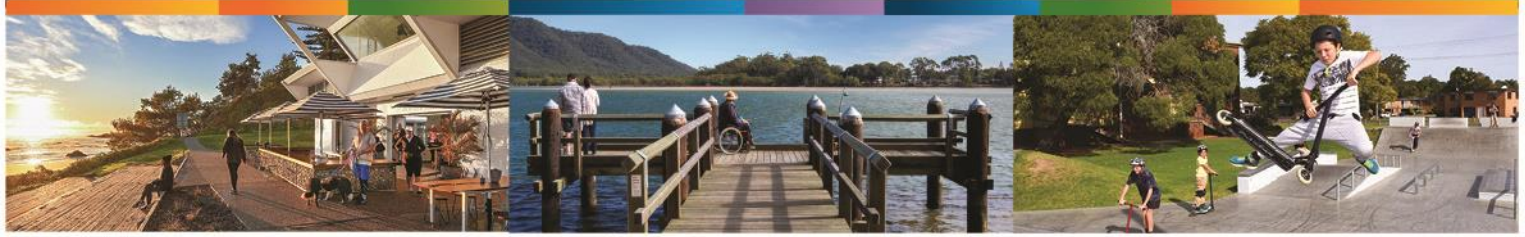




PORT MACQUARIE-HASTINGS
COUNCIL



Ordinary Council

Business Paper

date of meeting: Wednesday 20 February 2019

location: Council Chambers
17 Burrawan Street
Port Macquarie

time: 5.30pm

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

Community Vision

A sustainable high quality of life for all

Community Mission

Building the future together
People Place Health Education Technology

Council's Corporate Values

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

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 20 February 2019

Items of Business

Item	Subject	Page
01	Acknowledgement of Country	1
02	Local Government Prayer	1
03	Apologies.....	1
04	Confirmation of Minutes	1
05	Disclosures of Interest.....	30
06	Mayoral Minute	
	06.01 Mayoral Discretionary Fund Allocations	34
07	Confidential Correspondence to Ordinary Council Meeting.....	35
08	Public Forum	36
09	Leadership and Governance.....	37
	09.01 Question From Previous Meeting - Mayor - Delegated Authority.....	38
	09.02 Mid North Coast Joint Organisation Financial Statement.....	40
	09.03 Status of Reports From Council Resolutions.....	43
	09.04 Designated Persons	48
	09.05 Disclosure of Interest Return	50
	09.06 Delegated Authorities - Certificate of Identification Issued Under the Swimming Pools Act 1992	53
	09.07 2020 Ordinary Local Government Election.....	55
	09.08 Policy Review - Risk Management Policy- Post Public Exhibition	58
	09.09 Legal Fees	62
	09.10 Financial Impact of Cost Shifting from Other Levels of Government	65
	09.11 Investment Policy Review - Post Exhibition.....	72
	09.12 Quarterly Budget Review Statement - December 2018	74
	09.13 Monthly Budget Review - January 2019.....	82
	09.14 Investments - December 2018.....	88
	09.15 Investments - January 2019	92
	09.16 2018-2019 Operational Plan - Quarterly Progress Report as at 31 December 2018	96
	09.17 Glasshouse Biannual Report and Update on Strategic Plan Recommendations.....	106
	09.18 Digital Technology Project Status.....	114
	09.19 Communications Strategy - Oxley Highway Traffic Congestion and Roads Authorities	118

09.20	Development Activity And Assessment System Performance	121
10	Your Community Life	126
10.01	Recommended Items from the Mayor's Sporting Fund Sub-Committee - December 2018	127
10.02	Final Report: Aboriginal Awareness and Understanding Strategy 2013 - 2017	128
10.03	Grant Applications Quarterly Report.....	132
10.04	Town Centre Master Plan Priority Project - Draft Operational Plan 2019/20.....	135
11	Your Business and Industry	138
11.01	Notice of Motion - Exception Under General Provisions of the Markets Policy.....	139
12	Your Natural and Built Environment	140
12.01	Notice of Motion - Classification of Ocean Drive and Hastings River Drive to State Road	141
12.02	Legal Advice on Water Fluoridation.....	142
12.03	Boundary Adjustment Between Part Council's Port Macquarie Water Supply Dam Land and 1 Orr Street.....	145
12.04	Classification of Land Required for Sewer Purposes at Comboyne and Long Flat	147
12.05	Transfer of Land to Council For Sewer Purposes - Pacific Highway, Sancrox	150
12.06	Question From Previous Meeting - Orbital Road - Development in Investigation Area	152
12.07	Question From Previous Meeting - Orbital Road - Current Investigation Area	153
12.08	Port Macquarie-Hastings Local Government Area Traffic Study	154
12.09	Orbital Road - Feasibility Study	163
12.10	Strategic Land Use Planning - Fernbank Creek and Sancrox.....	171
12.11	Planning Proposal - 2019 Administrative Review of Port Macquarie - Hastings LEP 2011	177
12.12	Homedale Road, Kew - Planning Proposal and Draft Development Control Plan Provisions - consideration of submissions	188
12.13	DA2017 - 667.1 Demolition Of Existing Building And Construction Of Boat Storage Facility And Public Amenities, Tree Removal And Road Works At Lot 2 DP 535212, No. 9 McInherney Park, Port Macquarie	206
12.14	DA2018 - 562.1 Demolition of Existing Buildings, Consolidation and Boundary Adjustment, and Construction of Seniors Housing at Lots 10 - 13 DP 861177, Lot 1 DP 782560, Lot 1 DP 393967, Lot 1 DP 390610, Lot 1 DP 1053812, Lot 1 DP 121189, Lot 1 DP 795534, Lot 1 DP 151300, Lot 3 and 4 DP 347796, No. 15 - 21 Cameron Street and 3 Young Street, Wauchope.....	208
12.15	Airport Business Park Planning Proposal - status update	247

12.16	Withdrawal of aveats - Lot 16 DP 1221921 and Lot 234 DP 1224670, Brenchley Circuit (Riverbreeze Estate), Wauchope	<u>249</u>
13	Questions for Next Meeting	
14	Confidential Matters	
	Motion to move into Confidential Committee of the Whole	<u>253</u>
14.01	Council Owned Land in William Street Port Macquarie (PIN 34119)	
14.02	EOI-18-04 Independent Member of the Audit, Risk and Improvement Committee	
14.03	Supply of Electricity	
14.04	Update on T-18-26 Supply of a Fully Automated, Self Cleaning Toilet Facility	
14.05	T-18-53 Design and Construction of Underbores - Beechwood and Bonny Hills	
14.06	T-18-59 Hastings River Drive Upgrade - Pre-construction	
14.07	Hastings River Drive Property Purchase	
	Adoption of Recommendations from Confidential Committee of the Whole	

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 12 December 2018 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

Other Attendees:

General Manager (Craig Swift-McNair)
Director Corporate Performance (Rebecca Olsen)
Director Development and Environment (Melissa Watkins)
Director Strategy and Growth and Acting Director Infrastructure (Jeffery Sharp)
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 Mark Minturn from the Ministers' Association delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Alley/Cusato

That the apology received from Councillor Dixon be accepted.

CARRIED: 8/0

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

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Intemann/Hawkins

That the Minutes of the Ordinary Council Meeting held on 21 November 2018 be confirmed.

CARRIED: 8/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Cusato declared a Pecuniary Interest in Item 11.01 - Draft EPBC Act Preliminary Documentation Assessment Report - Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area, the reason being that Councillor Cusato owns a hanger at the Port Macquarie Airport.

Councillor Hawkins declared a Non-Pecuniary, Less Than Significant Interest in Item 12.13 - Wrights Creek Flood Study Update - Public Exhibition Submissions Report, the reason being that Councillor Hawkins and his wife own a rental property at no. 3 Waniora Parkway, Port Macquarie which is in the general catchment area reviewed. However, it is well clear of the flood mapping under all scenarios and is, therefore, a non-pecuniary matter of less than significant interest.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Pinson

That the Mayoral Discretionary Fund allocations for the period 8 to 28 November 2018 inclusive be noted.

CARRIED: 8/0

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

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Intemann/Alley

That Council determine that the attachments to Item Numbers 09.03, 09.07, 09.10 and 12.04 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 8/0

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

AGAINST: Nil

08 PUBLIC FORUM

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

1. Mr Philip Lloyd regarding the proposed Orbital Road, objection to East-West Link.
2. Ms Debbie Purcell regarding the Orbital Road impact on Innes Lake Residents.

RESOLVED: Hawkins/Alley

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

CARRIED: 8/0

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

AGAINST: Nil

08.01 ORBITAL ROAD - OBJECTION TO EAST-WEST LINK

Mr Philip Lloyd, representing the Sanctuary Springs residents, addressed Council in regard to the proposed Orbital Road – objection to the East-West link and answered questions from Councillors.

08.02 ORBITAL ROAD IMPACT ON INNES LAKE RESIDENTS

Ms Debbie Purcell, representing the Lake Innes Action Group, addressed Council regarding the Orbital Road impact on Innes Lake Residents and answered questions from Councillors.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

Item 10.01 – Ms Dianne Davison in opposition of the recommendation.

Item 12.01 – Ms Ellen Brown in support of the recommendation.

Item 12.13 – Mr Graeme Roberts in opposition of the recommendation.

Item 12.13 – Ms Christina Parkin in support of the recommendation.

RESOLVED: Intemann/Griffiths

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

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

SUSPENSION OF STANDING ORDERS

RESOLVED: Turner/Cusato

That Standing Orders be suspended to allow items 10.01, 12.01 and 12.13 to be brought forward and considered next.

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

10.01 DRAFT MRS YORK'S GARDEN MASTER PLAN

Ms Dianne Davison, representing the Friends of Mrs York's Garden, addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Hawkins/Turner

That Council:

1. Note the information contained in the Draft Mrs York's Garden Master Plan report.
2. Place the Draft Mrs York's Garden Master Plan on public exhibition for 42 days from 14 December 2018 to 25 January 2019.
3. Request the General Manager provide a report to the March 2019 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.
4. Note that the reference; "Remove existing concrete footpath along road edge to reduce impact upon Norfolk Island Pines" on Sheet 4 of 7 on page 156 of Attachment 3 is to be amended prior to commencement of public exhibition of the draft to state: "Replace existing concrete footpath along road edge to reduce impact upon Norfolk Island Pines".

CARRIED: 8/0

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

AGAINST: Nil

**12.01 NOTICE OF MOTION - TRAFFIC CONGESTION CRISIS - OXLEY
HIGHWAY, PORT MACQUARIE**

As Ms Ellen Brown was unable to attend, Ms Debbie Purcell addressed Council in support of the recommendation.

RESOLVED: Turner/Intemann

That Council:

1. Request the General Manager write to the Minister for Roads and the Member for Port Macquarie seeking an urgent response to the impending traffic congestion crisis on the Oxley Highway in Port Macquarie, notably at the intersection with the Pacific Highway, the intersection with Wrights Road, and the intersection with Lake Road, as described in the November 2018 Bitzios report.
2. Request the General Manager immediately devise and implement a communications strategy to explain to our community:
 - (a) What Council is doing to mitigate the Oxley Highway traffic congestion crisis at Lake Road, the Wrights Road roundabout, and at the Pacific Highway interchange; and
 - (b) The relationship and responsibilities between RMS and PMHC with respect to safety and functional aspects of intersections involving state "controlled" highways and Council "controlled" roads with specific reference to the intersections at Wrights Road and Lake Road, Port Macquarie and the Oxley Highway.
3. Request the General Manager report back to the February 2019 Council meeting with:
 - (a) Responses from the Minister for Roads and the Member for Port Macquarie.
 - (b) An update on the development and implementation of the communications strategy.
4. Send a copy of all correspondence to all local State and Federal election candidates for the 2019 elections.

CARRIED: 8/0

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

AGAINST: Nil

**12.13 WRIGHTS CREEK FLOOD STUDY UPDATE - PUBLIC EXHIBITION
SUBMISSIONS REPORT**

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

Mr Graeme Roberts, GR Consulting Engineers, representing an affected property owner, addressed Council in opposition of the recommendation and answered questions from Councillors.

Ms Christina Parkin, representing the owners and residents of Flynn's Beach Resort, addressed Council in support of the recommendation and answered questions from Councillors.

MOTION

MOVED: Cusato/Turner

That Council:

1. Endorse the Wrights Creek Flood Study Update (2018) report;
2. Adopt 'Scenario 3' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Proceed with the Floodplain Risk Management Study phase; and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

AMENDMENT

MOVED: Alley/Intemann

That Council:

1. Endorse the Wrights Creek Flood Study Update (2018) report;
2. Adopt 'Scenario 1' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Proceed with the Floodplain Risk Management Study phase; and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

THE AMENDMENT WAS PUT

MOVED: Alley/Intemann

That Council:

1. Endorse the Wrights Creek Flood Study Update (2018) report;
2. Adopt 'Scenario 1' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Proceed with the Floodplain Risk Management Study phase; and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

LOST: 2/6

FOR: Alley and Intemann

AGAINST: Cusato, Griffiths, Hawkins, Levado, Pinson and Turner

THE MOTION WAS PUT

RESOLVED: Cusato/Turner

That Council:

1. Endorse the Wrights Creek Flood Study Update (2018) report;
2. Adopt 'Scenario 3' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Proceed with the Floodplain Risk Management Study phase; and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

CARRIED: 6/2

FOR: Cusato, Griffiths, Hawkins, Levado, Pinson and Turner

AGAINST: Alley and Intemann

09.01 COUNCILLOR PORTFOLIO PROTOCOL - REVISED

RESOLVED: Intemann/Turner

That Council adopt the revised Councillor Portfolio Protocol.

CARRIED: 6/2

FOR: Alley, Cusato, Hawkins, Intemann, Levado and Turner

AGAINST: Griffiths and Pinson

09.02 2018 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

RESOLVED: Griffiths/Alley

That Council note the information contained in the 2018 Local Government NSW Annual Conference report.

CARRIED: 8/0

FOR: Alley, Cusato, Griffiths, Hawkins, Intemann, Levado, Pinson and Turner

AGAINST: Nil

09.03 WHY LOCAL GOVERNMENT MATTERS

The General Manager advised that he previously circulated a document detailing the resolution from the Mid North Coast Joint Organisation Board meeting held on 5 December 2018 in relation to Why Local Government Matters.

MOTION

MOVED: Turner/Cusato

That Council:

1. Note the information included in this Why Local Government Matters report.
2. Decline to allocate Council funds towards this project of the MNCJO.
3. Request the General Manager table a report detailing the financial position of the MNCJO at the Ordinary Council Meeting in February 2019.
4. Transfer the \$41,792.44 refund from MIDROC membership to the Regional Sporting Fields reserve.

AMENDMENT

MOVED: Griffiths/Intemann

That Council:

1. Note the information included in this Why Local Government Matters report.
2. Allocate \$14,000 from the reserve containing the remaining funding from the Mid North Coast Regional Organisation of Councils (MIDROC), (as the result of Council's July 2018 resignation from MIDROC), as the Port Macquarie-Hastings Council contribution to the Mid North Coast Joint Organisation Why Local Government Matters report.
3. Request the General Manager table a further report to Council upon completion of the Why Local Government Matters project.

THE AMENDMENT WAS PUT

RESOLVED: Griffiths/Intemann

That Council:

1. Note the information included in this Why Local Government Matters report.
2. Allocate \$14,000 from the reserve containing the remaining funding from the Mid North Coast Regional Organisation of Councils (MIDROC), (as the result of Council's July 2018 resignation from MIDROC), as the Port Macquarie-Hastings Council contribution to the Mid North Coast Joint Organisation Why Local Government Matters report.
3. Request the General Manager table a further report to Council upon completion of the Why Local Government Matters project.

EQUAL: 4/4

FOR: Alley, Griffiths, Intemann and Pinson

AGAINST: Cusato, Hawkins, Levido and Turner

CASTING VOTE: FOR

CARRIED

RESOLVED: *Griffiths/Intemann*

That Council:

1. Note the information included in this Why Local Government Matters report.
2. Allocate \$14,000 from the reserve containing the remaining funding from the Mid North Coast Regional Organisation of Councils (MIDROC), (as the result of Council's July 2018 resignation from MIDROC), as the Port Macquarie-Hastings Council contribution to the Mid North Coast Joint Organisation Why Local Government Matters report.
3. Request the General Manager table a further report to Council upon completion of the Why Local Government Matters project.
4. Request the GM table a report detailing the financial position of the MNCJO at the OC Feb 2019.

EQUAL: 4/4

FOR: *Alley, Griffiths, Intemann and Pinson*

AGAINST: *Cusato, Hawkins, Levido and Turner*

CASTING VOTE: *FOR*
CARRIED

09.04 QUESTION FROM PREVIOUS MEETING - COUNCILLOR PORTFOLIO SYSTEM

RESOLVED: *Levido/Cusato*

That Council :

1. Confirms the question, the subject of this report, is not a "Question For Next Meeting" and directs that the General Manager do nothing further with respect to this item ; and
2. (a) States that a valid "Question For Next Meeting" shall, in addition to the matters set out in Clause 2.22 of Council's Code of Meeting Practice comprise the following:
 - (i) A single sentence of a single question commencing" could the GM ...";
 - (ii) Be capable of being finalised by directly utilising no more than 20 minutes of Council resources or as deemed reasonable by the General Manager; and
 - (iii) Results in a "response" component of not more than 1 A4 page; To be answered at the next Ordinary meeting of Council; and
- b) Determines that a Councillor shall be limited to a maximum of 2 Questions for Next Meeting at any Ordinary Council Meeting; and
- c) As part of the 2019 review of its Code of Meeting practice, make provision for Questions for the next meeting as set out in (a) and (b) above.

Councillor Levido left the meeting, the time being 8:41pm.

Councillor Levido returned to the meeting, the time being 8:42pm.

CARRIED: 6/2
FOR: Alley, Cusato, Hawkins, Intemann, Levido and Turner
AGAINST: Griffiths and Pinson

09.05 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Intemann/Turner

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

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

Councillor Alley left the meeting, the time being 08:50pm.

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

RESOLVED: Hawkins/Griffiths

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

1. Ross Frazier – Building Surveyor.
2. Ray Abbott – Building Surveyor.

CARRIED: 7/0
FOR: Cusato, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

09.07 2020 ORDINARY LOCAL GOVERNMENT ELECTION

RESOLVED: Turner/Intemann

That Council resolve that:

1. Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
 2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
 3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for
-

-
- the Electoral Commissioner to administer all constitutional referenda of the Council.
4. Request the General Manager to submit a report to the February 2019 meeting of Council detailing:
- (a) A cost estimate provided by the Electoral Commissioner for the administration of the 2020 Ordinary Local Government Election (as in 1. above).
 - (b) A cost estimate provided by the Electoral Commissioner for the administration of a constitutional referendum (as in 3. above) held in conjunction with the 2020 Ordinary Local Government Election.

Councillor Alley returned to the meeting, the time being 8:52pm.

CARRIED: 8/0

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

AGAINST: Nil

09.08 CODE OF CONDUCT COMPLAINT STATISTICS

RESOLVED: Griffiths/Intemann

That Council note the Code of Conduct Complaint Statistics for the period 1 September 2017 to 31 August 2018.

CARRIED: 8/0

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

AGAINST: Nil

09.09 POLICY REVIEW - PUBLIC INTEREST DISCLOSURE - INTERNAL REPORTING - POST EXHIBITION

RESOLVED: Hawkins/Intemann

That Council adopt the amended Public Interest Disclosure – Internal Reporting Policy.

CARRIED: 8/0

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

AGAINST: Nil

09.10 DRAFT INVESTMENT POLICY

RESOLVED: Hawkins/Griffiths

That Council:

-
1. Place the Revised Investment Policy on public exhibition from 19 December 2018 to 29 January 2019 (42 days, extended due to the Christmas period).
 2. Note that a further report will be tabled at the February 2019 Ordinary Council meeting detailing the submissions received from the public in relation to the Revised Investment Policy, during the exhibition period.

CARRIED: 8/0

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

AGAINST: Nil

09.11 MONTHLY BUDGET REVIEW - NOVEMBER 2018

RESOLVED: Cusato/Turner

That Council:

1. Adopt the adjustments in the "Budget Variations – November 2018" section of the Monthly Budget Review - November 2018.
2. Amend the 2018-2019 Operational Plan to include all budget adjustments approved in this report.
3. (a) Note that the current budget includes \$5.5M for the Ocean Drive duplication which was transferred from the Regional Sporting Fields project at Stoney Creek Road.
(b) Due to the estimation of \$60-65M to complete the project, in the event that the Ocean Drive duplication project does not receive sufficient grant funding commitment prior to 2019 NSW election, transfer the \$5.5M back to the Regional Sporting Fields project for the Monthly Budget review as at the Ordinary Council Meeting immediately following the election.

Councillor Hawkins left the meeting, the time being 09:00pm.

Councillor Hawkins returned to the meeting, the time being 09:03pm.

CARRIED: 8/0

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

AGAINST: Nil

09.12 INVESTMENTS - NOVEMBER 2018

RESOLVED: Hawkins/Griffiths

That Council note the Investment Report for the month of November 2018.

CARRIED: 8/0

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

AGAINST: Nil

09.13 POLICY RESCISSION - BANNERS OVER PUBLIC ROADS AND RESERVES POLICY - POST PUBLIC EXHIBITION

RESOLVED: Intemann/Turner

That Council rescind the Banners over Public Roads and Reserves Policy.

CARRIED: 8/0

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

AGAINST: Nil

09.14 COMPLIMENTS AND COMPLAINTS ANNUAL REPORT 2017-2018

RESOLVED: Griffiths/Cusato

That Council note the Compliments and Complaints Annual Report for 2017-2018.

CARRIED: 8/0

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

AGAINST: Nil

Item - 10.01 Draft Mrs York's Garden Master Plan - has been moved to another part of the document.

10.02 FUTURE STRATEGY FOR TASTINGS ON HASTINGS

MOTION

MOVED: Alley/

That Council:

1. Note the information presented in the report.
2. Deliver Tastings on Hastings in October 2019, based on the 2017 format.
3. Cease organising Tastings on Hastings from 2020, and invest in other, local events through the establishment of a 'Local Grown' event category as detailed in Option C within the report.

LAPSED FOR WANT OF A SECONDER

FORESHADOWED MOTION

MOTION: Turner/Cusato

That Council:

1. Note the information presented in the report.
2. Deliver Tastings on Hastings in October 2019, based on the 2017 format.
3. Request the General Manager call for EOI for event organisers for the 2019 Tastings on Hastings event and based on responses for event organisation

capability for the 2019 event, consider future events at the Ordinary Council Meeting in May 2019.

THE MOTION PUT

RESOLVED: Turner/Cusato

That Council:

1. Note the information presented in the report.
2. Deliver Tastings on Hastings in October 2019, based on the 2017 format.
3. Request the General Manager call for EOI for event organisers for the 2019 Tastings on Hastings event and based on responses for event organisation capability for the 2019 event, consider future events at the Ordinary Council Meeting in May 2019.

CARRIED: 8/0

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

AGAINST: Nil

**10.03 PORT MACQUARIE-HASTINGS COUNCIL DISABILITY INCLUSION
ACTION PLAN 2017-2018 ANNUAL PROGRESS REPORT**

RESOLVED: Griffiths/Alley

That Council note the information in the Port Macquarie-Hastings Council Disability Inclusion Action Plan 2017-2018 Annual Progress report.

CARRIED: 8/0

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

AGAINST: Nil

10.04 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - NOVEMBER 2018

RESOLVED: Pinson/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. Grant Matthew Catania the amount of \$450.00 to assist with the expenses he will incur travelling to and competing at the Australian All Schools Athletics Championships to be held in Cairns from 7th – 9th December 2018.
2. Grant Ian Matthews the amount of \$150.00 to assist with the expenses he incurred travelling to and competing at the FFA National Championships held in Coffs Harbour from 24th September – 28th September 2018 inclusive.

CARRIED: 8/0

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

AGAINST: Nil

10.05 CULTURAL PLAN 2018 - 2021 - ALLOCATION OF FUNDS

RESOLVED: Turner/Hawkins

That Council:

1. Give consideration during the 2019-2020 draft Operational Plan development for an additional budget allocation of \$220,000 to deliver the actions in the Cultural Plan.
2. Request the GM provide a briefing to Councillors in early 2019.

CARRIED: 8/0

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

AGAINST: Nil

11.01 DRAFT EPBC ACT PRELIMINARY DOCUMENTATION ASSESSMENT REPORT - PORT MACQUARIE AIRPORT MASTER PLAN IMPLEMENTATION AND VEGETATION CLEARING ON COUNCIL OWNED LAND IN THE THURMSTER URBAN RELEASE AREA

Councillor Cusato declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 9:33pm.

RESOLVED: Levido/Alley

That Council:

1. Note the information contained in the Draft EPBC Act Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thurmster Urban Release Area.
2. Publicly notify and exhibit the Draft EPBC Act Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thurmster Urban Release Area, in accordance with Section 95A(3) of the Environment Protection and Biodiversity Conservation Act 1999, from 13 December 2018 to 14 February 2019.
3. Request the General Manager to consider a response to submissions following the public exhibition period prior to final assessment by the Australian Government Department of the Environment and Energy.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Cusato returned to the meeting, the time being 9:34pm.

Item - 12.01 Notice of Motion - Traffic Congestion Crisis - Oxley Highway, Port Macquarie - has been moved to another part of the document.

12.02 QUESTION FROM PREVIOUS MEETING - LEGAL ADVICE ON WATER FLUORIDATION

RESOLVED: Intemann/Turner

That Council note that the General Manager will be seeking legal advice on the matter of fluoridation of the public water supply in early 2019.

CARRIED: 8/0

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

AGAINST: Nil

12.03 LAND ACQUISITION - INTERSECTION OF DOYLES ROAD AND ROLLANDS PLAINS ROAD, BALLENGARRA

RESOLVED: Cusato/Intemann

That Council:

1. Pay compensation in the amount of \$7,850 (GST Exclusive) to the owners of Lot 1 DP1245746, J W & J Thompson, for the acquisition of part Lot 1 DP1245746 more particularly described as Lot 1 in plan of acquisition DP1246538.
2. Delegate authority to the General Manager to execute, electronically or otherwise, all documents associated with the land acquisition including but not limited to any authorisation form as required by the Electronic Transactions Act 2000.
3. Pursuant to Section 10 of the Roads Act 1993 dedicate Lot 1 DP1246538 as public road.

CARRIED: 8/0

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

AGAINST: Nil

12.04 LAND ACQUISITION - 921 HASTINGS RIVER DRIVE, PEMBROOKE

RESOLVED: Levido/Hawkins

That Council:

1. Pursuant to Section 186 of the Local Government Act 1993 make application to His Excellency, The Governor, for the compulsory acquisition of Lot 50 Deposited Plan 1248785 for general operational purposes associated with the storage of bulk materials utilised in Council providing to the community, services and facilities and the carrying out of activities prescribed at Chapter 6 of the Local Government Act 1993.
2. Exclude all mines and minerals from the compulsory acquisition of Lot 50 Deposited Plan 1248785.
3. On acquisition of Lot 50 Deposited Plan 1248785 and pursuant to Section 34 of the Local Government Act 1993, commence the process to classify Lot 50 Deposited Plan 1248785 as "operational land" by placing on public exhibition the proposed resolution, "It is intended to classify Lot 50 Deposited Plan 1248785 (land at 921 Hastings River Drive, Pembroke) as operational land", for a minimum period of 28 days.
4. Note that a further report will be tabled to a future Council meeting detailing any submissions received during the exhibition period.
5. Pursuant to Section 377 of the Local Government Act 1993 delegate authority to the General Manager to execute, electronically or otherwise, all documents associated with the land acquisition included but not limited to any authorisation form as required by the Electronic Transactions Act 2000.

CARRIED: 8/0

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

AGAINST: Nil

12.05 TRANSFER OF LAND TO COUNCIL FOR SEWER PURPOSES - LEADERS WAY WAUCHOPE

RESOLVED: Intemann/Griffiths

That Council:

1. Accept the transfer of land being that part of Lot 31 Deposited Plan 1228142, formerly in Lot 2 Deposited Plan 1110947, in Leaders Way Wauchope.
2. Delegate authority to the General Manager to execute, electronically or otherwise, all documents including, but not limited to, any authorisation form as required associated with the transfer in accordance with the Electronic Transactions Act 2000.
3. Pursuant to Section 34 of the Local Government Act 1993, commence the process to classify Lot 31 Deposited Plan 1228142 as "operational land" by placing on public exhibition the proposed resolution, "It is intended to classify Lot 31 Deposited Plan 1228142 as "operational land", from 31 January 2019 for a minimum period of 28 days.
4. Note that a further report will be tabled at the March 2019 Ordinary Council meeting detailing any submissions received during the exhibition period.

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

**12.06 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -
PEDESTRIAN CROSSING - BOLD STREET, LAURIETON**

RESOLVED: Alley/Intemann

That Council endorse the Local Traffic Committee's recommendation for a 'pedestrian (zebra) crossing' to be installed in Bold Street, Laurieton, between Tunis Street and Seymour Street.

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

**12.07 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - 40 KM/H
HIGH PEDESTRIAN ACTIVITY AREA - WAUCHOPE TOWN CENTRE**

RESOLVED: Alley/Hawkins

That Council seek RMS approval of the final design of the scheme for a '40 km/h High Pedestrian Activity Area' in Wauchope town centre.

CARRIED: 7/1
FOR: Alley, Cusato, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Griffiths

**12.08 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - 40 KM/H
HIGH PEDESTRIAN ACTIVITY AREA - PORT MACQUARIE TOWN
CENTRE**

RESOLVED: Hawkins/Turner

That Council seek RMS approval of the final design of the scheme for a '40 km/h High Pedestrian Activity Area' in Port Macquarie town centre.

CARRIED: 7/1
FOR: Alley, Cusato, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Griffiths

12.09 OCEAN DRIVE UPGRADE LAKE CATHIE - COMMUNITY FEEDBACK

MOTION

MOVED: Alley/Hawkins

That Council:

1. Adopt Section A - Miala Street to Fiona Crescent, as the highest priority construction stage.
2. Retain the current design philosophy to allow for the easy duplication of the travel lanes, should they be required in future.
3. Revise the design to include an on-street parking lane as requested by residents along Ocean Drive despite the loss of traffic efficiency.
4. Change to the project scope to include the detailed design of the preferred first construction stage only.
5. Actively seek grant funding to enable the construction of the upgrades as a high priority.

AMENDMENT

MOVED: Griffiths/

That Council:

1. Adopt Section A and B - Miala Street to Ernest Street.
2. Retain the current design philosophy to allow for the easy duplication of the travel lanes, should they be required in future.
3. Revise the design to include an on-street parking lane as requested by residents along Ocean Drive despite the loss of traffic efficiency.
4. Change to the project scope to include the detailed design of the entire length of the entire construction.
5. Actively seek grant funding to enable the construction of the upgrades as a high priority.

LAPSED FOR WANT OF A SECONDER

THE MOTION WAS PUT

MOVED: Alley/Hawkins

That Council:

1. Adopt Section A - Miala Street to Fiona Crescent, as the highest priority construction stage.
2. Retain the current design philosophy to allow for the easy duplication of the travel lanes, should they be required in future.
3. Revise the design to include an on-street parking lane as requested by residents along Ocean Drive despite the loss of traffic efficiency.
4. Change to the project scope to include the detailed design of the preferred first construction stage only.
5. Actively seek grant funding to enable the construction of the upgrades as a high priority.

CARRIED: 8/0

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

AGAINST: Nil

12.10 BUNDALEER AGED CARE - PROJECT UPDATE

RESOLVED: Intemann/Alley

That Council:

1. Note the information contained within this update report.
2. Request the General Manager write to the Mid North Coast Local Health District seeking to be removed from the current Lease S228374 and the subsequent Deed dated 20 March 1984.
3. Seek from the proponent, Love Project Management, the land owners consent for Lot 1 DP 603483 situated 4-8 Johnstone Street, Wauchope prior to further consideration of the Planning Proposal.

CARRIED: 8/0

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

AGAINST: Nil

12.11 DEVELOPMENT CONTRIBUTIONS DEFERRAL SCHEME

RESOLVED: Intemann/Griffiths

That Council:

1. Note the Development Contributions Deferral Scheme report.
2. Defer expansion of the contributions deferral scheme until 2019/20 and that the review be included as an action in the draft 2019/20 Operational Plan.
3. Endorse the revised fees as below and include them in the draft 2019/20 Operational Plan for the purpose of public notice of the proposed fee changes in accordance with Section 610F of the Local Government Act, 1993.

Name	Pricing Policy	Fee (Ex GST)	GST	Total	Unit
Preparation of Standard Contributions Deferral Deed.	D	\$500	\$50	\$550	Each
Withdrawal of caveat associated with Contributions Deferral Deeds per each lot created in the subdivision (Excluding lots to be dedicated to Council). Paid at the time of preparation of the Contributions Deferral Deed.	D	\$90	\$9	\$99	Each

Variation of a Contributions Deferral Deed or associated dealings including a review of Caveator's Consent or a request to vary the deferral deed template.	D	Fee determined by quotation based on full Recovery. Minimum charge \$250	Minimum charge \$250	Minimum Charge \$275	Estimate	Y
---	---	--	----------------------	----------------------	----------	---

CARRIED: 8/0

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

AGAINST: Nil

12.12 HASTINGS RIVER FLOOD STUDY - PUBLIC EXHIBITION SUBMISSIONS REPORT

MOTION

MOVED: Cusato/Hawkins

That Council:

1. Endorse the Hastings River Flood Study Update (2017) report;
2. Adopt Scenario 3' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Adopt the revised Port Macquarie-Hastings Council Flood Policy (2018); and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

AMENDMENT

MOTION: Intemann/Alley

That Council:

1. Endorse the Hastings River Flood Study Update (2017) report;
2. Adopt Scenario 1' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Adopt the revised Port Macquarie-Hastings Council Flood Policy (2018); and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

THE AMENDMENT WAS PUT

MOTION: Intemann/Alley

That Council:

1. Endorse the Hastings River Flood Study Update (2017) report;
2. Adopt Scenario 1' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Adopt the revised Port Macquarie-Hastings Council Flood Policy (2018); and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

LOST: 2/6

FOR: Alley and Intemann

AGAINST: Cusato, Griffiths, Hawkins, Levado, Pinson and Turner

THE MOTION WAS PUT

MOVED: Cusato/Hawkins

That Council:

1. Endorse the Hastings River Flood Study Update (2017) report;
2. Adopt Scenario 3' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Adopt the revised Port Macquarie-Hastings Council Flood Policy (2018); and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

CARRIED: 6/2

FOR: Cusato, Griffiths, Hawkins, Levado, Pinson and Turner

AGAINST: Alley and Intemann

Item - 12.13 Wrights Creek Flood Study Update - Public Exhibition Submissions Report - has been moved to another part of the document.

12.14 UPDATE ON KOOLONBUNG CREEK FLYING-FOX CAMP MANAGEMENT PLAN

RESOLVED: Griffiths/Pinson

That the information in the Kooloonbung Creek Flying-fox camp management update report be noted.

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

12.15 NSW PARKING FINES CONCESSION SCHEME

RESOLVED: Alley/Intemann

That Council:

1. Not opt into the new parking fine concession fee scheme at this time.
2. Give consideration to the implications of opting into the scheme at a later opt in date in conjunction with development of the draft 2019/20 Operational Plan.
3. Request the General Manager undertake community engagement in February 2019 regarding the proposed scheme.
4. Request the General Manager to advise the NSW Treasurer of Council's determination in this matter.

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

13 QUESTIONS FOR NEXT MEETING

13.01 MAYOR - DELEGATED AUTHORITY

Question from Councillor Turner:

Could the General Manager provide a list of any matters for which the Mayor has delegated authority to make a decision without requiring the resolution of Council?

Comments by Councillor (if provided):

Nil.

13.02 ORBITAL ROAD - DEVELOPMENT IN INVESTIGATION AREA

Question from Mayor Pinson:

Can the General Manager please explain how development was able to take place in the investigation area of the proposed Orbital Road, if route options were determined in 2008?

Comments by Mayor (if provided):

Nil.

13.03 ORBITAL ROAD - CURRENT INVESTIGATION AREA

Question from Mayor Pinson:

Can the General Manager please provide an explanation as to how the current investigation area for the Orbital Road was determined as being the preferred investigation area?

Comments by Mayor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Cusato/Alley

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 Request from Resident in Respect of Water Charges
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 14.02 T-18-54 Provision of Property Sales and Buyer's Agent 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-18-33 Concrete, Bricks and Masonry Processing

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: 8/0

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

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 10:13pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 10:15pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Intemann/Griffiths

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

Item 14.01 Request from Resident in Respect of Water Charges

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. Note the request from Mr and Mrs Hazenveld for a departure from the existing Water Policy in respect of a water leak incurred on a property owned by the Hazenveld Superannuation Pty Ltd.
2. Apply the provisions of the existing Water Supply Policy.
3. Note that the Water Supply Policy will be reviewed by Council during the 2019 calendar year.

Item 14.02 T-18-54 Provision of Property Sales and Buyer's Agent Services

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. In accordance with the Local Government (General) Regulations 2005, 178 (1) (b) decline to accept any of the tenders submitted for Tender T-18-54 Provision of Property Sales and Buyer's Agent Services due to insufficient submissions to establish panel arrangements for Parts A and B.
2. In accordance with Local Government (General) Regulations 2005, 178 (3) (b) invite, in accordance with clause 167, fresh tenders based on revised tender details.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-54.

Item 14.03 T-18-33 Concrete, Bricks and Masonry Processing

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 Davis Earthmoving & Quarrying Pty Ltd for the provision of Concrete, Bricks and Masonry Processing at Cairncross Waste Management Facility for a two year period commencing 1 January 2019, with three options to extend for a further one year period, such options to be for the benefit of the Council and may be exercised only by the Council in its sole discretion.
2. Accept the Schedule of Rates from Davis Earthmoving & Quarrying Pty Ltd for the provision of Concrete, Bricks and Masonry Processing Cairncross Waste Management Facility.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-33.

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

The meeting closed at 10:16pm.

.....
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 29 November 2018 to 6 February 2019 inclusive be noted.

DiscussionMayoral Discretionary Fund Allocations

The Mayor made the following allocations from the Mayoral Discretionary Fund for the period 29 November 2018 to 6 February 2019 inclusive:

Donation to School of Hard Knocks Choir	\$500.00
Floral Bouquet for funeral of the late Keith Dawson on 14/12/18	\$55.00
Donation to Djiyagan Dhanbaan – Big Sing in the Desert	\$500.00
Floral Bouquet for funeral of the late Father Leo Donnelly on 01/02/19	\$80.00
	\$1,135.00

Attachments

Nil

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

Alignment with Delivery Program

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

RECOMMENDATION

That Council determine that the attachment to Item Numbers 09.09 and 09.12 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

Discussion

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

Item No:	09.09
Subject:	Legal Fees
Attachment Description:	Legal matters >\$10000 2018-19 Financial Year
Confidential Reason:	Relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d)(i)).

Item No:	09.12
Subject:	Quarterly Budget Review Statement – December 2018
Attachment Description:	December 2018 Quarterly Budget Review Statement - Consultancy Engagements
Confidential Reason:	Relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct business. Local Government Act 1993 - Section 10A(2)(c).

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 five 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: QUESTION FROM PREVIOUS MEETING - MAYOR - DELEGATED
AUTHORITY

Presented by: General Manager, Craig Swift-McNair

RECOMMENDATION

That Council note the information contained in this response to the Question from Previous Meeting relating to the Mayors Delegated Authority.

Question from Councillor Turner:

Could the General Manager provide a list of any matters for which the Mayor has delegated authority to make a decision without requiring the resolution of Council?

Comments by Councillor (if provided):

Nil.

Response

There is no legislative requirement for an instrument of delegation to be in place for the Mayor or Deputy Mayor. The NSW Local Government Act 1993 defines the role of the Mayor in Section 226 and the role of the Deputy Mayor in Section 231(3) as follows:

S226 Role of Mayor

The role of the mayor is as follows:

- (a) To be the leader of the council and a leader in the local community,
- (b) To advance community cohesion and promote civic awareness,
- (c) To be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) To exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) To preside at meetings of the council,
- (f) To ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) To ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) To promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) To promote partnerships between the council and key stakeholders,
- (j) To advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,

- (k) In conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) To carry out the civic and ceremonial functions of the mayoral office,
- (m) To represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) In consultation with the councillors, to lead performance appraisals of the general manager,
- (o) To exercise any other functions of the council that the council determines.

S231 Deputy Mayor

- (1) The councillors may elect a person from among their number to be the deputy mayor.
- (2) The person may be elected for the mayoral term or a shorter term.
- (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.
- (4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.

In relation to Port Macquarie-Hastings Council, there are no current specific delegations that Council has formally granted to the Mayor. However, in recent years there have been a couple of specific circumstances where the Mayor of the day has been granted delegated authority to undertake some function/s as detailed below, noting that this list is not necessarily comprehensive:

- 20 June 2018 Ordinary Council Meeting at Item 9.01, where the Mayor was delegated to be one of Council's voting representatives at the Local Government NSW Annual Conference, noting that other Councillors in attendance at that conference were also given this delegation.
- 18 March 2015 Ordinary Council Meeting at Item 15.06, where the Mayor and General Manager were given delegation to enter into a Heads of Agreement with the Police Citizens Youth Club NSW relating to the Port Macquarie Indoor Stadium.

At the 19 April 2004 Ordinary Council meeting, Council did formally adopt / reconfirm some delegated authorities to the Mayor of the day, however there have been no further instruments of delegation to the Mayor adopted by Council since this date. As can be seen in the attached document, those 2004 delegations were specific to Mayor Rob Drew and would not have been applicable to anyone else once Mayor Drew was no longer in office.

Further to the above, please refer to the attachment titled '*Delegation of Functions – Local Government Act 1993 – S377*', for a list of functions that are not able to be delegated to anyone under the Local Government Act 1993.

Attachments

1 [View](#). Mayor Delegated Authorities - 2004

2 [View](#). Delegation of Functions - Local Government Act 1993 - S377

Item: 09.02

Subject: MID NORTH COAST JOINT ORGANISATION FINANCIAL
STATEMENT

Presented by: General Manager, Craig Swift-McNair

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 note the information contained in this Mid North Coast Joint Organisation financial statement report.

Executive Summary

The purpose of this report is to detail the current financial position of the Mid North Coast Joint Organisation (MNCJO).

Discussion

At the 12 December 2018 Council meeting, the following was resolved:

09.03 WHY LOCAL GOVERNMENT MATTERS

RESOLVED: Griffiths/Intemann

That Council:

- 1) Note the information included in this Why Local Government Matters report.*
- 2) Allocate \$14,000 from the reserve containing the remaining funding from the Mid North Coast Regional Organisation of Councils (MIDROC), (as the result of Council's July 2018 resignation from MIDROC), as the Port Macquarie-Hastings Council contribution to the Mid North Coast Joint Organisation Why Local Government Matters report.*
- 3) Request the General Manager table a further report to Council upon completion of the Why Local Government Matters project.*
- 4) Request the GM table a report detailing the financial position of the MNCJO at the OC Feb 2019.*

EQUAL: 4/4

FOR: Alley, Griffiths, Intemann and Pinson

AGAINST: Cusato, Hawkins, Levado and Turner

*CASTING VOTE: FOR
CARRIED*

This report addresses Resolution #4 above.

At the Ordinary Council meeting held on 21 March 2018, Council resolved to join the Mid North Coast Joint Organisation (MNCJO). The MNCJO met for the first time on 13 June 2018 and in July 2018, the MNCJO received \$300,000 from the NSW government as part of the Joint Organisation (JO) Establishment Fund. The funding is to be used for costs incurred in setting up the MNCJO and undertaking the functions of the MNCJO as identified in the relevant sections of the NSW Local Government Act 1993.

The current financial position of the MNCJO can be found in the attachment titled '*MNCJO Financial Statement at 31 December 2018*'.

Further to the above, at the end of 2018 the majority of JO's across NSW supported sending a request for ongoing operational funding for JO's to the NSW government. All JO's are concerned about the ongoing financial sustainability and viability of the regional organisations and as such have put forward a proposal to the government. A copy of the proposal can be found in the attachment titled '*Joint Organisations & NSW Government Collaboration Funding Proposal - December 2018*'.

The proposal is for the government to provide ongoing funding for the JO's of \$300,000 per annum, commencing in 2019-2020, indexed with the rate peg or CPI, as well as requesting that a four year funding deal be developed between the NSW government and each JO. The proposal requests a response from the government by mid-February 2019 in order for the JO's to be able to factor in any additional funding contributions (or otherwise) to their 2019-2020 budgets. The attached proposal has been sent by the MNCJO to the Deputy Premier and the Member for Port Macquarie and the Member for Oxley.

Options

This report is for information only.

Community Engagement & Internal Consultation

There has been no community engagement in relation to this report.

Internal consultation has taken place with the Director Corporate Performance.

