more population will require more direct power for domestic and other consumption. The times that advocated population growth as a prerequisite for economic growth or economic stability are long gone. Indeed, population growth is now seen as a threat to stability due to the impacts on demand for food water and equal opportunity in living standards. Council should be rolling towards a change in attitude to population growth and a target cap on the size in area of development in our region. Council should place emphasis on quality of life, sustainability of environment and prevention of loss of habitat for all life forms. This would in turn contribute to the ability to provide the required services that Council is planning.
	Response:	The concerns raised in relation to population growth are outside the scope of this Strategy document. •
Topic 13: Community Use of Solar		
8.	John Drinan	Encouragement of a culture conducive to the strategy will surely accelerate progress. Although mechanisms elude me at present, strong leadership would also be shown if Council were to adopt ways of encouraging ongoing growth of PV

		installations on homes and businesses throughout the LGA. Perhaps this could be the subject of some public forums?
14.	Stuart Watson and Harry Creamer, Climate Change Australia	<p>Council needs to do more than looking after its own energy planning – it needs to reach out to the community to encourage households to do the same. Council should now engage the community and stakeholders on energy issues. With the Energy Strategy, it is now important that Council has in place a community engagement strategy on energy. What we want and need is for Council to broaden the focus from itself alone, and take up the responsibility to truly lead and support the community transition to lower emissions, clean energy options and energy efficiency in every household and for our whole community.</p> <p>There are two local community groups that can help Council with community engagement on energy – Climate Change Australia Hastings, and Energy Forever, the local community renewable energy group.</p> <p>Both these groups are represented on the Sustainability Working Group.</p> <p>However this is still an informal group within Council and needs to be promoted to the status of an official advisory committee to achieve its full potential.</p> <p>We consider that the appointment of an energy sustainability officer is also needed to achieve better community outreach and education and this position could be a priority for any new staffing plan for Council.</p>
	Response:	Council will investigate role in a broader community context subject to the adoption of the Strategy document.
Topic 14: Future Initiatives		
8.	John Drinan	It would also be to Council's credit and a strong encouragement to proactive improvements if Council joined to Compact of Mayors Initiative. We could all then celebrate Council as a leader among leaders.
14.	Stuart Watson and Harry Creamer, Climate Change Australia	<p>A plan to take our community to net zero emissions within a ten year time frame already exists. It has been developed by Beyond Zero Emissions, a national energy organisation based in Melbourne and Sydney.</p> <p>Another national program that Council could use to leverage this initiative is the Cities Power Partnership, a Climate Council project launching soon. This aims to re-power whole towns and cities across Australia with clean energy. The Cities Power Partnership will be inviting mayors, councillors and communities to take the next steps on the transition to clean energy. Participating councils will select 5 key actions from the partnership pledge, including community energy efficiency, cleaner transport and advocacy.</p> <p>Councils will receive access to a national knowledge hub to assist with implementation of emissions reductions projects and will be partnered with other councils to share knowledge.</p>

	Response:	Council will investigate initiatives such as the Compact of Mayors, pathways to a zero-carbon community, Cities Power Partnership subject to the adoption of the Strategy document.
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Planning & Policy Implications

Under the Strategy, Council will have a framework in order to guide and facilitate strategic planning decisions in relation to the long term management of its energy resources.

Financial & Economic Implications

Under the Strategy, Council would be required to allocate appropriate resourcing and funding to meet the desired outcomes.

Council has resolved to allocate revenue derived from carbon credits associated with its waste operations to renewable energy projects. This amounts to about \$1M over the next 7 years. This level of funding, combined with modest allocations from the Water/Sewerage/Waste funds for related initiatives (such as those proposed in the 2017-2018 Operational Plan), will be sufficient for business as usual PV installations and energy efficiency upgrades.

The installation of a mid-scale PV system will cost significantly more than the resources that are currently available. The Strategy recognises this and suggests that the long-term goal should be supported by monitoring advances in technology (that should bring costs down) as well as examining business models for the delivery of a mid-scale PV project.

Attachments

1 [View](#). Draft Long Term Energy Strategy - Public Exhibition Responses

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 14.01 EOI-17-07 Independent Members of the Audit, Risk and Improvement Committee

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

Item 14.02 T-17-30 Provision of Statutory Property Services

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

Item 14.03 T-17-45 Lake Road Duplication - Stage 2 Design

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 14.04 T-17-46 Thrumster Interim Reclaimed Water Supply Main - Stage 1 Barton Crescent to Lake Road

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 14.05 T-17-47 Organisational Wide Customer Interaction Review

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 14.06 T-17-27 Reservoir Cleaning, Inspection and Potable Diving Services

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

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 14.01 EOI-17-07 Independent Members of the Audit, Risk and Improvement Committee**

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

RECOMMENDATION

- Item 14.02 T-17-30 Provision of Statutory Property Services**

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

RECOMMENDATION

- Item 14.03 T-17-45 Lake Road Duplication - Stage 2 Design**

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RECOMMENDATION

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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