Planning & Policy Implications

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

Financial & Economic Implications

There are no direct financial and economic implications in relation to this report. There may however be future direct financial implications for Council if the MNCJO does not receive ongoing operational funding from the NSW government. With the MNCJO being a small three-member JO, it is likely that the future viability of the JO will be at risk if further funding is not forthcoming from the government. Details of the future funding proposal are addressed earlier in this report and can be found in the attachment titled '*Joint Organisations & NSW Government Collaboration Funding Proposal - December 2018*'

Please refer below and to the attachment titled 'MNCJO Financial Statement at 31 December 2018' for an update on the current financial position of the MNCJO.

Financial Statement

17-Jan-19

	Reporting Period: 28 Nov 18 to 31 Dec 18	YTD
<u>Income Statement</u>		
Income		
Office of Local Government	-	(\$300,000.00)
Bank interest	(\$120.72)	(\$178.69)
Total Income	(\$120.72)	(\$300,178.69)
Expenses		
Meeting Costs	-	\$1,071.66
Executive Officer Support	-	\$23,610.00
Developing Strategy	\$8,134.28	\$8,134.28
Total Expenses	\$8,134.28	\$32,815.94
Net Profit/Loss	(\$8,013.56)	\$267,362.75

	Reporting Period: 28 Nov 18 to 31 Dec 18	YTD
<u>Bank Statement Reconciliation</u>		
Opening Balance at Bank:	\$275,376.31	\$0.00
Income Banked	\$120.72	\$300,178.69
Expenses paid from account	(\$8,134.28)	(\$32,815.94)
Closing Balance at Bank:	\$267,362.75	\$267,362.75
Less commitments not yet paid		
UTS - Research Services:- why local Govt matters	(\$75,400.00)	(\$75,400.00)
Net Cash available as at 31-Dec-2018	\$191,962.75	\$191,962.75

Attachments

1 [View](#). Joint Organisations & NSW Government Collaboration Funding Proposal - December 2018

2 [View](#). MNCJO Financial Statement at 31 December 2018

Item: 09.03

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 contained in the Status of Reports from Council Resolutions report.

Discussion

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Supply of Electricity	17/10/18 Item 14.05		DCP	Dec-18	Feb-19
Cost Shifting	19/09/18 Item 09.03		DCP		Feb-19
Strategic Land Use Planning - Fernbank Creek and Sancrox - Update Report	19/09/18 Item 12.03		DSG		Feb-19
Grant Application Status Report	17/10/18 Item 09.07		DCP		Feb-19
Long Flat Village Sewer Scheme – Acquisition of Land and Easement – Classify as Operational Land	18/10/17 Item 12.03		DI	Nov-18	Feb-19
Airport Precinct Investigation Area - Site Selection for proposed business park - planning proposal for Council land	21/11/18 Item 12.09		DDE		Feb-19
Policy Review - Risk Management - post exhibition	21/11/18 Item 09.04		DCP		Feb-19
Legal Advice on Water Fluoridation	12/12/18 Item 12.02		GM		Feb-19
QFPM - Mayor - Delegated Authority	12/12/18 Item 13.03		GM		Feb-19
QFPM - Orbital Road - Development In Investigation Area	12/12/18 Item 13.02		DSG		Feb-19
QFPM - Orbital Road - Current Investigation Area	12/12/18 Item 13.03		DSG		Feb-19

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
NOM - Traffic Congestion Crisis - Oxley Highway, Port Macquarie	12/12/18 Item 12.01		DI		Feb-19
Mid North Coast Joint Organisation - Financial Position	12/12/18 Item 09.03		GM		Feb-19
2020 Ordinary Local Government Election - Cost Estimates	12/12/18 Item 09.07		DCP		Feb-19
Draft Investment Policy - Post Exhibition	12/12/18 Item 09.10		DCP		Feb-19
QFPM - Enforcement of Unlawful Activity Policy - findings of review	18/07/18 Item 09.07	Policy being drafted	DDE	Dec-19 Feb-19	Mar-19
Town Centre Master Plan Charter Review	20/06/18 Item 09.09		DSG		Mar-19
Specific Planning Proposal Requests - Progress Report	19/09/18 Item 12.08		DSG		Mar-19
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/16 Item 06.02	Awaiting Catholic Parish advice	GM	Oct-18	Mar-19
Draft PMH DCP 2013 - Highways Gateway Sites - update on public authority consultation	21/11/18 Item 12.05		DSG		Mar-19
Draft Mrs York's Garden Master Plan - post exhibition	12/12/18 Item 10.01		DDE		Mar-19
Transfer of Land to Council For Sewer Purposes - Leaders Way Wauchope - Post Exhibition	12/12/18 Item 12.05		DCP		Mar-19
Future of Committees following establishment of Cultural Steering Group	19/04/17 Item 15.05	Item is to be discussed at a future Cultural Steering Group meeting, following the adoption of the Cultural Plan	DSG	Jun-17 Jul-17 Sep-17 Oct-17 Feb-18 Apr-18 Jul-18 Sep-18 Feb-19	Apr-19
Innes Gardens Memorial Park Crematorium and Lawn Cemetery	17/10/18 Item 14.01		DCP		Apr-19
Health and Education Precinct Draft Master Plan - post exhibition	21/11/18 Item 11.05		DSG		Apr-19
PP: Bundaleer Aged Care - 67 High Street and 4-8 Johnstone Street, Wauchope - Gateway Determination	15/08/18 Item 12.04	Awaiting legal advice.	DSG	Sep-18 Oct-18 Feb-19	Apr-19

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
PMHC v Mansfield - post 'without prejudice' discussions	15/08/18 Item 14.05	Pending further advice regarding legal proceedings.	DDE	Nov-18 Dec-18 Feb-19	May-19
Tastings On Hastings - Future Events	12/12/18 Item 10.02		DSG		May-19
Vince Inmon Sporting Complex - Master Plan Development	21/11/18 Item 10.04		DDE		Jun-19
Why Local Government Matters Project - Completion Report	12/12/18 Item 09.03		GM		Jun-19
Land Acquisition - 921 Hastings River Drive, Pembroke - Post Exhibition	12/12/18 Item 12.04		DCP		Jun-19
Opportunities for improving PMHC unsealed road maintenance practices	15/08/18 Item 12.02		DI		Aug-19
Markets Policy and local markets	21/11/18 Item 11.03		DSG		Dec-19
Canal Maintenance	18/10/17 Item 12.04		DI		2018/2019 FY
Planning Proposal - Homedale Road Kew - post exhibition	14/12/16 Item 13.07	Awaiting further response from proponent prior to public exhibition based on state agency consultation.	DSG	Oct-17 Dec-17 May-18	TBA
Planning Proposal – Lot 2 DP1091253 Beach Street Bonny Hills	19/04/16 Item 12.02		DSG		TBA
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	17/05/17 Item 13.05		DSG		TBA
Planning Proposal PP2016 – 11.1 Mission Terrace Lakewood – post exhibition	15/11/17 Item 12.06		DSG		TBA
Property Purchase by Property Reserve – post exhibition	16/05/18 Item 14.02		DSG		TBA
Planning Proposal: Proposed Highway Service Centre, 1179 Oxley Highway, Sancroft – post exhibition	16/05/18 Item 12.06		DSG		TBA

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Trialling Of Parklets In The Port Macquarie Town Centre	16/05/18 Item 10.02		DSG		TBA
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/18 Item 14.05		DCP		TBA
Council owned lots at North Shore - Progress of Sale	19/09/18 Item 09.24)		DSG		TBA
T-18-53 Design and Construction of Underbores - Beechwood and Bonny Hills - outcome of negotiations and confirming value for money	21/11/18 Item 14.03		DI		TBA
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.	10/08/16 Item 12.01		DDE		2021 (estimate)

Cyclic Reports

Report	Reporting Officer	Reporting Cycle	Month
Mayoral Discretionary Fund Allocations	GM	Monthly	Every
Monthly Financial Update	DCP	Monthly	Every
Investments	DCP	Monthly	Every
Recommendations by the Mayor's Sporting Fund Sub-Committee	DSG	Monthly	Every
Development Activity and Assessment System Performance	DDE	Quarterly	May, Aug, Nov, Feb
Operational Plan – Quarterly Progress	DCP	Quarterly	Nov, Feb, Apr, Aug
Management of Flying-Fox Colony in Kooloonbung Creek Nature Reserve - Quarterly Progress Report	DDE	Quarterly	Dec, Mar, June, Sep
Legal Fees - Update Report (19/09/18 - Item 09.16)	DCP	Quarterly	Feb, Apr, Aug, Nov
Grant Application Status Report (17/10/18 - Item 09.07)	DCP	Quarterly	Feb, May, Aug, Nov
Glasshouse Strategic Plan Update	DCP	Biannual	Feb, Aug
Digital Technology Project Status (16/08/17 - Item 09.18)	DCP	Biannual	Feb, Aug
Delivery Program – Six Monthly Progress	DCP	Biannual	Mar, Sep
Site Specific LEP Amendments - Update	DSG	Biannual	Mar, Sep
Long Term Energy Strategy – Progress	DDE	Biannual	Apr, Nov

Report	Reporting Officer	Reporting Cycle	Month
Economic Development Strategy - Progress (20/11/2013 - Item 10.03)	DSG	Biannual	May, Nov
Performance of Property Investment Portfolio 6-Monthly (12/12/17 - Item 09.09)	DSG	Biannual	May, Nov
Mayoral and Councillor Fees (Setting of)	GM	Annually	Jun
Council Policy - Status	DCP	Annually	Jul
Recreation Action Plan – Status	DDE	Annually	Jul
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DSG	Annually	Jul
Local Preference Policy Outcomes	DCP	Annually	Aug
Annual Report of the Activities of the Mayor's Sporting Fund	DSG	Annually	Sep
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	Annually	Sep
Legislative Compliance Register	DCP	Annually	Sep
Cultural Plan 2018 - 2021 - Implementation Progress Report (19/09/18 - Item 10.02)	DSG	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 (21/10/15 - Item 09.04)	DCP	Annually	Nov
Compliments and Complaints Annual Report	DSG	Annually	Dec
Funding Programs for Koala Recovery Strategy (19/09/18 - Item 12.05)	DDE	Annually	Dec

Attachments

Nil

Item: 09.04

Subject: DESIGNATED PERSONS

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

1. **Project Manager Infrastructure Delivery.**

Executive Summary

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

Discussion

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

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

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

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

"Designated Persons" must:

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

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

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

- Project Manager Infrastructure Delivery.

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

Options

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

Community Engagement & Internal ConsultationInternal Consultation

Consultation has taken place with:

- General Manager.
- Director Infrastructure.
- Group Manager Governance and Procurement.

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: 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 following positions:

1. Building Surveyor Team Leader Building Regulation – Fire Safety
2. Contracts Administrator
3. Design Engineer
4. Development Compliance Co-ordinator
5. Development Compliance Officer
6. Engineering Planning Manager
7. Environmental Projects Officer
8. Group Manager Digital Technology
9. Group Manager Organisational Performance
10. Group Manager Regulatory Services (title change from Group Manager Compliance)
11. Land Use Planning Manager
12. Operations Engineer
13. Senior Works Engineer
14. Stormwater Engineer
15. Water and Sewer Operations Manager
16. Water and Sewer Planning Manager
17. Water and Sewer Process Manager
18. Water and Sewer Process Engineer
19. Water and Sewer Headworks Engineer
20. Water and Sewer Operations Engineer
21. Water and Sewer Planning Engineer
22. Works Engineer

Executive Summary

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

Discussion

Section 445 of the *Local Government Act 1993*, requires Designated Persons to prepare and submit written returns of interests in accordance with section 449.

The following positions are designated person under the Local Government Act:

1. Building Surveyor Team Leader Building Regulation – Fire Safety
2. Contracts Administrator
3. Design Engineer
4. Development Compliance Co-ordinator
5. Development Compliance Officer
6. Engineering Planning Manager
7. Environmental Projects Officer
8. Group Manager Digital Technology
9. Group Manager Organisational Performance
10. Group Manager Regulatory Services (title change from Group Manager Compliance)
11. Land Use Planning Manager
12. Operations Engineer
13. Senior Works Engineer
14. Stormwater Engineer
15. Water and Sewer Operations Manager
16. Water and Sewer Planning Manager
17. Water and Sewer Process Manager
18. Water and Sewer Process Engineer
19. Water and Sewer Headworks Engineer
20. Water and Sewer Operations Engineer
21. Water and Sewer Planning Engineer
22. Works Engineer

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 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 abovementioned positions will be tabled at this meeting:

Options

No other 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.
- Building Surveyor Team Leader Building Regulation – Fire Safety
- Contracts Administrator
- Design Engineer
- Development Compliance Co-ordinator
- Development Compliance Officer

- Engineering Planning Manager
- Environmental Projects Officer
- Group Manager Digital Technology
- Group Manager Organisational Performance
- Group Manager Regulatory Services (title change from Group Manager Compliance)
- Land Use Planning Manager
- Operations Engineer
- Senior Works Engineer
- Stormwater Engineer
- Water and Sewer Operations Manager
- Water and Sewer Planning Manager
- Water and Sewer Process Manager
- Water and Sewer Process Engineer
- Water and Sewer Headworks Engineer
- Water and Sewer Operations Engineer
- Water and Sewer Planning Engineer
- Works Engineer

Planning & Policy Implications

There are no planning or policy implications.

Financial & Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 09.06

**Subject: DELEGATED AUTHORITIES - CERTIFICATE OF IDENTIFICATION
ISSUED UNDER THE SWIMMING POOLS ACT 1992**

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

- 1. Anna Stricker – Building Surveyor**

Executive Summary

The Council seal is required to be affixed to certificates of identification issued under the *Swimming Pools Act 1992*. A Council resolution is required in order to affix the Council seal to a document.

Discussion

Section 27(2) of the *Swimming Pools Act 1992* requires that Council must issue a certificate of identification to each authorised officer appointed to exercise powers under this Act.

Clause 20 and Schedule 1 of the *Swimming Pools Regulation 2008* prescribes the form of a certificate of identification. The certificate of identification must include amongst other things the seal of the Council.

Council has numerous staff authorised as officers under the Swimming Pools Act. To satisfy the requirements of a properly issued certificate of identification Council's Seal must be affixed.

Clause 400 of the *Local Government (General) Regulation 2005* states that 'the seal of Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed'.

Council researched a number of avenues and also sought legal advice with regards to the requirements of the issuing of certificates of identification under the Swimming Pools Act and clause 400 of the Local Government (General) Regulation.

Council's legal advice was that a Council resolution (specifically referring to the document) would be required to issue each authorised Council staff member a certificate of identification under the Swimming Pools Act.

Options

There are no options in relation to this report. It is a legislative requirement that the Council's Seal be affixed to Certificates of identification issued under the *Swimming Pools Act 1992*.

Community Engagement & Internal ConsultationCommunity Engagement

No community engagement undertaken.

Internal Consultation

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

Planning & Policy Implications

A Council resolution, specifically referring to the document, is required to affix the Council Seal to a certificate of identification issued under the Swimming Pools Act.

Financial & Economic Implications

There are no financial or economic implications.

Attachments

Nil

Item: 09.07

Subject: 2020 ORDINARY LOCAL GOVERNMENT ELECTION

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:

1. The Office of Local Government circular informing of an Independent Pricing and Regulatory Tribunal review relating to the costs of conducting local government elections in New South Wales.
2. That a further report will be presented to Council when the Electoral Commission estimates to administer the 2020 local government election and constitutional referendum are released.

Executive Summary

At the Ordinary Council Meeting held on 12 December 2018, Council resolved to request for the Electoral Commissioner to administer the 2020 Local Government election.

Council also requested a report to be provided to the February 2019 Ordinary Council meeting regarding the cost estimate for administering the elections including a constitutional referendum held in conjunction with the 2020 Ordinary Local Government Election.

Discussion

At the Ordinary Council Meeting held on 12 December 2018, Council resolved:

09.07 2020 ORDINARY LOCAL GOVERNMENT ELECTION

RESOLVED: Turner/Intemann

That Council resolve that:

1. Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.

-
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
 4. Request the General Manager to submit a report to the February 2019 meeting of Council detailing:
 - (a) A cost estimate provided by the Electoral Commissioner for the administration of the 2020 Ordinary Local Government Election (as in 1. above).
 - (b) A cost estimate provided by the Electoral Commissioner for the administration of a constitutional referendum (as in 3. above) held in conjunction with the 2020 Ordinary Local Government Election.

Councillor Alley returned to the meeting, the time being 8:52pm.

CARRIED: 8/0

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

AGAINST: Nil

This report relates to point 4 of the resolution above.

The Office of Local Government (OLG), on 8 February 2019 released a circular (at attachment 1) providing information that the Independent Pricing and Regulatory Tribunal (IPART) will be undertaking a review relating to the costs of conducting local government elections in New South Wales.

As a result, cost estimates for the elections will be delayed and are unavailable for the February 2019 Ordinary Council meeting.

When the cost estimates are released report will be presented to Council with these estimates.

Options

There are no other options.

Community Engagement & Internal Consultation

Community Engagement

No community engagement undertaken.

Consultation

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

Planning & Policy Implications

Section 296 of the LG Act now provides that Council elections, polls and referenda are to be administered by the General Manager.

Financial & Economic Implications

As the cost estimates to administer the 2020 local government election have not been provided Council will need to use assumptions to understand the budgetary impacts of administering the election.

Attachments

- 1 [View](#). Office of Local Government Circular- 19-02 IPART review of the costs of conducting local government elections and extension of the deadline for councils to make a decision on the administration of their elections

Item: 09.08

Subject: POLICY REVIEW - RISK MANAGEMENT POLICY- POST PUBLIC 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. Adopt the Risk Management Policy.**
- 2. Rescind the Risk Management Framework Policy and reclassify the document as an internal procedure.**

Executive Summary

At the Ordinary Council Meeting held on 21 November 2018, Council resolved to place the draft Risk Management Policy and the Risk Management Framework Policy (attachment 1) on public exhibition.

The policies were subsequently placed on public exhibition from 28 November 2018 to 9 January 2019. During the exhibition period, one (1) submission was received in support of the proposed policy amendments.

Discussion

At the Ordinary Council meeting held on 21 November 2018, Council resolved as follows:

09.04 POLICY REVIEW - RISK MANAGEMENT

Councillor Dixon left the meeting, the time being 07:39pm.

RESOLVED: *Hawkins/Alley*

That Council:

- 1. Place on public exhibition the draft Risk Management Policy commencing from 28 November for a minimum of 42 days.*
- 2. Place on public exhibition the Risk Management Framework Policy commencing from 28 November for a minimum of 42 days with the intent to rescind, as the document will be reclassified as an internal procedure.*

3. *Note that a further report is planned to be tabled at the February 2019 meeting of Council, detailing the submissions received from the public during the exhibition period.*

CARRIED: 7/0

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

AGAINST: Nil

The draft Policy illustrates Council's commitment in relation to managing risks.

The Risk Management Policy has been reviewed with the following amendments:

- Changing the policy to the updated Council adopted Policy template;
- Aligning with the updated Risk Management standard, ISO 31000 "*Risk management - Principles and guidelines*", including updating definitions;
- Adding and modifying responsibilities, this includes adding Audit, Risk and Improvement Committee responsibilities;
- Changing the review frequency from annually to within 12 months of an Ordinary Council election; and
- Changing the Policy owner to Group Manager Governance & Procurement.

Public Exhibition

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

There were a total of twenty six (26) visits to Council's engagement website page during the exhibition period. Seven (7) documents were downloaded or viewed. One (1) submission was received.

Options

Council has the option to amend or not to amend the Risk Management identified within this report.

Community Engagement & Internal Consultation

The policies that were the subject of this report were available for public comment from 21 November 2018 to 9 January 2019. During this period, one (1) submission was received.

Submission Colleen Joy Carmody		Issue
1.	Colleen Joy Carmody	<p><i>The risks identified seemed to be predictable risks, but there are some glaring omissions. Three omissions come to mind:</i></p> <p><i>1. Council may knock back a DA based on sensitive environmental grounds, and the developer simply goes to a regional or state body to get this decision overridden.</i></p> <p><i>2. Buying CDOs seemed "acceptable" earlier this century and was permissible. However, is it ever</i></p>

		<p>worth taking such financial risk and what steps have been implemented to ensure it doesn't happen again?</p> <p>3. There is always the risk of human failure/negligence/or corruption. I couldn't see any steps to ensure key personnel such as Mayor, General Manager, Directors and key decision makers including Councillors are not deliberately causing a project to fail or for money to be invested in very risky ventures.</p>
	<p>Response/Comment:</p>	<p>Thank you for your response</p> <p>1. There has to be sufficient planning grounds for council to refuse a Development Application (DA). If Council decides to refuse a DA the proponent can appeal the decision in the Land and Environment Court. For the Court to overturn the decision it would have to be satisfied that Council has made the wrong decision on planning grounds.</p> <p>2. Under section 625 of the <i>Local Government Act 1993</i>, Councils are required to adhere to the requirements of the Ministerial Investment Order which details the types of financial instruments Councils are permitted to invest in and excludes vehicles such as CDOs. Council also has an Investment Policy which details the acceptable risk process when investing funds. Council has recently reviewed its' Investment Policy which resulted in some proposed changes. The revised Policy was placed on public exhibition for the period 19 December 2018 to 29 January 2019 and is being considered by Council again in February 2019.</p> <p>Council also uses the services of an independent financial advisor on an ongoing basis with investments to provide a greater level of assurance. These reports are presented to Council on a monthly basis.</p> <p>3. A risk is defined as:</p> <ul style="list-style-type: none"> Any threat than can potentially prevent Council from meeting its objectives; or Any opportunity that is not being maximised by the Council to meet its objectives. <p>It is acknowledged that the Risk Management Policy itself is only a part of Councils' overall Risk Management Framework and does not include the specific details of risks or the controls that are put in place to mitigate risk.</p> <p>The Corporate and Divisional/Sectional risks are reviewed on a regular basis and these are identified in Council's risk register. This register does include risks that could potentially prevent Council from meeting its objectives, including controls that are in place to mitigate any identified risks. The Corporate Risk Register has quarterly oversight from the Audit, Risk and Improvement Committee.</p>

		<p>The Audit, Risk and Improvement Committee provides independent assurance and assistance to the Council by overseeing and monitoring the governance, risk and control and compliance frameworks, and external accountability requirements of the Council. The Committee is an integral component of the Council's corporate governance arrangements, and its responsibilities generally cover the review and oversight of the following areas – compliance, risk management, fraud control, financial management, governance, strategic and operational plans, internal audit and external audit.</p> <p>Council has also implemented a Project Management Framework to reduce project related risk. This framework is based on ISO 21500 and incorporates the five process groups and ten subject groups detailed in ISO 21500, which are typical of most projects, and the characteristics of a generic lifecycle structure.</p> <p><i>ISO 21500- Project Management Guidance</i> is a recognised global standard for the project management profession.</p>
--	--	--

Attached (at attachment 2) is the revised Risk Management Policy.

Internal Consultation

- General Manager.
- Directors.
- Audit, Risk and Improvement Committee.
- Risk Management Working Group.
- Group Manager Governance & Procurement.

Planning & Policy Implications

The recommendations of this report, if adopted, will result in the draft Risk Management Policy being adopted and the Risk Management Framework Policy being rescinded (and reclassified as an internal procedure).

Financial & Economic Implications

Sound risk management practices lead to positive financial and economic outcomes.

Attachments

1 [View](#). Risk Management Framework Policy

2 [View](#). Risk Management Policy

Item: 09.09

Subject: LEGAL FEES

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 information in the Legal Fees report.

Executive Summary

At the July 2018 Ordinary Council meeting, Council resolved for a report to be provided to the September 2018 Ordinary Council meeting listing a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2017-2018 financial year.

As a result of the September 2018 Ordinary Council meeting, Council requested an updated report to be provided each quarter.

Attached is a confidential file that provides this information relating to a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2018-2019 financial year to date as at the end of December 2018.

Discussion

At the July 2018 Ordinary Council meeting, Council resolved:

**09.07 QUESTION FROM PREVIOUS MEETING - ENFORCEMENT OF
UNLAWFUL ACTIVITY POLICY**

RESOLVED: *Turner/Intemann*

That Council:

1. *Note the information contained within the Question from Previous Meeting – Enforcement of Unlawful Activity Policy report.*
2. *Request the General Manager undertake a review of the Regulatory Enforcement Policy in relation to its adequacy for assessing the cost benefits of taking enforcement action, prior to such action taking place.*
3. *Request the General Manager report back to a future meeting of Council as soon as practicable on the findings of the review referred to in 2) above.*
4. *Request the General Manager provide a report to the September 2018 Council meeting listing a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2017-2018 financial year.*

CARRIED: 9/0

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

AGAINST: Nil

A report was then provided to the September Ordinary Council meeting that relates to point 4 of the resolution above. As a result at the September 2018 Ordinary Council meeting, Council resolved:

09.16 LEGAL FEES

Mayor Pinson declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 08:49pm.

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

RESOLUTION: *Alley/Turner*

That Council:

1. *Note the information in the Legal Fees report.*
2. *Request the General Manager to provide an updated report quarterly to Council.*

CARRIED: 7/0

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

AGAINST: Nil

Attached is a confidential file that provides the information that relates to point 4 of the resolution above. This includes a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2018-2019 financial year to date as at the end of December 2018.

The attachment titled "Legal matters >\$10000 2018-19 Financial Year" is confidential as it contains information that relates to commercial information of a confidential

nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993 - Section 10A(2)(d)(i)).

Options

Council can resolve to request further information.

Community Engagement & Internal ConsultationInternal Consultation

- General Manager
- Director Corporate Performance
- Group Manager Governance & Procurement

Planning & Policy Implications

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

Financial & Economic Implications

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

Attachments

- 1 [View](#). Confidential Attachment - Legal matters >\$10000 2018-19 Financial Year
(Confidential)

Item: 09.10

**Subject: FINANCIAL IMPACT OF COST SHIFTING FROM OTHER LEVELS
OF GOVERNMENT**

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 note the information contained in the Financial Impact of Cost Shifting From Other Levels of Government report.

Executive Summary

Resolutions have been made at both the 19 September 2018 and 21 November 2018 in respect of cost shifting.

This report addresses the resolutions as follows:

At the Ordinary Council meeting held on 19 September 2018, Council resolved:

09.03 NOTICE OF MOTION - COST SHIFTING

The General Manager tabled a media release by Peter Primrose MLC, entitled Local Government Minister Refuses Calls in Budget Estimates to Release Key IPART Reviews.

RESOLVED: Hawkins/Alley

That Council:

1. Note that the ongoing transfer of responsibilities from the Federal and State Governments to local councils without appropriate funding - also known as 'cost shifting' - which continues to increase year-on-year, & presently costs Port Macquarie-Hastings Council \$11,775,325 pa.
2. Note that ALGA and LGNSW have each signed an Intergovernmental Agreement with, respectively, the Federal and NSW Governments, and that both Agreements refer to the impost on councils from cost shifting.
3. Request the General Manager write to ALGA and LGNSW, requesting information on: how they have advocated on the cost-shifting issue; any responses they have received from the Federal and State governments, and their intended strategy for addressing the issue in future.
4. Request the General Manager provide a report to the February 2019 Council meeting, on the basic history and trends in cost-shifting, including the replies from ALGA and LGNSW regarding relevant progress through the Intergovernmental Agreements, and summary information on relevant financial arrangements between councils and higher levels of government.

CARRIED: 8/0

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

AGAINST: Nil

This report addresses the requirements of Resolutions 3 and 4 above.

Further at the Ordinary Council meeting held on 21 November 2018, Council resolved:

09.09 FINANCIAL IMPACT OF COST SHIFTING FROM OTHER LEVELS OF GOVERNMENT*RESOLVED: Hawkins/Griffiths*

That Council:

1. Note the information in the Financial Impact of Cost Shifting Report.
2. In particular, note that the ongoing accelerating transfer of responsibilities from the NSW State and Federal Governments to local councils without appropriate offset funding (also known as cost shifting) presently costs Port Macquarie-Hastings Council and our community \$16.123 million per annum - an average of \$1,344,000 per month.
3. Request the General Manager raise the issue of cost shifting at the December 2018 Mid North Coast Joint Organisation Board Meeting.
4. Request that the General Manager raise the issue at 4 December 2018 meeting with the Treasurer and the Member for Port Macquarie, Ms Leslie Williams MP.
5. Request the Communications Portfolio to discuss an appropriate media and communications strategy with the primary objective of informing our community of this ongoing practice by higher levels of government and increasing the community's understanding of how cost shifting negatively impacts Council's ability to support existing services and new services alike.
6. Note that a further report is due to the February 2019 Council Meeting on cost

shifting as per the resolution of Council in September 2018.

7. Request the General Manager write to:
 - (a) The Member for Port Macquarie, Ms Leslie Williams MP;
 - (b) The Member for Oxley, the Hon. Melinda Pavey MP;
 - (c) The Member for Cowper, Mr Luke Hartsuyker MP;
 - (d) The Member for Lyne, Dr David Gillespie MP
 - (e) Local Government NSW
 enclosing a full copy of this Financial Impact of cost shifting report and - importantly - request their active assistance in removing this financial burden on our community.

*CARRIED: 8/0**FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson**AGAINST: Nil*

This report addresses the requirements of Resolutions 3, 4, 5, 6 and 7 above.

DiscussionResolutions of Council from September 2018.

As outlined in the Executive Summary, Council resolved for the General Manager to write to ALGA and LGNSW. These letters were written as per the Council resolution and forwarded in December 2018.

Council also resolved for a further report to the February 2019 meeting, outlining history and trends in cost shifting, replies from the ALGA and LGNSW, and summary information on relevant financial arrangements between councils and higher levels of government. This information is provided as follows:

History and Trends in Cost Shifting

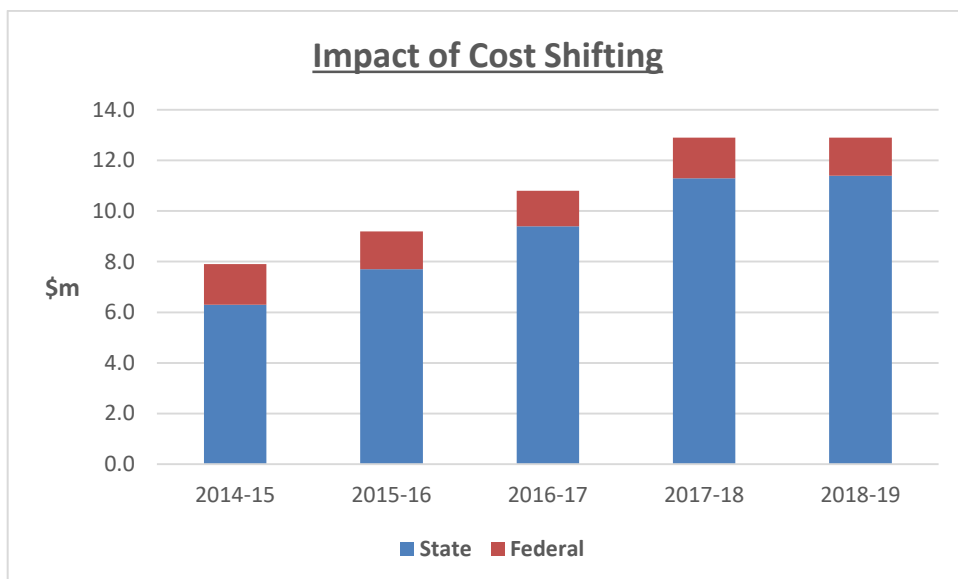
Cost shifting has been defined by Local Government NSW as follows:

“Cost shifting describes a situation where the responsibility for, or merely the costs of, providing a certain service, concession, asset or regulatory function are ‘shifted’ from a higher level of government on to a lower level of government without providing corresponding funding or the conferral of corresponding and adequate revenue raising capacity.”

Cost shifting represents a significant impost on Council with the impact of cost shifting over recent years being:

- \$7.9m in 2014-2015, (\$6.3m State, \$1.6m Federal)
- \$9.2m in 2015-2016, (\$7.7m State, \$1.5m Federal)
- \$10.8m in 2016-2017, (\$9.4m State, \$1.4m Federal)
- \$12.9m in 2017-2018, (\$11.3m State, \$1.6m Federal)
- \$12.9m budgeted in 2018-2019, (\$11.4m State, \$1.5m Federal)

The following graph illustrates the above impact:



Both the ALGA and LGNSW acknowledge that cost shifting is a significant issue for the sector, the impacts of which continue to increase year on year.

In November 2003, the *Fair Share* report on cost shifting and Local Government finances was tabled in the Australian Parliament and found that cost shifting represented a cost of up to \$1.1 billion to the sector. Following this review an Intergovernmental Agreement (IGA) to prevent cost shifting was signed by all members of the former Local Government and Planning Ministers' Council. The IGA was subject to an 'in house' review by the Federal Department of Regional Development and Local Government in 2012 which did not recommend any changes to the IGA.

As published by the LGNSW Council Survey report and despite acknowledgement of the impacts on Local Government, cost shifting continues to be significant with the following noted:

- Cost shifting in 2015-2016, (approximately \$820m), is estimated to have increased significantly from \$380m in 2005-2006.
- Since 2005-2006, the accumulated total cost shifting burden to the sector is an estimated \$6.2 billion.
- Cost shifting has increased from 7% of total income before capital for the sector in 2013-2014 to 7.5% in 2015-2016.
- Not only does cost shifting continue to grow, it is growing at an accelerated rate.
- Per annum cost shifting has more than doubled in the last decade. This is due largely to State Government policies, in particular the waste levy for which associated cost shifting increased by 43.6% from 2013-2014 to 2015-2016.
- The most significant areas of cost shifting in the sector continue to be the waste levy, the emergency services levy, state libraries and pensioner rebates.

The most recently published LGNSW Council Survey report, *"The Impact of Cost Shifting on Local Government in NSW: A Survey of Councils"*, highlights the 26 Functional Areas considered in the analysis of cost shifting, which arise from various financial arrangements between councils and higher levels of government, (refer Attachment 1, Appendix A).

Responses from LGNSW and ALGA

A response has been received from the ALGA and is attached for information, (refer Attachment 2). Some information from this correspondence has been included in the body of this report.

Whilst no specific response has been received from LGNSW, they continue to try to identify, quantify and combat cost shifting as it impacts member councils. The *Independent Inquiry into the Financial Sustainability of NSW Local Government* found that more "hard data" about cost shifting was required and as such LGNSW continue to conduct a Cost Shifting Survey which measures and monitors cost shifting and seeks to establish the impact of cost shifting on the sector.

Relevant Financial Agreements

Council does receive a number of grants from other levels of government. For the year ended 30 June 2018, Council received a total of \$21.3m in grants (\$15.5m in operating and \$5.8m in capital) which included \$10.9m in financial assistance grant and pensioner rate subsidy allocations, (refer Attachment 3 for an extract of 2017-2018 financial statements, note 3e). This is as compared to an annual operating

expenditure budget of \$154.4m and an annual capital works programme of \$112.6m for the 2017-2018 financial year.

Resolutions of Council from November 2018.

North Coast Joint Organisation Meeting

As per Resolution 3 above of the Ordinary Council meeting held on 21 November 2018, it is noted that the General Manager raised the issue of cost shifting at the December 2018 meeting of the Mid North Coast Joint Organisation.

The following was resolved at the meeting:

18. COST SHIFTING

RESOLVED: Pinson / Campbell

That the Board:

- 1) Note the information in relation to cost shifting by other levels of government to local government.
- 2) Request the interim Executive Officer write to the President of Local Government New South Wales (LGNSW), on behalf of the MNCJO Board, requesting further actions and advocacy be undertaken with regard to the burden of cost shifting on local government in NSW.

*CARRIED: 2/0
FOR: Pinson / Campbell
AGAINST: Nil*

Meeting with Treasurer and Member for Port Macquarie, Ms Leslie Williams MP

A meeting was held in Port Macquarie on 4 December 2018 between Council officers, the state Treasurer and the Member for Port Macquarie, Ms Leslie Williams MP. The General Manager raised the issue of cost shifting at this meeting and explained the impact on Council.

Communications, Governance and Community Relations Portfolio.

It is noted that the issue of Cost Shifting was discussed at the December 2018 Communications, Governance and Community Relations Portfolio, with further action currently underway in this regard. This includes development of a cost shifting fact sheet and information/resources to be used in stakeholder and community communication on this matter.

Further correspondence

In December 2018, the General Manager wrote to:

- (a) The Member for Port Macquarie, Ms Leslie Williams MP;
- (b) The Member for Oxley, the Hon. Melinda Pavey MP;
- (c) The Member for Cowper, Mr Luke Hartsuyker MP;

- (d) The Member for Lyne, Dr David Gillespie MP
- (e) Local Government NSW

To date we have received responses from:

- The Member for Port Macquarie, Ms Leslie Williams MP, (Attachment 4); and
- The Member for Cowper, Mr Luke Hartsuyker MP, (Attachment 5);

These responses are attached for reference.

Options

This report is for information purposes.

Community Engagement & Internal Consultation

There has been no community engagement.

Planning & Policy Implications

There are no planning & policy implications.

Financial & Economic Implications

This report discusses the impact of cost-shifting imposed on Council from both the Federal and NSW Governments.

This cost-shifting has an effect on Council's financial position and ability to deliver to the community.

Attachments

- 1[View](#). Impact of Cost Shifting on Local Government in NSW: A Survey of Councils, October 2018
- 2[View](#). Response from ALGA
- 3[View](#). Financial Statements - 2017-18 Note 3e
- 4[View](#). Response from the Member for Port Macquarie, Ms Leslie Williams MP
- 5[View](#). Response from the Member for Cowper, Mr Luke Hartsuyker MP

Item: 09.11

Subject: INVESTMENT POLICY REVIEW - 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 adopt the amended Investment Policy.

Executive Summary

At the Ordinary Council Meeting on 12 December 2018, Council resolved to place the draft Investment Policy (as attached) on public exhibition.

The Investment Policy was subsequently placed on public exhibition for the period 19 December 2018 to 29 January 2019 (42 days).

There were no submissions during the public exhibition process.

Discussion

At the Ordinary Council Meeting on 12 December 2018, Council resolved as follows:

09.10 DRAFT INVESTMENT POLICY	
<i>RESOLVED: Hawkins/Griffiths</i>	
That Council:	
1.	Place the Revised Investment Policy on public exhibition from 19 December 2018 to 29 January 2019 (42 days, extended due to the Christmas period).
2.	Note that a further report will be tabled at the February 2019 Ordinary Council meeting detailing the submissions received from the public in relation to the Revised Investment Policy, during the exhibition period.
<i>FOR: Alley, Cusato, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner</i>	
<i>CARRIED: 8/0</i>	
<i>AGAINST: Nil</i>	

The existing Investment Policy was reviewed and the attached draft includes the following changes:

- The following sections have been added: 'Funds for Investment', 'Legislative Authority for Investments', 'Investment Governance', 'Breaches of Criteria';

- The following components have been included in the mandatory investment criteria: 'scope', 'currency', 'ownership', 'term / maturity';
- The performance management section has been expanded to provide more information and guidance;
- Investment authorisation requirements and detail of responsibilities attached to individual staff have been removed as they relate to strategy rather than policy matters;
- The short-term credit rating approval category has been added with S&P rating descriptions removed;
- The minimum portfolio exposure requirement has been removed;
- Portfolio exposure: changed A rating to 60% (from 55%) and BBB rating to 30% (from 15%);
- Institutional exposure: changed AAA rating to 40% (from 45%), AA rating to 30% (from 40%) and A rating to 20% (from 15%);
- Maturity requirement: changed 3 to 5 years from 30% to 40% (and to 5.5 years);
- Maturity requirement: changed 5 years and greater from 15% to 20% (and to 5.5. years);
- Inclusion of Floating rate Notes as an investment option.

Public Exhibition

The public exhibition period is now complete with no submissions received via mail, email or in person.

Within the exhibition period there were thirteen (13) views and two (2) downloads of the Investment Policy via Council's engagement website page.

Options

Council has the option not to adopt the Policy identified within this report.

Community Engagement & Internal Consultation

The Investment Policy was available for public comment from 19 December 2018 to 29 January 2019 (42 days). No submissions were received.

Planning & Policy Implications

There are no planning implications in relation to this report. This report recommends replacing the existing Investment Policy with a revised Investment Policy.

Financial & Economic Implications

The Investment Policy frameworks and requirements can positively impact returns through its regulation of investments. This review of the Investment Policy was undertaken with a view to increase returns on Council's investment portfolio.

Attachments

1 [View](#). Draft Investment Policy

Item: 09.12

Subject: QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2018

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 Quarterly Budget Review Statement for the December 2018 Quarter.

Executive Summary

This report will detail Council's progress against the original and revised 2018-19 Budget as at the end of the second quarter being 31st December 2018.

Discussion

The Quarterly Budget Review Statement (QBRs) is a statutory report prepared in accordance with sections 202 and 203 of the *Local Government (General) Regulation 2005* ('Regulations').

The QBRs presents a summary of Council's financial position at the end of the first, second and third quarter of the financial year. It is a mechanism whereby the Councillors and the community are informed of Council's progress against its current adopted budget.

Whilst the Regulations require the Council, as a minimum, to prepare quarterly revised estimates of income and expenditure through the QBRs, Port Macquarie-Hastings Council adopts budget variations on a monthly basis.

Attached to this report are the mandated components of the QBRs as prescribed in the 'NSW Local Government Code of Accounting Practice and Financial Reporting'. Those components include:

1. Budget Review Income and Expenditure (Consolidated);
2. Budget Review Capital Budget;
3. Budget Review Cash and Investment;
4. Budget Review Key Performance Indicators;
5. Budget Review Contracts and Other expenses; and
6. Statement by the Responsible Accounting Officer.

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

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

CARRIED: 8/0

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

AGAINST: Nil

Confidential Attachment 2 titled "2018-19 December Quarterly Budget Review Statement - Consultancy Engagements" provides information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct business. Local Government Act 1993 - Section 10A(2)(c).

Budget Progress Commentary

The variances listed below should be read in conjunction with **Attachment 1** (December 2018 Quarterly Budget Review Statement).

Income and Expenses – QBRs Page 1

Rates and Annual Charges

YTD Budget	YTD Actual	Budget Variance	% Received
\$93.314m	\$93.213m	-\$0.101m	99.99%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Annual Charges: +\$0.081m - Rates: -\$0.146m <p><i>The rates growth that has been incorporated into the budget continues to be captured and the associated rates revenue budget deficit is decreasing as the financial year progresses.</i></p>			

User Fees and Charges

YTD Budget	YTD Actual	Budget Variance	% Received
\$15.833m	\$16.477m	+\$0.644m	104.1%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Water Supply Usage Charges: -\$0.567m - Reclaimed Water, Sewer & Onsite Effluent: -\$0.222m - Water Private Works: +\$0.581m - Waste Management Charges: +\$0.570m - Planning & Building Fees: +\$0.225m - 			

Variances associated with usage charges for water supply, waste management, sewer and onsite effluent are caused by the timing of receipts and the billing cycles whose frequency at times does not align with the phasing of the budget.

The Water Private Works favourable increase is due to a larger than anticipated number of works, however this income is offset by expenditure.

The Planning Fees variance is due to a high level of activity in the development environment which corresponds with the high levels of developer contributions.

Interest and Investment Income

YTD Budget	YTD Actual	Budget Variance	% Received
\$3.816m	\$4.438m	+\$0.622m	116.3%
<p><i>Budget variance due to larger than anticipated cash levels resulting in higher yields from Council's investment portfolio. Further information can be found in the Monthly Investment Report.</i></p> <p><i>This favourable budget variance is on a consolidated basis and includes interest contributable to the water fund, sewer fund, and restricted reserves such as waste s7.11 reserves.</i></p>			

Other Revenues

YTD Budget	YTD Actual	Budget Variance	% Received
\$2.674m	\$2.873	+\$0.199m	107.4%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - <i>Sale of Carbon Credits: +\$0.168m</i> <p><i>Receipt of income from the sale of carbon credits through ANREU (Australian National Registry of Emissions Units)</i></p>			

Operating Grants & Contributions

YTD Budget	YTD Actual	Budget Variance	% Received
\$5.252m	\$7.979m	+\$2.727m	152.2%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - <i>Roads to Recovery: +\$1.303m</i> - <i>Financial Assistance Grants: +\$1.553m</i> <p><i>Roads to Recovery - Impact of 2017-18 allocations received in the current financial year.</i></p> <p><i>Financial Assistance Grant YTD budget requires re-phasing to align with timing of actual receipts.</i></p>			

Capital Grants & Contributions

YTD Budget	YTD Actual	Budget Variance	% Received
\$9.714m	\$11.963m	+\$2.249m	123.2%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Wauchope Pool Upgrade: +\$0.375M - Section 7.11 Developer Contributions: +\$2.267m - Voluntary Planning Agreements: +\$0.264m - Section 64 Contributions: +\$0.908m <p><i>The developer contributions variance is due to a high level of activity in the development environment.</i></p> <p><i>The below capital grant funding has been awarded to Council, however due to the timing of the completion of projects had not been received, or was not yet payable to Council as at 31st December 2018.</i></p> <ul style="list-style-type: none"> - Dunbogan Bridge (Reid Street): -\$0.425M - Airport Terminal Refurbishment: -\$0.140m - Hastings Regional Sporting Facility Lights: -\$0.185m - Short Street Car Park Reserve Amenities: -\$0.183m 			

Employee Costs

YTD Budget	YTD Actual	Budget Variance	% Expended
\$27.384m	\$25.380	-\$2.004m	92.7%
<p><i>Major budget variances include:</i></p> <ul style="list-style-type: none"> - Salaries & Wages: -\$0.745m - Employee On-Cost Recovery: -\$1.254m <p><i>The favourable variation that has occurred in Salaries and Wages is a combination of capitalised employee costs, timing of employees taking leave and vacancies across the organisation.</i></p>			

Borrowing Costs

YTD Budget	YTD Actual	Budget Variance	% Expended
\$1.470m	\$1.495m	+\$0.025m	101.7%
There are no major or material budget variances.			

Materials & Contracts

YTD Budget	YTD Actual	Budget Variance	% Expended
\$19.228m	\$16.824m	-\$2.404m	87.5%

Major budget variances include:

- Drainage: -\$0.636m
- Waste Management: -\$0.617 m
- Airport: -\$0.301m
- Digital Technology: -\$0.202m
- Assets & Property Investment: -\$0.173m
- Transport & Traffic: -\$0.167m
- Destination Marketing: -\$0.136
- Community Place & Engagement: -\$0.126m

The variations that have occurred in the Materials and Contracts category have occurred over various projects which are at various stages. The timing of invoice payments in relation to on-going services, in particular waste services, is the cause of other variations. Whilst these budgets may not have been fully expended during the first two quarters of the financial year, they have been committed through the issuing of purchase orders.

Depreciation

YTD Budget	YTD Actual	Budget Variance	% Expended
\$22.198m	\$24.297m	+\$2.099	109.5%
Major budget variances include:			
<ul style="list-style-type: none"> - Buildings: -\$0.930m - Roads, Bridges and Footpaths: -\$0.377m - Sewerage Network: -\$0.539m - Office Equipment: -\$0.324m 			
During the 2017/18 financial year the Buildings Asset Class was revalued as required for auditing purposes. This revaluation included a review of the buildings useful lives which has resulted in an increase in their annual depreciation. This increase was not incorporated into the 2018/19 Original budget.			
A higher than anticipated number of large infrastructure projects, which were completed and commissioned in the system during the 2017/18 financial year, started incurring depreciation expenditure in the 2018/19 financial year.			

Other Expenses

YTD Budget	YTD Actual	Budget Variance	% Expended
\$4.975m	\$6.442m	+\$1.467m	129.5%
Major budget variances include:			
<ul style="list-style-type: none"> - Section 88 Waste Levy: +\$2.018m - Payments to Other levels of Government: +\$0.438m - Electricity: -\$0.781m - Insurance: -\$0.181m 			
The favourable variances above in electricity have been caused by the delay in being issued invoices for payments for electricity.			

The budget of the section 88 waste levy requires re-phasing to align with the actual level of expenditure that occurring throughout the year.

Asset Disposal

YTD Budget	YTD Actual	Budget Variance	% Expended
\$1.500m	\$0.163m	-\$1.337m	10.9%
<p><i>The asset disposal budget is predominately made up of loss on disposal of infrastructure assets (roads, footpaths, etc.). This disposal occurs when the old asset is disposed of in the system and the new asset is capitalised and commissioned.</i></p> <p><i>The budget of the asset disposals requires re-phasing to align with the actual level of expenditure that occurring throughout the year.</i></p>			

Capital Expenditure – QBRs Page 2

YTD Budget	YTD Actual	Budget Variance	% Expended
\$37.116m	\$21.388m	-\$15.728m	57.6%
<p><i>Projects with budgets that have been materially under spent include:</i></p> <ul style="list-style-type: none"> - <i>Hastings Regional Sporting Facility: -\$1.975m</i> <ul style="list-style-type: none"> - <i>Project currently in design phase. This project is forecasted to continue into the next financial year and the re-phasing of the current budget will be required to reflect this.</i> - <i>Small Village Sewer Scheme: -\$1.632m</i> <ul style="list-style-type: none"> - <i>Finalising design for Telegraph Point STP. Commencing works on reticulation in Telegraph Point. Variance due to contractor billing cycle.</i> - <i>Beechwood Rosewood VPA Water Supply Works: -\$1.334m</i> <ul style="list-style-type: none"> - <i>Projects on time. Variance due to timing of payments.</i> - <i>Dunbogan Bridge Sewer Rising Main Construction: -\$0.981m</i> <ul style="list-style-type: none"> - <i>Delayed commencement to avoid the busy Christmas period. Works to commence in February 2019.</i> - <i>Road Resealing Works: -\$0.957m</i> <ul style="list-style-type: none"> - <i>Program on track. Variance due to timing of payments.</i> - <i>Illaroo Road – Stormwater Remediation Construction: -\$0.720m</i> <ul style="list-style-type: none"> - <i>Delay due to asbestos removal required on site and funding being sourced for that exercise. Revised plan to be finalised.</i> - <i>ICT Projects: -\$0.711m</i> <ul style="list-style-type: none"> - <i>Projects on time. Variance due to timing of payments.</i> - <i>Reclaimed Water Area 14 Trunk Main: -\$0.655m</i> <ul style="list-style-type: none"> - <i>Construction of Area 14 reclaimed outlet trunk main has project designs complete, with construction expected in early 2019</i> - <i>Annual Water Supply Live Watermain Renewals: -\$0.578m</i> <ul style="list-style-type: none"> - <i>Projects ongoing. Variance due to timing of payments.</i> 			

There are a large number of smaller projects from various areas of Council which are also currently underspent when comparing their actual expenditure to year to date budgets:

- Water Supply Projects: -\$0.720m
- Sewer Supply projects: -\$1.197m
- Transport & Traffic Projects: -\$1.493m
- Drainage Projects: -\$0.594m
- Parks & Recreation Projects: -\$1.228m

The actual expenditure does not reflect the amount of funds that have been committed to particular projects through the raising of Purchase Orders. For capital projects, progress against their budgets may not necessarily reflect their progress in relation to practical completion.

Progress details for particular capital projects can be found in the report "2018-19 Operational Plan Quarterly Progress Report as at 31st December 2018" which is also on the agenda of the Ordinary Council Meeting for February 2019 and contained within the business paper.

Cash and Investments – QBRs Page 3

The return on Council's investment portfolio for the financial year as at 31st December 2018 was 3.00% which was 1.02% above the benchmark of 1.98%.

Budget variations adopted throughout the financial year have included utilising \$6.838m of Council's cash reserves.

Key Performance Ratios – QBRs Page 4

The budget variations that have been adopted throughout the financial year (July-December) have not had a detrimental or material impact on the majority of the forecasted T-Corp Ratios set out in the adopted original budget.

One of the ratios that has been impacted through variations is the Building and Infrastructure Renewals Ratio. This ratio has significantly improved as a result of the adoption of the carry overs which as per the attachment are significant.

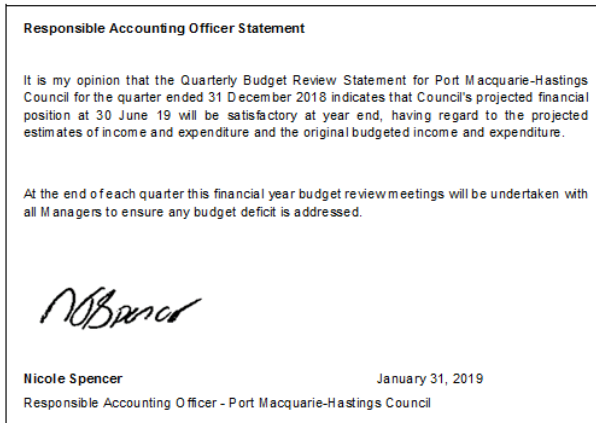
The Operating Performance Ratio has decreased as a result of the adoption of carry over budgets which were operating expenditure in nature. As there was no operating revenue to counter the expenditure this has decreased the ratio.

Contracts and Other Expenses – QBRs Page 5-7

There were no unbudgeted contracts entered into throughout the second quarter of the financial year. There was no expenditure incurred for consultancy or legal expenses that was not budgeted for during the second quarter.

Statement by Responsible Accounting Officer

Below is a statement made by Council's Responsible Accounting Officer made in pursuant to section 203(2) of the Regulations:



Options

Council may adopt the recommendation or amend as required.

Community Engagement & Internal Consultation

Not applicable

Planning & Policy Implications

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

Financial & Economic Implications

As indicated in the QBRS, the projected operating result for Council, as at 30th June 2019, is \$3.050m and this result will be satisfactory. However, there continues to be a budget deficit for the 2018/19 financial year which will be remedied throughout the year through favourable budget variations.

Attachments

- 1 [View](#). Quarterly Budget Review Statement - December 2018
- 2 [View](#). Confidential Attachment - December 2018 Quarterly Budget Review Statement - Consultancy Engagements.pdf (Confidential)

Item: 09.13

Subject: MONTHLY BUDGET REVIEW - JANUARY 2019

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:

- 1. Adopt the adjustments in the "Budget Variations – January 2019" section of the Monthly Budget Review – January 2019**
- 2. Amend the 2018-2019 Operational Plan to include all budget adjustments approved in this report.**

Executive Summary

This report will detail monthly budget adjustments recommended to be made up to 31 January 2019.

The Council adopted a budget position as at 1 July 2018 being a shortfall of \$511,873, and as at 31 January 2019 that shortfall had been reduced to \$364,608. The budget adjustments contained in this report will maintain that reduced shortfall position.

Discussion

Each month, Council's budgets are reviewed by Group 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 2018-2019 budget position along with the proposed movement of funds to accommodate any changes.

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.

Monthly Budget Review Summary

Original Budget as at 1 July 2018	Shortfall	(\$511,873)
Plus adjustments:		
July Review	Balanced	\$0
August Review	Balanced	\$0
September Review	Balanced	\$0

Original Budget as at 1 July 2018	Shortfall	(\$511,873)
October Review	Surplus	\$147,265
November Review	Balanced	\$0
December Review	-	-
January Review	Balanced	\$0
Forecast budget position for 30 June 2019	Shortfall	(\$364,608)

January 2019 Adjustments

There are no adjustments in this report that impact Council's current budget position.

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/Revenue	(\$89,841)
Reserve Transfers	2	Reserves	(\$2,440,000)
Contributions and Other Revenues	3	Contribution	\$51,800
Section 7.11 Contributions	4	S 7.11 Contributions	\$1,432,122
Over-expenditure Reviews	5	Reserves	\$50,000
Transfer between projects	6	Reserves/Revenue	\$2,080,832
Council Resolutions	7	Asset Sales/Reserve	\$1,352,720
Total			\$2,437,633

1. Grant funding

The total net decrease in grant funding value for 2018-2019 is \$89,841.

Council project	Grant provider	Grant Amount	Other Funding*	Comment
Library – Local Priority Grant	NSW State Library	(\$100,841)	\$0	A reduction in the amount of funding received for the financial year.
Road Safety Program – Distracted Driver Action Plan Implementation	Transport for NSW	\$2,700	\$0	Funding provided under the Road Safety Program
Road Safety Program - Safety Around Schools	Transport for NSW	\$8,300	\$0	Funding provided under the Road Safety Program
TOTAL		(\$89,841)	\$0	

* Other funding already contained within existing budgets.

2. Reserve Transfers

Additional reserve funding has been used this month to fund the following projects.

Project Name	Reserve	T/f from (reduction) T/f To (increase)	Other Funding	Reserve Amount	Comments
Koala Street Depot Clean Up	Plant & Fleet Reserve	Transfer From	\$0	\$30,000	Clean up of the Depot required to ensure ongoing workplace health and safety standards.
Port Macquarie Pool	Committed Works Reserve	Transfer to Reserve	\$0	(\$450,000)	These funds are currently sitting the 2018-19 budget. Transfer remaining funds back to reserve to for inclusion in the 2019-20 financial year budget.
Hastings Regional Sporting Facility	Various	Transfer to Reserve	\$0	(\$2,020,000)	These funds are currently sitting the 2018-19 budget. Transfer remaining funds back to reserve to for inclusion in the 2019-20 financial year budget.
Net Transfer from reserves				(\$2,440,000)	

3. Contributions and Other Revenues

Description	Source of Funds	Amount	Comments
Road Furnishings – Safety Upgrades and maintenance of school bus stops.	Bus Shelter Advertising Revenue	\$46,000	Revenue received through the advertising on Council owned Bus Shelters.

Description	Source of Funds	Amount	Comments
Communications	Surplus Bus Shelter Advertising Revenue	\$5,800	Surplus funds from Bus Shelter Revenue to be utilised for Communication campaigns.
Total utilisation of contributions and other revenues		\$51,800	

4. *Utilisation of Section 7.11 Contributions*

Project Name	Source of Funds	Amount	Comments
Property Acquisitions - Hastings River Drive and Boundary Street (Acquisition)	Hastings River Drive Contribution Plan (HRD Plan).	\$1,432,122	Land acquisitions for the widening of Hastings River Drive.
Hastings River Drive Contribution Plan – Loan Proceeds (Loan Proceeds)	Major Roads Contribution Plan	(\$1,432,122)	Internal loan between s7.11 plans to fund the shortfall in the HRD Plan.
Major Roads Contribution Plan – Loan to HRD Plan (Loan Principal)	Major Roads Contribution Plan	\$1,432,122	Internal loan between s7.11 plans to fund the shortfall in the HRD Plan.
Total s7.11 utilisation		\$1,432,122	

Note: The above variation corresponds with the associated Council report tabled at the February Ordinary Council Meeting.

5. *Over-expenditure Reviews (approved by Executive)*

Project Name	Source of Funds	Amount	Comments
Bulli Creek Bridge Replacement	Road Renewal Reserve	\$50,000	Funding from the roads renewal reserve for the establishment of an easement in relation to the Bulli Creek Bridge Replacement.
Total over expenditures		\$50,000	

6. *Transfer between projects*

Transfer from	Transfer To	Amount	Comments
Community Place - Place Facilitators	Short Street CarPark Reserve	\$25,000	Budget re-allocation to fund the disabled access project 'Boundless Exceloo'.
Community Place - Disabled Accesses	Short Street CarPark Reserve	\$106,000	Budget re-allocation to fund the disabled access project 'Boundless Exceloo'.
Community Place - Disabled Accesses	Building Rectification Works	\$30,000	Budget re-allocation to fund the provision of DDA compliant refit of the current Comboyne Public Amenities next to Comboyne Hall
Port Macquarie Coastal Walk	Westport Park Riverwall and Pathway Upgrade	\$356,000	Coastal Walkway funds re-allocated for the construction of a new 3m wide shared pathway and associated foreshore upgrades at Westport Park between the Marine Rescue building and boat ramp adjacent to Livvi's Place playground.
Stormwater Renewal Program	Westport Park Riverwall and Pathway Upgrade	\$118,993	Budget allocation transferred to Westport Park Riverwall and Pathway Upgrade for associated stormwater drainage works.
Annual Renewals and Minor Works Allocation – Water Supply	Sewer Rising Main Extension to Dunbogan STP Inlet	\$593,234	Water Supply works associated with the SRM Extension to Dunbogan STP Inlet project. Budget allocation merged with Sewer Rising Main project for project management purposes.
Camden Haven Reticulation Augmentation	Laurieton Sewer Rising Main SPS#1 to Dunbogan Bridge	\$851,605	Laurieton Sewer Rising Main budget allocation in the Camden Haven Reticulation Augmentation budget segregated to separate project number due to size of project.
Total		\$2,080,832	

7. Council resolutions

Description	Comment	Amount	Source
MIDROC Contributions	Part utilisation of remaining PMHC contribution to MIDROC for 'Why Local Government Matters' Report (OCM Dec 2018)	\$14,000	MIDROC Trust Fund Account

Description	Comment	Amount	Source
Sale of Lands Proceeds	Transfer of proceeds from the sale of 6 Enterprise Place, Wauchope (OCM July 2016) to the property reserve fund.	\$158,957	Property Reserve
Sale of Lands Proceeds	Transfer the proceeds from the sale of closed road being Lot 1 Hockey Place, Port Macquarie.	\$27,187	Property Reserve
Settlement Shores Canals Dredging	At the November 2018 Council meeting, Council resolved to accept a tender for the dredging of the Settlement Shores canals. An option from the contractor to start in July 2019 was chosen. These funds are currently sitting the 2018-19 budget and will be transferred to reserve for utilisation in 2019/20 financial year.	\$1,152,576	Canal Maintenance Reserve.
Total		\$1,352,720	

Options

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

Community Engagement & Internal Consultation

Not Applicable.

Planning & Policy Implications

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

Financial & Economic Implications

The Attachment to this report contains information of each individual budget adjustment by Division and Section. The budget movements within this report maintain the budget position at a reduced shortfall of \$364,608.

Statement by Responsible Accounting Officer

"The adopted original budget result for 2018-2019 was a shortfall of \$511,873. Previous budget adjustments have improved that position to \$364,608 with the variations contained within this report maintaining that position. The remaining shortfall position is still considered an un-satisfactory result for the year and as such further budget adjustments will be required throughout the year to reduce this shortfall."

Attachments

1 [View](#). Budget Variations - January 2019

Item: 09.14

Subject: INVESTMENTS - DECEMBER 2018

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 December 2018.

Executive Summary

- Total funds invested as at 31 December 2018 equals \$296,648,871.
- Interest for the month of December was \$809,647.35.
- The year-to-date investment income of \$4,322,311 represents 59% of the total annual investment income budget of \$7,385,000.
- Council's total investment portfolio performance for the financial year to date was 1.02% above the benchmark (3.00% against 1.98%). Benchmark being the Bank Bill reference rate as at 31 December 2018 as identified on www.bloombergindices.com.

Discussion

Council has engaged Imperium Markets to provide both an investment management platform and investment advisory service. This decision was based on the need to provide more rigour and transparency around investment choices and to provide a sound framework to support the need for increased financial sustainability into the future.

The attached investment report and portfolio provides detailed information on the performance of council's investment portfolio.

Overview

Councils (including Port Macquarie-Hastings Council) provide a broad range of services and associated infrastructure to their communities. These services include (but are not limited to) the following:

- Water and Sewer services;
- Waste services;
- Port Macquarie 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. 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.

An independent analysis was conducted on Council's financial reserves. The review found:

- The Port Macquarie-Hastings local government area has experienced an unprecedented level of development activity. Whilst this has increased the level of reserves held through developer contributions, councils experiencing a high level of development activity require relatively high levels of reserves in order to adequately cope with the required levels of infrastructure spending.
- Council's reserve levels to be broadly appropriate and reasonable in light of Council's circumstances. In particular, that Council has successfully maintained a prudent buffer to prepare against potential financial risks associated with the predicted high development activity.

The full report is available on Council's website:

<http://www.pmhc.nsw.gov.au/About-Us/What-Council-Does/Corporate-Planning-Reporting-Budgets/Financial-Reports?BestBetMatch=financial%20reserves|cddb291-68a4-4d81-8aee-b3733958e5ca|bd0cff62-3134-4e81-9f7e-de4e65feb428|en-AU>

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 June 2018, comply with this Act.

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

As at 31 December 2018, the investments held by Council totalled \$296,648,871 and were attributed to the following funds:

General Fund	123,572,054
Waste Fund	17,235,299
Water Fund	96,737,197
Sewer Fund	57,689,306
Sanctuary Springs Fund	38,564
Broadwater	1,376,451

296,648,871

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.

Options

This is an information report.

Community Engagement & Internal Consultation

Council uses the services of an independent financial advisor, on an ongoing 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. 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 the financial year to date is 1.02% above the benchmark (3.00% against 1.98%) and year to-date income is 59% 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.

Certification

I hereby certify that the investments listed within this report were 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.

Nicole Spencer
Responsible Accounting Officer

Attachments

- 1 [View](#). Port Macquarie-Hastings Council Monthly Report - December 2018
- 2 [View](#). Port Macquarie-Hastings Council Portfolio as at 31 December 2018

Item: 09.15

Subject: INVESTMENTS - JANUARY 2019

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 January 2019.

Executive Summary

- Total funds invested as at 31 January 2019 equals \$290,679,135.
- Interest for the month of January was \$743,843.87.
- The year-to-date investment income of \$5,066,154 represents 69% of the total annual investment income budget of \$7,385,000.
- Council's total investment portfolio performance for the financial year to date was 0.99% above the benchmark (3.00% against 2.01%). Benchmark being the Bank Bill reference rate as at 31 January 2019 as identified on www.bloombergindices.com.

Discussion

Council has engaged Imperium Markets to provide both an investment management platform and investment advisory service. This decision was based on the need to provide more rigour and transparency around investment choices and to provide a sound framework to support the need for increased financial sustainability into the future.

The attached investment report and portfolio provides detailed information on the performance of council's investment portfolio.

Overview

Councils (including Port Macquarie-Hastings Council) provide a broad range of services and associated infrastructure to their communities. These services include (but are not limited to) the following:

- Water and Sewer services;
- Waste services;
- Port Macquarie 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. 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.

An independent analysis was conducted on Council's financial reserves. The review found:

- The Port Macquarie-Hastings local government area has experienced an unprecedented level of development activity. Whilst this has increased the level of reserves held through developer contributions, councils experiencing a high level of development activity require relatively high levels of reserves in order to adequately cope with the required levels of infrastructure spending.
- Council's reserve levels to be broadly appropriate and reasonable in light of Council's circumstances. In particular, that Council has successfully maintained a prudent buffer to prepare against potential financial risks associated with the predicted high development activity.

The full report is available on Council's website:

<http://www.pmhc.nsw.gov.au/About-Us/What-Council-Does/Corporate-Planning-Reporting-Budgets/Financial-Reports?BestBetMatch=financial%20reserves|cddb291-68a4-4d81-8aee-b3733958e5ca|bd0cff62-3134-4e81-9f7e-de4e65feb428|en-AU>

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 June 2018, comply with this Act.

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

As at 31 January 2019, the investments held by Council totalled \$290,679,135 and were attributed to the following funds:

General Fund	118,568,019
Waste Fund	16,827,415
Water Fund	98,080,954
Sewer Fund	55,755,165
Sanctuary Springs Fund	37,788
Broadwater	1,409,794

290,679,135

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.

Options

This is an information report.

Community Engagement & Internal Consultation

Council uses the services of an independent financial advisor, on an ongoing 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. 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 the financial year to date is 0.99% above the benchmark (3.00% against 2.01%) and year to-date income is 69% 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.

Certification

I hereby certify that the investments listed within this report were 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.

Nicole Spencer
Responsible Accounting Officer

Attachments

- 1 [View](#). Port Macquarie-Hastings Council Monthly Report - January 2019
- 2 [View](#). Port Macquarie-Hastings Council Portfolio as at 31 January 2019

Item: 09.16**Subject: 2018-2019 OPERATIONAL PLAN - QUARTERLY PROGRESS
REPORT AS AT 31 DECEMBER 2018****Presented by: Corporate Performance, Rebecca Olsen**

Alignment with Delivery Program

1.1.4 Provide easy to understand and accessible community reporting.

RECOMMENDATION

That Council note the 2018-2019 Operational Plan - Quarterly Progress Report as at 31 December 2018.

Executive Summary

The 2018-2019 Operational Plan is a sub-plan of the adopted 2017-2021 Delivery Program. The Delivery Program is designed as the single point of reference for all key activities to be undertaken during a term of Council. The Operational Plan spells out the detail of the individual actions, projects and activities Council will undertake in the financial year to meet the commitments made in the Delivery Program.

Quarterly progress reports to Council and the community provide a central point of information on the progress on delivering the actions set out in the 2018-2019 Operational Plan. The attachment to this report outlines what Council has delivered against each action, activity or project and seeks to provide concise and accurate information in relation to the progress made.

The overview section of the report provides an overall statistical snapshot of 2018-2019 Operational Plan performance by Community Theme. Further detail is provided in each theme highlighting achievements and identifying actions that are currently reported as behind.

The attachment provides the full 2018-2019 Operational Plan progress report, which includes a comprehensive listing of each individual action and commentary on progress.

Meeting the targets and performance measures in the annual Operational Plan contributes to the overall achievement of the objectives outlined in the four year Delivery Program 2017-2021. The legislated requirement to report against the Delivery Program occurs on a six-monthly basis. That report is next scheduled to be tabled at the Ordinary Meeting of Council in March 2019.

All capital works projects are incorporated into the body of the Operational Plan and as such are reported on as individual actions. A number of projects may have design and construction elements and therefore can span across multiple years.

Discussion(a) Overview - 2018-2019 Operational Plan – Quarterly progress report as at 31 December 2018

The 2018-2019 Operational Plan contains 345 performance measures. As at 31 December 2018, 93% are on target for delivery and 7% are reported as behind. The table below provides a summary of the total number of performance measures and the status by Community Theme.

2018-2019 Operational Plan summary of performance measures by theme					
Community Theme	Total No.	On target	Achieved	Behind	Overall delivery (%)
Leadership and Governance	90	74	10	6	93%
Your Community	82	77	0	5	94%
Your Business and Industry	25	23	0	2	92%
Natural and Built Environment	148	130	7	11	93%
Total	345	304	17	24	93%

The table below is comparative data of historical Operational Plan performance and provides information outlining year on year progress against the adopted 2018-2019 Operational Plan.

Historical Comparative Review of Operational Plan Performance Measures																
	TOTAL				ON TARGET/ ACHIEVED				BEHIND				OVERALL DELIVERY Percentage (%)			
	15/16	16/17	17/18	18/19	15/16	16/17	17/18	18/19	15/16	16/17	17/18	18/19	15/16	16/17	17/18	18/19
1Q - July - Sept	468	320	318	337	410	281	301	321	58	39	17	16	87%	88%	95%	95%
2Q - Oct - Dec	468	320	320	345	391	297	293	321	77	23	27	24	84%	93%	92%	93%
3Q - Jan - Mar	468	320	320		381	280	282		87	40	38		81%	88%	88%	
4Q - Apr - Jun	468	320	320		384	294	279		84	26	41		82%	92%	87%	
Total	468	320	320		384	294	279		84	26	41		82%	92%	87%	

(b) Detailed Analysis by Community Theme

Included below is a summary of highlights and information of those actions that reported as behind according to each Community Theme within the Operational Plan.

COMMUNITY THEME: LEADERSHIP AND GOVERNANCE

Operational Plan summary of performance measures					
2018 - 2019	Total No.	On target	Achieved	Behind	Overall %
1Q - July – Sept 2018	90	85	4	1	99%
2Q - Oct – Dec 2018	90	74	10	6	93%
3Q - Jan – Mar 2019					
4Q - Apr – Jun 2019					

Leadership and Governance - Summary of highlights

- Over 38,600 calls were received through the customer call centre with 76% of calls answered (within 20 seconds) exceeding the set target of 75%. The call abandonment rate was recorded at 3%
- 90% of initial customer interactions were dealt with at the first point of contact
- Over 44,700 counter enquires were processed, and over 16,000 e-mails were received through Customer Service offices in Laurieton, Port Macquarie and Wauchope
- Over 360 Media releases, statements, alerts and announcements were issued from 1 July to 31 December 2018
- Over 402,700 unique website visitors were recorded on the corporate website from 1 July 2018 to 31 December 2018
- Facebook likes increased from 8,218 as at 30 September 2018 to 8,552 as at 31 December 2018
- Council business units (Airport, Crematorium, Environmental Laboratory, and Glasshouse) report increases in operating revenue for the first half of the financial year
-

Leadership and Governance - Operational Plan actions reported as behind

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
1.3.4.5 CW Works Depot relocation - preconstruction/ design (multi-year project in 2017-18 linked to 1.3.4.4 CW)	Assets and Property Investment	Deliver project according to approved project plan (Works Depot relocation)	100%	75%
Behind schedule. Land negotiations commencing.				
1.3.5.3 Implement the Human Resource Information System (HRIS)	Organisational Performance	Commenced implementation of HRIS system	100%	0%
Behind schedule. Yet to commence. Council Executive has determined that this project is on hold, with review in February 2019.				
1.3.5.3 Implement the Human Resource Information System (HRIS)	Organisational Performance	Commenced training of HRIS system	100%	0%
Behind schedule. Yet to commence. Council Executive has determined that this project is on hold, with review in February 2019.				
1.4.1.1 CW Renew technology infrastructure to provide secure and responsive Information Communication Technology Allocated Amount 2018-19 \$1,600,000	Digital Technology	Deliver project according to approved project plan (ICT - Projects)	100%	90%

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
Behind schedule. Customer experience projects are currently in planning and assessment phase, prior to commence. Other projects are on target as per DT Roadmap.				
1.5.1.7 Greenmeadows Drive residential development planning	Assets and Property Investment	<i>Develop concept plan</i> for Greenmeadows Drive development	100%	50%
Behind schedule. Site use options currently under review. Concept planning to commence early 19.				
1.5.1.7 Greenmeadows Drive residential development planning	Assets and Property Investment	<i>Lodge Development Approval application</i> for Greenmeadows Drive development	100%	50%
Behind schedule. Site use options currently under review. Concept planning to commence early 19.				

COMMUNITY THEME – YOUR COMMUNITY

Operational Plan summary of performance measures					
2018 - 2019	Total No.	On target	Achieved	Behind	Overall %
1Q - July – Sept 2018	80	79	0	1	99%
2Q - Oct – Dec 2018	82	77	0	5	94%
3Q – Jan – Mar 2019					
4Q – Apr – Jun 2019					

*Increase in Operational Plan actions for the quarter as per monthly budget adjustment reports to Council

Your Community - Summary of highlights

- The Lifeguard education program commenced in Term 4 in schools across our LGA. To date, 48 presentations have been delivered to 4,454 students
- Implementation of the Recreation Action Plan is ongoing, actions include:
 - Port Macquarie Off Leash Dog Exercise Park has concept plan developed for a facility at Stuart Park
 - Hastings Regional Sporting Facility - Stage 1 development has detailed design for the facility progressing
 - Port Macquarie Pool upgrade is yet to commence as the project commencement is subject to completion of the site selection process and development of facility concept plans
 - Camden Haven River recreational boating upgrade improvements has detailed design for the upgrade of Bruce Porter Reserve and Dunbogan Reserve boat ramps finalised
- Implementation of the Sporting facility renewal program is ongoing, actions include:
 - Blackbutt Park facility upgrade and replacement of park furniture has project scope finalised with work scheduled to commence early 2019.
 - Stuart Park Install sub-soil drainage to fields 1 and 2 is linked to Council's successful Regional Sport Infrastructure Fund application for major improvements for the Stuart Park sports precinct. The Funding Deed associated with this grant is under development
 - Port Macquarie Hastings Hockey Facility - install lighting to Field 2 has the contractor engaged for delivery
 - Port Macquarie Regional Sports Stadium for the construction of new training field including lighting has the contractor engaged for delivery of lighting component of this project, with the remaining project scope being finalised

- Oxley Oval - Sporting Infrastructure upgrade has the electrical easement confirmed for power upgrade. Quotation currently being sought. Commencement of sports clubhouse construction has been delayed while project partners seek finalisation of funding deed
- Regional Master Planning for recreational facilities is ongoing:
 - Master Planning for Bain Park Wauchope will align with the development of the Community Plan for Wauchope
 - Master Planning for Flynn's Beach has a draft Master Plan prepared, it will be presented to an Ordinary Council Meeting early 2019
 - Master Planning for the Vince Inmon Sporting complex has the project planning complete with the draft plan development planned to commence in February with the Vince Inmon User Group.
- Port Macquarie Coastal Walk upgrade has the Westport Park segment of the Coastal Walk upgrade was completed in November 2018. Works on the Charlie Uptin and Doctors Walk segments are currently in design phase
- 161 pool inspections have been undertaken from July to December 2018
- 474 risk based audit inspections relating to on-site sewage undertaken from July to December 2018
- Over 1,160 offences have been recorded during proactive patrols by Council Rangers in relation to parking, beach patrols, illegal signage and sale of goods on roads from July to December 2018
- The first round of the 2018-2019 Community Grants Program has seen 24 community groups receive over \$130,000 of grant funding
- Library membership increased from 33,124 as at Sept to 33,423 as at Dec 18

Your Community - Operational Plan actions reported as behind

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
2.1.3.5 Provide a safe water supply in accordance with Australian Drinking Water Quality Guidelines	Water and Sewer	Have nil reportable incidents in accordance with NSW Health agreed protocols	100%	99%
Behind target. One reportable Faecal Coliform detect during the reporting period. Repeat sample was all clear with no detection of faecal coliforms.				
2.3.2.4 Undertake regional master planning for recreational facilities	Recreation and Buildings	Continue master planning for Flynn's Beach	100%	50%
Behind schedule. Draft Flynn's Beach Master Plan is to be presented to the Council in early 2019 to seek support for public exhibition of the draft plan.				
2.3.2.6 CW Hastings River recreational boating improvements - Undertake design/pre-construction for provision of new facility as per Boating Needs Investigation Allocated Amount 2018-19 - \$310,000	Recreation and Buildings (Infrastructure Delivery)	Deliver project according to approved project plan (Hastings River recreational boating improvements)	100%	80%
Behind schedule. This project remains in the initiation phase. Design phase commencement is pending negotiations re land acquisition and traffic/intersection planning. No construction is proposed during the 2018/19 FY. This project will continue into the 2019/20 FY.				
2.3.3.15 CW Kendall Skatepark – renewal of facility at end of useful life – Design and construct Allocated Amount 2018-19 - \$150,000	Recreation and Buildings (Infrastructure Delivery)	Deliver project according to approved project plan (Kendall Skatepark renewal)	100%	50%

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
Behind schedule. The initiation phase of this project dependent on confirmation of land availability for the proposed skatepark. Construction of this project by the targeted end date of June 2019 is at risk.				
2.3.4.07 CW Googik Track - construct shared walkway/cycleway, Stage 2 - multi-year project - Adopted 2017-18 - \$75,696	Recreation and Buildings	Deliver project according to approved project plan (Googik Track - construct shared walkway/cycleway, Stage 2)	100%	20%

COMMUNITY THEME: YOUR BUSINESS AND INDUSTRY

Operational Plan summary of performance measures					
2018 - 2019	Total No.	On target	Achieved	Behind	Overall %
1Q - July – Sept 2018	25	23	0	2	92%
2Q - Oct – Dec 2018	25	23	0	2	92%
3Q - Jan – Mar 2019					
4Q - Apr – Jun 2019					

Your Business and Industry - Summary of highlights by Council Service

- Implementation of the Small Business Friendly Council Program is ongoing
- Implementation of actions relating to 'Major Events' is ongoing, to date Council supported 11 major events from July to December 2018.
- Visits to the destination website increased by over 19%% (year on year) representing an increase from 52,114 in 2017 to 62,077 in 2018
- Port Macquarie Airport Terminal upgrade has construction commenced
- Port Macquarie Airport Parallel Taxiway - Stage 1 and General Aviation pavement renewal has design work continuing
- Investigations regarding the capacity of land at the intersection of Ocean Drive and Houston Mitchell Drive Lake Cathie, for potential service industrial development are ongoing

Your Business and Industry - Operational Plan actions reported as behind

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	Actual
3.1.2.1 Finalise Local Environmental Plan (LEP) and Development Control Plan (DCP) amendments in relation to a business park near Port Macquarie Airport	Strategic Land Use Planning	Report to Council regarding adoption of LEP and DCP amendments by 31 Dec	100%	50%
Behind schedule. Airport Biodiversity Certification gazetted on 7 September 2018. Proposed location for a future airport business park reported to the November 2018 Council meeting. Further report to be presented to the February 2019 Council meeting in relation to a Planning Proposal for the proposed airport precinct business park.				
3.4.3.2 Prioritise, advocate and implement projects that enhance the local digital environment.	Economic Development and Communications	Expand the local free Council Wi-Fi network	100%	25%
Behind target. Initial investigations placed on hold during this quarter due to a reduction in team resources and higher priorities.				

COMMUNITY THEME: NATURAL AND BUILT ENVIRONMENT

Operational Plan summary of performance measures					
2018 - 2019	Total No.	On target	Achieved	Behind	Overall %
1Q - July – Sept 2018	142	125	5	12	92%
2Q - Oct – Dec 2018	148*	130	7	11	93%
3Q - Jan – Mar 2019					
4Q - Apr – Jun 2019					

*Increase in Operational Plan actions for the quarter as per monthly budget adjustment reports to Council

Natural and Built Environment - Summary of highlights

- Provision of centralised sewerage systems for Comboyne, Long Flat and Telegraph Point as part of the small town sewerage program has construction commenced in October 2018 and is ongoing
- Detailed designs for stormwater remediation at Calwalla Crescent Port Macquarie is complete with construction planned for early 2019
- Construction of stormwater flooding mitigation measures at Rodley Street Bonny Hills has the design phase underway with construction expected to commence in early 2019
- Construction of stormwater remediation measures for Stage 2 at Batar Creek Road Kendall is complete
- Construction of new footpath undertaken with locations including:
 - Central Road, Port Macquarie
 - Ocean Drive, North Haven
 - Hill Street, Port Macquarie
- Construction of improved pedestrian amenity for Wauchope Main Street – Stage 1 has construction commenced and service adjustments ongoing
- Construction to replace bridge over Harty's Creek on Comboyne Rd complete
- Continuation of detailed design of dual lanes on Lake Road Port Macquarie - Jindalee to Fernhill intersections and Chestnut Road to Ocean Drive has designs progressing with expected completion of designs in March 2019
- Detailed designs for Hastings River Drive, Hughes Place to Boundary Street upgrade are progressing with expected completion of designs by late 2019
- Construction of the Newport Island Road roundabout on Hastings River Drive is complete
- Substructure rehabilitation works on the Dunbogan Bridge - Reid Street – has designs underway
- Kindee Bridge structural repairs and bridge replacement optioneering has initial repairs complete
- Bold Street pedestrian crossing works in Laurieton have designs and investigations underway targeting completion in early 2019
- The Road Rehabilitation Programme includes the following projects:
 - Planning Phase
 - Burrawan Dr, Wauchope, Fairmont Dr, Wauchope, Range St, Wauchope, Bransdon St, Wauchope, Colonial Cct, Wauchope, Bay St, Port Macquarie, Bellbowrie St, Port Macquarie
 - Completed projects include:
 - Bago Rd (Milligans to Herons Creek), Herons Creek
- Bago Road - Pavement Rehabilitation Programme (Milligans Rd to Pacific Highway) has work commenced

- Planning and installation of new bus shelters as per the Community Passenger Transport Infrastructure Grant Scheme (CPTIGS) is underway. Bus shelters installed include:
 - High Street, Wauchope, Cameron Street, Wauchope, Beechwood Road, Beechwood (two), Pacific Drive, Port Macquarie, Ocean Drive, Port Macquarie, Ocean Drive, Lake Cathie (two), Granite St, Port Macquarie, Greenmeadows Dr, Port Macquarie (three), Hastings River Dr, Port Macquarie and Ocean Dr, West Haven
- Beach to Beach shared path project at Camden Haven has consultants engaged to undertake feasibility study and environmental pathway assessments
- Lighthouse Road Tourism Connectivity Project - Commence Lighthouse road east upgrades - Matthew Flinders Drive to The Lighthouse is ongoing
- Orbital Road community engagement has commenced with further engagement planned for early 2019
- Gordon/Horton Street intersection upgrades has project planning, survey and concept development complete. Design work now commenced
- Preparation of Local Environmental Plan (LEP), Development Control Plan (DCP) and Contributions Plan (CP) provisions for the Port Macquarie Health and Education Precinct had the draft Master Plan presented to the November 2018 Council Meeting With public exhibition from Nov 2018 to Feb 2019
- LEP and DCP amendments for the proposed Yippin Creek urban release area to the west of Wauchope has project planning complete
- Preparation of Local Environmental Plan (LEP), Development Control Plan (DCP) and Contributions Plan (CP) provisions for the "gateway sites" at the intersection of the Pacific and Oxley Hwy has the draft DCP provisions adopted at the November 2018 Ordinary Council Meeting.
- Implementation of the Weed Management program is ongoing:
 - Over 168ha of land treated for invasive weeds
 - Over 751kms of weed dispersal routes treated
 - Over 264ha of Bushland under active management
- Riparian restoration works undertaken has included over 370km (lineal) of control being undertaken
- Over 600 customer requests relating to tree matters have been handled during 1 July 2018 to 31 December 2018
- Over 925 Development Applications, s96 Modifications, Construction Certificates and Complying Development Certificates have been determined within agreed processing times from July to December 2018

Natural and Built Environment - Operational Plan actions reported as behind

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	YTD
4.1.2.2 CW Upgrade disinfection dosing system at various locations - Allocated Amount 2018-19 - \$204,400	Water and Sewer	Deliver project according to approved project plan	100%	50%
Behind target. Sourcing additional quotes for this work (Chlorine gas installation at Telegraph Point Water Treatment Plant) from alternative suppliers. Works to commence in Q3 2018/19.				
4.1.5.06 CW Black Swan Terrace - Stormwater detention facility - Adopted 2017-18 - \$300,000	Transport and Stormwater Network	Deliver project according to approved project plan	100%	80%

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	YTD
Behind schedule. Design is currently being amended with recommendations from the Dam Safety Review.				
4.2.1.03 Undertake development of Coastal Management Plans	Environmental Services	Development of <i>Coastal Management Plans</i> complete	100%	0%
Behind schedule. Development of the overarching Coastal Management Program is dependent on funding. Grant funding being sought.				
4.4.1.02 Develop a Regional Integrated Transport Strategy	Transport and Stormwater Network	Deliver project according to approved project plan	100%	80%
Behind schedule. Project has been delayed due to the Orbital Community Engagement Project.				
4.4.1.12 CW Beechwood Road - continue the design for Stages 5 and 6 of Beechwood Road reconstruction - Riverbreeze to Waugh Street - multi-year project	Transport and Stormwater Network (Infrastructure Delivery)	Deliver project according to approved project plan	100%	80%
Behind schedule. This design only project continues from the 2017/18 FY. Design works ongoing including Yippen Creek crossing targeting completion by Apr 2018.				
4.4.1.29 CW Diamond Head Rd/The Boulevard Flood Access raising road (Dependant on success of grant funding application) Allocated Amount 2018-19 - \$347,000 (Floodplain Risk Mangt Plan Action)	Transport and Stormwater Network (Infrastructure Delivery)	Deliver project according to approved project plan	100%	80%
Behind schedule. This project continues from 2017/18 FY and is pending finalisation of the environmental assessment and grant funding being announced. Construction not anticipated to commence prior to 2019.				
4.4.1.45 CW Ocean Drive duplication - Matthew Flinders Drive to Greenmeadows - multi-year project - Allocated Amount 2018-19 - \$360,000	Transport and Stormwater Network	Deliver project according to approved project plan	100%	80%
Behind schedule. An issue has been identified with the traffic modelling which has delayed the business case development. This issue is being worked through.				
4.4.1.48 Development Contribution Plan (Roads) Review and Update	Transport and Stormwater Network	Deliver project according to approved project plan	100%	50%
Behind schedule. Project scoping has been delayed due to other higher priority program activities.				
4.6.1.01 Undertake weed management program according to the Mid North Coast Invasive Plant Species Strategy 2012, working in partnership with community groups such as Landcare	Environmental Services	20% of all plant nurseries in the local government area (LGA) inspected for invasive weeds	100%	0%
Behind schedule. Due to resourcing constraints, however this is a priority action for first quarter 2019.				
4.7.1.2 CW Install solar energy systems at the Port Macquarie Reclaimed Water Treatment Plant	Water and Sewer	Solar system installation at the PMQ Reclaimed Water Treatment Plant complete	100%	30%
Behind target. Public works have been engaged to develop tender specifications. Tender for solar installation at the Port Macquarie Reclaimed Water Treatment Plant is likely to be issued in early 2019 due to delays with Public Works. Installation targeted for the end 2018/19.				

Operational Plan Activity 2018 - 2019	Lead Responsibility	Success Measures	Target	YTD
4.8.3.1 Finalise the Biodiversity Strategy	Environmental Services	Biodiversity Strategy presented to Council for adoption	100%	50%
Behind schedule. Finalisation of the Draft Strategy delayed pending revised/updated mapping.				

Options

Seek further information on the content in this report.

Community Engagement & Internal Consultation

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

Planning & Policy Implications

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

Financial & Economic Implications

The Quarterly Budget Review Statements are tabled separately and reflects the financial implications against the 2018-2019 Operational Plan..

Attachments

- 1 [View](#). 2018-2019 Operational Plan - Quarterly Progress Report as at 31 December 2018

Item: 09.17

Subject: GLASSHOUSE BIENNIAL REPORT AND UPDATE ON STRATEGIC
PLAN RECOMMENDATIONS

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 note the information provided in the Glasshouse Biannual Report and Update on Strategic Plan Recommendations report.

Executive Summary

This report provides details of the Glasshouse finances for the 2018-19 financial year as at 31 December 2018, including the updated status of Glasshouse loan balances.

The Report also provides an update on progress achieved against the Recommendations identified in the Glasshouse Strategic Plan 2014 – 2017 (noting that the Strategic Plan is currently being reviewed and updated in conjunction with the Cultural Steering Group and in consideration of Council's adopted Cultural Plan 2018 – 2021).

Discussion

Background

At the Ordinary Council Meeting held on 15 February 2017, Council resolved to replace quarterly Glasshouse reporting to Council with six monthly reporting in February and August each year detailing key performance measures and financial information for the previous financial year period:

09.14 REVIEW OF SELECT COUNCIL COMMITTEES

Mr Malcolm Merrick, representing the Port Macquarie Tacking Point Lions Club Inc., addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Turner/Cusato

- 1. Establish a new Steering Group called the 'Cultural Steering Group'.*
- 2. Adopt the Cultural Steering Group Charter as included in this Review of Select Council Committees report.*
- 3. Seek Expressions of Interest (EOI) for members of the Cultural Steering Group, with the results of the EOI to be reported to the 19 April 2017 Ordinary Meeting of Council.*

4. Work with members of the following existing Council Committees to transition them into working groups with objectives, actions and reporting lines to the Cultural Steering Group:

- a) Port Macquarie-Handa Sister City Sub-committee.
- b) Australia Day Sub-committee.
- c) Port Macquarie-Hastings Youth Advisory Committee.

5. Work with Heritage, Arts and Cultural Priorities Advisory Group to transition it into the Cultural Steering Group.

6. Replace quarterly Glasshouse reporting to Council with six monthly reporting in February and August each year detailing key performance measures and financial information for the previous financial year period.

CARRIED: 7/2

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

AGAINST: Griffiths and Hawkins

Accordingly, this report provides details of the Glasshouse finances for the 2018-19 financial year as at 31 December 2018, including the updated status of Glasshouse loan balances, and provides an update on progress achieved against the Recommendations identified in the Glasshouse Strategic Plan 2014 - 2017.

Glasshouse Finances

The December review and attached report present the financial performance of the Glasshouse Venue for the second quarter of the 2018 - 2019 financial year (1 October 2018 to 31 December 2018) and the financial year to date (1 July 2018 to 31 December 2018).

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

The operating deficit for the financial year to date (before interest and depreciation) is a deficit/shortfall of \$1,145,637 against a budget of \$1,139,532, hence tracking approximately \$6k or 0.5% over budget. Actual results for the same period in the prior year (1 July 2017 to 31 December 2017) was an operating deficit/shortfall of \$1,188,857. Hence the Glasshouse operating position has improved by \$43k (financial year to date) when compared to the same period 12 months ago.

It should be noted that being a venue, income patterns can be subject to market forces, availability (and timing) of product in the market-place and seasonality. Commercial venue hire is 2.7% up on the same period last year highlighting improved performance in attracting commercial hire to the venue. Operating income overall is up around 8.6% on the same period last year. Operating costs are tracking around 1.6% up on the same period last year.

This operating deficit (before interest & depreciation) can also be represented as follows:

Glasshouse Operating Deficit by Activity - Year to Date 31 December 2018:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Operating Income	-	-	-	1,236	793,348	163,366	957,950
Operating Expenditure (Before Council Overheads)	103,116	492,243	282,745	34,522	510,522	447,128	1,870,276
Council Overheads	53,661	18,665	39,663	11,665	27,997	81,659	233,310
Net Operating Surplus (Deficit)	(156,777)	(510,908)	(322,408)	(44,951)	254,829	(365,421)	(1,145,637)

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

Glasshouse Operating Deficit by Activity (after internal adjustments) - Year to Date 31 December 2018:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Net Operating Deficit (from the above table)	(156,777)	(510,908)	(322,408)	(44,951)	254,829	(365,421)	(1,145,637)
Internal Overhead Distribution	156,777	510,908	322,408	(390,405)	100,392	(700,081)	-
Net Operating Surplus (Deficit) (after internal adjustments and transfers)	-	-	-	(435,356)	355,221	(1,065,502)	(1,145,637)

Glasshouse Loan Balances

Loan borrowings assisted in the funding of the Glasshouse at the time of construction. Of the total cost, \$27,975,954 was sourced through loan borrowings that are repaid through Council general revenue. It should be noted that there was also \$10,873,801 sourced through loan borrowings that are paid from the S94 restricted asset for community facilities. Councils often use borrowing as a way to fund additional infrastructure whilst maintaining intergenerational equity outcomes.

The outstanding balance of the borrowings that are repaid through general revenue, as at 31 December 2018, is \$12,701,394. This demonstrates that over \$15.27 million has already been repaid, with loans expected to be repaid by 2027.

Glasshouse Strategic Plan Recommendations

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

Significant progress has been achieved since July 2014 with regard to the implementation of the strategic direction outlined in the Plan. This progress is summarised in the attached *Update on Glasshouse Strategic Plan Recommendations - February 2019* with some specific outcomes discussed below.

It is noted that the recommendations and corresponding actions arising from the Strategic Plan have now been completed and/or are continuing to guide day-to-day operations as part of "business as usual" activities.

Council's Operational Plan 2018 – 2019 includes an action to review and update the Glasshouse Strategic Plan (OP 1.5.3.2). At the Ordinary Council Meeting held on 16 August 2017, Council resolved as below:

09.15 GLASSHOUSE END OF FINANCIAL YEAR REPORT AND UPDATE ON STRATEGIC PLAN RECOMMENDATIONS

RESOLVED: Turner/Hawkins

That Council:

1. *Note the information provided in the Glasshouse End of Financial Year Report and Update on Strategic Plan Recommendations Report.*
2. *Note that the Glasshouse Strategic Plan will not be current past 2017.*
3. *Request the Cultural Steering Group provide recommendations to Council for the renewal of the Glasshouse Strategic Plan and associated KPI's as part of its review of Council's Cultural Plan.*

CARRIED: 9/0

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

AGAINST: Nil

Further to Resolution 3 above, the review of the Glasshouse Strategic Plan is continuing in consideration of Council's Cultural Plan 2018 – 2021 which was adopted at the Ordinary Council meeting held in September 2018, and feedback received from the Cultural Steering Group following discussions at the Cultural Steering Group meetings held in October and November 2018.

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

The following table includes the following Key Performance Indicator (KPI) data associated with Glasshouse utilisation and occupancy rates (noting that the results are reported to 31 December 2018):

Performance Indicator	Target	2016-17 Actual	2017-18 Actual	2018-19 Actual
Key Outcome 3: Enhancing Utilisation and Visitation <i>Implement targeted marketing and sales strategies to enhance utilisation, increase event visitation and maximise commercial outcomes</i>	Jul-Dec	Jul-Dec	Jul-Dec	Jul-Dec
Visitation (Glasshouse)	>127,500	131,639	140,825	143,560
Visitation (Gallery)	>27,500	26,182	24,541	29,110
Visitation (website)	>70,000	64,427	82,287	87,801
Utilisation (%) (theatre)	> 40%	47%	53%	48%
Utilisation (%) (studio)	> 35%	27%	37%	33%
Utilisation (%) (meeting rooms)	> 40%	45%	54%	50%
Average attendance (%) (theatre)	> 70%	66%	74%	68%
Average attendance (%) (studio)	> 70%	75%	65%	81%
Number of tickets processed	>32,500	36,644	38,455	43,725
Percentage of tickets sold online	>30%	27%	35%	33%

The July - December KPI results indicate further growth in visitation and strong ticket sales, noting that results can fluctuate year to year depending on the timing of particular events and the type and composition of venue hire.

During the 6 month period, July to December 2018, the Glasshouse:

- welcomed over 143,000 people to the venue;
- hosted 47 commercial hire (theatre / studio) events, presented by commercial promoters, with over 27,000 tickets sold;
- presented 9 performances as part of the 2018 Performing Arts Season, including Opera Australia's Madame Butterfly, with 3,275 tickets sold;
- presented 8 exhibitions in the Regional Gallery, including the 2017 Archibald Prize Regional Tour Exhibition from 25 August to 7 October, with visitation of over 29,000;
- hosted multiple community groups, schools, performing arts and dance schools / eisteddfods
 - including 9 schools, The Conservatorium of Music Mid North Coast, CSU, Luminosity, Dance Eisteddfod, Speech and Drama Eisteddfod
 - the Port Macquarie and District Eisteddfod Association held multiple sessions in the venue and sold over 6,350 tickets
 - local performing arts and dance schools hiring the venue presented 18 performances featuring local talent;
- presented 5 performances as part of the 2018 Education Program, with over 3,000 tickets sold;

- delivered a range of supporting workshops in conjunction with the 2018 Education Program including dance workshops, circus workshops, Opera Australia auditions, children's chorus and a community workshop, with attendance by 341 students;
- delivered a range of Gallery Public Programmes including adult craft classes, Sunday drawing sessions, artists' talks, gallery tours, Arts and Alzheimer's program and a teachers professional development workshop, with attendance of over 1,500 people; and
- hosted a variety of "non-ticketed" events such as conferences, meetings and seminars with over 8,000 attendees.

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

At the end of the 2018 Membership Season (30 November), there were 1,505 Glasshouse Members - this represents a further increase of 161 members over the number of members at 30 November 2017. This level of membership far exceeds the patron participation results achieved by other similar NSW venues.

As at 31 January 2019 there were already over 800 Glasshouse Members registered for the 2019 Season.

The 2019 "Colour Your Life" Season was officially launched on Thursday 31 January. The Launch was very successful presenting the 2019 Season to a full house of Glasshouse Members and guests.

July 2019 will mark the 10th anniversary of the opening of the Glasshouse venue and a number of special Members and community events are being planned to commemorate the occasion.

In January, the State Government announced a further \$70,000 in grant funding support for the 2019 Glasshouse Regional Gallery Program. The funding will be provided via Create NSW's Arts and Cultural Development Program.

Council is continuing to develop a number of corporate partnerships / sponsorships consistent with the Glasshouse Marketing and Sales Plan to support the delivery of cultural programs, including the Glasshouse Founding Sponsors, Create NSW and a number of regional / local organisations.

As outlined above, Council is also continuing to provide support for a wide variety of community groups, schools and local performing arts and dance schools / eisteddfods to access and use the Glasshouse facilities.

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

This work is continuing on an ongoing basis, including work which has recently been completed to convert the "Speakers Room" (a space previously used as an office and storage area) to a hireable small meeting room space. This will give the venue a

higher level of flexibility, additional break out space for conference and meeting events and increased venue hire income.

3.2 Develop Glasshouse Marketing and Sales Strategies, including redevelopment of the website www.glasshouse.org.au

A new partnership has been developed with Destination North Coast NSW to support the attraction of new Business (Conference) Events to the Glasshouse (and other venues in the region) in 2019.

The 2019 Education Program was launched in November to around 60 teachers with over 4,000 tickets sold to date.

4.2 Undertake a review of the Glasshouse incremental revenue streams and opportunities with a view to enhancing utilisation and visitation

The Regional Gallery presented the 2017 Archibald Prize Regional Tour Exhibition from 25 August to 7 October. This was a very successful event, with tickets sold for the first time. The exhibition attracted 5,642 visitors with over \$27,000 in income received across the exhibition and supporting workshops.

4.4 Continue to rationalise operating costs and overheads

In January, the State Government announced that Council has been successful in being awarded approximately \$128k in grant funding from the Regional Cultural Fund to replace the existing Studio seating. The new retractable seating will improve patron comfort and safety, increase the seating capacity from 100 to 116 seats, improve the flexibility of the Studio space for a variety of event types, and improve efficiency with an automated (rather than the current manual) seating install / de-install facility.

Other actions

Further detail is provided in the attached *Update on Glasshouse Strategic Plan Recommendations - February 2019*.

Options

This is an information report.

Community Engagement & Internal Consultation

The information provided in this report has been reviewed by Council staff.

Planning & Policy Implications

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

Council's Operational Plan 2018 – 2019 includes an action to review and update the Glasshouse Strategic Plan (OP 1.5.3.2). This review is continuing in conjunction with

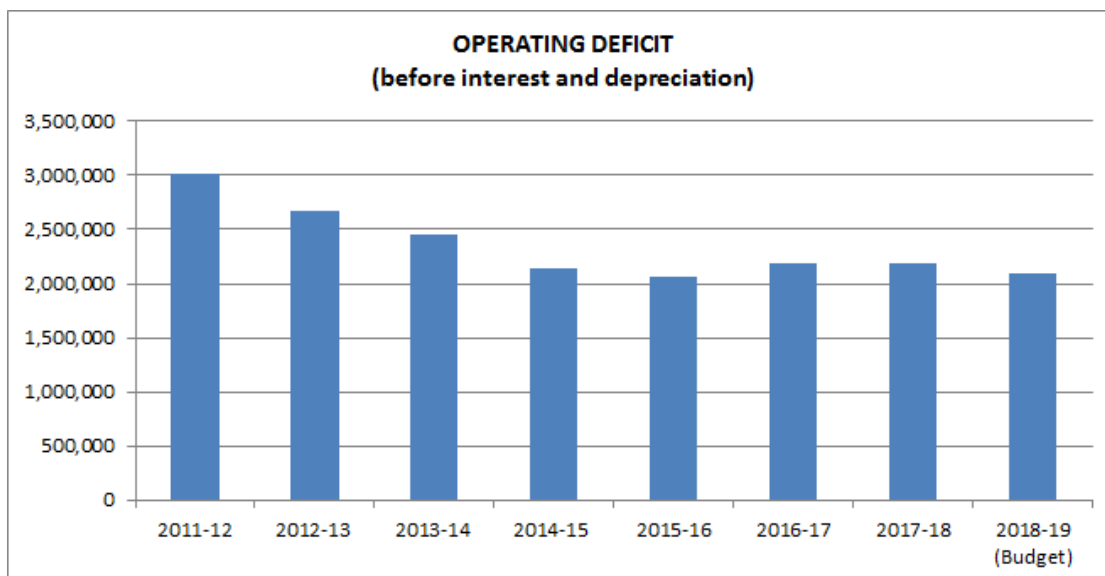
Council's Cultural Steering Group and in consideration of Council's adopted Cultural Plan 2018 – 2021.

Financial & Economic Implications

At the Ordinary Council Meeting held on 19 June 2013, Council resolved to develop a Glasshouse Strategic Plan to provide a greater commercial focus in the future operation of the venue.

The Glasshouse Strategic Plan 2014 – 2017 was subsequently developed in conjunction with the Glasshouse Sub-Committee, and adopted by Council at the Ordinary Council Meeting held on 16 July 2014.

Since that time, the Glasshouse Strategic Plan has provided the framework to continue the significant progress that has been made in reducing the net cost of the operation of the Glasshouse to the community (as shown in the graph below) while continuing to ensure the delivery of high quality cultural, community and commercial activities.



This report provides a summary of the broad range of cultural, community and commercial activities currently undertaken within the Glasshouse venue.

Attachments

1 [View](#). Glasshouse Financial Statement December 2018

2 [View](#). Update on Glasshouse Strategic Plan Recommendations February 2019

Item: 09.18

Subject: DIGITAL TECHNOLOGY PROJECT 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 Project Status report and the progress made to date.

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

In line with resolution 2 above, this report presents a progress report with an overview of the recent completion of Councils ICT Renewal program.

Discussion

Background

Commencing in 2016 and finalised in 2018, the Digital Technology (DT) team has completed a comprehensive ICT renewal across Councils ICT infrastructure.

- Aged legacy ICT infrastructure was upgraded
- Cyber security risk posture has been improved through updated policy, process and security systems
- Operating systems have been upgraded to Windows 10
- Network infrastructure has been improved to increase effective access for council's staff
- Disaster recovery & data backup processes have been introduced to improve business continuity and resiliency to unexpected impacts to operations.

With completion of the ICT renewal program, a Digital Technology roadmap was developed which supports the ongoing commitment to meet delivery program objectives of providing efficient technology and inclusive digital systems that are easy to use and easy to access.

Projects Update – Steps taken to date

Customer Experience

Follow completion of discovery and engagement work throughout 2018, from November 2018 further work has been undertaken to progress next steps.

The scope has developed to commence work on:

- Customer experience improvement – re-design and integrate customer interactions, with an emphasis on online self-service, forms and payments, supported by refreshed customer business systems.
- Enable integration – build a foundation for simplified and standardised design of business process which acts as an enabler towards a more customer centric and end-to-end customer experience.
- Mobile working – deliver a greater capability for our community to transact with council, through more accessible services, while enhancing staff mobility and productivity in support of enhanced customer experience.
- Supported payments – improve the ability to support payments and improve the reconciliation of online payments to backend systems, improving customer experience and the finance team's productivity.

These projects are now in the 'initiation' phase of the project management framework, with work towards systems procurement currently underway.

Public Online Mapping:

Council has operated an internal geospatial mapping service for many years. Staff utilise this software system to map assets, services and property information across the LGA.

In December 2018, a public a version of this mapping application was released. The application is available here <https://www.pmhc.nsw.gov.au/Building-Planning/Industry-Resources/Online-mapping-of-underground-services>. After some consultation with industry groups locally, some significant benefits have been achieved through the release of this tool.

Following from this, there have been significant reduction in overall CRM's lodged with Council for underground asset enquires, as well as a reduction in phone enquires. This has had the flow on effect of allowing staff to maintain productivity, while customers are able to self-serve reducing waiting times. Further consultation is underway with local business and staff to provide more access to data via this service.

Back scanning:

Work has commenced on back scanning approx. 2,740,451 microfiche images. This is taking what is basically old overhead projector style film, and creating new modern digital images. This includes information relevant to our historical property, sewer and planning areas. As the Council area undergoes significant growth, this data is in high demand. It is estimated that staff time currently used in accessing old microfiche images is approximately 20 hours per week.

Procure 2 Pay:

Procure 2 Pay (P2P) is a process by which our organisation performs the requisition/ordering of goods & services and payment of invoices. P2P begins with the sourcing process and flows through the ordering, receiving, invoice, and payment steps.

A recommendation from the Business Improvement Office was to seek efficiency & productivity outcomes by automating our procurement, approval and invoice processing capabilities. This project involves reducing extremely time consuming manual processes, wait times around processing purchase orders, reducing risk through improvements to audit capability and removal of paper invoices.

Work completed on this project has included:

- Completion of process reviews and recommendation for improvement
- Updating of Council software systems to test new processes and workflows for task automation.

Online Certificates:

Configured to run out of Council's property management system, online certificates are a new web based self-service module, which provides customers with a convenient and quick online request, payment and lodgement service for certificates related to the sale of a property. This new service eliminates the need to fill in paper forms and visit Council offices to lodge a request, though this is still available for our customers.

This new service allows customers to request multiple certificates for multiple properties at once. This has not been previously possible, therefore offering a huge time saving for customers.

Further integration on the lodgement request with Council's record keeping system has also now removed the need for staff to manually scan and archive individual paper forms.

The online module was launched internally for staff mid-September 2018, with training for the external module taking place in February 2019 with approx. 20-30 (bulk lodgement) customers. The service will be fully operational for the public to use from April 2019.

Community Engagement & Internal Consultation

Internal consultation on the development of the Digital Technology Roadmap has been undertaken with:

- Finance, Corporate Services, Information Technology portfolio councillors
- Executive Management team
- Senior Leadership team
- Internal staff

Industry consultation with local businesses has taken place in the development of Online Certificates and the Public Mapping projects prior to design and deployment.

Planning & Policy Implications

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

Financial & Economic Implications

There are no economic implications in relation to this report.

The Digital Technology roadmap is currently funded through an approved allocation in the 18/19 Operational Plan and current draft budget estimates for FY19/20 are being developed.

Attachments

1 [View](#). Digital Technology Roadmap

Item: 09.19

**Subject: COMMUNICATIONS STRATEGY - OXLEY HIGHWAY TRAFFIC
CONGESTION AND ROADS AUTHORITIES**

Presented by: Strategy and Growth, Holly McBride

Alignment with Delivery Program

1.1.4 Provide easy to understand and accessible community reporting.

RECOMMENDATION

That Council note the action taken and communications planning in place regarding the Oxley Highway traffic congestion and Council versus State Government road responsibilities.

Executive Summary

This report responds to the 12 December 2018 Council Notice of Motion regarding Oxley Highway traffic congestion and outlines recent and planned communications on this important and complex matter. Traffic congestion on the Oxley Highway and at a number of key intersections is an increasing concern to our community and the relationship and responsibilities between the NSW Government Roads and Maritime Services (RMS) and Council is complex and not always understood by members of the community. A range of communications are planned to improve community awareness of what Council is doing to mitigate the Oxley Highway congestion at the Pacific Highway, Wrights Road and Lake Road intersections and to explain the responsibilities between Council and the RMS on state and local roads.

Discussion

At the 12 December Ordinary Council meeting Council resolved the following:

**12.01 NOTICE OF MOTION - TRAFFIC CONGESTION CRISIS – OXLEY
HIGHWAY, PORT MACQUARIE
RESOLVED: Turner/Intemann**

That Council:

- 1. Request the General Manager write to the Minister for Roads and the Member for Port Macquarie seeking an urgent response to the impending traffic congestion crisis on the Oxley Highway in Port Macquarie, notably at the intersection with the Pacific Highway, the intersection with Wrights Road, and the intersection with Lake Road, as described in the November 2018 Bitzios report.*
- 2. Request the General Manager immediately devise and implement a communications strategy to explain to our community:*

(a) What Council is doing to mitigate the Oxley Highway traffic congestion crisis at Lake Road, the Wrights Road roundabout, and at the Pacific Highway interchange; and

(b) The relationship and responsibilities between RMS and PMHC with respect to safety and functional aspects of intersections involving state “controlled” highways and Council “controlled” roads with specific reference to the intersections at Wrights Road and Lake Road, Port Macquarie and the Oxley Highway.

3. Request the General Manager report back to the February 2019 Council meeting with:

(a) Responses from the Minister for Roads and the Member for Port Macquarie.

(b) An update on the development and implementation of the communications strategy.

4. Send a copy of all correspondence to all local State and Federal election candidates for the 2019 elections.

CARRIED: 8/0

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

AGAINST: Nil

In accordance with items 1 and 4 of the resolution, on 18 December 2018, the General Manager wrote to the NSW Minister for Roads, Maritime and Freight (copied to the Members for Port Macquarie and Cowper, and the known candidates for the upcoming State and Federal Elections) – see Attachment 1. At the time of finalising this report, no response to this correspondence had been received.

In accordance with item 2, a Communications Strategy has been developed to improve community awareness of what Council is doing to mitigate the Oxley Highway congestion at the Pacific Highway, Wrights Road and Lake Road intersections and to explain the responsibilities between Council and the RMS on these roads. This Strategy is at Attachment 2.

As has been seen in media and social media coverage and commentary since the December Council meeting on this matter, the relationship and responsibilities between the NSW Government Roads and Maritime Services (RMS) and Council is complex and not always understood by members of the community. As is noted in the Communications Strategy, garnering community interest in the detail on which level of government is responsible is not easy. Indeed, there are many in our community who are not concerned by “who is responsible for what” but more focused on “someone needs to fix it”. This is further complicated when we consider reports such as the Port Macquarie-Hastings Local Government Area Traffic Study, also an agenda item, that models the RMS and Council roads together.

To try and clarify the relationship between and responsibilities of the two “roads authorities” – Council and the Roads and Maritime Services (RMS) - the Communications Strategy includes the development of a fact sheet as a central tool for future communications on this matter. A range of communications tactics are proposed to meet the communications objectives. Further, it is recognised that this Communications Strategy cannot be implemented in isolation, but that it needs to complement and integrate with communications on broader road congestion and Council’s future transport network planning e.g. communication regarding the proposed Orbital Road and the drafting of Council’s Regional Integrated Transport Strategy.

Options

Council may choose to note the recent and planned communications approach on this matter, or request further/revised planning and action be undertaken.

Community Engagement & Internal Consultation

This report has been prepared by Transport and Stormwater Network and Economic Development & Communications Group staff.

Planning & Policy Implications

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

Financial & Economic Implications

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

Attachments

1[View](#). Letter - PMHC General Manager to Minister Pavey - 18 December 2018

2[View](#). Communications Strategy - Oxley Highway traffic congestion and roads authority

Item: 09.20

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

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council note:

- 1. The Development Activity and Assessment System Performance report for the second quarter of 2018-2019; and**
- 2. The four (4) clause 4.6 - Port Macquarie-Hastings Local Environmental Plan 2011 determinations that have been made under staff delegation.**

Executive Summary

This report provides a summary of development assessment, building certification and subdivision certification activities for the October to December 2018 quarter. Data on the number of applications and processing times, together with a commentary on development trends is provided for the information of Council.

The report also includes a list, for notation by Council, of development applications (DAs) determined that included a Clause 4.6 objection to a development standard under the Port Macquarie Hastings Local Environmental Plan 2011. Senior staff have delegation to determine applications involving a Clause 4.6 objection where the variation is no greater than 10% of the development standard.

Discussion

1. Development Activity and Assessment System Performance

The following table provides data on the volume of DAs received and determined over the quarter relative to the yearly average and monthly average of the preceding four years.

October and November saw large numbers of DAs received for the month with 117 and 115 respectively. This dropped in December to a total of 74, however the overall 2018-2019 monthly average is at 106, significantly greater than the 2017-2018 monthly average of 89 DAs received. Other application types and inspection numbers continue to track at a volume similar to or greater than the preceding year, with the exception of plumbing and drainage applications and roads act applications where there is a slight reduction.

It is noted that DAs and CCs are being received at a rate quicker than they are being determined, pointing to a backlog of applications. Recruitment of a number of positions in late 2018 will assist in managing this backlog.

Applications Received and Determined	2014-15 Monthly Average	2015-16 Monthly Average	2016-17 Monthly Average	2017-18 Monthly Average	2018-19 Monthly Average	2018 - 19 TOTAL	Oct-18	Nov-18	Dec-18
DAs Received	76	85	89	89	106	634	117	115	74
DAs Determined	74	79	80	86	90	537	96	96	85
DA Modifications Received	14	17	15	16	14	83	14	23	10
DA Modifications Determined	14	15	15	15	14	82	7	23	9
Complying Development Certificates Received by Council	10	7	9	8	9	55	11	13	5
Complying Development Certificates Determined	10	7	16	8	8	46	8	9	5
Complying Development Certificates Determined (Private Certifier)	15	21	19	30	18	108	17	12	15
Construction Certificates (Building Work) Received by Council	46	41	42	41	48	287	41	57	35
Construction Certificates (Building Work) Determined by Council	45	38	38	42	43	258	39	60	43
Construction Certificates Building Work Determined (Private Certifier)	20	29	23	34	35	208	31	53	30
Building Inspections Undertaken	393	407	455	494	493	2959	477	546	433
Plumbing & Drainage Applications Determined	64	72	87	91	81	487	88	102	58
Infrastructure Construction Certificates Received	8	9	13	13	11	66	13	9	9
Infrastructure Construction Certificates Determined	6	9	8	12	12	74	16	10	8
Subdivision Certificates Received	10	11	12	12	13	76	12	17	15
Subdivision Certificates Determined	9	10	11	10	13	77	16	13	13
Roads Act Applications Determined	38	49	49	52	45	270	39	43	40

The following table outlines the estimated value of works per development type approved during the quarter along with the year to date value and value of the preceding 2 years. The 2018-2019 year to date value is slightly down on that in 2017-2018 at the half way point in the year. It will be interesting to see how the second half of the year progresses.

Value of Works DA	Oct-18	Nov-18	Dec-18	Total to date 2018 - 2019	Total 2017-2018	Total 2016 -2017
Ancillary DA	\$571,502	\$711,393	\$298,870	\$3,777,678	\$8,649,369	\$5,416,321
Ancillary CDC	\$294,005	\$348,160	\$189,851	\$1,666,202	\$5,750,178	\$1,559,611
Commercial DA	\$196,592	\$28,800	\$118,000	\$13,130,797	\$17,415,409	\$12,710,871
Commercial CDC	\$58,000	\$0	\$120,000	\$545,232	\$2,380,814	\$4,007,057
Community DA	\$0	\$3,670,000	\$2,289,000	\$5,959,000	\$13,111,186	\$1,851,000
Community CDC	\$0	\$128,182	\$216,896	\$345,078	\$692,872	\$330,000
Industrial DA	\$933,000	\$980,000	\$1,573,195	\$10,622,195	\$13,919,469	\$7,176,750
Industrial CDC	\$0	\$0	\$0	\$408,000	\$757,727	\$503,000
Residential DA	\$14,094,756	\$40,342,581	\$14,629,210	\$114,092,944	\$266,406,644	\$190,943,031
Residential CDC	\$2,357,215	\$2,846,763	\$1,809,282	\$20,867,906	\$51,975,736	\$37,712,396
Rural DA	\$793,000	\$818,994	\$19,685	\$5,010,309	\$9,718,464	\$7,635,746
Rural CDC	\$304,009	\$0	\$60,000	\$774,009	\$1,638,082	\$1,237,092
Subdivision DA	\$50,000	\$0	\$1,500,000	\$1,610,000	\$18,137,000	\$26,708,500
Tourist DA	\$650,000	\$0	\$0	\$1,440,000	\$14,777,822	\$1,711,860
Tourist CDC	\$0	\$0	\$0	\$0	\$1,225,000	\$690,000
Total	\$20,302,079	\$49,874,873	\$22,823,989	\$180,249,350	\$426,555,772	\$300,193,235

Application processing data and longer term trends for the various application types is provided in the table below. It is noted that gross monthly average DA processing time of 55 days for the quarter is an improvement on the monthly average of 64 days during 2017-2018. With the recent recruitment of a number of positions in the development assessment team it is hoped that the backlog of applications will be reduced and processing times improved. This will also be dependent on the level of development activity going into 2019.

Gross average processing times for infrastructure construction certificates have decreased to 80 days for 2018-2019 to date, compared to an average of 102 days in 2017-2018. Net average processing times for infrastructure construction certificates have also improved from an average of 53 days in 2017-2018 to an average of 38 days. Monthly gross average processing days for subdivision certificates for the 2018-2019 to date is 67 days, up from an average of 63 days in 2017-2018. One of the two vacant development engineering positions has been filled in January 2019 with the remainder yet to be filled.

PMHC Application Processing Performance	NSW 2014-15 Monthly Average	PMHC 2014-15 Monthly Average	NSW 2015-16 Monthly Average	PMHC 2015-16 Monthly Average	PMHC 2016-17 Monthly Average	PMHC 2017-18 Monthly Average	PMHC 2018-19 Monthly Average	Oct-18	Nov-18	Dec-18
DAs Processing - Net Median Days	46	30	49	30	31	38	34	36	31	40
DA Processing - Net Average Days	48	36	52	34	26	46	39	43	40	41
DA Processing - Gross Average Days	76	56	63	58	55	64	55	63	49	57
Complying Development Processing - Net Average Days		13		6	6	7	10	16	15	12
Complying Development Processing - Gross Average Days	22	14	22	7	8	7	11	16	15	12
Building Construction Certificate Processing - Net Average Days		12		9	9	9	6	3	11	4
Building Construction Certificate Processing - Gross Average Days		49		51	52	66	57	73	50	39
Plumbing & Drainage Applications Processing - Net Average Days		17		16	15	21	18	20	22	17
Plumbing & Drainage Applications - Gross Average Days		61		51	47	52	56	70	51	56
Infrastructure Construction Certificate Processing - Net Average Days		41		54	39	53	38	34	37	37
Infrastructure Construction Certificate Processing - Gross Average Days		114		94	77	109	80	127	70	37
Subdivision Certificates Processing - Net Average Days		33		42	40	49	41	62	41	34
Subdivision Certificates Processing - Gross Average Days		72		97	60	63	67	81	62	104
Roads Act Applications Processing - Net Average Days		16		17	19	17	16	13	7	37
Roads Act Applications Processing - Gross Average Days		41		43	48	43	39	38	30	50

2. Applications determined under delegation including Clause 4.6 Objections under the Port Macquarie-Hastings Local Environmental Plan 2011

The following table lists DAs that have been determined during the quarter which have included a Clause 4.6 objection to a development standard under the Port Macquarie Hastings Local Environmental Plan 2011. Senior staff have delegation to determine applications involving a Clause 4.6 objection where the variation is no greater than 10% of the development standard.

Application	Property	Extent of Variation
DA2018 – 939.1 Alterations & additions to dwelling	Lot 1 DP 229485 No 102 Pacific Drive, Port Macquarie	3.05%
DA2018 – 833.1 Alterations & additions to existing roof terrace	Lot 0 SP 74735, No 36 William Street, Port Macquarie	4.1%
DA2018 – 230.1 Alterations & additions to dwelling as part of dual occupancy	Lot 117 DP 232885, No 6 Sumatra Place, Port Macquarie	10%
DA2018 – 511.1 Dwelling	Lot 144 DP 1229250, Surfers Drive, Lake Cathie	7%

This information is provided for notation by Council in accordance with the Department of Planning and Environment Circular PS 08-003.

Options

This is an information report.

Community Engagement & Internal Consultation

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

Ongoing engagement on development activity and process improvement is also undertaken through the Construction Industry Action Group (CIAG) forum.

Planning & Policy Implications

There are no planning and policy impacts.

Financial & Economic Implications

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

Attachments

Nil

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: RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND
SUB-COMMITTEE - DECEMBER 2018

Presented by: Strategy and Growth, Holly McBride

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. Kayle Enfield the amount of \$350.00 to assist with the expenses he would have incurred travelling to and competing at the Australian All Schools National Surfing Titles held in South Australia from 1 – 8 December 2018 inclusive.

Executive Summary

The Mayor's Sporting Fund Sub-Committee met on 13 December 2018, reached consensus on Item 8 (attached) and submits the above recommendation for Council's approval.

Attachments

1 [View](#). Extract Item 8 - Mayors Sporting Fund December 2018

Item: 10.02

**Subject: FINAL REPORT: ABORIGINAL AWARENESS AND
UNDERSTANDING STRATEGY 2013 - 2017**

Presented by: Strategy and Growth, Holly McBride

Alignment with Delivery Program

2.2.1 Support and advocate for all community sectors.

RECOMMENDATION

That Council note the end of term report of the Aboriginal Awareness and Understanding Strategy 2013 – 2017.

Executive Summary

The Aboriginal Awareness and Understanding Strategy 2013-2017 (AAUS) outlined initiatives aimed at developing an increased understanding of our Aboriginal community, culture and history, across the Port Macquarie-Hastings LGA. The strategy encouraged the wider community to engage with our Aboriginal community by:

- Learning more about the Birpai people and their stories, and the rich Aboriginal culture that exists here in our local community;
- Participating in cultural events and programs to expand cultural awareness and understanding in order to progress Reconciliation in the Port Macquarie-Hastings area; and
- Identifying and promoting opportunities for local Aboriginal people to have a voice in Council decision-making.

This report details the progress against the actions identified in the AAUS and outcomes achieved over the past five years. In the future there will not be a standalone AAUS. Council is currently developing a Community Inclusion Plan to set out Council's vision, principles and plan of action to develop a socially just, resilient, connected, inclusive, livable and engaged community. Future AAUS actions are included in the draft Community Inclusion Plan and Cultural Plan (2018-21).

Discussion

The Aboriginal Awareness and Understanding Strategy 2013 – 2017 concluded at the end of the 2017/18 financial year, although Council has continued to deliver on the actions as identified. Some of the key actions that were successfully implemented over the course of the four years are as follows:

- Planning and delivery of National Sorry Day and National Reconciliation Week activities;

- Planning and delivery of National NAIDOC Week activities;
- Design and installation of the Together as One Aboriginal Public Art Sculpture;
- Planning and delivery of the 2015 Local Government Aboriginal Network Conference;
- Community engagement, design and implementation of the Oxide Park upgrade;
- Ongoing engagement and participation with Bearlay Aboriginal Interagency;
- Ongoing engagement and participation with Hastings Aboriginal Education Consultative Group;
- Building and maintaining positive engagement and participation with Birpai and Bunyah Local Aboriginal Land Councils;
- Local Birpai Cultural Protocols developed and available to community;
- Council Community Grants program reviewed and Aboriginal community groups encouraged to apply in annual Community Grants program; and
- Acknowledgment of Birpai names in parks e.g. the Historic Cemetery and The Together as One Aboriginal Sculpture.

Progress against all the actions identified in the AAUS is detailed in Attachment 1 – AAUS end of term report.

As a result of the implementation of the AAUS, the levels of engagement and participation rates in activities which recognise Aboriginal community, culture and history have increased. Specific examples include the numbers of participants attending NAIDOC and Reconciliation Week activities which have increased over the term of the AAUS.

The table below indicates the estimated participation and engagement rates for National Sorry Day, National Reconciliation Week (NRW) and NAIDOC Week events/activities over the period the AAUS has been in place.

	2013-14	2014-15	2015-16	2016-17	2017-18
Sorry Day	20	40	50	70	100
NRW	125	200	250	90*	250
NAIDOC					
Flag					
Raising	100	150	300	300	320
Family Fun					
Day	1500	1800	200	2500	4000

** Lower participation numbers due to other community activities/ events held at this time and inability to secure an outdoor event space.*

Whilst there is still much work to be done to increase the level of understanding and awareness of our Aboriginal culture, and progress towards reconciliation between indigenous Australians and Australians from a non-indigenous cultural background in our local community, the AAUS has laid a good foundation for future activities. The AAUS has provided awareness of the rich Birpai culture that exists here in our local community; some of the local Birpai stories have been shared, cultural events/ activities and programming has expanded cultural awareness and understanding; environmental, social and economic qualities have been enhanced for our entire community and the community is moving forward Together as One.

Relevant strategies and actions from the AAUS as identified through engagement with the local Aboriginal community will continue to be implemented and are reflected in Council's Cultural Plan 2018-2021 and Council's Community Inclusion Plan which is currently being drafted.

Awards that have been achieved through the implementation of the AAUS include:

- 2015 Local Government Aboriginal Employee of the Year (Indoor staff);
- 2018 Charles Sturt University NAIDOC Award – Indigenous woman of influence shaping our local community (awarded to Kelly O'Brien – Council's Aboriginal Liaison Officer) and
- 2018 Hastings Aboriginal Education Consultative Group (AECG) – Outstanding Commitment to Aboriginal Education (awarded to Kelly O'Brien).

Options

Council may seek additional information on the attached report.

Community Engagement & Internal Consultation

It is intended to provide a copy of the end of term report to the following stakeholders:

- AAUS Working Group
- Aboriginal Reconciliation Reference Group (AARG)
- Bearlay Aboriginal interagency;
- Birpai Local Aboriginal Land Council;
- Bunyah Local Aboriginal Land Council; and
- Hastings Aboriginal Education Consultative Group

Through the course of implementing the AAUS, Council has maintained a strong relationship with the local Aboriginal community and key stakeholder groups. This is reflected in the participation and engagement rates for National Sorry Day, National Reconciliation Week (NRW) and NAIDOC Week events/ activities.

Planning & Policy Implications

It is not intended to develop a new AAUS, ongoing implementation of Aboriginal Awareness and Understanding actions has been incorporated into Council's Cultural Plan (2019-2021) and Council's Community Inclusion Plan 2018–2021 which is currently being drafted. The Community Inclusion Plan incorporates the portfolio work for Ageing and Disability, Aboriginal and Torres Strait Islander peoples, Youth, Homeless, LGBTIQ+ and Volunteers and incorporates the outstanding initiative of Together as One from the AAUS.

Financial & Economic Implications

There are no financial and economic implications in relation to this report. All actions were delivered within allocated budgets.

The Aboriginal portfolio budget is intended to continue to ensure the delivery of the identified actions in the Community Inclusion Plan are successfully implemented.

Attachments

- 1 [View](#). Aboriginal Awareness and Understanding Strategy 2013-2017 Action Plan end of term report

Item: 10.03

Subject: GRANT APPLICATIONS QUARTERLY REPORT

Presented by: Strategy and Growth, Holly McBride

Alignment with Delivery Program

2.4.1 Work with the community to identify and address community needs, to inform Council processes, services and projects.

RECOMMENDATION

That Council note the first quarterly Grant Application Report, providing an overview of grants applied for or obtained in the 2018-19 financial year.

Executive Summary

Every year, Council applies for a significant number of grants to support the delivery of a range of services and infrastructure for our community. This report details the successful or pending grant applications made during the 2018-19 financial year (to 31 January 2018). In total, 42 applications have been made – with 57% successful, 24% pending and 19% unsuccessful.

Discussion

At the 17 October 2018 Ordinary Council Meeting it was resolved:

09.07 GRANT APPLICATIONS STATUS REPORT INVESTIGATION

RESOLVED: Griffiths/Alley

That Council:

- 1. Request the General Manager to produce a quarterly 'Grant Application Status Report', in relation to grants applied for by Port Macquarie-Hastings Council for a 12 month trial period with the first report to Council due to the February 2019 Council meeting; and**
- 2. Request the General Manager provide a report to Council on the expiration of the trial period to detail the ongoing resourcing requirements and to assess the ongoing benefits of the report.**

CARRIED: 7/0

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

AGAINST: Nil

Every year, Council applies for, or obtains, a significant number of grants to support the delivery of a range of services and infrastructure for our community. Some grants are ongoing or recurring, such as the Roads and Maritime Services "block grants" for regional roads and traffic facilities. Some are for specific projects, often over several financial years, while others are for specific projects with designated completion targets.

The attached Grants Register details grants applications made, successfully or unsuccessfully, or on-going for the 2018-19 financial year (to 31 January 2019). For each application it notes the project, grant program, whether it is State or Federal Government funding, the amount of the grant (and any Council co-contribution) plus an estimate of the staff hours involved in preparing each application. Each grant application does vary with respect to complexity and therefore, preparation time does vary. As noted also, application success does not always mean the full amount applied for is granted.

Not included in the Register are “block grants” which are often applied for in one year, with the grant funding received in the following, often for projects spread over several financial years. Only grants actually applied for in the 2018-19 financial year (to date) are included.

In summary:

Number of applications prepared	42
Total value of grant applications	\$29,297,267
Estimated staff time	1143 hours

Successful applications	57% (24)
Value of successful	\$9,283,087
Estimated staff time	930 hours

Applications pending	24% (10)
Value of pending	\$10,817,500
Estimated staff time	61 hours

Unsuccessful applications	19% (8)
Value of unsuccessful	\$9,815,862
Estimated staff time	152 hours

The next quarterly report on grant application (of the 12 month trial reporting period) will be presented to the 15 May 2019 Council meeting.

Options

1. That Council notes the information contained in the first quarterly “Grant Application Quarterly Report”; or
2. That Council notes the report, but requests additional information.

Community Engagement & Internal Consultation

All staff making grant applications were consulted in finalising the grants register at Attachment 1.

The Council has a commitment to support community group grant applications by assisting them with information/data, and letters of support, where applicable. These community-based grants are not included in this report.

Planning & Policy Implications

There are no policy implications in relation to this report. It is noted, however, that the timing of grants received and project implementation/delivery can have implications for Council's operational program delivery.

Financial & Economic Implications

There are no direct economic implications in relation to this report but, as noted, there is a financial implication in regard to the significant staff time required to apply for grants (1,143 hours for the financial year to date). It is also noted that if successful in receiving grants, further resources are required to not only implement the grant funded project, but also to complete an acquittal at the end of the project term and for many projects, to provide regular progress reports as the grant funds are expended.

Grants from various sources are an important source of funding for a wide variety of Council activities.

Attachments

1 [View](#). 2018-2019 Grants Register

Item: 10.04

**Subject: TOWN CENTRE MASTER PLAN PRIORITY PROJECT - DRAFT
OPERATIONAL PLAN 2019/20**

Presented by: Strategy and Growth, Holly McBride

Alignment with Delivery Program

3.2.1 Support vibrant commercial, tourism, recreational and/or community hubs across the region.

RECOMMENDATION

That Council:

- 1. Approve the deferral of the following Town Centre Master Plan projects from the 2018/19 Operational Plan listed in the financial section of this report to allow for focus on the Port Macquarie Foreshore Walkway Project.**
- 2. Include in the draft 2019/2020 operational plan a budget of \$985,000 for the Port Macquarie Foreshore Walk Project from the Town Centre Master Plan Reserve.**

Executive Summary

This report is presented following the November 2018 Town Centre Master Plan Sub-Committee meeting where members resolved to seek Council's concurrence to modify the current Operational Plan projects.

Discussion

The Town Centre Master Plan Sub-Committee met on the 29th November 2018 with an item on the agenda being the draft operational plan 2019/20 priority projects. A copy of the TCMP Sub Committee report from November 2018 and its attachments are contained below.

The minutes of the meeting highlight both the discussion and resolution with respect to the item.

**06 TOWN CENTRE MASTER PLAN PRIORITY PROJECTS - DRAFT
OPERATIONAL PLAN 2019/20**

Discussion amongst the Sub-Committee on the priorities for inclusion in the 2019/2020 Operational Plan.

The Sub-Committee discussed the opportunity to focus on finalising detailed design for the Foreshore Walk as the priority project for 2019/20. There was also discussion regarding potential to commence working on this project in the current financial year.

Tony Thorne left the room at 8.44am whilst discussion was held about possibly engaging an external consultant to assist in delivery of this project. Group Manager Recreation and Buildings advised that internal staff have the capacity and capability to provide the expertise required provided some of the current priority projects are deferred.

Tony Thorne returned to the room at 8.47am.

CONSENSUS:

1. That the Town Centre Master Plan Sub-Committee considers the progression of the Foreshore Walkway Project as a priority.
2. The Town Centre Master Plan Capital Works budget for 2019/2020 will be \$985,000 for the Foreshore Walk Project.
3. That the following 2018/19 Operational Plan projects be deferred to allow for focus on the Foreshore Walkway Project: Foreshore Landscaping; Clarence Street – Tree and Understorey Replanting (Short to Hay Sts); William Street – Tree and Understorey (Short to Hay Sts).
4. That a Foreshore Walkway Working Group be created to progress this project. Working Group members will be Liam Bulley, Councillor Geoffrey Hawkins, Jeff Gillespie, Michael Nunez and Tony Thorne.

John McGuigan left the meeting at 8.55am.

At this point, the number of remaining members was less than that required through the Town Centre Master Plan Sub-Committee Charter to form a quorum.

Consequently, a recommendation is presented for Council consideration.

Options

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

Community Engagement & Internal Consultation

The matter was discussed and recommended by the Town Centre Master Plan Sub-committee members.

Planning & Policy Implications

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

Financial & Economic Implications

There are no significant financial implications associated with this recommendation.

The Town Centre Master Plan reserve has sufficient funding to cover the proposed budget amount and if approved, will be increased by the deferral of the following projects in the current financial year listed below.

GL	Description	Cost
41868	Clarence Street tree and understorey planting	500,000
41869	Foreshore landscaping and embellishment	200,000
41871	William Street tree and understorey planting – Short to Hay Street	50,000
	TOTAL	750,000

Attachments

- 1 [View](#). TCMP Priority Projects - Draft Operational Plan 2019/20
- 2 [View](#). Town Centre Master Plan Strategic Council Project Planning - Priority Projects
- 3 [View](#). Town Centre Master Plan - Proposed Five Year Project Plan

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: NOTICE OF MOTION - EXCEPTION UNDER GENERAL PROVISIONS
OF THE MARKETS POLICY**

Councillor Intemann has given notice of her intention to move the following motion:

RECOMMENDATION**That Council:**

- 1. Admit the Port Central Tuesday Real Food Markets as an exception under the general provisions of the Council adopted Markets Policy relating to timing in the CBD, permitting those markets to start from noon.**
- 2. Request the General Manager to:**
 - a) Report to Council any future application for exception under the Markets Policy, for Council's determination.**
 - b) Advise Gowings of the terms of the policy exception for the Tuesday Real Food Markets, including that only fresh regional produce be offered, and Gowings be requested to manage the stall holders for compliance.**

Comments by Councillor (if provided)

The adopted Markets Policy controls the timing of markets in the CBDs to prevent unreasonable competition to permanent shop owners from markets in terms of both trade and parking.

The Real Food Markets are unlike other markets in offering fresh regional produce including organic and pesticide free. They have operated for two years in Port Central forecourt and have considerable public support.

The wording of the Markets Policy states that it applies as a "general guideline".

An exception to the Markets Policy is proposed for the Tuesday Real Food Markets on the grounds of the nature of their offering, being fresh regional produce, which is something that Council promotes in various ways and events.

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: NOTICE OF MOTION - CLASSIFICATION OF OCEAN DRIVE AND
HASTINGS RIVER DRIVE TO STATE ROAD**

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

RECOMMENDATION

That Council:

- 1. Note that Ocean Drive and Hastings River Drive are currently classified by the Roads and Maritime Services as a Regional Road.**
- 2. Request the General Manager write to the Hon. Melinda Pavey MP, Minister for Roads, Maritime and Freight, requesting that Gazetted Road Number 600 be reclassified as a State Road under the Roads Act 1993.**

Comments by Councillor (if provided)

Roads and Maritime Services (RMS) is required under the *Roads Act 1993* s163 (4) to keep a record of all classified roads.

To manage the extensive network of roads for which council is responsible under the *Roads Act 1993*, RMS in partnership with local government established an administrative framework of *State, Regional, and Local Road* categories. State Roads are managed and financed by RMS and Regional and Local Roads are managed and financed by councils.

Regional Roads perform an intermediate function between the main arterial network of State Roads and council controlled Local Roads. Due to their network significance RMS provides financial assistance to councils for the management of their Regional Roads.

Gazetted Road Number 600 is described as follows:

“From the Pacific Highway (HW10) at Kew via West Haven, Laurieton, North Haven, and Bonny Hills to Lake Cathie then via Ocean Drive, Link Road and Hindman Street at Port Macquarie, then via Hastings River Drive to the Pacific Highway (HW10) south of Dennis Bridge over the Hastings River south of Telegraph Point.”

Ocean Drive has an administrative category of Regional and was most recently gazetted in Government Gazette 56 dated 23 April 2010.

Attachments

Nil

Item: 12.02

Subject: LEGAL ADVICE ON WATER FLUORIDATION

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region.

RECOMMENDATION

That Council note the information included in this Legal Advice on Water Fluoridation report.

Executive Summary

The purpose of this report is to provide an update on the seeking of legal advice in relation to the fluoridation of the Port Macquarie-Hastings water supply and to provide Council with the response received from the Therapeutic Goods Administration (TGA) to a letter from the General Manager in relation to fluoridation.

Discussion

At the 21 November 2018 Council meeting, Deputy Mayor Intemann asked a Question for Next Meeting (QFNM) as to whether the General Manager would seek legal advice in relation to the fluoridation of the Port Macquarie-Hastings water supply by Council. The Deputy Mayor provided the following comments in support of her question:

There continues to be community objection to the fluoridation of our public water supply and in April 2018, Council adopted a watching brief on the legal issues.

Specifically 'Lusk v Tong and Commonwealth Ombudsman' concerns the need for registration and licensing the manufacture of fluoridated water under the federal Therapeutic Goods Act 1989.

As fluoridated water is intended for consumption in preventing a disease or ailment in persons, namely tooth decay, it seems obvious that it should be defined as a therapeutic good under the Act, requiring registration. However the court finding has been delayed long past the time normally expected.

As Council adds fluoride under instruction from NSW Health, storing it in dams, and as fluoridated water seems obviously a therapeutic good, it would seem prudent to seek assurance from NSW Health that the NSW Government will indemnify or otherwise shield PMHC from prosecution under the Therapeutic Goods Act 1989 with respect to fluoridated water.

Could the General Manager please consider getting legal advice on these matters, with a response provided either now or back to the December Council meeting?

At the 12 December 2018 Council meeting in relation to this matter, Council resolved the following:

12.02 QUESTION FROM PREVIOUS MEETING - LEGAL ADVICE ON WATER FLUORIDATION

RESOLVED: Intemann/Turner

That Council note that the General Manager will be seeking legal advice on the matter of fluoridation of the public water supply in early 2019.

CARRIED: 8/0

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

AGAINST: Nil

Detailed below is the information that was provided by the General Manager to the 12 December 2018 Council meeting in response to question from Deputy Mayor Intemann:

As indicated verbally by the General Manager at the Council meeting on 21 November 2018 when the above question was asked, the General Manager has now given consideration to obtaining legal advice on the matter of fluoridation of the public water supply and has decided to seek this advice in early 2019, following the development of a suitable brief of information to be provided by the General Manager to the selected legal advisors.

Please note that following the 21 November 2018 Council meeting and the above question, the General Manager wrote to the Therapeutic Goods Administration (TGA) at the end of November 2018, seeking clarification on the TGA's position that fluoridated drinking water is not therapeutic goods within the definition of that term in the Therapeutic Goods Act 1989 and specifically whether this refers to fluoridated reticulated water supply, which is what this Council supplies.

Further, the letter seeks to clarify that if the position statement of the TGA does refer to fluoridated reticulated water, then a request has been made that the TGA respond by identifying the reason or reasons for the TGA declaring fluoridated reticulated drinking water not to be 'therapeutic goods' according to Section 3(1) paragraphs (c) - (h) in the definition of that term found in the Therapeutic Goods Act 1989.

A copy of the above-mentioned letter is attached for your information.

As noted above, the General Manager wrote to the TGA in late November 2018, with a copy of that letter attached to this report.

On 13 January 2019, the General Manager received a response from the TGA dated 21 December 2018, with a copy of that letter attached to this report. The letter is self-explanatory, with the TGA stating that they consider fluoridated drinking water not to be therapeutic goods within the meaning of the Therapeutic Goods Act 1989.

As per the previous resolution of Council as detailed above, the General Manager is now in the process of seeking legal advice on the issues raised by Deputy Mayor Intemann at the 21 November 2018 Council meeting. A further report to Council will be provided once relevant legal advice has been sought.

Options

There are no options in relation to this report as it is for noting only.

Community Engagement & Internal Consultation

There has been no community engagement in relation to this report. Internal consultation has taken place with the following Council staff:

- Director Infrastructure;
- Group Manager Governance & Procurement.

Planning & Policy Implications

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

Financial & Economic Implications

There are no economic implications in relation to this report. The costs of the legal advice to be sought by the General Manager will be funded from the corporate legal consultancy budget.

Attachments

1 [View](#). Correspondence - General Manager to Therapeutic Goods Administration - 2018 11 30

2 [View](#). TGA - Response to General Manager Port Macquarie-Hastings Council 211218

Item: 12.03

Subject: BOUNDARY ADJUSTMENT BETWEEN PART COUNCIL'S PORT
MACQUARIE WATER SUPPLY DAM LAND AND 1 ORR STREET

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 note that the application for the boundary adjustment between part Council's Port Macquarie Water Supply Dam Land and 1 Orr Street has been withdrawn by the applicant.

Executive Summary

A report to advise Council that the boundary adjustment application by the owner of 1 Orr Street Port Macquarie has been withdrawn.

Discussion

At the Ordinary Council Meeting held on 14 December 2016, Council considered a report on a boundary adjustment application involving part of the land occupied by the Port Macquarie Water Supply Dam and the adjoining private freehold land at 1 Orr Street. At the Meeting Council resolved:

**10.01 BOUNDARY ADJUSTMENT BETWEEN PART COUNCIL'S PORT
MACQUARIE WATER SUPPLY DAM LAND AND 1 ORR STREET
MOTION**

MOVED: Turner/Cusato

That Council defer the consideration of a boundary adjustment between Part Council's Port Macquarie Water Supply Dam Land and 1 Orr Street until value of the land has been provided by Council's Consultant Valuer, and associated preliminary work required to obtain a valuation has been undertaken at the applicant's cost.

FORESHADOWED MOTION

MOVED: Intemann

That Council:

- 1. Transfer Lot 1 Deposited Plan 630525 and part Lot 55 Deposited Plan 233413 to the registered proprietors of Lot 2 Deposited Plan 630525 (1 Orr Street), RP & PL Bailey, in an amount to be assessed by Council's Consultant Valuer.*
- 2. Develop a Caveat to be registered on the title of the transferred lands such that the transferred lands cannot be used for residential purposes.*
- 3. Affix the Common Seal to the linen plan of survey involving Lot 55 Deposited*

Plan 233413.

4. Delegate to the General Manager Authority to sign:

a. Contract for the Sale of Land;

b. Caveat;

c. Land and Property Information Transfer Form.

5. Acknowledge that all costs incurred with the survey, transfer of the land and development/registration of the Caveat will be met by the registered proprietors of Lot 2 Deposited Plan 630525 (1 Orr Street).

THE MOTION WAS PUT

RESOLVED: *Turner/Cusato*

That Council defer the consideration of a boundary adjustment between Part Council's Port Macquarie Water Supply Dam Land and 1 Orr Street until value of the land has been provided by Council's Consultant Valuer, and associated preliminary work required to obtain a valuation has been undertaken at the applicant's cost.

CARRIED: 6/3

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

AGAINST: *Alley, Griffiths and Intemann*

In accordance with the Council resolution, the associated preliminary works including a valuation by Council's Consultant Valuer were undertaken, with all costs being met by the applicant, being the owners of 1 Orr Street, Port Macquarie.

Upon further investigation of the matter by Council staff and discussions with the applicant, the bush fire risk issues on both the Council-owned land and the applicant's property were resolved to the satisfaction of both parties.

Subsequently the boundary adjustment was found to be unnecessary, and the applicant has now withdrawn the application.

Options

This is an information report.

Community Engagement & Internal Consultation

There has been ongoing consultation with the owners of 1 Orr Street, Port Macquarie, Council's Property Section and Council's Environmental Services Group.

Planning & Policy Implications

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

Financial & Economic Implications

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

Attachments

Nil

Item: 12.04

Subject: CLASSIFICATION OF LAND REQUIRED FOR SEWER PURPOSES
AT COMBOYNE AND LONG FLAT

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. Pursuant to Section 34 of the *Local Government Act 1993*, commence the process to classify the following lots as “operational” land by placing on public exhibition from 27 February 2019 for a minimum period of 28 days, the proposed resolutions:
 - a) “It is intended to classify Lot 1 DP1240385 (land situated at Main Street, Comboyne) as operational land”;
 - b) “It is intended to classify Lot 2 DP1244793 (land situated off Henry Street, Long Flat) as operational land”;
 - c) “It is intended to classify Lot 2 DP1244795 (land situated off Henry Street, Long Flat) as operational land”.
2. Note that a further report will be tabled to Council at the April 2019 Ordinary Council meeting, detailing any submissions received from the public during the exhibition period.

Executive Summary

A report to consider placing on public exhibition proposed resolutions to classify land at Comboyne and Long Flat that is being acquired as part of the Small Towns Sewer Scheme as “operational” land.

When land is acquired by Council, the land is required to be classified in accordance with the provisions set out in the *Local Government Act 1993*.

Discussion

Council has previously considered reports on the acquisition of land required to implement the Small Towns Sewer Scheme at Comboyne, Long Flat and Telegraph Point. With regard to lands to be acquired at Comboyne and Long Flat, Council has previously resolved at the Ordinary Council meeting held on 20 April 2016:

13.01 LAND ACQUISITION AS PART OF THE PROVISION OF SEWER TO THE VILLAGE OF COMBOYNE

RESOLVED: Levido/Cusato

That Council:

1. *Pay compensation in the amount of \$60,000 (GST Exclusive) to the Comboyne Ex-Serviceman's & Citizens Club for the acquisition of an area of land comprising 366.5m² from Lot 2 Section 2 Deposited Plan 8802.*
2. *At nil cost to the Comboyne Ex-Serviceman's & Citizens Club, provide connections to the sewer for the residence situated at 42 Main Street, Comboyne and to the Club premises at 3-5 Comboyne Street, Comboyne.*
3. *Delegate to the General Manager authority to sign:*
 - a) *Contract for Sale/Deed of Acquisition.*
 - b) *Land Titles Office Transfer Form.*

CARRIED: 9/0

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

AGAINST: Nil

At the Ordinary Council meeting held on 20 June 2018, Council resolved:

12.01 ACQUISITION OF LAND AND EASEMENT - LONG FLAT SEWERAGE SCHEME

RESOLVED: Intemann/Alley

That Council:

1. *Pay the negotiated amount of \$101,250.00 (GST free) for compensation and the reimbursement of design review and negotiation costs to the owners of Lot 22 DP818173 and Lot 1 DP1042541, PJ & M L O'Neill, for the acquisition of land generally shown as Lot 2 in Mark Rogers' draft plan of survey reference 17380DP02 and the acquisition of an easement for the drainage of sewage 3 metres wide as shown in Mark Rogers' draft plan of survey reference 17380DP04.*
2. *Pay the owner's legal costs for the property conveyance.*
3. *Delegate authority to the General Manager to sign:*
 - a) *Deed of Acquisition / Contract for the Sale of Land;*
 - b) *Deed of Agreement;*
 - c) *Land Registry Services Transfer Forms;*
 - d) *Revenue NSW Purchaser Declaration;*
 - e) *Letter to Revenue NSW seeking exemption from the payment of stamp duty.*

CARRIED: 8/0

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

AGAINST: Nil

At the Ordinary Council meeting held on 18 July 2018, Council resolved:

12.02 ACQUISITION OF LAND AND EASEMENT - LONG FLAT SEWERAGE SCHEME

RESOLVED: Hawkins/Cusato

That Council:

1. *Pay the negotiated amount of \$70,000 (GST free) as compensation to the owner of Lot A DP381856, K J Camilleri, for the acquisition of:*
 - a) *the easement for the drainage of sewage and right of access marked (A) in Mark Rogers' draft plan of survey reference 17380DP01 and,*
 - b) *the land shown as Lot 2 in Mark Rogers' draft plan of survey reference 17380DP01.*
2. *Pay the owner's legal costs for the property conveyance.*

3. *Delegate authority to the General Manager to execute, electronically or otherwise, all documents including but not limited to any authorisation form as required, associated with the acquisition in accordance with the Electronic Transactions Act 2000.*

CARRIED: 9/0

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

AGAINST: Nil

Subsequent to the above resolutions, the survey plans of acquisition have now been registered, (DP1240385 at Comboyne, DP1244793 and DP1244795 at Long Flat). Deeds of Acquisition were prepared and compensation monies paid. As Council will shortly become the registered owner of the acquired lands, it is necessary to place on public exhibition draft resolutions for the purposes of classifying the land. Given the acquired lands will contain sewer infrastructure, an 'operational' land classification is considered appropriate.

Options

Given the acquired lands will contain sewer infrastructure, an 'operational' land classification is considered appropriate.

Community Engagement & Internal Consultation

Section 34 of the *Local Government Act 1993* requires that the proposed resolutions be placed on public exhibition for a minimum period of 28 days.

Following the conclusion of the exhibition period, a further report will be provided to Council at the April 2019 Ordinary Council meeting, detailing any submissions received during the exhibition period.

Planning & Policy Implications

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

Financial & Economic Implications

Nominal costs will be incurred in advertising the proposed resolutions.

Attachments

Nil

Item: 12.05

Subject: TRANSFER OF LAND TO COUNCIL FOR SEWER PURPOSES -
PACIFIC HIGHWAY, SANCROX

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. Accept the transfer of Lot 3 Deposited Plan 1241253, Pacific Highway, Sancrox;
2. Delegate authority to the General Manager to execute, electronically or otherwise, all documents including, but not limited to, any authorisation form as required associated with the transfer in accordance with the *Electronic Transactions Act 2000*;
3. Pursuant to Section 34 of the *Local Government Act 1993* commence the process to classify Lot 3 Deposited Plan 1241253 as “operational land” by placing on public exhibition the proposed resolution “It is intended to classify Lot 3 Deposited Plan 1241253 (land situated at Pacific Highway, Sancrox) as operational land” from 27 February 2019 for a minimum period of 28 days;
4. Note that a further report will be tabled at the April 2019 Ordinary Council meeting detailing any submissions received during the exhibition period.

Executive Summary

This report is presented to Council to consider the transfer of land arising from the development of industrial land at Sancrox. The land to be transferred to Council contains a sewer pumping station constructed by the developer to service the industrial lands. As an item of public infrastructure, the land comprising the sewer pumping station should be held in public, that is, Council's ownership.

The land, once transferred into Council ownership, is required to be classified in accordance with the requirements of the *Local Government Act 1993*.

Discussion

The development of industrial zoned land as part of the Sancrox Employment District has required the developer to provide infrastructure such as water and sewer to service the subdivided lots. A sewer pumping station was required. With the registration of the subdivision plan, DP1241253 (see attached), on 24 January 2019,

the transfer of the land containing the sewer pumping station, Lot 3 DP1241253, can now proceed.

Options

Given the land to be transferred contains sewer infrastructure, the land should be in Council ownership and classified as “operational” land.

Community Engagement & Internal Consultation

The proposed land classification will be notified in *Community Now* for a minimum period of 28 days. Following the conclusion of the notification period, a further report will be provided to Council detailing any submissions received during the notification period.

Planning & Policy Implications

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

Financial & Economic Implications

Nominal cost will be incurred in providing public notification in *Community Now*.

Attachments

1 [View](#). Deposited Plan DP1241253 showing land (Lot 3) to be Transferred

Item: 12.06**Subject: QUESTION FROM PREVIOUS MEETING - ORBITAL ROAD -
DEVELOPMENT IN INVESTIGATION AREA****Presented by: Infrastructure, Jeffery Sharp**

RECOMMENDATION

That Council note the information provided in this report regarding development of the Orbital Road route options and investigation area.

Question from Mayor Pinson:

Can the General Manager please explain how development was able to take place in the investigation area of the proposed Orbital Road, if route options were determined in 2008?

Comments by Mayor (if provided):

Nil.

Response

A recommendation was put to the Ordinary Council Meeting on 7 May 2008 to proceed with an Orbital Road. The then Council Administrator made the decision not to proceed with an Orbital Road and instead adopted an upgrade of Lake Road as the preferred option to cater for the east-west movement of traffic between Ocean Drive and the Oxley Highway. The decision not to proceed with a proposed Orbital Road meant that there were no planning controls put in place following that time and so development was allowed to proceed.

Any Development applications have to be assessed as the current zone stands. Until the preferred alignment is determined and gazetted via a planning proposal or rezoning for proposed acquisition, the conceptual corridor has very little weight, if any, in planning considerations when assessing development applications.

Attachments

Nil

Item: 12.07

Subject: QUESTION FROM PREVIOUS MEETING - ORBITAL ROAD -
CURRENT INVESTIGATION AREA

Presented by: Infrastructure, Jeffery Sharp

RECOMMENDATION

That Council note the information contained in this report regarding the determination of the current investigation zone for the Orbital Road.

Question from Mayor Pinson:

Can the General Manager please provide an explanation as to how the current investigation area for the Orbital Road was determined as being the preferred investigation area?

Comments by Mayor (if provided):

Nil.

Response

The broad investigation corridor was adopted by Council via a Council Resolution in May 2015. The Council Report and associated Resolution is attached for information.

The consideration presented to Council in May 2015 was based on previous studies and experiences in relation to the potential routes for road corridors connecting in both an East-West and North-South direction.

The May 2015 report also noted the previous Infrastructure Gap Analysis report commissioned by the Economic Development Steering Group and completed by PSA Consulting in 2014 which identified as critical projects both a southern access to the airport and the need to link Ocean Drive with John Oxley Drive.

The subsequent study now completed is presented within this Council Agenda as a separate report titled "Orbital Road – Feasibility Study" and contains further information, including a copy of the "Port Macquarie Outer Orbital – Final Feasibility Report".

Attachments

1 [View](#). Ordinary Council Meeting 2015 05 20 - Item 13-04 Road Network Planning

Item: 12.08

**Subject: PORT MACQUARIE-HASTINGS LOCAL GOVERNMENT AREA
TRAFFIC STUDY**

Presented by: Infrastructure, Jeffery Sharp

Alignment with Delivery Program

4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region.

RECOMMENDATION

That Council note:

- 1. The information contained in this report and attached Port Macquarie-Hastings Local Government Area Traffic Study reports.**
- 2. That the Port Macquarie-Hastings Local Government Area Traffic Study will be used for strategic future road network and land use planning.**

Executive Summary

A core role of Council is to plan for the future needs of the region, including the provision of appropriate transport infrastructure. This requires a strategic, long term approach for managing and enhancing the road network to respond to changes in land use and travel patterns.

Council, in partnership with Roads and Maritime Services of NSW (RMS), has undertaken a comprehensive Port Macquarie-Hastings Local Government Area (LGA) Traffic Study. The study used the services of GHD, an international engineering consultancy firm with a local office in Port Macquarie.

A traffic study is a detailed examination and analysis of a transportation system by qualified and experienced transportation professionals. Traffic studies are not works programs in themselves but are an essential input into the development of various Council plans and action programs. Traffic studies guide planning and investment decisions by providing important data transparently to the community, Council and other government agencies. They help to determine priorities for future road maintenance, upgrades, operation, safety, traffic and development.

The overarching objective of the study was to develop a road and traffic management strategy for the Port Macquarie-Hastings road network. This strategy is a series of recommendations relating to new road links, key corridor upgrades, localised works and rural road improvements. Council is using this information to identify and progress the highest priority actions.

The Port Macquarie-Hastings Local Government Area Traffic Study Report (Volumes 1 to 4) is attached for information.

DiscussionIntroduction

Council regularly undertakes traffic studies covering either the entire LGA or smaller precincts. The first area wide study was undertaken in 1985. This study reinforced the need for the provision of critical link roads to service forecast traffic growth associated with planned urban land releases. A primary recommendation was the construction of a link road between Matthew Flinders Drive and Hindman Street, Port Macquarie which was subsequently implemented in stages between 1990 to 2007.

The second area wide traffic study, the Hastings Roads and Traffic Study, was completed in 2003. For the last decade it has been the primary reference source for traffic forecasts and planning relating to Council's major road network but it was clear that a new area wide traffic study was required. In 2015 Council, in partnership the RMS, engaged GHD Pty Ltd to undertake a Port Macquarie-Hastings Local Government Area Traffic Study.

Key tasks of the current study included:

- Evaluate current road network performance based on existing transport demand and travel patterns, including a summary of existing constraints and issues.
- Evaluate the efficiency, performance and safety of the current transport system in relation to on-road public transport, walking and cycling.
- Forecast future travel demands, up to the year 2036, taking into consideration planned future developments, land release areas and committed major road projects.
- Evaluate future road network performance and identify a road hierarchy for future planning.
- Test a range of infrastructure improvements to accommodate existing and forecast future travel demands and develop an implementation strategy for identified road network improvements.
- Develop a traffic model that can be easily updated by Council and/or RMS in the future.
- Provide data that can be used as a key input into the revision of Council's Urban Growth Management Strategy and other relevant council strategies.
- Provide data that can be used as a key input into regional planning documents such as the NSW Long Term Transport Master Plan, NSW Future Transport Strategy 2056, the North Coast Regional Plan and other relevant State strategies.
- Provide data that can be used to develop or update new development contribution plans and voluntary planning agreements.

The outputs of these tasks were used to develop a road and traffic management strategy for the Port Macquarie-Hastings road network to guide Council's planning into the future.

Traffic Model

A key element of the Port Macquarie-Hastings Local Government Area Traffic Study was developing a traffic computer simulation model to aid in the assessment of existing traffic conditions and in the prediction of future traffic conditions.

Traffic models are a systematic mathematical representation of the complex real-world transport and land use system as it exists. They are tools for understanding and assessing the likely impacts of changes in the drivers of transport, such as transport supply, demographics or land use. In particular, a good quality traffic model can be a powerful tool for assessing the impacts of transport infrastructure options and for identifying how the transport system is likely to perform in future. Traffic modelling, therefore, can assist with decision-making about the future development and management of urban transport and land use systems.

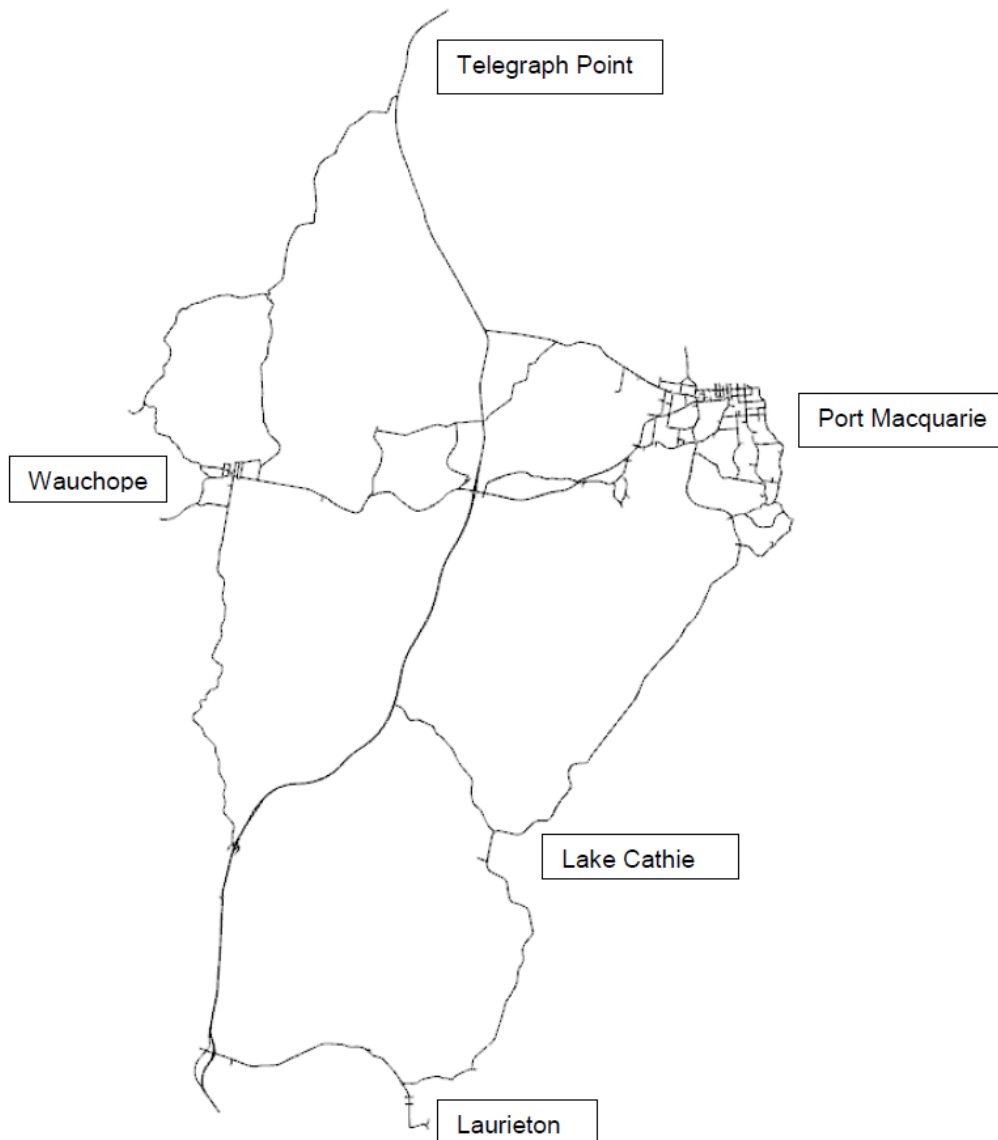
It is important to recognise, however, that traffic models are only a tool and one of many elements that contribute to the broader planning, asset management and decision making process for the management of a transportation network.

Traffic models require two key areas of input:

- Network – physical characteristics of the road network such as number of lanes, link length, road hierarchy and intersection controls.
- Demand – trip tables showing traffic movement across the network between various land use generators and attractors. Analysis is based on a range of data including journey to work, population, employment data, traffic, travel times, freight and parking.

Typical model outputs include traffic volumes, average vehicle delay, average travel speed, volume over capacity (v/c) ratio and intersection delay.

The first step in the traffic modelling process is the development of a base model (for the year 2016) to represent current weekday peak hour traffic conditions. The coverage of the base model is illustrated in the figure below.



The base model was calibrated and validated in accordance with the RMS Traffic Modelling Guidelines, 2013. The model was also reviewed by RMS internal traffic modelling staff and was subject to an independent audit by a consultant from a RMS panel. Following the internal review and independent audit some minor changes were made and the base model adopted by both Council and RMS.

The second step in the traffic modelling process was the development of a series of future year models (for the years 2021, 2036 and 2036) across a range of different land use and road network scenarios. The model was used to test a number of different future infrastructure improvements including many projects that are currently in various stages of planning and design.

The traffic model is owned by Council and RMS and can be easily updated in the future. It is expected that updates will occur as the need arises to respond to changing local conditions and to test possible future infrastructure improvements. More detail on the traffic model can be found in the attached study reports.

Recommendations

The recommended road network strategy is a combination of new road links, key corridor upgrades, localised works and rural road improvements as described briefly below and in more detail in the attached study reports.

1. New Road Links

Orbital Road

- New road link would result in significant benefits to the operation of the region's road network.
- Has a significant impact on travel patterns, and provides relief to Lake Road and Clifton Drive.
- Staged introduction may be appropriate.
- Continue planning for the road link including route selection, concept design, traffic modelling, environmental assessment and staging options.

Wauchope Inner Bypass

- New road link may not result in a significant benefit in the short term but may become more attractive in the future if delays along High Street through Wauchope town centre increase.
- Preserve road corridor as a possible future option.

2. Main Road Corridor Upgrades

Hastings River Drive - Boundary Street to Findlay Ave

- Duplication of western section of Hastings River Drive between Hughes Place and Boundary Street would result in a consistent corridor road cross-section with increased capacity along the main urban extent of the corridor.
- Intersection upgrades at Bellbowrie Street, Widderson Street and Aston Street would improve access onto Hastings River Drive and reduce barriers to pedestrian movement.
- Continue planning and design for western section of corridor between Boundary Street and Hibbard Drive (east).
- Commence planning and design for upgrade of Bellbowrie Street and Widderson Street intersections noting that the Aston Street intersection upgrade design has been completed.

John Oxley Drive

- Upgrades required to accommodate traffic accessing from new development (health, residential, educational and commercial), where significant growth is forecast.
- Continue planning and design for corridor upgrade between Wrights Road and The Ruins Way.
- Undertake Thrumster traffic study to determine required network improvements along western section of John Oxley Drive corridor.

Lake Road – Oxley Highway to Ocean Drive

- Main benefit of upgrade would be to improve access to and from key side streets, and improve road user safety.

- Most critical section is between and including the Fernhill Road and Jindalee Road intersections.
- Lake Road upgrade is required irrespective of the Orbital Road.
- Continue development of planning, design and staging options for corridor.

Ocean Drive, Port Macquarie – Greenmeadows Drive (south) to Matthew Flinders Drive

- Main benefit of upgrade would be to improve access to and from key side streets, and reduce overall delays in peak periods.
- Conversion of roundabouts to traffic signals may increase overall delay in non-peak periods.
- Continue design and staging options for corridor.

Oxley Highway

- Corridor upgrades would primarily consist of improvements at key intersections including: John Oxley Drive (west), Wrights Road/John Oxley Drive (east), Lake Road/Sherwood Road, Clifton Drive/Fernhill Road, Widderson Street and Hastings River Drive/Ocean Drive/Gordon Street.
- Progress designs for upgrades of key intersections (RMS).
- Undertake further microsimulation traffic modelling of Oxley Highway - Gordon Street corridor.

Pacific Highway

- Pacific Highway / Oxley Highway interchange
 - Continued traffic growth will increase pressure on this interchange, which will require various upgrades to accommodate turning traffic and maintain safety.
 - Current roundabout configuration prioritises northbound right turn from Pacific Highway over Oxley Highway eastbound through movement, creating delays for the latter.
 - Metering of the northbound off-ramp approach, and/or the westbound Oxley Highway approach, could be considered to create additional gaps for Oxley Highway eastbound traffic in peak periods.
 - Further microsimulation traffic modelling required and ongoing liaison with RMS.
- Pacific Highway / Houston Mitchell Drive intersection
 - Grade separation required as increasing volumes on the highway make turns out of Houston Mitchell Drive harder. Grade separation likely to be the most effective treatment and give the best road safety outcome.
 - In the short term a southbound acceleration lane should be added to the Pacific Highway for the left turn movement from Houston Mitchell Drive.
 - Undertake concept design as part of Pacific Highway post-duplication project (RMS).

Port Macquarie CBD Road Network

- As a major centre of activity, and the location of the greatest concentration of crashes, it is appropriate to periodically review traffic management in the CBD area, with a focus on safety, accessibility and pedestrian movement.
- Continue investigations into improving pedestrian safety within the CBD.
- Investigate measures to reduce traffic within the CBD particularly through traffic on Buller Street – William Street.

3. Localised Urban Intersection Upgrades**Port Macquarie**

- Bay Street / Bellbowrie Street
- Bay Street / Newport Island Road
- Bay Street / Warlters Street / Aston Street
- Buller Street / Hollingworth Street
- Central Road / Hindman Street
- Gordon Street / Horton Street
- Kennedy Drive / Koala Street
- Koala Street / Granite Street
- Lake Road / Hill Street
- Pacific Drive / Bangalay Drive
- Pacific Drive / Hill Street
- Pacific Drive / Lighthouse Road
- William Street / Munster Street
- William Street / Short Street

Wauchope

- Beechwood Road / Waugh Street
- Beechwood Road / Yippin Creek Road
- Oxley Highway / Blackbutt Drive
- Oxley Highway / Cameron Street

Lake Cathie – Bonny Hills

- Ocean Drive / Evans Street (south)
- Ocean Drive / Abel Tasman Drive
- Ocean Drive / McGilvray Road

Camden Haven

- Ocean Drive / Edith Street
- Ocean Drive / Bold Street
- Ocean Drive / Kew Road
- Ocean Drive / Sirius Drive
- Graham Street / Comboyne Street

4. Rural Road Corridors**Comboyne Road**

- Targeted shoulder widening would improve clearances in constrained locations resulting in road safety benefits.
- Improvements to the various sections of chain wire fence and guard rail would also have road safety benefits.

Lorne Road

- Investigate sealing of unsealed section of Lorne Road.
- Upgrade of older sections of road between Kendall and Lorne.

Pappinbarra Road

- Future upgrades of Pappinbarra Road should be targeted to address specific safety issues.

Pembrooke Road

- Upgrade road in vicinity of railway bridge and Stony Creek to remove safety hazard.

Rollands Plains Road

- Future upgrades of Rollands Plains Road should be targeted to address specific safety issues

Stoney Creek Road and Redbank Road

- Seal unsealed section of Stoney Creek Road (near Pembrooke Road).
- Replace Redbank Road bridge (railways asset) over the railway line on new alignment.

As outlined earlier the abovementioned recommendations and areas for improvement are not in themselves a works program and need to be considered alongside other elements of Council planning such as intergraded land use planning.

These elements will be tied together through the development of the Regional Intergraded Transport Strategy and the key objectives that come from that key strategic planning.

Options

The purpose of this report is information only.

Community Engagement & Internal Consultation

The traffic study was a technical body of work undertaken to help inform strategic transport planning and therefore no community engagement was undertaken as part of the project.

RMS staff were significantly involved in the project, both from the Northern Region's Grafton Office and Sydney based traffic modelling staff.

Internal consultation has taken place with:

- Director Infrastructure
- Director Strategy and Growth
- Group Manager Transport and Stormwater Network
- Group Manager Strategic Land Use Planning
- Engineering Planning Manager Transport and Stormwater Network
- Senior Transport Engineer

Planning & Policy Implications

The Port Macquarie-Hastings Local Government Area Traffic Study will be used to inform strategic transport planning for the future growth of the Port Macquarie-Hastings area. The traffic model component of the study will be reviewed and if required updated approximately every five years.

Financial & Economic Implications

There are no financial and economic implications in relation to this report although many of the recommendations of the study will be considered for inclusion in future Delivery Programs and Operational Plans.

Attachments

- 1[View](#). PMHC LGA Traffic Study Vol 1
- 2[View](#). PMHC LGA Traffic Study Vol 2
- 3[View](#). PMHC LGA Traffic Study Vol 3
- 4[View](#). PMHC LGA Traffic Study Vol 4

Item: 12.09**Subject: ORBITAL ROAD - FEASIBILITY STUDY****Presented by: Infrastructure, Jeffery Sharp**

Alignment with Delivery Program

4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region.

RECOMMENDATION

That Council note the information contained in this report and attached Engineering Feasibility Study for the proposed Orbital Road.

Executive Summary

Council has completed the Orbital Engineering Feasibility Study, which was initiated following a resolution in May 2015 to investigate and plan for new road links and upgrades within the Local Government Area including (among others) new North-South and East-West links and additional links to Port Macquarie Regional Airport.

Overall the Engineering Feasibility Investigation outlined the most viable route within the broad investigation area and found that the Orbital was in-principle a viable project that warrants further detailed investigations and that following community engagement undertake a strategic business case.

Discussion

Following a resolution in May 2015 to investigate and plan for new road links and upgrades within the Local Government Area including (among others) new North-South and East-West links and additional links to Port Macquarie Regional Airport, Council engaged Opus International Consultants (Australia) to undertake an Engineering Feasibility Study for what is now referred to as the Orbital Road. The Council Report is attached for information, the resolution from the meeting is as follows:

13.04 ROAD NETWORK PLANNING

Mr Ross Cargill, representing Men at Work, addressed Council in support of the recommendation.

RESOLVED: *Intemann/Sargeant*

That Council:

1. *Endorse the investigation and planning for new road links and upgrades within the Local Government Area including:*
 - (a) *new North-South and East-West links*
 - (b) *additional links to Port Macquarie Regional Airport*
 - (c) *new link between Central Road and Acacia Avenue*
 - (d) *options for additional access to the southern section of the Lake Road Industrial area through to Kingfisher Drive/Wrights Road area*
 - (e) *upgrade of Lake Road to two lanes in each direction between the Oxley Highway and Ocean Drive.*
2. *Consider the proposed link road investigations in the preparation of the Urban Growth Management Strategy (UGMS) review and prior to commencing any investigations for the future rezoning of land that may be affected by future link roads.*
3. *Actively seek external funding for the preconstruction and construction activities required for the upgrade of Lake Road.*
4. *Consider funding the preconstruction activities in 2016 - 2017 budget if other funding is not forthcoming.*

CARRIED: 8/0

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

AGAINST: Nil

The key objectives of the Orbital Road are:

- Improve the circulation and efficiency of the transport network
- Increase capacity of the network to cater for forecast growth
- Reduce traffic volume and improve safety on a number of roads
- Create an alternative flood-free vehicular access to the Airport precinct
- Unlock development opportunities for various land precincts
- Give greater certainty to ongoing land use planning for the greater Port Macquarie area

The project objective was to determine the feasibility of the Orbital Road, whether the Orbital was considered economically viable and what further investigations, studies and actions would be required to progress the project.

The key elements of the project were:

- Investigation of three potential road corridors as shown on Figure 1, being:
 1. Hastings River Drive to Oxley Highway to the east of the Airport
 2. Airport to Oxley Highway via Lady Nelson Drive
 3. Oxley Highway to Ocean Drive to the south of Lake Road

- Route options assessment using multi-criteria analysis
- Preliminary environmental assessment
- Identification of preferred corridor alignment
- Economic cost-benefit analysis
- Consultation with key government stakeholders such as Roads and Maritime Services
- Preliminary cost estimate
- Identification of subsequent tasks required to progress the project through detailed design and approvals to construction.

The project specifically excluded:

- Traffic modelling - this was undertaken as part of the concurrent Port Macquarie-Hastings Area Wide Traffic Study project
- Community engagement – which is currently underway as a subsequent project following the engineering feasibility investigation.

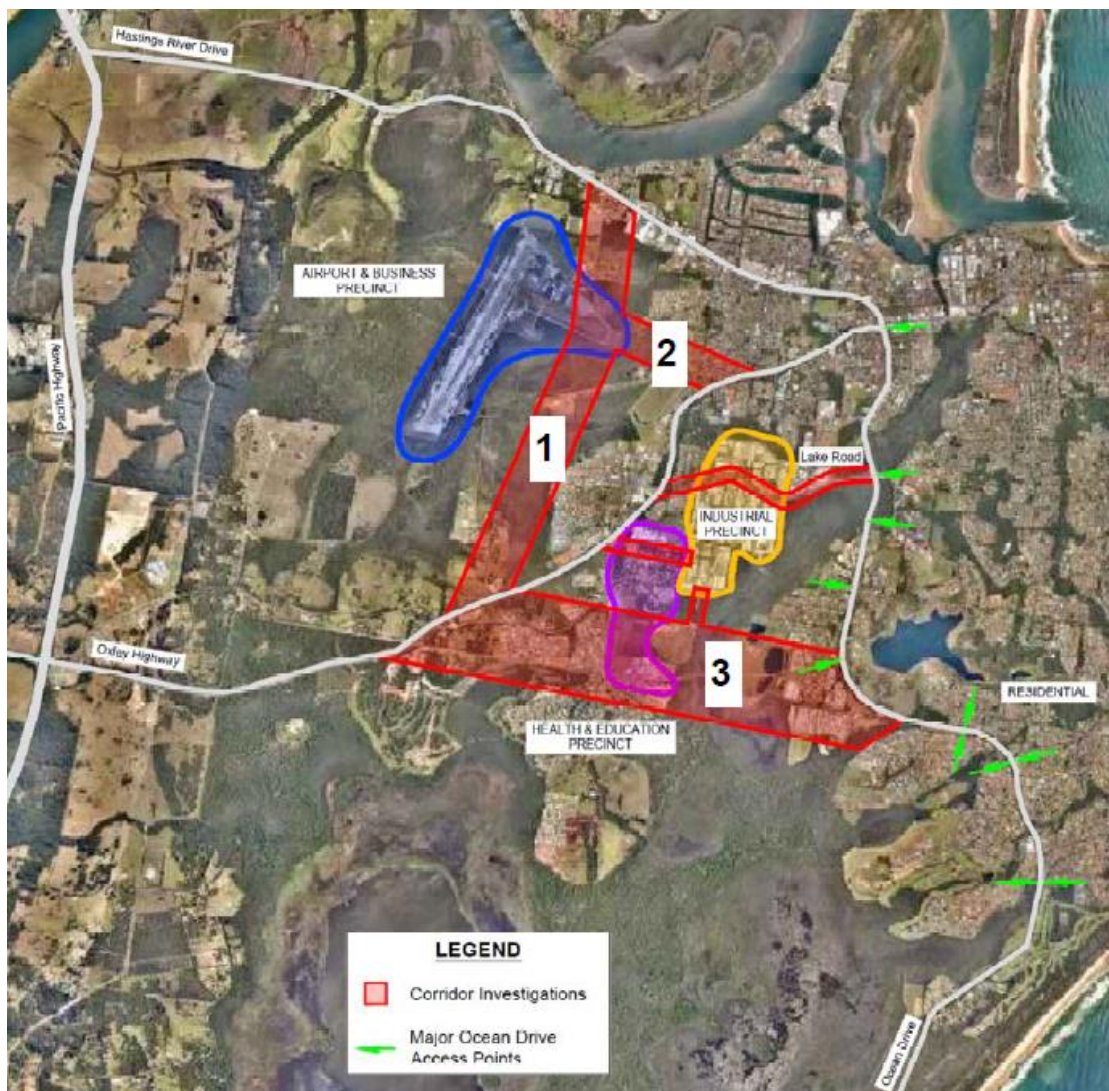


Figure 1: Initial Proposed potential road corridors, as per May 2015 Council Resolution.

There are significant challenges with planning new road corridors particularly in urban areas and areas of high environmental value. There are always trade-offs and compromises with very difficult decisions to be made.

Corridor selection is determined on a whole range of consideration and objectives such as:

- maximising traffic benefits by minimising travel times
- minimising construction cost
- maximising road safety benefits
- minimising environmental impacts
- minimising private property impacts
- maximising future regional economic development opportunities
- maximising improvements to social connectivity

The broad investigation area for the Orbital was selected with the abovementioned objectives in mind.

During the early stages of the project, widening the broad investigation area was discussed. It was determined to slightly widen the North-South investigation area further to the east to utilise the undeveloped land closer to the Retreat Village (located off Lincoln Road). Moving the East-West investigation area further south below the Dahlsford Grove Lifestyle Village was also discussed, however this area was found to be environmentally constrained and therefore wasn't included in the broad investigation corridor. The final broad investigation corridor used to guide the Engineering Feasibility Study is shown in Figure 2.

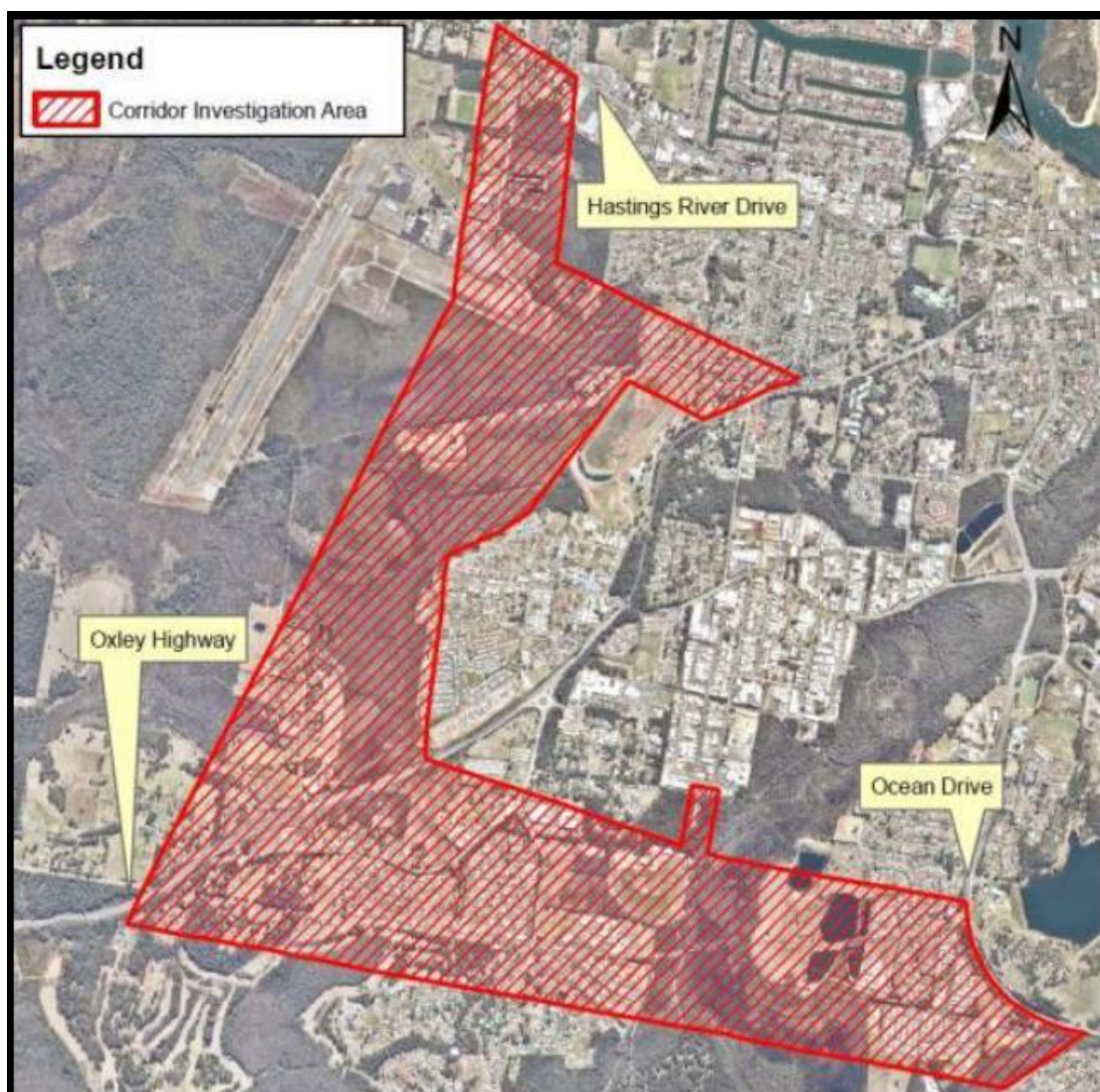


Figure 2: Orbital Road Broad Investigation Corridor.

One central consideration to the corridor selection was the Lake Innes Nature Reserve and Innes Ruins Historical Site (National Parks), which stretch from Lake Road in the North to Lake Cathie in the South as shown in Figure 3 below.

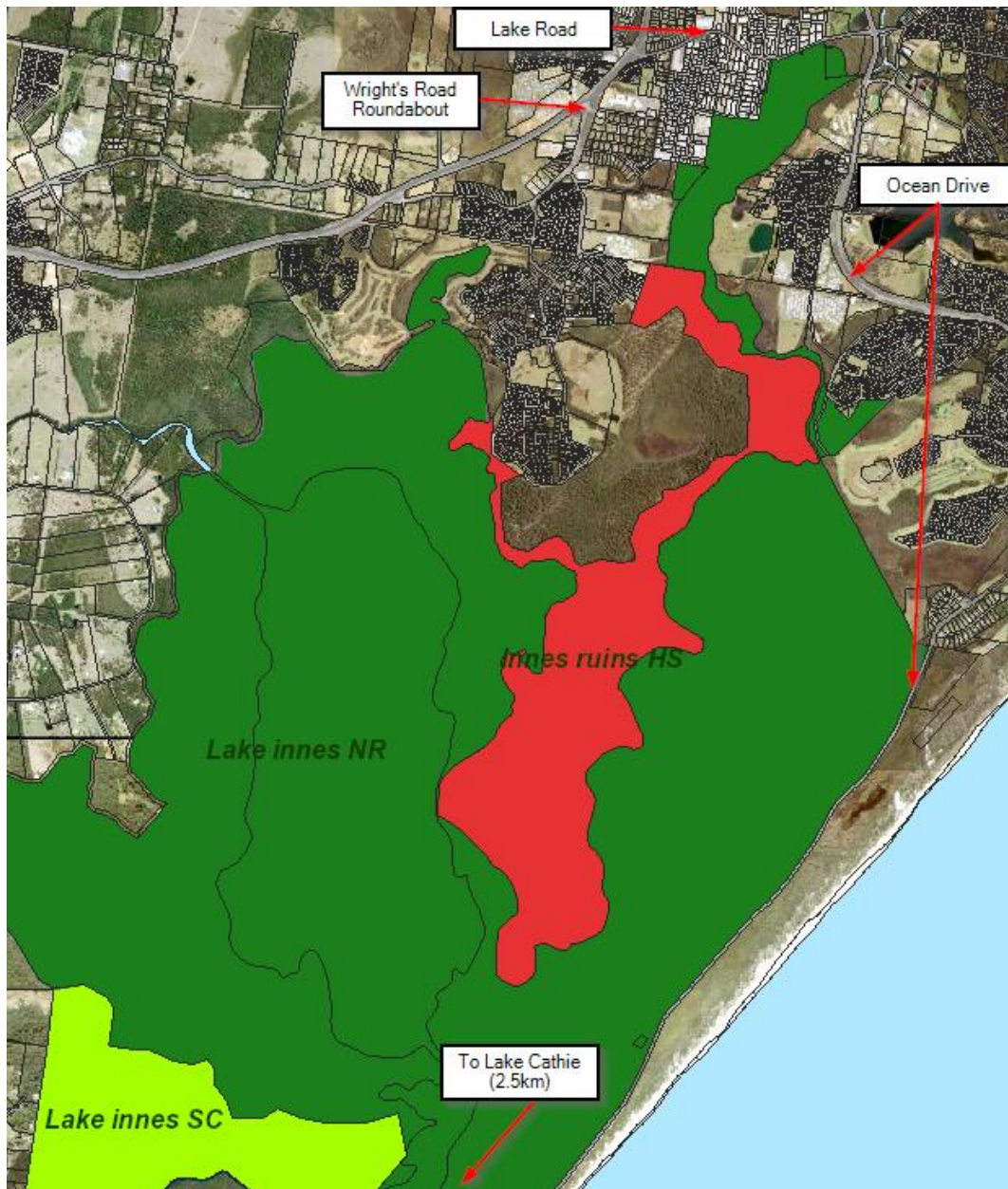


Figure 3: Lake Innes Nature Reserve, Innes Ruins Historical Site and Lake Innes State Conservation Area extent of land protected under the National Parks and Wildlife Act 1974.

Therefore the corridor for the East-West link corridor was centred on the existing cleared power and water easement, which was one of two narrowest points to the Nature Reserve.

Taking into account the broad investigation corridor and objectives outlined above, the Engineering Feasibility Study determined the viable route by looking at engineering consideration such as road geometric constraints, environmental constraints, property impacts, existing infrastructure impacts and detailed construction cost estimation.

The Engineering Feasibility Study identified 4 route options within the broad investigation corridor and based on the analysis the most viable route was selected. As all routes had relatively common elements such as crossing the Lake Innes Nature Reserve and connecting into Hastings River Drive via Boundary Street it was determined that the best way to consult with the community was to discuss the route that was deemed the most viable from the Engineering Feasibility Study.

While the Engineering Feasibility Study undertook strategic concept designs (to help understand the engineering impacts), which produced an impact footprint of approximately 25m to 50m (depending on earthworks extent and intersection construction areas) it was determined to consult on an investigation zone of approximately 140 metres wide along the most viable route as further detailed design investigation would likely modify the route within the 140 metre zone. The full Engineering Feasibility Study, including associated reports, is attached for information.

Due to planning for the Airport Business Park precinct further detailed investigation was undertaken on a new link to the Regional Airport as part of the Orbital project, including workshop discussions with RMS. This investigation and subsequent discussions determined that the realignment of the Fernhill Road intersection with the Oxley Highway was the most viable to form a new link to the airport. One of the main considerations was the location and configuration of the intersection on the Oxley Highway and the restriction from the RMS limiting the number of intersections and access points on to the highway.

Overall the Engineering Feasibility Investigation found, based on traffic data from the Port Macquarie-Hastings Local Government Area Wide Traffic Study, that the Orbital was in-principle a viable project that warrants further detailed investigations.

This would entail following of the New South Wales State Government, Infrastructure New South Wales Project Assurance Framework. Key is the development of the Strategic Business Case, which would incorporate outlining the findings to date as well as completing project specific Traffic Studies, detailed environmental investigations and associated project concept design work. It would also include the outcomes of stakeholder consultation which would typically contain, as a minimum, community and local groups, the RMS, infrastructure bodies (TfNSW), the Office of Environment and Heritage (OEH), the NSW Department of Planning & Environment as well as the relevant fund stream bodies.

Undertaking community consultation on a viable route is the first step in many to determine a preferred route and ultimately having a route approved. Further investigations and planning are yet to occur and the decision to invest further funding in this project needs to be informed by community consultation.

Options

The purpose of this report is information only.

Community Engagement & Internal Consultation

The Engineering Feasibility Study was a technical body of work undertaken as a part of strategic transport planning and therefore no community engagement was

undertaken as part of the project. A separate community engagement project is currently underway following the completion of the Engineering Feasibility Study.

Engagement with RMS planning staff occurred throughout the project.

Internal consultation has taken place with:

- Director Infrastructure
- Director Strategy and Growth
- Group Manager Transport and Stormwater Network
- Group Manager Strategic Land Use Planning
- Engineering Planning Manager Transport and Stormwater Network
- Senior Transport Engineer

Planning & Policy Implications

The Orbital Engineering Feasibility Study was undertaken as part of Council's strategic transport planning responsibility. The associated report will be used to guide further planning for the Orbital project.

Financial & Economic Implications

There are no financial and economic implications in relation to this report. If further planning work for the Orbital proceeds the financial implications will be considered a part of future Operational Plan development.

Attachments

1[View](#). Ordinary Council Meeting 2015 05 20 - Item 13.04 Road Network Planning

2[View](#). Port Macquarie Outer Orbital - Final Feasibility Report FINAL

Item: 12.10**Subject: STRATEGIC LAND USE PLANNING - FERNBANK CREEK AND
SANCROX****Presented by: Strategy and Growth, Holly McBride**

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 note the information in the February 2019 Strategic Land Use Planning - Fernbank Creek and Sancrox Report.

Executive Summary

The purpose of this report is to provide an update on Council's September 2018 resolution regarding the West Lindfield, Fernbank Creek and Sancrox investigation areas.

In summary, planning has commenced with the preparation of a detailed Project Plan for a proposed Outline Plan the Fernbank Creek and Sancrox areas, consistent with Council's project planning framework.

The Le Clos Sancrox land owner representatives have been contacted and written advice has been received confirming that the land owners will be in a position to act as one coordinated legal entity. A concept proposal for the Le Clos Sancrox subdivision will be considered in parallel with the preparation of the Outline Plan.

A review of planning for the West Lindfield deferred land has also commenced and an initial meeting with land owners is scheduled for 14 February 2019. Land owners have been requested to indicate their interest in participating in the rezoning process.

Resource requirements for the preparation of the Outline Plan are being assessed as part of the project plan process and will be considered as part of Council's 2019/20 budget, including the need for specialist support studies and coordination of inputs from landowners, State agencies and the community.

Discussion**Context**

The Port Macquarie-Hastings Urban Growth Management Strategy (UGMS) 2017 – 2036 provides a summary of forecast population growth to 2036 and the planning challenges for Council and the community in the coming 20 years. The Strategy seeks to ensure a minimum of 15 years supply of zoned residential land at all times.

Action 6 of the Strategy is: *The preparation of an Outline Plan (Stage 1 investigations) for the Fernbank Creek and Sancrox potential future growth areas.*

These future growth areas are shown in Figure 1, and are labelled A1, B1, B2, B3 and B4.

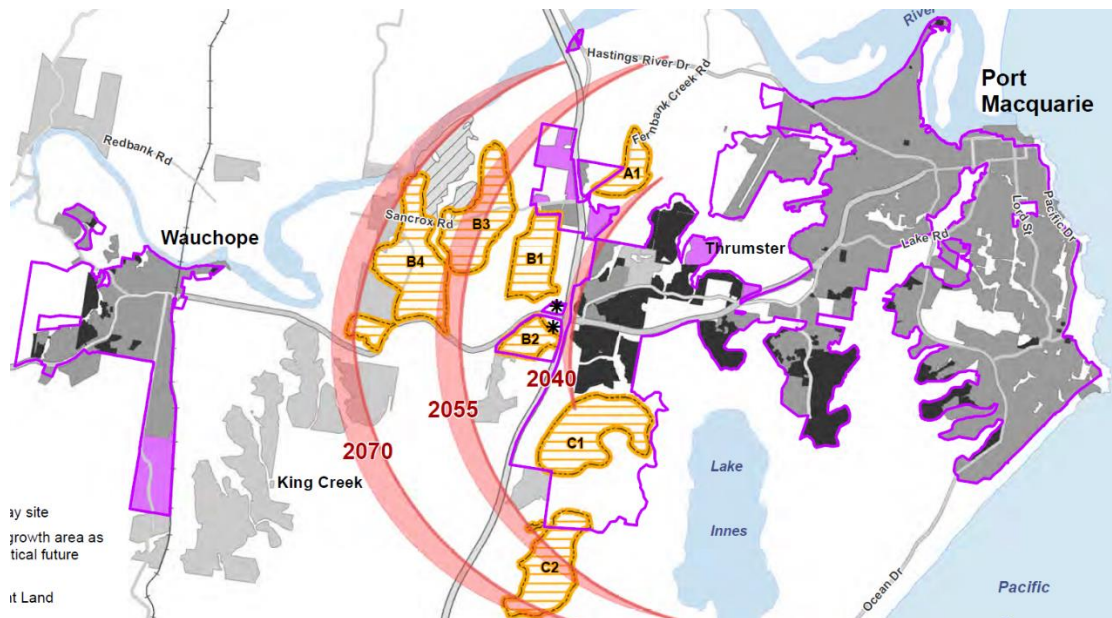


Figure 1 Long Term Growth (Source: UGMS Vol.1 p.15)

The timing of Action 2 is listed as commencing in Year 2 in the adopted UGMS. However, Council has subsequently resolved, in September 2018, to bring forward the commencement of Action 2. The resolution is shown below:

RESOLVED: Hawkins/Turner

That Council:

1. *Request that the General Manager commence Stage 1 planning for the Fernbank Creek and Sancrox areas in 2018/19.*
2. *Request that the General Manager commence a review of planning for the West Lindfield deferred land in 2018/19, to potentially supplement the supply of residential land in the short term.*
3. *Write to the Le Clos Sancrox landowner representatives seeking confirmation from the landowner group that the landowners can act as one coordinated legal entity.*
4. *Subject to confirmation of 3 above, invite the landowner group to submit a proposal which can be considered by Council in parallel with, but not before completion of the preparation of the Outline Plan in 2 above.*
5. *Note the additional resource requirements as a result of recommendations 1 to 4 above and allow the General Manager to resource this increased program appropriately.*
6. *Submit an update report on all the above actions to the February, 2019 meeting of council*

CARRIED: 6/0

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

AGAINST: Nil

An update on each item of the resolution is provided below:

1. *Request that the General Manager commence Stage 1 planning for the Fernbank Creek and Sancrox areas in 2018/19.*

Update - Fernbank Creek and Sancrox:

The preparation and implementation of an Outline Plan for the Fernbank Creek and Sancrox area will be a major project for Council, involving multiple land owners, State agencies, and a range of specialist studies. This will be a key project to define the right development and conservation outcomes for the future growth of Port Macquarie and there will therefore need to be significant community engagement as part of the process.

The coordination of land use, infrastructure and environmental management needs to be carefully planned as a first step given the high level of fragmentation in the Fernbank Creek and Sancrox areas. Isolated, ad hoc proposals on individual properties will not result in a coordinated outcome.

Since Council's resolution in September 2018, Project Planning has commenced for the proposed Outline Plan. A detailed Project Plan and Steering Group is required in accordance with Council policy.

The project planning includes consideration of the need for specialist support studies, community and stakeholder engagement and the budget requirements to undertake the project. This is being considered as part of Council's 2019/2020 operating budget.

The project planning has identified a number of key issues to be addressed, including:

- Land use types
- Urban design
- Ecological implications (e.g. the application of the Biodiversity Conservation Act 2016), and
- Infrastructure requirements (e.g. Sewer, Water Supply, Roads and Intersections, Waste Management and Open Space – Playing Fields and Regional Facilities)

It is intended to finalise project planning and the establishment of a Steering Group prior to the end of June 2019. The issue a brief for specialist consultants to prepare an Outline Plan is subject to consideration of funding requirements in Council's 2019/20 budget.

2. *Request that the General Manager commence a review of planning for the West Lindfield deferred land in 2018/19, to potentially supplement the supply of residential land in the short term.*

Update – West Lindfield:

Planning for the West Lindfield area has been undertaken as part of the Area 13 Thrumster rezoning, but was deferred at the final stage due to land owners not agreeing to participate in the planning agreement arrangements for management of environmental lands. It may therefore be relatively straight forward to proceed with the preparation of a Planning Proposal, subject to satisfactory arrangements to fund environmental management consistent with the remainder of the Thrumster area.

In addition to environmental management, arrangements to coordinate and fund key sewerage, road and stormwater infrastructure will need to be considered at the same time as any planning proposal.

An initial meeting with the land owners has been organised for 14 February 2019 to provide an overview of issues to be addressed through the rezoning process, and seeking an expression of their interest in participating in the rezoning process. A further report is expected to Council in the near future to describe Council's options, having regard to landowner feedback.

3. *Write to the Le Clos Sancrox landowner representatives seeking confirmation from the landowner group that the landowners can act as one coordinated legal entity: and*
4. *Subject to confirmation of 3 above, invite the landowner group to submit a proposal which can be considered by Council in parallel with, but not before completion of the preparation of the Outline Plan in 2 above.*

Update - Le Clos Sancrox

The Le Clos Sancrox subdivision consists of 51 existing lots, which have been the subject of a moratorium on development for a number of years due to sewage and bushfire management constraints.

Council staff have met with representatives of the estate with the aim of establishing a way forward to allow development in some form to proceed, noting that the Sancrox area is no longer proposed for rural residential subdivision and any reconfiguration of the existing estate should be consistent with the desired long term vision for development in the Sancrox area as a whole.

Concepts for the future development of the Le Clos Sancrox subdivision have also been received from Land Dynamics Pty Ltd, as reported to Council in September 2018.

Since Council's resolution in September 2018, as shown above, Maurice Driscoll Consulting has provided written confirmation that the land owners are in a position to provide 100% agreement to the formation of a Coordinated Legal Entity by way of a Deed of Participation and Power of Attorney. The document confirming these arrangements has been provided for the information of councillors separately to this report.

Council resolution states that any proposal for the Le Clos Sancrox estate will be *'considered by Council in parallel with, but not before completion of the preparation of the Outline Plan.'*

It is proposed that the Le Clos Sancrox concepts can be considered in the preparation of the Outline Plan for the Fernbank Creek and Sancrox areas and that further engagement will take place with the Le Clos Sancrox landowners throughout the Outline Plan process.

5. Note the additional resource requirements as a result of recommendations 1 to 4 above and allow the General Manager to resource this increase program appropriately.

Update: Council has engaged a specialist planner to assist in the initial development of the draft project plan for the Fernbank Creek and Sancrox Study Area.

Options

This report is presented for the information of Council.

Council could opt to request a further update report, noting that it is proposed to proceed with the preparation of an Outline Plan for the Fernbank Creek and Sancrox areas.

Community Engagement & Internal Consultation

Council staff have met with landowner representatives from the Le Clos Sancrox subdivision, since the resolution of Council in September 2018, as discussed above.

Further stakeholder engagement and reports to Council will be undertaken as part of the Outline Plan process.

Planning & Policy Implications

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

The investigation of land at West Lindfield, Fernbank Creek and Sancrox is consistent with Council's adopted Urban Growth Management Strategy 2017-2036.

Financial & Economic Implications

The allocation of funding for the preparation of an Outline Plan is being considered as part of Council's 2019/20 budget process.

Attachments

Nil

Item: 12.11

Subject: PLANNING PROPOSAL - 2019 ADMINISTRATIVE REVIEW OF
PORT MACQUARIE - HASTINGS LEP 2011

Presented by: Strategy and Growth, Holly McBride

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. Prepare a draft Planning Proposal as described in this report, pursuant to section 3.33 of the *Environmental Planning and Assessment Act 1979*, for the amendment of the provisions of *Port Macquarie-Hastings Local Environmental Plan 2011*, in relation to the seven issues as generally described in this report.
2. Forward the draft Planning Proposal to the Department of Planning and Environment for a Gateway Determination pursuant to section 3.34 of the Act, and request that the Gateway Determination authorise Council to be the local plan-making authority.
3. Upon receipt of the Gateway Determination, complete the relevant procedures under section 3.34 and clause 4 of Schedule 1 of the Act, including public exhibition of the Planning Proposal.

Executive Summary

Council continually monitors the operation of *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP 2011) to identify necessary refinements and adjustments to the LEP 2011 text and maps. This report considers a number of proposed administrative refinements to the LEP 2011.

The issues are:

1. Lot 1 DP1185603 Heritage item I089 (Wauchope Railway Station group), Wauchope - map updates required.
2. Lot 203 DP 1112804, Laurieton (Council owned land) – rezone from E3 Environmental Management to E2 Environmental Conservation.
3. Phar Lap Circuit, Port Macquarie – remove Koala Habitat mapping from road.
4. Lot 1 DP 1073321, Lot 4 DP1010172 and Lot 1 DP 334728 Comboyne showground and Tennis Club – rezoning from RU1 Primary Production to RE2 Private Recreation.
5. Lot 100 DP 1107348 and Lot 69 DP 1103700, Kew – Acoustic map to be applied.
6. Lot 39 DP 219719, Queens Grant subdivision, North Shore – update Land Reservation Acquisition Map.
7. Map tidy-ups for the Land Reservation Acquisition Map series

This report contains more detail on each of the proposed administrative amendments and recommends that Council prepare a Planning Proposal and forward to the Department of Planning and Environment requesting a Gateway Determination.

Discussion

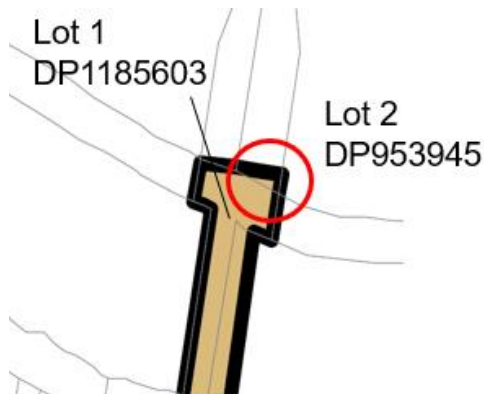
Details of the proposed amendments are provided below.

1. Lot 1 DP1185603 - Heritage item I089 (Wauchope Railway Station group), Wauchope

Heritage Item I089 forms part of the Wauchope Railway Station group, which is a Heritage Item of State Significance. The land subject to this Proposal is formally known as Lot 1 DP 1185603. There is a minor cadastral anomaly on this item, meaning that the existing Heritage Map (HER_010B) partially encroaches onto Lot 2 DP 953945 to the north. The proposed changes, to be exhibited follow the northern boundary of Lot 1 DP1185603, are shown in **Figure 1** below.

Proposal: Amend the Heritage mapping as described for Heritage Items I089. Wauchope.

Existing Heritage Map (HER_010B)



Proposed Heritage Map (HER_010B)

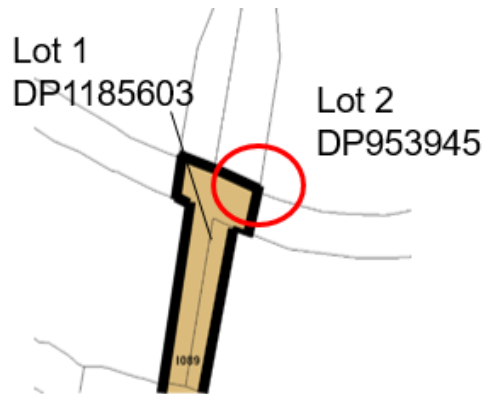


Figure.1 Heritage Item I089 existing and proposed

2. Lot 203 DP 1112804 - Bayside Circuit, Laurieton (Council owned land)

The subject land is located off Bayside Circuit in Laurieton and is owned by Council. The land formed part of Development Application DA 2017-956.1, which involved the Dunbogan Flood Access Road Upgrade.

As part of the above DA, the Office of Environment and Heritage (OEH) were consulted. OEH has a statutory responsibility in relation to biodiversity, Aboriginal and historic heritage, National Parks and Wildlife Service estate, flooding and estuary management.

OEH raised the following issues relevant to the subject site: '*inadequacies with the proposed mechanism for establishing and managing the proposed offset site*'. The OEH recommended that, prior to determining the DA, that Council consider '*rezoning the proposed offset site from E3 (Environmental Management) to E2 (Environmental Conservation)*'.

The DA has been issued but the site is required for offsets. The rezoning is therefore logical as it will provide additional protection to the biodiversity values on the land. The land to which the proposed rezoning applies is shown in **Figure 2** below.

This proposed map change responds to the OEH recommendation to change the zoning of the above offset site to E2 Environmental Conservation.



Figure.2 Offset site off Bayside Circuit

Proposal: Remove the E3 Environmental Management zone from the subject site and apply the E2 Environmental Conservation zone as described above, and demonstrated in **Figure 3** below.

Existing Zoning Map (LZN_014A)

Proposed Zoning Map (LZN_014A)

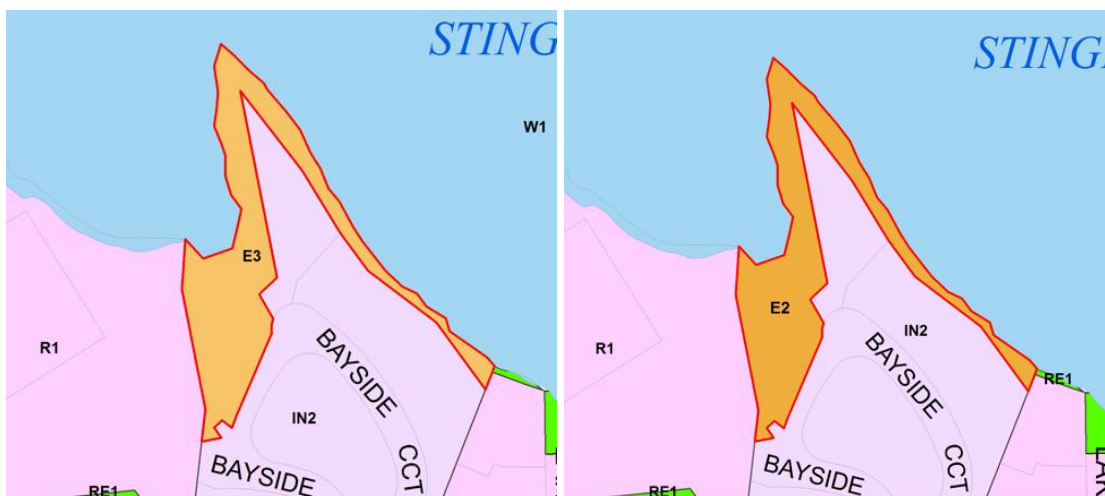


Figure.3 Zoning existing and proposed

3. Phar Lap Circuit, Port Macquarie

The intent of the Koala Habitat mapping is to protect core koala habitat. In this instance, the mapping extends to Phar Lap Circuit, which is a road (refer to **Figure 4** for aerial of Phar Lap Circuit). In some instances the mapping minimally encroaches on the residential lots on the opposite side of the road. In the areas where the map encroaches into these properties, further assessment will be triggered at the DA stage. It is therefore proposed to remove the mapping from the road areas at Phar Lap Circuit.



Figure.4 Phar Lap Circuit vicinity

Proposal: Amend the Koala Habitat mapping for Phar Lap Circuit, Port Macquarie, as described above and demonstrated in **Figure 5** below.

Existing Koala Habitat Map (KHA_013D)



Proposed Koala Habitat Map(KHA_013D)



Figure.5 Koala Habitat existing and proposed

4. Lot 1 DP 1073321, Lot 4 DP 1010172 and Lot 1 DP 334728 - Comboyne showground and tennis club

The Comboyne showground and tennis club are currently zoned RU1 Primary Production. The objectives of the RU1 Primary Production zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining uses.*

The current uses of the land do not fulfil the objectives of the zone. Furthermore, the minimum lot size for land in the RU1 Primary Production zone is 40ha. The combined total of the abovementioned properties is less than 20ha, meaning they do not meet the lot size requirements of the zone.

All of the land parcels associated with the showground and tennis court are privately owned. As such, they do not have a classification of either community or operational and should therefore be zoned for private recreation rather than public recreation purposes.

Changing the zone of these Lots to RE2 Private Recreation would better reflect the existing uses of the land. The RE2 Private Recreation zone has the following objectives:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

As identified above, the showground and tennis courts are more closely aligned with the RE2 Private Recreation objectives. Further, there are additional permitted uses associated with a RE2 Private Recreation zoning, such as camping grounds, which may allow for an added income generation opportunity on the land. This rezoning would be in line with other showgrounds within the Port Macquarie-Hastings Local Government Area as the Wauchope and Kendall showgrounds are both zoned RE2 Private Recreation.

Currently there is no Height of Building map applying to the subject site, however the Wauchope showground has applied a 14.5m height limit and Kendall showground has applied an 8.5m height limit to the land. Given that the Comboyne showground is located within a village, it is considered reasonable to apply the 8.5m maximum building height, which would be consistent with the controls applied at Kendall showground. Conversely, neither the Kendall or Wauchope showground have a minimum lot size, so it is proposed that the 40ha minimum lot size be removed from the subject site.

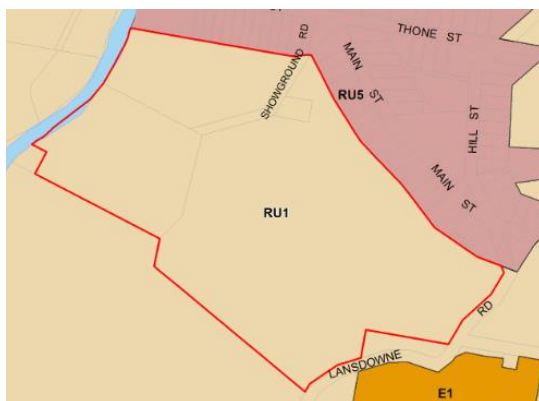
Of note, the section of Showground Road, which is surrounded by the showground is also zoned RU1 Primary Production. To ensure consistency with the proposed land zoning of the showground and tennis court, the proposal incorporates the rezoning

and associated map updates to this strip of Showground Road. This is in line with Principle 1.3 of the *Zoning for infrastructure in LEPs* practice note issued by the NSW Department of Planning in 2008.

	Wauchope Showground	Kendall Showground	Comboyne Showground and Tennis Courts (Current)	Comboyne Showground and Tennis Courts (Proposed)
Zoning	RE2 Private Recreation	RE2 Private Recreation	RU1 Primary Production	RE2 Private Recreation
Floor Space Ratio	No maximum	No maximum	No maximum	No maximum
Height of Building	14.5m maximum	8.5m maximum	No maximum	8.5m maximum
Lot Size	No minimum	No minimum	40ha minimum	No minimum

Proposal: Amend the Land Zoning map for Lot 1 DP 1073321, Lot 4 DP1010172 and Lot 1 DP 334728 Comboyne showground and tennis club, incorporating the section of Showground Road which is surrounded by the showground. Apply the Height of Building map to the subject lands; and remove the Lot Size map from the subject lands, as described above and demonstrated in **Figures 6, 7, 8** below.

Existing Zoning Map (LZN_007A)



Proposed Zoning Map (LZN_007A)

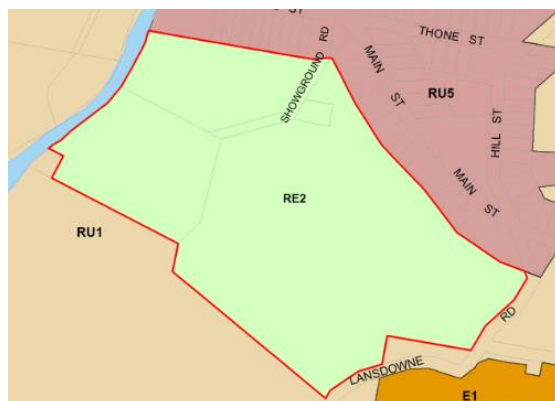


Figure.6 Zoning existing and proposed

Existing Height of Building Map (HOB_007A)

Proposed Height of Building Map (HOB_007A)

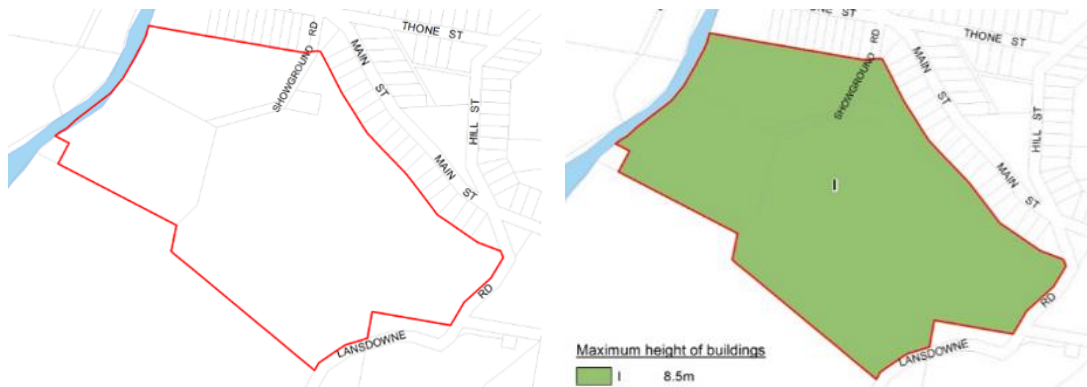


Figure.7 Height of building existing and proposed

Existing Lot Size Map (LSZ_007A)

Proposed Lot Size Map (LSZ_007A)



Figure.8 Lot size existing and proposed

5. Lot 100 DP 1107348 and Lot 69 DP 1103700, Kew

Amendment 11 to LEP 2011 commenced on 10 August 2012 and involved rezoning rural land to facilitate the Kew village expansion.

As part of the Agency consultation for Amendment 11, NSW Environment Protection Authority raised concerns about the Noise Impact Assessment (prepared by SLR Global Solutions), noting that *'two standards were used, one being the conditions applicable for hotel noise and the NSW Road Noise Policy (OEH 2011), for Pacific Highway noise'*.

Their concern was in relation to the impacts of noise from the proposed light industry area on the adjoining block to the proposed residential section of the subject site (Refer to **Figure 9**). Furthermore, they acknowledged the lack of analysis around the cumulative impacts of all three noise sources on the subject sites, which were being proposed for residential and light industry purposes. Subsequently, as part of Amendment 11 Council introduced an Acoustic Control, which applied to Lot 100 DP 1107348 and Lot 69, DP 1103700, being the sites subject to this administrative amendment. This control ensures that adverse noise impacts and unnecessary land use conflict are avoided from the outset.

The Acoustic Control was detailed in both the Planning Proposal and gazette notice of Amendment 11, and was applied by way of an update to map sheet CL1_011B of the LEP 2011.



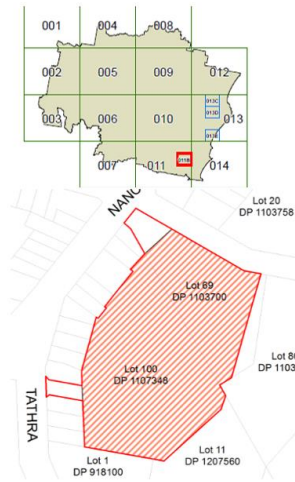
Figure. 9 Subject site and surrounding noise impacts

Amendment 16 commenced on 28 June 2013 and included, amongst other things, the introduction of an Acoustic Control at 2394 Oxley Highway in Wauchope. This involved creating a new map sheet, which is known as CL1_010B.

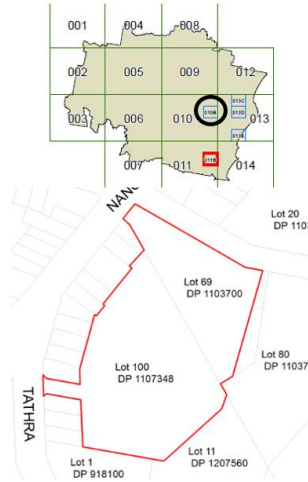
As part of the process in creating a new map sheet, all of the associated map sheets in the series (e.g. all other Acoustic Control maps in LEP 2011) need to be updated to reference this new map sheet. Therefore, map sheet CL_011B was updated to recognise this new map sheet being CL1_010B. Unfortunately, as part of this administrative process, the Acoustic Controls applying to the subject site (being Lot Lot 100 DP 1107348 and Lot 69 DP 1103700) inadvertently dropped off the map. Refer to **Figure 10** for further details.

Proposal: That the Acoustic Controls map CL1_011B be reinstated for Lot 100 DP 1107348 (12 Tathra Road) and Lot 69 DP 1103700 (2 Ocean Drive), Kew, as described above and demonstrated in **Figure 10** below.

Amendment 11
Introduced Acoustic Control map
(bottom map)



Amendment 16
Introduced a new map sheet (top map) 10B
but Acoustic Control map dropped off the map
sheet (bottom map)



Proposed Amendment
Reinstate Acoustic Control map to
map sheet (bottom map)

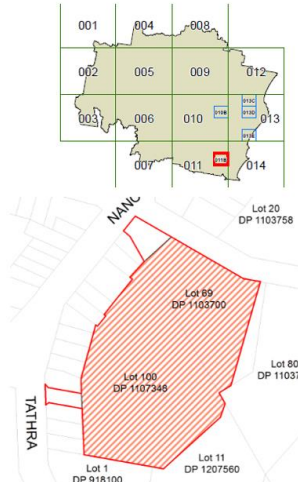


Figure. 10 Acoustic Controls

6. Lot 39 DP 219719 - Queens Grant subdivision, North Shore

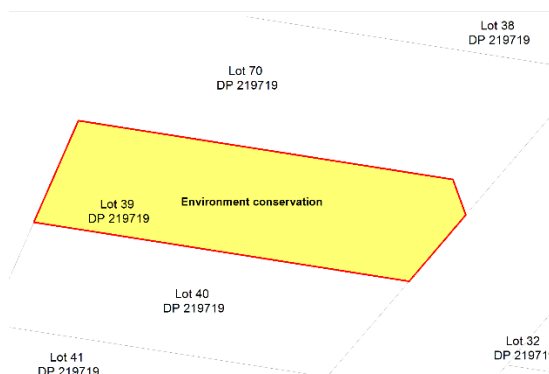
1.

Council has recently acquired a Lot in the Queens Grant subdivision. This Lot is identified for acquisition on the LEP 2011 Land Reservation Acquisition (LRA) map. Now that the land has been acquired, it is appropriate that the designation for acquisition be removed.

This leaves 10 lots in the Queens Grant subdivision designated for future acquisition by Council (as initially considered by Council at its 20 July 2016 meeting).

Proposal: That the LRA be amended in the North Shore locality removing the feature labelled 'Environment Conservation' (E2) from Lot 39 DP 219719, as described above and demonstrated in **Figure 11** below.

**Existing Land Reservation
Acquisition Map (LRA_012B)**



**Proposed Land Reservation
Acquisition Map (LRA_012B)**

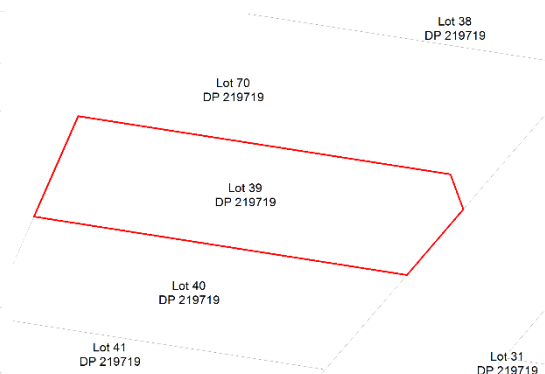


Figure.11 Queens Grant Estate - LRA existing and proposed

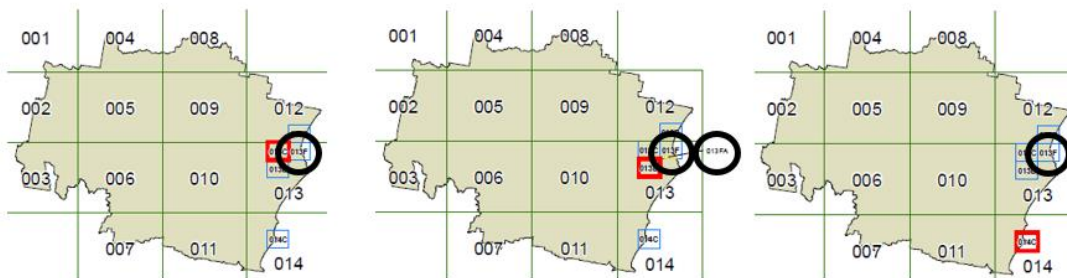
7. Map tidy-ups for the Land Reservation Acquisition Map Series

In the 2018 Administrative Amendment (Amendment 52), the LRA map was updated to remove a number of parcels in the Limeburners Creek National Park and Queens Grant Estate. This resulted in the removal of the designation for acquisition from the purchased properties, as is now proposed at Lot 39 DP 219719 (Issue 6). These updates meant that there was no remaining land designated for reservation within LRA_013F map sheet. However, this map sheet is still referenced in a number of other map sheets in the series. This Proposal is to remove any remaining reference to the above map sheet.

LRA_013FA has also previously been removed from the series due to having no remaining land designated for reservation. However, this sheet is also still referenced in one of the maps in the series. It is proposed that any reference to LRA_013FA also be removed from the other map sheets in the Land Reservation Acquisition map series.

Proposal: Amend map sheets LRA_013C and LRA_014C to remove reference to LRA_013F and amend map sheet LRA_013D to remove reference to LRA_013F and LRA_013FA as described above and demonstrated in **Figure 12** below.

Existing Land Reservation Acquisition Maps



Proposed Land Reservation Acquisition Maps

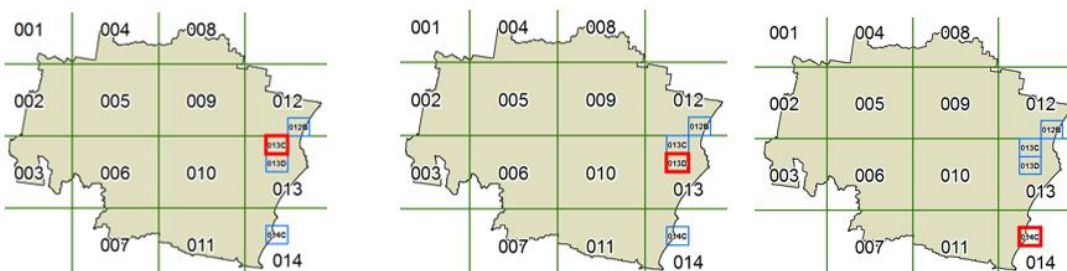


Figure.12 Land Reservation Acquisition map sheet existing and proposed

Options

This report addresses a number of proposed, minor administrative changes to Port Macquarie-Hastings LEP 2011, as discussed above. Council could opt to:

1. Do nothing (the Issues raised would remain unresolved).

2. Omit or modify the Planning Proposal for any of the Issues raised.
3. Resolve to prepare a Planning Proposal to amend LEP 2011 for issues one to seven, as described in this report.

As each of the matters are considered to be minor and administrative in nature, it is recommended that Council proceed with Option 3.

Community Engagement & Internal Consultation

There has been internal consultation with relevant Council staff in the preparation of this report.

The Department of Planning and Environment's Gateway Determination will specify consultation requirements.

Community consultation for Planning Proposals will include notification in a local newspaper, notification to adjoining landowners and on Council's website for the duration of the exhibition. In addition, the exhibition material will be available at all of Council's Customer Service Centres.

Planning & Policy Implications

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

The proposed minor amendments will:

- Facilitate future development through the refinement of the LEP 2011 provisions.
- Ensure continuous improvement of the LEP 2011.

Financial & Economic Implications

The preparation of the Planning Proposal will be completed as part of Council's Strategic Land Use Planning program.

The proposed LEP 2011 amendments apply to land owned by Council at Bayside Circuit, Laurieton and in the Queens Grant Estate, North Shore.

There are no expected economic impacts or financial impacts for Council in the proposed LEP 2011 amendments.

It is anticipated that there will be cost savings to the community in the future due to the removal of potential complications to development or simplification of the planning controls.

Attachments

Nil

Item: 12.12

Subject: HOMEDALE ROAD, KEW - PLANNING PROPOSAL AND DRAFT
DEVELOPMENT CONTROL PLAN PROVISIONS - CONSIDERATION
OF SUBMISSIONS

Presented by: Strategy and Growth, Holly McBride

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. As a result of the consideration of submissions, amend the Planning Proposal to adjust the northern and eastern boundary of the E3 Environmental Conservation zone and make corresponding amendments to the Height of Buildings, Lot Size and Floor Space Ratio LEP maps, as described in this report.
2. Subject to approval under Item 1 above, take the necessary steps under section 3.35 and 3.36 of the *Environmental Planning and Assessment Act 1979* to finalise Local Environmental Plan 2011 (Amendment No 45).
3. Adopt the exhibited draft site-specific development control plan provisions as an amendment to Part 5 of the Port Macquarie-Hastings Development Control Plan 2013, incorporating the change referred to in this report, to commence on notification of the Local Environmental Plan in 2 above on the NSW Legislation website.
4. Within 28 days, publish a public notice of Council's decision to adopt the site-specific development control provisions in accordance with Clause 21(2) of the *Environmental Planning and Assessment Regulation 2000*.
5. Delegate authority to the Director Strategy and Growth to make any minor amendments to the Planning Proposal and draft development control plan provisions in finalising the matter.
6. Notify all persons who lodged a submission of Council's decision.

Executive Summary

This report considers the written submissions received in response to the public exhibition of the Homedale Road Planning Proposal and draft site specific development control provisions.

The Planning Proposal and draft site specific development control provisions were exhibited for comment for 28-days between 24 October and 21 November 2018. A total of 15 submissions were received, as discussed in the Key Issues and Community Engagement and Internal Consultation sections of this report.

This planning proposal relates to the westward expansion of residential land at Kew onto existing rural land, with the western extent of residential zone ultimately determined by the existence of regionally significant farmland, flooding, riparian buffer and an area of significant vegetation.

The proponent has sought some relaxation of Council's normal buffer requirements in relation to these constraints, however, on review this is not supported by Council staff and relevant State government agencies.

It is recommended that Council proceed to approve the exhibited Planning Proposal and draft site specific development control provisions, with minor amendments to the extent of the E3 Environmental Management zone boundary in response to submissions, as discussed in this report.

Discussion

Background

At the Meeting held on 14 December 2016, Council resolved to prepare a Planning Proposal to amend the *Port Macquarie-Hastings Local Environmental Plan (LEP) 2011* to rezone land on the western edge of Kew for residential and environmental purposes. The resolution is repeated below:

RESOLVED: *Cusato/Dixon*

That Council:

1. *Prepare a planning proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979 in relation to part of Lot 202 DP 1133171, Homedale Road, Kew for residential and environmental purposes as described in this report.*
2. *Submit the planning proposal to the NSW Department of Planning and Environment requesting a Gateway Determination pursuant to section 56 of the Environmental Planning and Assessment Act 1979 and the issue of a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 59 of the Act in respect of the planning proposal.*
3. *Delegate authority to the Director Development and Environment to make any amendments to the planning proposal as a result of the section 56 Gateway Determination, prior to public exhibition of the proposal.*
4. *Note that a further report will be presented to Council following the public exhibition period to demonstrate compliance with the Gateway Determination and to provide details of any submissions received throughout that process.*

CARRIED: 8/0

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

AGAINST: Nil

The Site

The 9.3 hectare (ha) site (Figure 1 below) comprises the rural residue of the adjoining Links Residential Estate to the east and unformed Crown road reserve on the western boundary.



Figure 1: Subject Site

Predominately west facing, the site steeply slopes east to west (30% to 5% incline) and overlooks adjoining Regionally Significant Farmland.

Part of the low-lying land in the west of the site is flood-affected, contains an endangered ecological community (EEC), riparian buffer and a potential site of indigenous significance. The site also contains the fringe of an expansive area of adjoining Regionally Significant Farmland to the west.

The proponent, GEM Planning, has provided documentation to confirm that an application has been made to the NSW Department of Industry Crown Lands & Water to close and purchase the Crown road reserve, which is currently under lease by the landowner and fenced within the site boundaries.

The Proposal

Under the *Port Macquarie-Hastings Local Environmental Plan (LEP) 2011*, the site is zoned partly RU1 Rural and partly R1 General Residential.

The Planning Proposal recommends an extension of the R1 zone over 5.7ha of the site and corresponding amendments to the Height of Buildings, Floor Space Ratio and Minimum Lot Size LEP maps to enable future residential development.

A residue area contains significant vegetation, riparian buffer, area for stormwater detention and provides a 50m wide separation buffer to protect Regionally Significant Farmland on the neighbouring rural land to the west. The Planning Proposal recommends that the residue be zoned to partly E2 Environmental Conservation and partly E3 Environmental Management with a 2 ha minimum lot size requirement.

The NSW Department of Planning and Environment agreed to allow preparation and public exhibition of a Planning Proposal in accordance with the Department's Gateway Determination dated 13 March 2017. Prior to public exhibition of the Planning Proposal, the Gateway Determination required that a noise impact assessment be prepared and that consultation occur with relevant State Government agencies.

There was a significant delay whilst the proponent undertook investigations to prepare the noise impact assessment and address a number of State government agency concerns. This has prolonged the process and led to the Department amending the Gateway Determination twice to allow extensions of time to complete the Planning Proposal.

As a result of these investigations and other relevant planning considerations, draft site-specific development control provisions were prepared to support the Planning Proposal. The draft provisions relate to minimising noise from an adjoining bulk storage development, ensuring road connectivity to the adjoining Links Estate, and reducing the possibility of harm to a potential site of indigenous heritage.

Public exhibition

The Planning Proposal and draft site-specific development control provisions (at **Attachments 1 & 2**) were placed on public exhibition from 24 October to 21 November 2018.

In response to the exhibition period, a total of 15 written submissions were received from local residents, Kew business owners/organisations, the proponent and State government agencies. Copies of these submissions are **ENCLOSED** under separate cover for the information of Councillors.

A summary of the submissions and a planning response to the issues raised is provided in the *Community Engagement and Internal Consultation* section of this report. The key issues are discussed below.

Key issues

1. Buffer to adjoining Regionally Significant Farmland

During the pre-exhibition consultation phase, the NSW Department of Primary Industries (DPI) Agriculture raised concerns about the adequacy of the proponent's Land Use Conflict Risk Assessment in mitigating potential conflict between future use of the adjoining Regionally Significant Farmland and housing in the proposed R1 General Residential zone.

DPI Agriculture recommended that where grazing is expected to be the primary adjoining use, a nominal 50 metre (m) minimum setback be provided between dwellings and the adjoining rural lands.

The Planning Proposal was exhibited on the basis of providing a 50m wide separation buffer where grazing could be expected to the primary adjoining use. A narrower 22m wide separation buffer was proposed where the land adjoins dwelling infrastructure and a bulk storage (temporary fencing) business on the Kendall Road frontage on the neighbouring rural property.

In response to the public exhibition, DPI Agriculture restated their earlier concerns that the Planning Proposal may lead to land use conflict in the future and set a precedent of not protecting Regionally Significant Farmland.

The submission also notes that if the Planning Proposal is to proceed in its current form, DPI Agriculture is concerned that the buffer along part of the western boundary is inadequate at only 22m width. The DPI has reiterated that a 50m buffer should be developed along the whole of the western boundary to ensure that there is sufficient protection for the adjoining Regionally Significant Farmland from any future complaints.

Comments from Council's Strategy & Growth Division

Council staff have supported the proposal to not require a 50m buffer to the area of regionally significant farmland that is mapped within the subject land, based on the agronomists report submitted with the proposal and the fact that this thin strip of regionally significant farmland is not likely to be used for agriculture in the future.

Buffers are required, however, to the bulk of the regionally significant farmland which is located on the adjoining property to the west, as shown in Figure 2 of this report. In relation to this land, there is potential for an intensification of agricultural use in the future and there is a need to avoid future land use conflict as a result of the rezoning the adjoining land for residential use.

The exhibited draft Planning Proposal provides a 50m wide buffer of proposed E3 Environmental Management land along the majority of the western boundary of the site, extending approximately 415m north from the southern boundary. As initially recommended by DPI Agriculture, this buffer corresponds to that area on the adjoining farmland where grazing could be expected to the primary land use.

The draft Planning Proposal has a narrower 22m wide buffer at the northern end of this buffer, based on the proponent's Land Use Conflict Risk Assessment, which suggests that this is not expected to unreasonably impact on the existing or future use of the adjoining Regionally Significant Farmland.

DPI Agriculture recommend the maintenance of a 50m wide buffer to this land and advise that Council should not set a precedent by allowing potential land use conflict with Regionally Significant Farmland.

The DPI concerns can be resolved by extending the proposed 50m wide E3 zone a further 45m to the north to align with the southern boundary of the yard containing the dwelling infrastructure and bulk storage operation within the adjoining rural

property to the west. The proposed E3 zone extension in context of the adjoining Regionally Significant Farmland is illustrated in Figure 2.

This change would result in excluding residential concept Lot 725 and part of residential concept Lot 724 shown on a revised concept subdivision plan accompanying the proponent's submission (discussed in 2 below).

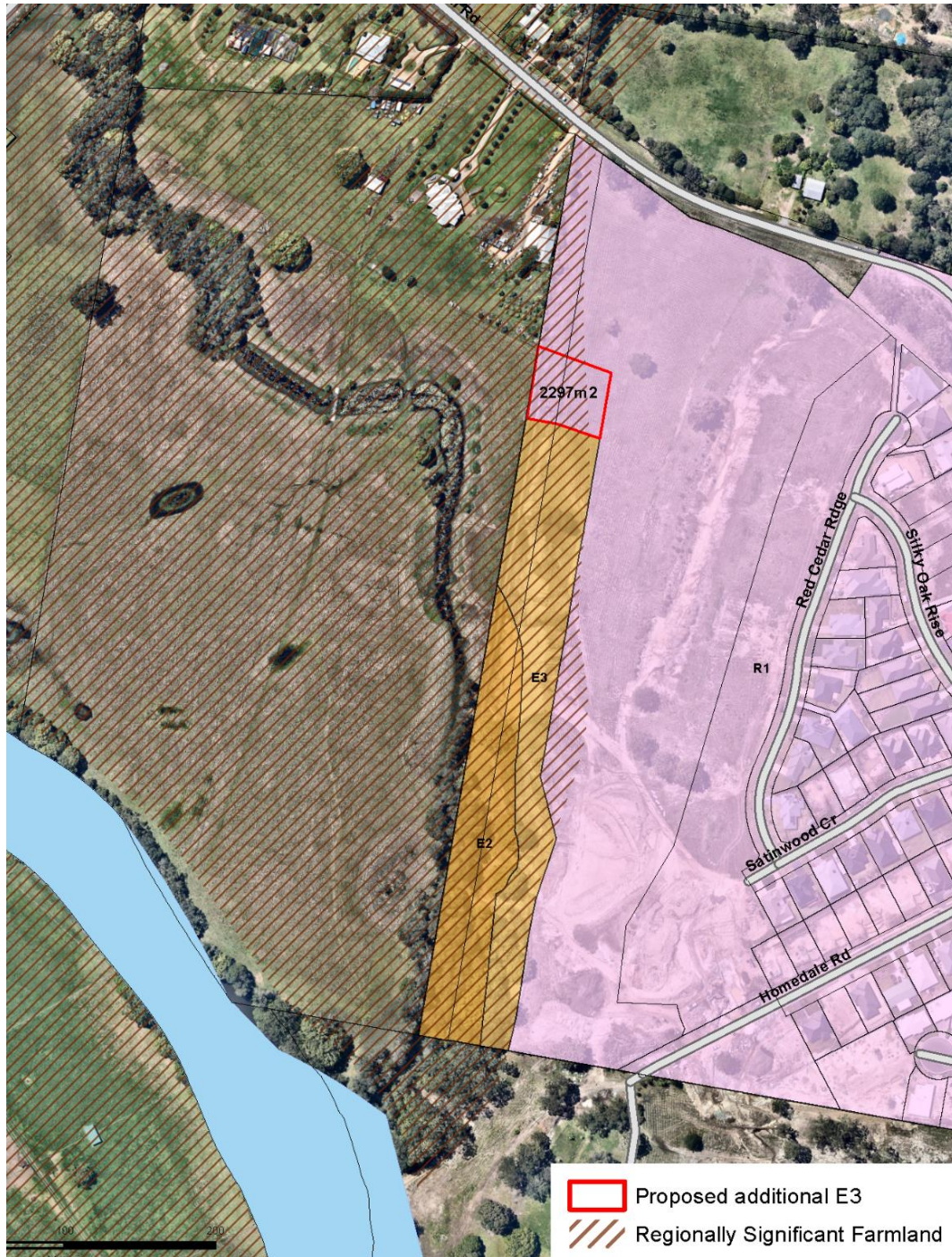


Figure 2: Recommended northward extension of the exhibited E3 zone boundary

In conclusion, the DPI is concerned regarding the establishment of a precedent. It is acknowledged that there is no intensive agricultural use of the land at present.

However, it is possible that in the future more intensive use of the Regionally Significant Farmland may occur.

Accordingly, it is recommended that the E3 zone be extended to the north, as shown in Figure 2. Corresponding changes will also be made to the Height of Buildings, Lot Size and Floor Space Ratio maps. As this minor amendment does not substantially alter the exhibited Planning Proposal, re-exhibition is not proposed.

2. Zone E3 Environmental Management - Minimum lot size & configuration

On behalf of the landowner, GEM Planning has requested that the minimum lot size for the proposed E3 Environmental Management zone be reduced from 2 ha to 1,000 square metres (sqm). A revised subdivision concept plan accompanying the submission (Figure 3 below) shows a total of 10 residential lots extending into the proposed E3 zone and abutting the boundary of the proposed E2 zone.

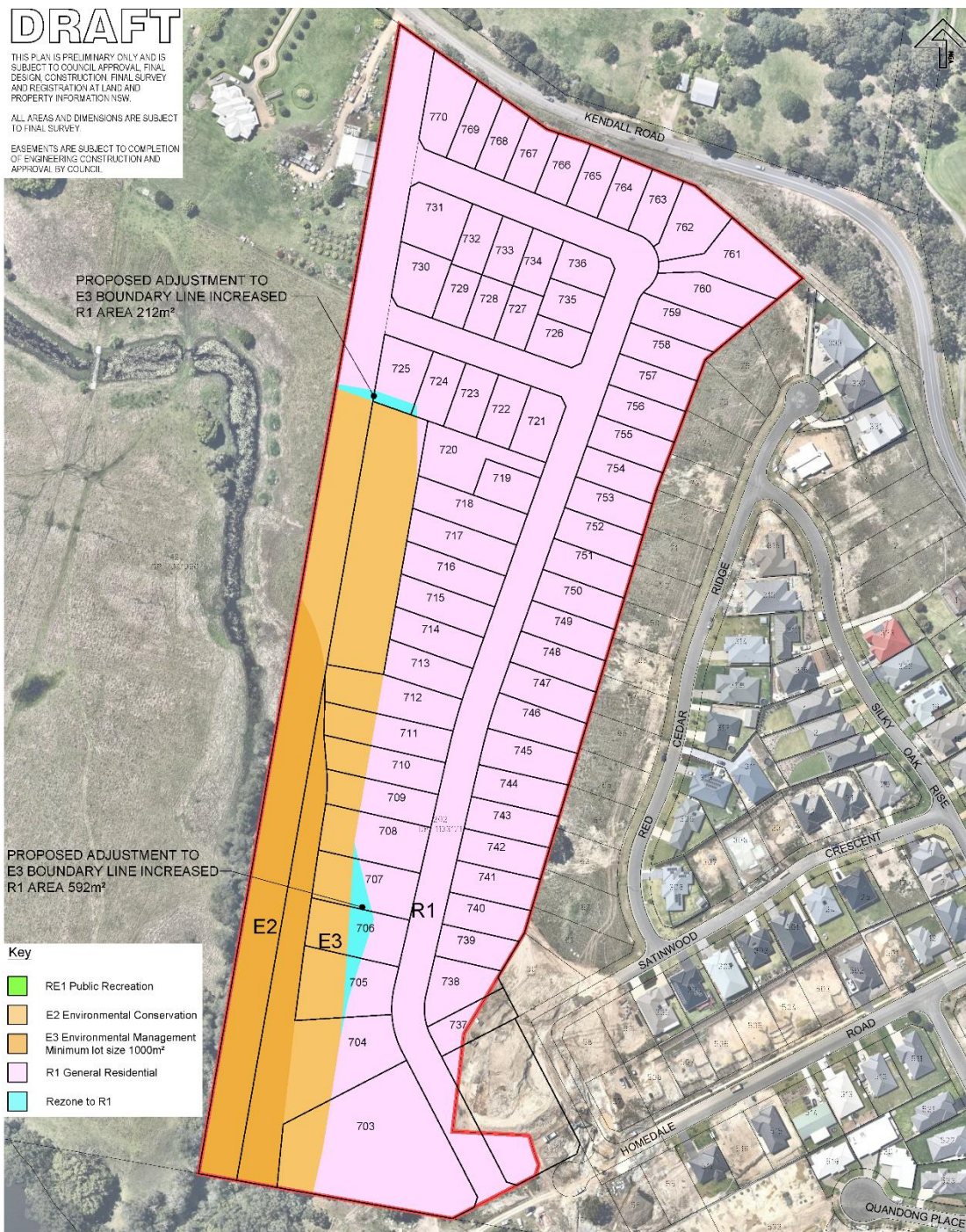


Figure 3: Revised Subdivision Concept Plan (Source: GEM Planning)

The submission notes that these lots will achieve a minimum 1,000 sqm area and building envelopes will be defined by sewerage service levels, flood prone land limitations, and the E3 zone. The submission also notes that being split zoned, any building on these lots would progress through the Development Application (DA) process rather than as Complying Development, providing Council with direct control over the building locations for each lot.

In addition, GEM Planning seeks a minor mapping amendment to refine the edge of the proposed E3 zone in two locations (shaded blue in Figure 3) to provide a more

uniform zone boundary. The submission states that substantial earthworks and site regrading will be required to achieve the proposed internal road link and this will result in filling of these marginally flood affected areas.

Comments from Council's Strategy & Growth Division

It is recommended that Council accept a minor variation to the eastern boundary of the E3 zone to rationalise the small (592 smq) flood fringe area, recognising that the impact will be negligible. Corresponding changes will also be made to the Height of Buildings, Lot Size and Floor Space Ratio maps. As this change does not substantially alter the exhibited Planning Proposal, re-exhibition is not proposed.

However, the extension of multiple, residential lots into the proposed E3 zone is not supported as past experience shows that where the rear of private properties fall within environmental buffers, residents' mow, erect garden sheds, cubby houses, fences etc. and over time, the land becomes part of a private residential lot, compromising its function as buffer. There is a need for coordinated ongoing management of these E3 zoned buffer areas.

The E3 zone in the exhibited draft Planning Proposal was based on a previous concept submitted by the proponent to support the proposal, which showed the residue in a consolidated parcel.

The extent of the proposed E3 zone, as exhibited, largely corresponds to the 1:100 year flood level and contains a potential site of indigenous heritage, mapped Regionally Significant Farmland and area for stormwater detention to service future development. It adjoins a smaller area of proposed E2 Environmental Conservation zone intended to preserve an EEC and provide for a 40m wide riparian buffer to protect an adjoining waterway.

During exhibition, the proponent has submitted a new concept subdivision (Figure 3), which seeks to reduce the minimum lot size to allow for the creation of residential lots containing E3 at the rear and abutting the proposed E2 zone.

The requested change to the minimum lot size is not supported because the intent is that this land be retained as a consolidated area attached to a future residential lot to help protect the significant vegetation and waterway, and to ensure a suitable buffer to adjoining Regionally Significant Farmland to reduce the potential for land use conflict. The 2 ha minimum lot size requirement for the residue lands aims to avoid fragmentation of the buffer.

Arrangements for bushfire access and Asset Protection Zones (APZ) will need to be considered at DA stage, which may affect the configuration of lots shown on the proponent's concept subdivision plan. Where environmental zoned land abuts residential land, Council's standard practice is to require a perimeter road on the outside of the environmental lands to address issues such as bushfire hazard, stormwater run-off and environmental edge effects.

This is a normal consideration as part of the DA process and as a rule, Council does not accept APZs in the E3 zone.

Whilst it is acknowledged that the stormwater detention area will be dedicated to Council as part of the DA process, at the time of preparing the Planning Proposal in

2016, Council's Environmental Services did not support dedication of the environmental lands into public ownership. It may be possible to revisit the question of land dedication at DA stage.

Summary of recommended changes to Planning Proposal

Following consideration of the key issues raised in the submissions, the following amendments are recommended to the exhibited Planning Proposal:

1. Extension of the proposed E3 zone northward to align with the southern boundary of the house yard on the adjoining rural property to the west as shown in Figure 2 of this report.
2. Adjustment to the eastern edge of the proposed E3 zone to exclude 592sqm of flood fringe land intended to be filled for residential development.
3. Corresponding amendments to the Height of Buildings, Lot Size and Floor Space Ratio LEP maps to reflect the revisions to the E3 zone boundary.

In addition, it is recommended that Figure 4 in the draft DCP be updated to show the revised E3 zone configuration.

Options

Council's options are:

1. To approve the Planning Proposal as exhibited and resolve to make the Local Environmental Plan to rezone the land.
2. To approve the Planning Proposal as exhibited with minor amendments to adjust the E3 zone boundary, as outlined in this report, and resolve to make the Local Environmental Plan to rezone the land.
3. Make amendments to the Planning Proposal. Note: The proposal will need to be re-exhibited if any substantive changes are made. For example, a change to the proposed minimum lot sizes.
4. Not support the Planning Proposal.

Option 2 is recommended.


Community Engagement & Internal Consultation

The Planning Proposal and draft site-specific development control provisions were exhibited for 28 days (from 24 Oct - 21 Nov 2018) in accordance with the requirements of the Department of Planning and Environment's Gateway Determination.

The documentation was made available on Council's website and at Council's Port Macquarie, Wauchope and Laurieton offices for the duration. In addition, all adjoining landowners were notified of the public exhibition in writing and invited to make submissions.

As previously noted, 15 submissions were received. The key matters identified in the submissions have been considered in the *Key Issues* section of this report. A summary of the submissions and a planning response to the matters raised is provided in the table below.

Submission		Issue summary
1	NSW Department of Primary Industries	<p>Concerned that the proposal may lead to land use conflicts in the future.</p> <p>Proposal sets a precedent of not protecting Regionally Significant Farmland.</p> <p>A 22m wide buffer along the western boundary is inadequate and should be a minimum of 50m and extended along the whole of the western boundary to ensure sufficient protection for the adjoining Regionally Significant Farmland from future complaints.</p>
	Response/Comment:	This issue is considered in the <i>Discussion</i> section of this report. A northward extension of the E3 zone is proposed. Note, this will affect Council's recommendation for submission 7(part b).
2	Department of Primary Industries NSW - Fisheries	Supportive of the proposed environmental buffer lands. It is recommended that the buffer lands be clearly delineated from future residential and actively managed to ensure that the buffer is not compromised by under-scrubbing or clearing activities, and functions as intended.
	Response/Comment:	A Vegetation Management Plan will be required as part of any future DA and the management requirements of the environmental land will be dealt with as part of that process.
3	NSW Office of Environment and Heritage (OEH)	Satisfied that the issues previously raised during the pre-exhibition consultation regarding biodiversity and Aboriginal heritage have now been addressed.
	Response/Comment:	Noted.
4	NSW Roads & Maritime Services	The submission provides general commentary concerning traffic aspects relevant to the subsequent DA stage.
	Response/Comment:	Noted.
5	Julie Edgecombe	<p>a) No objections to the rezoning but a considerable amount of fill has been placed on the lower side of the site near the creek located on our land. When the creek floods, it currently flows onto the low lying area of the adjoining site where the fill has been placed. Concerns are raised that the fill will change the natural flow of flood waters and significantly increase flooding on our land.</p> <p>b) Also concerned about the current volume of overflow stormwater runoff into the creek from</p>

Submission	Issue summary
	<p>the Links Estate and the potential for this to worsen with additional residential development. In heavy rain, the detention basin overflows and the water runs into our property, which can be calf deep in our front garden.</p>
<p>Response/ Comment:</p>	<p>a) A review of Nearmap imagery and search of Council's records indicates that a substantial area within the flood-affected part of the site was filled without approval during October 2018 (image below). Filling in the floodplain is not permitted without consent and this matter is currently being investigated by Council's Regulatory Services.</p>  <p>b) Subject to rezoning and obtaining DA consent, the existing basin in the northeast of the site will be relocated to the western boundary at the time of developing the land and all existing runoff conveyed to the proposed new basin.</p> <p>Any subsequent DA will need to demonstrate that the design of the proposed basin will restrict discharge such that there are no detrimental flood impacts to the creek/gully within the adjoining downstream lot. Modelling will be required to demonstrate that post-development stormwater discharge is less than or equal to pre-development rates.</p> <p>The location of the proposed new basin is approximately mid-way along the western boundary of the site, meaning that stormwater runoff will not be conveyed through the front yard of the downstream property, as is currently the case.</p> <p>Furthermore, as the proposed development will require an easement to be created between the outlet from the basin and the creek within the adjoining downstream property, the adjoining landowners will have the ability to have some say</p>

Submission		Issue summary
		in the manner in which stormwater is discharged via the easement negotiation process.
6	Confidential – name suppressed	<p>The proposal is inappropriate for this particular site due to:</p> <ul style="list-style-type: none"> a) The environmental sensitivity of the site and proximity to the Camden Haven River and local creek, with likely stormwater, erosion and flooding impacts. b) Excessive fill required to remove risk of flooding and to provide road connectivity to the Links Estate. c) Reported Koala sightings. d) The land is recognised as being regionally significant farmland. e) The proposed 1.8m acoustic fence on western boundary will be an eyesore and out of character for the area. f) No additional need for provision of housing in the area has been identified by Council. g) Further development of rural land sets a precedent for adjoining rural land to be rezoned. h) Further development of rural land reduces the separation between villages of Kew and Kendall. This impacts on the amenity of the local area which is recognised by Council as being historically significant and of intrinsic value to the unique character of each village.
	Response/Comment:	<p>a) The stormwater servicing strategy indicates that local overland flooding will be adequately managed at the subsequent DA stage. The strategy has been conceptually prepared to capture and direct all existing stormwater runoff from the site to a basin which is proposed to be centrally located adjacent to the western site boundary. Whilst the site contour plans provided indicate that this is a feasible approach, detailed design and site regrading plans will need to be submitted at DA stage to demonstrate how this will be achieved.</p> <p>In relation to erosion, future DAs to develop the steeper areas of the site will need to demonstrate compliance with the <i>Port Macquarie-Hastings Development Control Plan</i> and include geotechnical investigations and appropriate solutions (e.g. retaining walls, earthworks) to manage slope limitations.</p>

Submission	Issue summary
	<p>b) Extensive filling of the flood-affected area of the site is not permitted. In response to a submission from the proponent (refer to submission No 7 part b), only a minor area of marginally flood affected land is proposed to be filled.</p> <p>Also, as noted in the exhibited Planning Proposal, a small section of Crown Road in the northwest of the site is subject to flooding but capable of being raised to the 1:100 year (incl climate change) flood level.</p> <p>Detailed information will be required for approval at DA stage to demonstrate that filling these area will not adversely impact the floodplain.</p> <p>c) The Preliminary Ecological Assessment Addendum report submitted in support of the proposal provided the following advice in relation to Koalas <i>“as Tallowood is a Koala food tree species the bases of all of these trees were checked for scats. No scats or other evidence of recent Koala activity was observed”</i> (p.13). Further, the report considers that these trees are in an isolated position, which reduces the likelihood of the trees being browsed by Koalas.</p> <p>d) The western boundary of the site contains the fringe (1.78ha) of a larger expanse of Regionally Significant Farmland. The Agronomy report submitted in support of the proposal concludes that the proposed rezoning of the mapped farmland area will have no significant impact to the agricultural production value of the region. A 50m buffer is proposed to be retained to the Regionally Significant Farmland.</p> <p>e) While it is acknowledged that the acoustic fence will be out of character for the area, it is considered to be necessary to minimise the potential for noise impacts to future residents due to the existing approved bulk storage business operating on the adjoining land. The final appearance of the fence may be softened by landscaping. This is a matter for consideration at DA stage.</p> <p>f) The site is not identified in the Urban Growth Management Strategy or the North Coast Regional Plan for future urban development. The proposal is however, relatively small in scale and Council has resolved (on 20/8/14) to consider this site specific planning proposal as part of Council's Strategic Planning program, having regard to the supply of land for housing in the Camden Haven.</p> <p>g) Council's planning staff are aware that further development of rural land (outside an approved strategy) could set a precedent for future land to be rezoned and this should be a consideration of Council.</p> <p>Where a site is not mapped as an investigation area for urban expansion in the North Coast Regional Plan, the</p>

Submission		Issue summary
		<p>proposed variation to the growth area boundary must be considered in context of the 'Urban Growth Area Variation Principles' of the Regional Plan. The Planning Proposal includes this assessment and demonstrates that the site has merit to be considered, even though it is outside the Regional Plan process.</p> <p>h) Council's planning staff acknowledge that the separation between Kew and Kendall is reducing, which is a concern to the community. However, given the natural limits to further growth on the western boundary (flooding & significant Farmland), a minor extension of the existing residential zone to the west is supported in this case.</p>
7	Lesley Forbes	A designated area for a childrens' playground and community gatherings is vital as part of the proposal.
	Response/Comment:	It is acknowledged that there is a need for a childrens' play space in Kew and Council plans to provide one later this year. While the location of this space is yet to be confirmed, two sites are currently being considered, both of which are located less than 1km from the subject site.
8	Jason Koenig	Given the expected increase in residents, the need for a shared pathway between Kew and Kendall along Kendall Road is now urgent.
	Response/Comment:	Council has a long term plan for a shared path on the northern side of Kendall Road and on-road cycling via wider shoulders. At present, there is an existing shared pathway along the northern side of Kendall Road between Homedale Road and Nancy Bird Walton Drive. In the future, the pathway is proposed to extend west to the village of Kendall linking to an existing shared pedestrian/cycle path.
9	Greg Watson	<p>Not opposed to the change.</p> <p>Sharp bend in Kendall Road should be straightened. This was promised by Council 10 years ago.</p> <p>Stormwater runoff needs to be suitably directed to ensure it doesn't flood across Kendall road, as it currently does from the existing Links Estate.</p>
	Response/Comment:	<p>Road safety treatments are assessed against the priorities and considerations of Council's entire road network. At this time, altering the Kendall Road curve in question does not rate as a high priority from an economic or safety perspective. However, Council will continue to maintain the current safety treatments on Kendall Road (i.e. line marking).</p> <p>The stormwater servicing strategy has been conceptually prepared to capture and direct all existing stormwater runoff from the site to a basin that is approximately centrally located along</p>

Submission		Issue summary
		the western boundary of the site. Whilst the site contour plans provided indicate that this is a feasible approach, detailed design and site regrading plans will need to be submitted at DA stage to demonstrate how this will be achieved.
10	John Handford	Do not support the proposal. Population growth is not beneficial to quality of life in the area. Sustainability and the environment should be our highest priorities.
	Response/ Comment:	As outlined in the <i>Urban Growth Management Strategy 2017 – 2036</i> , the population of the Port Macquarie-Hastings is expected to grow, on average, by around 1,200 people per year. This growth will create demand for approximately 10,000 new dwellings by 2036. Council is responsible for managing this growth and balancing it with the quality of life on offer in the region.
11	GEM Planning Projects for John Harvey	Minor mapping amendments are sought to: a) Revise the minimum lot size for the E3 Environmental Management zone to 1,000sqm, and b) Refine the edges of the E3 Environmental Management zone to provide a more uniform zone boundary. It is considered that the flood impacts of the proposed flood fringe filling associated with the perimeter road and designated stormwater management area will have a negligible impact.
	Response/ Comment:	a) The proposed change to the minimum lot size for the E3 Environmental Management zone is not supported. This matter is considered in the 'Discussion' section of this report. b) The suggested minor adjustment to the proposed E3 zone boundary is supported for the eastern side only. This matter is considered in the 'Discussion' section of this report.
12	Peggy Landon	Commend beautification works in centre of Kew. The Links Estate has led to the growth of Kew but is nearly full. The proposed rezoning of the Chimneys land should be prioritised. Council should also consider the lack of supply of residential land in the area for the future.
	Response/ Comment:	A Planning Proposal for The Chimneys site was received late last year and is currently under assessment. This matter will be reported to Council separately in the future. With respect to future land supply, Council's Urban Growth Management Strategy (UGMS) includes Kew as part of the

Submission		Issue summary
		Camden Haven corridor. Land supply projections for the Camden Haven indicate a 30+ year land supply exists.
13	Deniece Merryfull for Kew Country Club	The Links Estate has increased visitor and local trade in Kew. Clubhouse and facility improvements are planned for Kew Country Club over the next few years and trade from the Links Estate and Homedale Road residents will help to grow the business. The Kew Country Club considers the rezoning of the Homedale Road site as a priority.
	Response/ Comment:	Noted.
14	Anna Battersby for Camden Haven Chamber of Commerce	Support the proposal for open space and recreation parklands. The land will provide an appealing recreation area for the public to enjoy.
	Response/ Comment:	This submission appears to have confused the Homedale Road Planning Proposal with the recently submitted Chimneys Planning Proposal, which relates to adjoining land to the south. The Chimneys Planning Proposal is currently under assessment and will be reported to Council separately.
15	Barry Barr for iKew Information Centre	Supportive of the proposal. Future residential development of the site will enhance Kew.
	Response/ Comment:	Noted.

All persons and State government agencies that made a submission have been notified of this matter being reported to Council.

Throughout the planning process, internal consultation in relation to the proposal has occurred with a range of staff from across the organisation including, Transport and Stormwater Network, Water and Sewer, Environmental Services, Regulatory Services, Development Assessment, Recreation and Buildings, Digital Technology, and Community Place.

Planning & Policy Implications

The preparation of a Planning Proposal for the site was considered and prioritised together with other site-specific proposals in a report to Council dated 20 August 2014. In preparing the Planning Proposal, Council has been required to follow the procedures set out by the NSW Government's *A Guide for the Preparation of LEPs* and *A Guide to Preparing Planning Proposals*.

Although the site is not identified for urban expansion in the *Port Macquarie-Hastings Urban Growth Management Strategy* or *North Coast Regional Plan*, the proposal is relatively small in scale and will Council has resolved (on 20/8/14) to consider this site specific planning proposal as part of Council's Strategic Planning program,

having regard to the supply of land for housing in the Camden Haven. It is proposed to protect significant areas of vegetation in environmental zoning and preserve a separation buffer to adjoining Regionally Significant Farmland.

The Planning Proposal has also been assessed against the 'Urban Growth Area Variation Principles' of the Regional Plan and, subject to extending the proposed E3 zone as recommended in the 'Discussion' section of this report, is considered to have merit even though it is outside the urban growth area.

The draft site-specific development control plan (DCP) provisions aim to provide guidance to developers and Council staff in the preparation and assessment of future DAs for the site and supplement the relevant provisions in Parts 2 and 3 of the *Port Macquarie-Hastings Development Control Plan 2013*.

The exhibition phase of the process has enabled the proponent, business owners/organisations, local residents and State government agencies the opportunity to review and make comment on the proposal before a final decision is made. If Council resolves to amend the Planning Proposal as recommended in this report, the proposed realignment of the E3 zone boundary is not a substantive change to the exhibition proposal and re-exhibition will not be required.

Financial & Economic Implications

Preparation of the Planning Proposal has been funded by the proponent in accordance with Council's Schedule of Fees and Charges for amendments to the *Port Macquarie-Hastings Local Environmental Plan 2011*. Council's Strategic Land Use Planning section prepared the site-specific development control plan provisions at no cost to the proponent.

Attachments

1 [View](#). Exhibited Planning Proposal

2 [View](#). Exhibited draft development control plan provisions

Item: 12.13**Subject: DA2017 - 667.1 DEMOLITION OF EXISTING BUILDING AND
CONSTRUCTION OF BOAT STORAGE FACILITY AND PUBLIC
AMENITIES, TREE REMOVAL AND ROAD WORKS AT LOT 2 DP
535212, NO. 9 MCINHERNEY PARK, PORT MACQUARIE****Report Author: Melissa Watkins**

Applicant:	Sailability Pty Ltd
Owner:	Crown Land under Trust Management of Council
Estimated Cost:	\$420,000
Parcel no:	22006

Alignment with Delivery Program

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

RECOMMENDATION

That DA2017 – 667 for demolition of existing building and construction of boat storage facility and public amenities, tree removal and road works at Lot 2, DP 535212, McInherney Close, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for demolition of existing building and construction of boat storage facility and public amenities, tree removal and road works at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Public notification of the application resulted in some community interest and several submissions from members of the public. The application was renotified after significant changes were made to the original design in response to the concerns raised in the initial public consultation phase.

In accordance with Council's conflict of interest - development applications policy the General Manager determined that an external consultant be engaged to report on the application. Coffs Harbour City Council were engaged to undertake an independent assessment of the application and provide a recommendation. The assessment and recommendation is provided as an attachment to this report.

The conflict of interest policy also requires that all development applications on Council land, which includes Crown land under trust management of Council, where

objections have been received be considered by the Development Assessment Panel and referred to Council for determination.

The proposal was considered by Council's Development Assessment Panel on 23 January 2019, and the Panel came to the following consensus:

"That it be recommended to Council that DA2017 – 667 for demolition of existing building and construction of boat storage facility and public amenities, tree removal and road works at Lot 2, DP 535212, McInherney Close, Port Macquarie, be determined by granting consent subject to the recommended conditions."

Attachments

- 1[View](#). DA2017 - 667.1 Recommended Conditions
- 2[View](#). DA2017 - 667.1 Amended GTAs NSW Office of Water
- 3[View](#). DA2017 - 667.1 Final Assessment Report from Coffs Harbour Council
- 4[View](#). DA2017 - 667.1 Plans

Item: 12.14

Subject: DA2018 - 562.1 DEMOLITION OF EXISTING BUILDINGS, CONSOLIDATION AND BOUNDARY ADJUSTMENT, AND CONSTRUCTION OF SENIORS HOUSING AT LOTS 10 - 13 DP 861177, LOT 1 DP 782560, LOT 1 DP 393967, LOT 1 DP 390610, LOT 1 DP 1053812, LOT 1 DP 121189, LOT 1 DP 795534, LOT 1 DP 151300, LOT 3 AND 4 DP 347796, NO. 15 - 21 CAMERON STREET AND 3 YOUNG STREET, WAUCHOPE

Report Author: Melissa Watkins

Applicant:	Wauchope RSL Club Ltd
Owner:	Wauchope RSL Club Ltd
Estimated Cost:	\$3,400,000
Parcel no:	48892, 29551, 29550, 29549, 41145, 25876, 29212, 41146, 29214, 3551, 29215, 29210

Alignment with Delivery Program

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

RECOMMENDATION

That DA2018 – 562.1 for Demolition of Existing Buildings, Consolidation and Boundary Adjustment, and Construction of Seniors Housing at Lots 10 - 13 DP 861177, Lot 1 DP 782560, Lot 1 DP 393967, Lot 1 DP 390610, Lot 1 DP 1053812, Lot 1 DP 121189, Lot 1 DP 795534, Lot 1 DP 151300, Lot 3 and 4 DP 347796, No. 15 – 21 Cameron Street and No. 3 Young Street, Wauchope be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for demolition of existing buildings, consolidation and boundary adjustment, and construction of seniors housing at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, one submission has been received.

The proposal was considered by Council's Development Assessment Panel on 23 January 2019 with the following recommendation from staff:

"That DA2018 – 562.1 for Demolition of Existing Buildings, Consolidation and Boundary Adjustment, and Construction of Seniors Housing at Lots 10 - 13 DP

861177, Lot 1 DP 782560, Lot 1 DP 393967, Lot 1 DP 390610, Lot 1 DP 1053812, Lot 1 DP 121189, Lot 1 DP 795534, Lot 1 DP 151300, Lot 3 and 4 DP 347796, No. 15 – 21 Cameron Street and No. 3 Young Street, Wauchope, be determined by granting consent subject to the recommended conditions.”

In considering the matter the Development Assessment Panel was unable to reach consensus as follows:

Robert Hussey moved the following motion:

“That DA2018 – 562 for Demolition of Existing Buildings, Consolidation and Boundary Adjustment, and Construction of Seniors Housing at Lots 10 - 13 DP 861177, Lot 1 DP 782560, Lot 1 DP 393967, Lot 1 DP 390610, Lot 1 DP 1053812, Lot 1 DP 121189, Lot 1 DP 795534, Lot 1 DP 151300, Lot 3 and 4 DP 347796, No. 15 – 21 Cameron Street and No. 3 Young Street, Wauchope be refused on the grounds that insufficient on-site parking spaces have been provided in the development as required by Port Macquarie-Hastings Council Development Control Plan 2013. The public interest is not well serviced by the degree of the departure to the DCP and such a departure would lead to an unsatisfactory precedent. The case for the significant variation has not been satisfactorily justified”.

For: Robert Hussey

Against: Paul Drake and Dan Croft.

Upon the Motion being lost subsequently Paul Drake proposed an alternate motion as follows:

“That DA2018 – 562 for Demolition of Existing Buildings, Consolidation and Boundary Adjustment, and Construction of Seniors Housing at Lots 10 - 13 DP 861177, Lot 1 DP 782560, Lot 1 DP 393967, Lot 1 DP 390610, Lot 1 DP 1053812, Lot 1 DP 121189, Lot 1 DP 795534, Lot 1 DP 151300, Lot 3 and 4 DP 347796, No. 15 – 21 Cameron Street and No. 3 Young Street, Wauchope be deferred to address the issues raised by Mr Hussey in his proposed motion and that the applicant be invited to submit additional information to provide for additional parking to serve the development and further information on the 1967 agreement between the Club and Council.”

For: Robert Hussey and Paul Drake

Against: Dan Croft

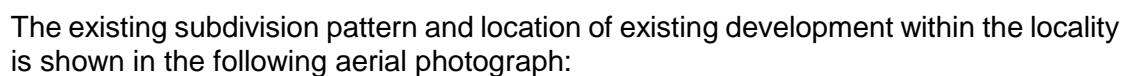
Given this dissent the matter is now presented to Council for determination. This report recommends that the development application be approved subject to the recommended conditions.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of approximately 1.1 hectares.

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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition of existing dwellings and outbuildings;
- Consolidation and boundary adjustment to create one lot containing the RSL Club, and one lot containing the seniors housing;
- Construction of seniors housing comprising 15 single storey self-care units.

Refer to attachments at the end of this report.

Application Chronology

- 27 July 2018 – Application lodged.
- 3 August 2018 to 16 August 2018 – Neighbour notification.
- 7 September 2018 – Site inspected by assessing officer.
- 17 September 2018 – Additional information requested from Applicant.
- 19 October 2018 – Additional information submitted.
- 23 January 2019 – Application considered by Development Assessment Panel.

3. STATUTORY ASSESSMENT**Section 4.15(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

In accordance with Clause 6, the land has an area greater than 1 hectare and the SEPP applies.

The land does not meet the definition of potential koala habitat in accordance with Clause 7. Therefore, no further consideration of the SEPP is required.

State Environmental Planning Policy No. 55 – Remediation of Land

Lot 1 DP 782560, which comprises the existing car park to the west of the RSL Club building, is identified as being potentially contaminated. This lot is included in the development only to the extent that it is part of the proposed consolidation of the existing lots on which the RSL Club is located.

The proposed seniors housing development is located well clear of this lot and is considered to be 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 impact on existing aquaculture industries.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed development includes proposed signage in the form of business/building identification.

In accordance with clause 7, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

The following assessment table provides an assessment checklist against the Schedule 1 requirements of this SEPP:

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	Signage consistent with the objectives of the SEPP.	Yes
Schedule 1(1) Character of the area.	The site is in an area characterised by a mix of residential and commercial uses. The proposed signage wall adjacent to the Cameron Street access is compatible with the residential character of the development as well as nearby commercial uses.	Yes
Schedule 1(2) Special areas.	Proposal would not detract from the character of any special areas.	Yes
Schedule 1(3) Views and vistas.	The sign would not obscure any existing views or vistas.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The scale and proportions of the signage are appropriate for the existing, and likely future streetscape.	Yes
Schedule 1(5) Site and building.	The signage wall is consistent with the height and scale of the proposed buildings and would not dominate the streetscape.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	None proposed.	N/A
Schedule 1(7) Illumination.	Signage not proposed to be illuminated.	Yes
Schedule 1(7) Safety.	The sign is not expected to adversely affect traffic, cyclist, or pedestrian safety.	Yes

State Environmental Planning Policy (Coastal Management) 2018

The site is located within a coastal environment area.

In accordance with clause 7, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clauses 13 of the SEPP the proposed development is not considered likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts coastal environmental values and natural coastal processes;
- c) any adverse impacts on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- e) any adverse impact on Aboriginal cultural heritage, practices and places;
- f) any adverse impacts on the cultural and built environment heritage;
- g) any adverse impacts the use of the surf zone;

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

A BASIX certificate has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

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

Clause	Proposed	Complies
4. Land to which Policy applies		
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: (a) development for the purpose of any of the following is permitted on the land: (i) dwelling-houses, (ii) residential flat buildings, (iii) hospitals, (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	The site is zoned B4 within the urban context of Wauchope. Residential flat buildings are permissible in the zone. Part of the land subject the application currently contains a registered club, but the boundary adjustment and consolidation proposed in the application would ultimately result in the seniors housing being on a separate lot to the registered club.	Yes

Clause	Proposed	Complies
(b) the land is being used for the purposes of an existing registered club.		
5. Relationship to other environmental planning instruments		
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.	Consistent with other planning instruments.	Yes
8. Seniors		
In this Policy, <i>seniors</i> are any of the following: (a) people aged 55 or more years, (b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided, (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.	The development is proposed to be occupied by seniors. A restriction on the occupation of the units in accordance with the SEPP will be applied in the conditions of approval for the development.	Yes
9. People with a disability		
In this Policy, <i>people with a disability</i> are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.	The development is proposed to be occupied by seniors. A restriction on the occupation of the units in accordance with the SEPP has been included in the recommended conditions of approval for the development.	Yes
10. Seniors housing		
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: (a) a residential care facility, or (b) a hostel, or (c) a group of self-contained dwellings, or (d) a combination of these, but does not include a hospital. Note. The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for	The proposal is defined as self-contained dwellings.	Yes

Clause	Proposed	Complies
<p>people with a disability. This Policy deals with both kinds of housing. Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 18 provides that seniors housing may be used for the accommodation of the following:</p> <ul style="list-style-type: none"> (a) seniors or people who have a disability, (b) people who live within the same household with seniors or people who have a disability, (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy. <p>Relevant classifications in the <i>Building Code of Australia</i> for the different types of residential accommodation are as follows:</p> <ul style="list-style-type: none"> (a) Class 3, 9a or 9c in relation to residential care facilities, (b) Class 1b or 3 in relation to hostels, (c) Class 1a or 2 in relation to self contained dwellings. 		
13. Self-contained dwellings		
<p>1) General term: "self-contained dwelling"</p> <p>In this Policy, a <i>self-contained dwelling</i> is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.</p> <p>(2) Example: "in-fill self-care housing"</p> <p>In this Policy, <i>in-fill self-care housing</i> is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the</p>	<p>Each unit is provided with its own kitchen, living areas, laundry, bathroom and bedrooms. Occupants will live independently.</p>	<p>Yes</p>

Clause	Proposed	Complies
<p>following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.</p> <p>(3) Example: "serviced self-care housing"</p> <p>In this Policy, <i>serviced self-care housing</i> is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.</p>		
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 Conveyancing Act 1919, 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,</p>	<p>A restriction on the occupants in accordance with the SEPP will be applied as a condition of consent.</p>	Yes

Clause	Proposed	Complies
or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.		
19. Use of seniors housing in commercial zones		
Development allowed by this chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes.	The site is zoned B4 which permits residential flat buildings. Provision of residential units are permissible on the ground floor within the zone.	Yes
23. Development on land used for the purposes of an existing registered club (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that is used for the purposes of an existing registered club unless the consent authority is satisfied that: (a) the proposed development provides for appropriate measures to separate the club from the residential areas of the proposed development in order to avoid land use conflicts, and (b) an appropriate protocol for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development. (2) For the purposes of subclause (1) (a), some of the measures to which a consent authority may have regard include (but are not limited to) the following: (a) any separate pedestrian access points for the club and the residential areas of the proposed development,	Not applicable. Part of the land subject the application currently contains a registered club, but the boundary adjustment and consolidation proposed in the application would ultimately result in the seniors housing being on a separate lot to the registered club. Potential landuse conflicts between the RSL club and the proposed seniors housing are considered elsewhere in this report.	Yes

Clause	Proposed	Complies
(b) any design principles underlying the proposed development aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the proposed development.		
26. Location and access to facilities		
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p> <p>(2) Access complies with this clause if:</p> <p>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</p> <p>(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—</p>	<p>The site is located centrally within the Wauchope township.</p> <p>Access to a variety of shops, services, community facilities and medical practitioners is available within short distances.</p> <p>Footpaths and access within the town centre have satisfactory grades. Public transport links are available within the town centre and to adjoining larger centres. Given the location and transport linkages available no transport service is required.</p>	Yes

Clause	Proposed	Complies
<p>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> <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>		

Clause	Proposed	Complies
<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>		
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>	See comments under water and sewer sections later in this report.	Yes
29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply		
(1) This clause applies to a development application made	The relevant considerations in clause 25 (5) are:	Yes

Clause	Proposed	Complies
<p>pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply.</p> <p>Note.</p> <p>Clause 24 (1) sets out the development applications to which that clause applies.</p> <p>(2) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).</p> <p>(3) Nothing in this clause limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.</p>	<p>(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,</p> <p>(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,</p> <p>(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.</p> <p>The subject site is not identified as having any known environmental values and the proposal is considered to be compatible with existing and approved development in the locality.</p> <p>The site has access to the infrastructure and services required for the proposal.</p> <p>The proposed development is single storey and consistent with the bulk and scale of existing development to the existing development to the north, east, and west of the site.</p>	

Clause	Proposed	Complies
	The existing RSL club to the south is of a greater bulk and scale than the proposal.	
30. Site analysis		
(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.	A satisfactory site analysis has been prepared and forms part of the architectural plans.	Yes
31. Design of in-fill self-care housing		
In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	The applicant has demonstrated consideration of the urban design guidelines. Satisfactory compliance demonstrated.	Yes
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.	Addressed – See comments under clauses 33-39 below.	Yes
33. Neighbourhood amenity and streetscape		
The proposed development should: (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and	The area has been zoned B4 to encourage a higher density and mix of commercial and residential development within the Wauchope town centre. The area is the transition point between the existing commercial and business development and the older	Yes

Clause	Proposed	Complies
<p>(b) retain, complement and sensitively harmonise with any 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>smaller scale residential development.</p> <p>The zoning permits a higher density and it is anticipated that future development will further define the character of the area.</p> <p>The development provides a front setback comparable to the existing dwellings proposed to be demolished and other existing development to the north of the site. The proposal would sit appropriately within the existing and likely future streetscape. A lesser front setback would be expected for street front commercial uses.</p> <p>Landscaping will be provided in the streetscape along Cameron Street and also along the shared internal access on the southern side of the development. The design is complimentary to the character of the area.</p> <p>No listed heritage items are located adjacent to the site however a heritage character exists within the precinct.</p>	
34. Visual and acoustic privacy		
<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>An acoustic report has been submitted as part of the application and further comments are provided under Noise and Vibration later in this report.</p>	Yes

Clause	Proposed	Complies
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.		
35. Solar access and design for climate		
The proposed development should: (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 (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. 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.	It is considered that adequate solar access is available to adjoining residential sites as the development is single storey. Main private open space areas are located on the eastern and northern sides of the buildings and would receive adequate sunlight.	Yes
36. Stormwater		
The proposed development should: (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 (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	A stormwater management plan has been submitted with this application. On- site detention is proposed. The application has been assessed by Council's stormwater engineers and appropriate conditions of consent applied.	Yes
37. Crime prevention		
The proposed development should provide personal property security	The proposed development provides passive	Yes

Clause	Proposed	Complies
for residents and visitors and encourage crime prevention by: (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 (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	surveillance of Cameron Street from the living and outdoor areas of Units 1-6. The perimeter of the site is fenced and the vehicular/pedestrian access points from the internal road and car park are proposed to be gated. Individual access points are proposed for Units 1-6 from Cameron Street, which would increase pedestrian use of the public areas.	
38. Accessibility		
The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The perimeter of the site is fenced and the pedestrian access points from the internal road and car park are well defined. Individual access points are proposed for Units 1-6 from Cameron Street.	Yes
39. Waste management		
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	Common bin storage areas have been nominated adjacent to each of the vehicular access points.	Yes
40. Development standards—minimum sizes and building height		
(1) General A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause. (2) Site size The size of the site must be at least 1,000 square metres. (3) Site frontage The site frontage must be at least 20 metres wide measured at the building line.	Proposed seniors housing site is approximately 4089m ² Site frontage- 68.17m Residential flat buildings are permitted in the zone. The height of the buildings does not exceed 8m.	Yes

Clause	Proposed	Complies
<p>(4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted:</p> <p>(a) the height of all buildings in the proposed development must be 8 metres or less, and</p> <p>Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).</p> <p>(5) Development applications to which clause does not apply Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following:</p> <p>(a) the Department of Housing, (b) any other social housing provider.</p>		
41. Standards for hostels and self-contained dwellings		
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.</p> <p>(2) Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.</p>	See comments below on relevant Schedule 3 requirements.	
50. Standards that cannot be used to refuse development consent for self-contained dwellings		

Clause	Proposed	Complies
<p>A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:</p> <p>(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),</p> <p>(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</p> <p>(c) landscaped area: if:</p> <p>(i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or</p> <p>(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,</p> <p>(d) Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the <i>deep soil zone</i>). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,</p> <p>(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>These controls cannot be used for reasons of refusal if satisfied.</p> <p>(a) Building height is less than 8m.</p> <p>(b) Density and scale - proposal has FSR of 0.37:1.</p> <p>(c) Formal landscaped area provided within the site only 19% of the site area. Landscaping considered adequate to integrate the development with the existing streetscape and soften visual impact. Landscaping provides for small canopy trees, which will improve streetscape.</p> <p>(d) Adequate deep soil zone proposed.</p> <p>(e) Solar access – 11 of the 15 units (73%) would receive 3 hours of direct sunlight between 9am and 3pm midwinter. Units 1, 3, 5, and 15 would receive less than 3 hours direct sunlight to living areas and private open space during this period.</p> <p>(f) Private open space provided – minimum 15m² per dwelling including 3m x 3m area off living space.</p> <p>(h) 15 x 2 bedroom dwellings. 30 x 0.5 spaces = minimum 15 spaces required. Proposed provides 15 parking spaces in garages and an additional 2 visitor parking spaces in the RSL car park adjacent to the site.</p>	<p>No- however considered satisfactory in context of development - refer to LEP comments in relation to building height.</p>

Clause	Proposed	Complies
<p>(f) private open space for in-fill self-care housing: if:</p> <p>(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and</p> <p>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area, Note. The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.</p> <p>(g) (Repealed)</p> <p>(h) parking: if at least the following is provided:</p> <p>(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or</p> <p>(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.</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>		
Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings		
<p><u>Part 1 – Standards applying to hostels and self-contained dwellings</u></p> <p><i>1 Application of standards in this Part</i></p>	The submitted plans demonstrate that the proposal is capable of complying with these	Yes

Clause	Proposed	Complies
<p>The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings.</p> <p>2 Siting standards</p> <p>(1) Wheelchair access</p> <p>If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.</p> <p>(2) If the whole of the site does not have a gradient of less than 1:10:</p> <p>(a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and</p> <p>(b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.</p> <p>Note. For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have wheelchair access as required by this subclause. If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is likely to be unable to meet these requirements.</p> <p>(3) Common areas</p> <p>Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.</p> <p>3 Security</p> <p>Pathway lighting:</p> <p>(a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</p> <p>(b) must provide at least 20 lux at ground level.</p> <p>4 Letterboxes</p>	<p>standards. Conditions recommended requiring the Construction Certificate plans to demonstrate compliance.</p>	

Clause	Proposed	Complies
<p>Letterboxes:</p> <p>(a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and</p> <p>(b) must be lockable, and</p> <p>(c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.</p> <p>5 Private car accommodation</p> <p>If car parking (not being car parking for employees) is provided:</p> <p>(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and</p> <p>(b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and</p> <p>(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.</p> <p>6 Accessible entry</p> <p>Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.</p> <p>7 Interior: general</p> <p>(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.</p> <p>(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.</p> <p>(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.</p> <p>8 Bedroom</p> <p>At least one bedroom within each dwelling must have:</p>		

Clause	Proposed	Complies
<p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:</p> <p>(i) in the case of a dwelling in a hostel—a single-size bed,</p> <p>(ii) in the case of a self-contained dwelling—a queen-size bed, and</p> <p>(b) a clear area for the bed of at least:</p> <p>(i) 1,200 millimetres wide at the foot of the bed, and</p> <p>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux.</p> <p>9 Bathroom</p> <p>(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:</p> <p>(i) a grab rail,</p> <p>(ii) portable shower head,</p> <p>(iii) folding seat,</p> <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p>		

Clause	Proposed	Complies
<p>(e) a double general power outlet beside the mirror.</p> <p>(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p> <p>10 Toilet</p> <p>A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.</p> <p>11 Surface finishes</p> <p>Balconies and external paved areas must have slip-resistant surfaces.</p> <p>Note. Advice regarding finishes may be obtained from AS 1428.1.</p> <p>12 Door hardware</p> <p>Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.</p> <p>13 Ancillary items</p> <p>Switches and power points must be provided in accordance with AS 4299.</p> <p><u>Part 2 – Additional standards for self-contained dwellings</u></p> <p>14 Application of standards in this Part</p> <p>The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings.</p> <p>15 Living room and dining room</p> <p>(1) A living room in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and</p> <p>(b) a telephone adjacent to a general power outlet.</p> <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p> <p>16 Kitchen</p> <p>A kitchen in a self-contained dwelling must have:</p>		

Clause	Proposed	Complies
<p>(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and</p> <p>(b) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:</p> <p>(i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),</p> <p>(ii) a tap set (see clause 4.5.6),</p> <p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven (see clause 4.5.8), and</p> <p>(d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets:</p> <p>(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</p> <p>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</p> <p>17 Access to kitchen, main bedroom, bathroom and toilet In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.</p> <p>18 Lifts in multi-storey buildings In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the <i>Building Code of Australia</i>.</p> <p>19 Laundry A self-contained dwelling must have a laundry that has:</p>		

Clause	Proposed	Complies
(a) a circulation space at door approaches that complies with AS 1428.1, and (b) provision for the installation of an automatic washing machine and a clothes dryer, and (c) a clear space in front of appliances of at least 1,300 millimetres, and (d) a slip-resistant floor surface, and (e) an accessible path of travel to any clothes line provided in relation to the dwelling. 20 Storage for linen A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299. 21 Garbage A garbage storage area must be provided in an accessible location.		

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2, the subject site is zoned B4 Mixed Use. In accordance with clause 2.3(1) and the B4 zone landuse table, the proposed development for seniors housing is a permissible landuse with consent.

The objectives of the B4 zone are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure that new developments make a positive contribution to the public domain and streetscape.

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

- The proposal is a permissible landuse;
- The development is associated with the existing RSL club.
- The development will provide additional variety of housing types in Wauchope that will be well situated and maximise walking opportunities to surrounding services.
- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
- Clause 4.1 - No minimum lot size for subdivision applies to the land.
- Clause 4.3, the maximum overall height of the buildings above ground level (existing) is 4.7m which complies with the standard height limit of 8.5m and 11.5m applying to the site.

- Clause 4.4, the floor space ratio of the proposal is 0.37:1 which complies with the maximum 1.5:1 floor space ratio applying to the site.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.

However, it is noted that given the older style dwellings proposed to be demolished, a previous application (DA2015 – 230) involving demolition of the same buildings was referred to Council's Heritage advisor who provided the following comments:

"The proposal necessitates the demolition of 5 residential properties numbered 15 to 21 Cameron Street. The properties are owned by the RSL Club. Three of the said properties have cultural heritage value in their streetscape contribution as a record of early 20th century timber dwellings in the Wauchope town area. They are #21, #17, #15 Cameron Street appear to have been constructed pre World War 1. #19 is a later 1950-60s building, #13 is a 1940 – 50s building and is clad with asbestos. Both buildings are considered of lesser streetscape contribution value, while collectively they provide a contiguous form on the street edge.

There is continuity of streetscape and building character, form and scale in this area of Cameron Street. Site consolidation will destroy the historical pattern of subdivision, which is an important element in defining the character of Wauchope residential areas on the commercial perimeter. The fact that three residences that have potential Environmental Heritage Value are proposed to be demolished as a result of this development again highlights that the Heritage Study is in desperate need for revision and expansion.

The heritage value of these buildings should be recognized. Wauchope representatives have been asking for more attention to be given to Wauchope and its character and its better promotion and articulation. Time and funds for the heritage advisor to follow this through have not been available. There is an urgent need for a heritage DCP for Wauchope and the controls over the town centre, either in the form of establishment of a heritage conservation area or character precinct or even individual review and listing of buildings to avail protection and to articulate the reasons for listing and preservation. The heritage list in schedule 5 of the LEP should not be static schedule.

The proponent could be asked to reconsider the redevelopment in the light of the potential heritage value of the buildings and redesign with a view to incorporate them, or seek appropriate sites for reuse and relocation as opposed to demolition."

In the assessment of DA2015 – 230 it was considered that in the absence of a statutory listing of the property under the LEP, there were insufficient grounds to request a redesign of the proposal to incorporate the dwellings. It was additionally considered that it would not be possible to sustain a refusal on heritage grounds given the lack of statutory weight. Conditions of consent were imposed to require photographic evidence to be collected prior to demolition and recommending that the dwellings be relocated if possible.

The dwellings on No's 19 and 21 Cameron Street have subsequently been removed in accordance with that consent, and only the dwellings on No's 15 and 17 remain. The dwelling on No. 15 appeared to have been prepared for relocation at the time of the site inspection.

As the demolition/removal of the buildings has previously been granted consent, the current application could not be refused on the basis of heritage impact. However, conditions similar to those imposed on DA2015 – 230 are recommended.

- 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

Requirements	Proposed	Complies
Chapter 2.3 Environmental Management		
2.3.3.1 Cut and fill max 1.0m	Cut and fill <1m change.	Yes
2.3.3.2 - Max height retaining wall along road 1m. - Retaining wall and fence combination not to exceed 1.8m	No front fence and retaining wall combination proposed.	N/A
Chapter 2.4 Hazards Management	The site is not affected by any hazards.	N/A
Chapter 2.5 Traffic, Access, Parking		
2.5.3.2 Minimal driveway numbers and width	The proposal would involve removal of the existing crossovers in Cameron Street, with all vehicular access to the development via the RSL car park. The development would improve the available street parking.	Yes, subject to parking contribution
2.5.3.3 Off-street parking <u>Residential</u> 1 space per 1 & 2 bed plus 1 visitor space per 4 units 45 x 2 bed units proposed = 45 spaces for units and 12 visitor	See comments regarding parking later in this report.	

Requirements	Proposed	Complies
spaces, which equates 67 spaces total. <u>RSL Club</u> 1 per 6m2 of serviced floor area plus 1 per 2 employees.		
Chapter 2.6 Tree management	The proposal does not involve removal of any Koala food trees or hollow bearing trees.	Yes
Chapter 2.7 Social Impact and Crime Prevention	See comments later in this report regarding social impact and crime prevention.	Yes

(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:

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

iv) Any matters prescribed by the Regulations:

Demolition of buildings AS 2601:

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

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

The site has a general easterly street frontage orientation to Cameron Street. Adjoining the site to the north, west and east are residential allotments generally containing single storey dwellings and some small scale commercial businesses.

Adjoining the site to the south is the existing RSL Club and other commercial development.

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 compatible with the mix of land uses in the locality and adequately addresses planning controls for the area.

The proposal does not have a significant adverse impact on existing view sharing.

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts. Privacy within the development and for existing residential properties adjoining the site would be adequately protected by building design and fencing.

There is no adverse overshadowing impacts.

Roads

The site is on the corner of Young Street and Cameron Street with frontage and vehicle / pedestrian access to both roads. Vehicle access will be to the existing driveways on Young Street and Cameron Street to the RSL Club.

Adjacent to the site, Cameron Street is a sealed public road under the care and control of Council. Cameron Street is a local commercial road with a 14.4 metre carriageway within a 21 metre road reserve.

Adjacent to the site, Young Street is a sealed public road under the care and control of Council. Young Street is a local commercial road with a 12.9 metre carriageway within a 20 metre road reserve.

Traffic and Transport

The Statement of Environmental Effects states:

“The proposed seniors living housing is not anticipated to be a high traffic generator. The proposed car parking arrangements and manoeuvring within the site is acceptable. The residents of the site are well located to walk to existing shops and services and bus stops which provide service to Port Macquarie.”

The application also includes a Traffic Impact Assessment from SECA Solution on 30 March 2015 in support of a similar development on the same site. Findings of the study determined:

“The proposed seniors living housing is not anticipated to be a high traffic generator. The proposed car parking arrangements and manoeuvring within the site is acceptable. The residents of the site are well located to walk to existing shops and services and bus stops which provide service to Port Macquarie.”

The site is ideally situated for this form of development being flat and within easy walking distance to Wauchope Town Centre. Public transport services which provide access further afield, including Port Macquarie and the nearby train station which connects to Sydney and Brisbane. The existing operations of the Wauchope RSL Club will continue unchanged and remaining parking has been shown to be sufficient for the club attendances. Wauchope RSL intend to own and manage the seniors housing with the intent of making it available to RSL club members.”

Council’s engineers agree with the traffic assessment in this regard and it is considered that the existing road network is capable of accommodating the additional traffic generated by the development.

Site Frontage & Access

Vehicle access to the site is proposed via the existing access driveways in Cameron Street and Young Street.

Parking and ManoeuvringExisting parking (RSL Club):

The site currently contains 125 off-street parking spaces associated with the RSL Club use. A further 3 spaces are line marked adjacent to the Cameron Street access, which are currently not useable due to the presence of barriers associated with a former LPG tank in this location.

Previous approvals:

DA2004 – 599 assessed the existing parking demand for the club in accordance with (former) DCP 18 to be 349 spaces. 128 spaces were available on the site at the time, and the conditions of consent required 128 spaces to be retained on the site for the RSL Club.

DA2015 – 230 – A Traffic Impact Assessment (TIA) prepared by SECA Solution and dated 30 March 2015 was submitted in support of this proposal. The TIA provided an existing count of 113 onsite spaces in use by the RSL. As the proposed reconfiguration of parking resulted in 108 spaces for the RSL and 4 commercial spaces which can be used by the RSL during the evenings, the TIA implied that the resulting site shortfall would be only 1 space.

However, the count of existing spaces by Council staff based on aerial photography at the time was 121 spaces. This discrepancy appears to have arisen due to 6 spaces under a carport on the western boundary, and 2 spaces with faded line marking nearby. The proposal therefore resulted in a reduction by 13 spaces within the RSL car park compared to the existing scenario. A credit for the 4 commercial spaces which were assumed to be available during the evening, there was a resulting shortfall of 9 spaces, which would occur at least weekly. The actual number of cars parking within the public road was considered to be even higher than suggested in the TIA.

Current application:

Parking for the seniors housing component of the development satisfies the requirements in the SEPP (minimum 15 spaces required). The proposal provides 15 parking spaces in garages and an additional 2 visitor parking spaces in the RSL Club car park adjacent to the site.

Available parking for the RSL Club would be reduced with the loss of parking on the northern side of the internal access road and the northern end of the current car park. The plans show a total of 40 spaces retained in the northern parking area (including the 2 visitor spaces for the seniors housing), with an additional 61 spaces available in the western car park (total 101 spaces).

The parking provisions for the RSL Club is therefore 24 spaces short of the existing parking that is available on the site, 20 spaces less than the 121 spaces that were accepted to be existing at the time of DA2015 – 230, and 27 spaces short of the number of spaces required by the conditions of DA2004 – 599. Given that the most recent consent accepted that 121 spaces was appropriate for the RSL Club, it is

considered reasonable to base the parking shortfall on this figure. The 101 spaces proposed to be provided in the current application is therefore 20 spaces short of the previously accepted parking demand.

Parking credits can be applied for the additional street parking that would be created in Cameron Street by the removal of existing driveway crossovers (equivalent to 2 spaces).

The overall shortfall in parking is therefore considered to be 18 spaces. The land is located within the area of the Wauchope Town Centre parking contributions in the Port Macquarie-Hastings Contributions Plan 1993 – Part C – Car Parking. A condition is recommended requiring Section 7.11 contributions for the shortfall in parking.

The Applicant has also provided a copy of a 20 February 1967 resolution of Hastings Council, as follows:

47. That the letter from the Wauchope R.S.L. Sub-Branch Club offering to repay a loan of \$4,000 plus interest charges, if the Council will raise such a loan for the purpose of purchasing land in Bransdon Street for the purpose of a car park and requesting that a motion be placed on Council's books for future reference, that i at any time Council wishes to dispose of the land, the R.S.L. Club be offered the opportunity to purchase the land at the present figure, i.e., \$4,000, be received and the R.S.L. Club be given an assurance that in the event of subsequent disposal of the land that the Club would be given the opportunity to purchase the land at \$4,000.

The Applicant has submitted that the above payment for purchase of land by Council for the purpose of town centre car parking in Wauchope should be considered as an appropriate contribution for the parking shortfall in the current application. However, there is insufficient information on Council's records as to the background of the land purchase and whether it was associated with the parking demands of an earlier development. It is therefore not possible to quantify what credits (if any) should be applied for the historic purchase of this land. There is also a substantial historic shortfall in parking for the site (more than 200 spaces at the rates in the DCP) that would need to be taken into account. The Applicant could request the parking contributions be reviewed through a Section 4.55 application, if further evidence could be provided in this regard.

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. Refer to relevant conditions of consent.

Water Supply Connection

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

Each dwelling shall be individually metered for water supply with a master meter installed at the Cameron Street road frontage. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial

components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.

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

Refer to relevant conditions of consent.

Sewer Connection

Council records indicate that the development site has multiple connections to Council's sewer system. A sewer reticulation plan shall be submitted to Sewer Section for approval. Any redundant sewer junctions shall be capped at the main.

Refer to relevant conditions of consent.

Stormwater

The site naturally grades towards the street frontage and is currently serviced via a direct connection to the public piped drainage system.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit. Extension of Council's piped drainage in Cameron Street is required to service the frontage of proposed Lot 2 (containing the seniors housing development).

The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system. The Stormwater Drainage Strategy prepared by Hopkins Consultants makes provision for an ultimate interallotment drainage system serving adjoining properties to the west of the site (No. 22 to 30 Hastings Street). The strategy relies upon construction of parts of the system by the relevant property owners. There is no nexus to require the developer to carry out construction of the full interallotment drainage system for the benefit of these properties. However, the system will need to have the necessary capacity, and include creation of the required easements to allow for future connection by upstream properties.

Flows from the surcharge pit across the northern end of the RSL car park are considered safe in nature (depth/velocity) and the proposed easement (B) provides the legal right to drain. The substantial easement serves a dual purpose, also acting as an incentive to construct the ultimate drainage arrangement prior to proceeding with any further development within the easement's footprint.

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

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

- On site stormwater detention facilities.
- Water quality controls.

- Provision of interallotment drainage to allow the proposed development to drain to the nominated point of discharge via a single suitably sized conduit.

Refer to relevant conditions of consent.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

Refer to LEP comments relating to heritage.

Other land resources

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

Soils

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to 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

Construction of the proposed development will not require any removal/clearing of any significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Part 7 of the Biodiversity Conservation Act is considered to be satisfied.

Waste

The proposal includes common waste storage facilities adjacent to each of the vehicular access points. A condition is recommended requiring a private waste collection service for the development. The Construction Certificate plans will need to demonstrate that the swept path of a waste collection vehicle can be accommodated in accordance with AS 2890. The western access may need to be altered in this regard.

Standard precautionary site management condition recommended for construction and demolition waste.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX. No adverse impacts anticipated.

Noise and vibration

The application relies on previous acoustic assessment carried out as part of DA2015 – 230 by Reverb Acoustics, which assessed the impacts on residential development of noise from the RSL activities and plant, as well as road traffic noise. The noise criteria required to be satisfied are detailed below.

Living Areas:

Road Traffic (Day)	40dB(A),Leq (internal) windows closed 45dB(A),Leq (internal) windows open
--------------------	--

Noise Sources	31dB(A),Leq (internal)
---------------	------------------------

Bedrooms:

Road Traffic (Night)	35dB(A),Leq (internal) windows closed 40dB(A),Leq (internal) windows open
----------------------	--

Noise Sources	25dB(A),Leq (internal) 35dB(A),L1 (internal)
---------------	---

The report provides detailed construction recommendations that would achieve the above internal noise criteria. However, the recommendations were specific to the building proposed under the previous DA2015 – 230 and are not able to be directly applied to this proposal.

A condition is recommended requiring certification from an appropriately qualified acoustic consultant that the plans submitted with the application for a Construction Certificate will achieve the relevant noise criteria.

Condition also 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 site is located in proximity to the types of goods and services that are likely to be needed by future residents of the seniors housing. A public transport route is available in proximity to the site, which provides access to higher order services in Port Macquarie.

The provision of additional housing for seniors in an accessible location is considered to be of social benefit.

Economic impact in the locality

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

Site design and internal design

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

Construction

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

Cumulative Impacts

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

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

The proposal will fit into the locality and the site attributes are conducive to the proposed development. Site constraints have been adequately addressed and appropriate conditions of consent recommended.

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

One written submission has been received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
The development will further block existing surface water runoff from No. 22 Hastings Street, causing stormwater impacts on adjoining properties.	<p>See comments earlier under Stormwater.</p> <p>The design is required to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system. The Stormwater Drainage Strategy prepared by Hopkins Consultants makes provision for an ultimate interallotment drainage system serving adjoining properties to the west of the site (including No. 22 Hastings Street). The strategy relies upon construction of parts of the system by the relevant property owners. There is no nexus to require the developer to carry out construction of the full interallotment drainage system for the benefit of these properties. However, the system will need to have the necessary capacity, and include creation of the required easements to allow for future connection by upstream properties.</p>

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

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

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.15 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 considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result 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](#). DA2018- 562.1 Recommended Conditions

2[View](#). DA2018 - 562.1 DA Plans

Item: 12.15

Subject: AIRPORT BUSINESS PARK PLANNING PROPOSAL - STATUS
UPDATE

Presented by: Development and Environment, Melissa Watkins

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 note the information contained in the Airport Business Park Planning Proposal – Status Update report.

Executive Summary

This report provides an update on progress of planning work subsequent to Council's 21 November 2018 resolution to prepare a Planning Proposal to rezone Council land within the Airport Precinct Investigation Area for Business Park purposes.

Discussion

At the Ordinary Council Meeting held on 21 November 2018, Council considered a report on site selection within the Airport Precinct Investigation Area for a proposed Business Park rezoning and resolved as follows:

RESOLVED: Levido/Hawkins

That Council:

- 1. Notes the assessment in this report and confirms that the Council owned land within the Port Macquarie Airport Precinct Investigation Area, as shown coloured light brown in Attachment 15, is the most suitable land to supply 23.75 hectares of gross developable Business Park zoning in the Airport Precinct Investigation Area.*
- 2. Receive a further report to the February 2019 Council meeting in respect of a Planning Proposal for the Council owned land as identified in 1 above.*
- 3. Advise landowners within the Airport Precinct Investigation Area of the outcome of this decision.*

CARRIED: 7/0

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

AGAINST: Nil

In accordance with item 2 of the resolution, this report provides an update in respect of the preparation of a Planning Proposal.

Following the resolution, meetings were held with the proponent and King and Campbell and involved Cardno, from a probity perspective, during December 2018 and January 2019 to discuss the Planning Proposal preparation.

A draft Planning Proposal is currently being prepared by King and Campbell consultants on behalf of the proponent (Council Airport). Once completed, the draft will be reviewed by Council's Development & Environment Division in accordance with the NSW Department of Planning and Environment's *Guide to Preparing Planning Proposals*.

Following any revisions, the Planning Proposal will then be reported to Council for a decision whether to seek a Gateway Determination from the NSW Department of Planning Environment.

Options

This report is presented for the information of Councillors. Council could opt to request a further update report or await a report on the Planning Proposal.

Community Engagement & Internal Consultation

There are no community engagement and internal consultation matters to report at this time.

Planning & Policy Implications

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

Financial & Economic Implications

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

Attachments

Nil

Item: 12.16

Subject: WITHDRAWAL OF AVEATS - LOT 16 DP 1221921 AND LOT 234 DP 1224670, BRENCHLEY CIRCUIT (RIVERBREEZE ESTATE), WAUCHOPE

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Approve the execution of the Withdrawal of Caveats AK978502 and AM225925 relating to Lot 16 DP 1221921 and Lot 234 DP 1224670, Brenchley Circuit, Wauchope; and
2. Authorise the General Manager to execute any necessary dealings in respect of this matter.

Executive Summary

DA2000 – 670 approved the residential subdivision known as ‘Riverbreeze’, north-west of the Wauchope town centre. The subdivision has been modified on 17 occasions over the past 18 years and is now at the final stage of completion. In recent years land ownership has changed and Council’s planning staff have been in discussions with the new owner and their consultants in relation the dedication of environmentally zoned land to Council and finalisation of the consent.

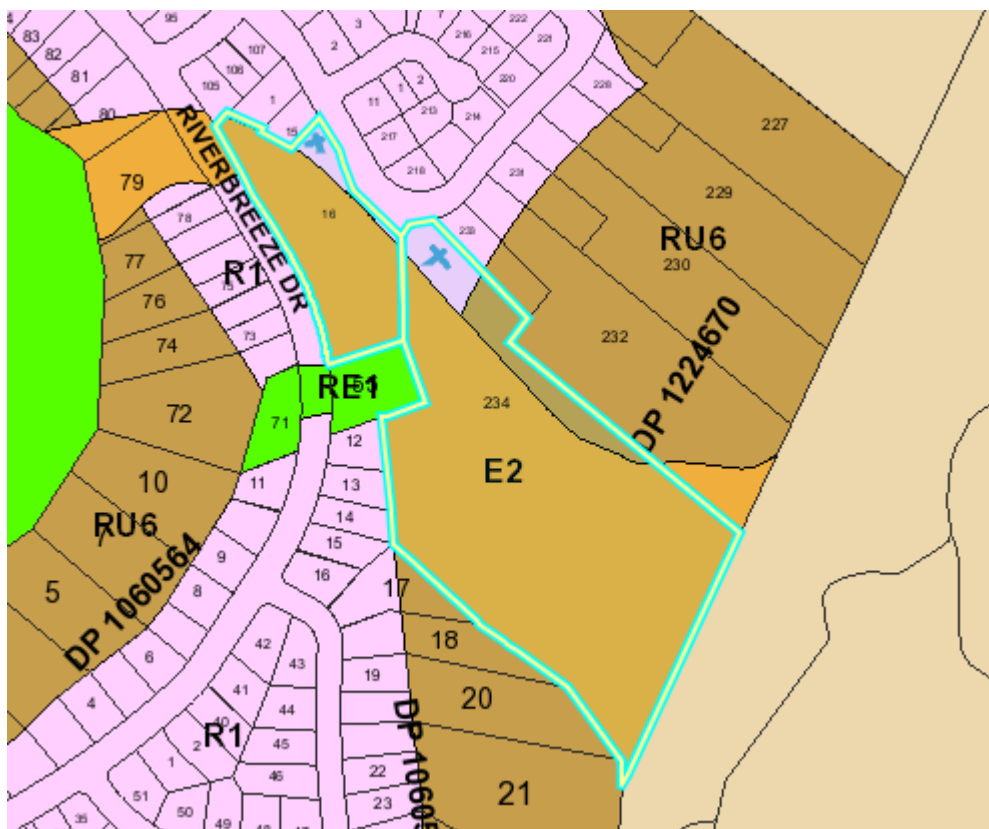
These discussions included an in principle agreement to investigate the part rezoning of Lot 16 DP 1221921 and Lot 234 DP 1224670 so as to provide for a more practical building envelope with bushfire asset protection zone and secure the dedication of the remaining E2 Environmentally zoned land to Council. The landowner voluntarily registered a caveat on the title of both lots so as to not enable the sale of these lots whilst the rezoning investigation was underway.

The initial rezoning investigations have indicated that part rezoning of the E2 zoned land to R1 General Residential to facilitate a greater bushfire asset protection zone for a future dwelling is problematic due to the presence of endangered ecological communities. The owner has now requested that the caveats as shown in **Attachment 1** be withdrawn and have advised that they are of the view that dwellings can be achieved on the existing residentially zoned portions of lots 16 and 234. Whilst details supporting this this have not been provided to Council staff, it is considered unreasonable not to withdraw the caveats given they were voluntarily registered at the request of Council staff and the lots already existed.

This report recommends that the request be acceded to and the caveats be withdrawn. Staff do not have the delegated authority to withdraw the caveats, accordingly the matter is being reported to Council for determination.

Discussion

DA2000 – 670 for the Riverbreeze estate is nearing completion with the final stage now released. Lot 16 DP 1221921 and Lot 234 DP 1224670 are two remaining lots that are yet to be built on. Both lots contain a portion of R1 General Residential zoned land under the Port Macquarie-Hastings Local Environmental Plan 2011 and larger portion of E2 Environmental Conservation. Lot 234 also has a portion of RU6 Transition zone. The map below highlights the subject lots and zoning with a blue cross identifying the residentially zoned area.



The Nearmap image below further illustrates the subject site and the blue polygons are the approximate area of the residential zone on the lots.



Longstanding applications such as the Riverbreeze subdivision can present difficulties as legislation changes over the course of the development, along with the assessment and administrative approach of Council. In the case of the Riverbreeze development, the construction of dwellings on lots 16 and 234 are now subject to more rigorous bushfire protection standards than those applied in 2000. In light of this, and noting that the subdivision consent lacked clarity around dedication of environmental lands, Council staff have been in discussions with the land owner to investigate rezoning some of the E2 zoned land to provide for greater bushfire asset protection zones on the lots. This in turn would reduce the Bushfire Attack Level (BAL) for dwelling construction, hence reduce building costs. These discussions also attempted to address the dedication of environmental land to Council as part of the rezoning investigations. Relevant correspondence outlining the 'in principle' agreement has been provided by the developer. In response to the suggested course of action outlined by Council staff, the land owner registered caveats (**Attachment 1**) on the title of lots to prevent sale of the lots whilst the rezoning and land dedication investigations were underway.

Subsequent to registration of the caveats numerous meetings were held with the proponent to determine how to proceed with a rezoning. The investigations by staff revealed that portions of the E2 zone proposed to be rezoned to R1 comprised an endangered ecological communities and the prospects of obtaining Office of Environment and Heritage concurrence to the proposal and satisfying potential offset requirements were considered to be low. The applicant has now requested that the caveats be withdrawn (**Attachment 2**). This would effectively enable the landowner to sell the lots, which would also retain the E2 zoned land. The landowner has not provided details on the construction requirements for future dwellings on the lots however they have advised that they will be providing a full disclosure to prospective purchasers. Given that the caveats were executed voluntarily and the lots already existing prior, it is considered unreasonable not to withdraw the caveats.

In relation to the dedication of environmental land, the original consent lacked clarity around this. A large area along the northern boundary of the Riverbreeze subdivision

has been dedicated to Council. The E2 land contained within lot 16 and 234 can technically be retained in private ownership, however there would be considered merit in discussing future public dedication with the current or future owners at a future point in time.

Options

Council could opt to execute the withdrawal of caveats or not.

Community Engagement & Internal Consultation

Internal consultation has been undertaken between Council development assessment and strategic planning staff.

Planning & Policy Implications

The planning implications are essentially unchanged to that which were in place when the caveats were created. There will be significant bushfire constraints for the development of dwellings on Lots 16 and 234. The current owner has advised they will disclose this information to any prospective purchaser. Until such time as detailed bushfire investigations and dwelling design are undertaken it is difficult to determine what the bushfire management implications will be. The NSW Rural Fire Service will be consulted with as part of any future development application for dwellings on these lots.

Financial & Economic Implications

Whilst there are no immediate financial or economic implications in relation to the report. Legal advice has not been sought at this stage.

If the E2 land were to be dedicated to Council there would be a cost for ongoing maintenance.

Attachments

- 1[View](#). In Principle agreement to rezoning investigations
- 2[View](#). Caveats
- 3[View](#). Request to withdraw of caveats
- 4[View](#). Correspondence between Council staff and proponent's solicitor

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

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

Item 14.02 EOI-18-04 Independent Member 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 14.03 Supply of Electricity

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 Update on T-18-26 Supply of a Fully Automated, Self Cleaning Toilet Facility

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

Item 14.05 T-18-53 Design and Construction of Underbores - Beechwood and Bonny Hills

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-18-59 Hastings River Drive Upgrade - Pre-construction

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 14.07 Hastings River Drive Property Purchase

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.

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

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

RECOMMENDATION

**Item 14.02 EOI-18-04 Independent Member 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 14.03 Supply of Electricity

**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 14.04 Update on T-18-26 Supply of a Fully Automated, Self Cleaning
Toilet Facility**

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

RECOMMENDATION

Item 14.05 T-18-53 Design and Construction of Underbores - Beechwood and Bonny Hills

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 14.06 T-18-59 Hastings River Drive Upgrade - Pre-construction

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 14.07 Hastings River Drive Property Purchase

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