



Ordinary Council

Business Paper

date of meeting: Wednesday, 20 February 2013

location: Council Chambers, Port Macquarie

time: 5.30pm

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



Council's Vision

A sustainable high quality of life for all.

Council's Mission

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

Council's Corporate Values

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

Council's Guiding Principles

- ★ Ensuring Good Governance
- ★ Looking after our people
- ★ Helping our community prosper
- ★ Looking after our environment
- ★ Planning & providing our infrastructure



**PORT MACQUARIE
HASTINGS**

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

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

Addressing Council on an Agenda Item:

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

- Completing the *Request to Speak on an Agenda Item at a Council Meeting*, which can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.
- Telephoning your request through to Council's Call Centre on (02) 6581 8111.
- On-line at <http://www.hastings.nsw.gov.au/www/html/2924-addressing-a-council-meeting-in-relation-to-an-agenda-item.asp?intSiteID=1>

Your request to address Council must be received by Council no later than 4:30pm on the day prior to the Council Meeting.

Council's Code of Meeting Practice sets out the following guidelines for addressing Council:

- Addresses will be limited to 5 minutes.
- If you wish any written information, drawings or photos to be distributed to the Council to support the address, two (2) copies should be provided to the Manager Executive Services (Governance) prior to the commencement of the meeting.
- Where speakers wish to make an audio visual presentation, a copy is to be provided to the Manager Executive Services (Governance) by 12 noon on the day of the Council Meeting.
- Council will permit only two (2) speakers "Supporting" and two (2) speakers "Opposing" the *Recommendation* contained in the Business Paper. If there are more than two speakers supporting and opposing, the Mayor will request the speakers to determine who will address Council.

Addressing Council in the Public Forum:

If the matter **is not** listed in the Council Business Paper, you can request to address Council by:

- Completing the *Request to Speak in the Public Forum at Ordinary Council Meeting*, which can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.
- Telephoning your request through to Council's Call Centre on (02) 6581 8111.
- On-line at <http://www.hastings.nsw.gov.au/www/html/2926-addressing-council-in-the-council-meeting-public-forum.asp?intSiteID=1>

Your request to address Council must be received by Council no later than 4:30pm on the day prior to the Council Meeting.

A maximum of eight (8) speakers will be heard in the Public Forum. Each speaker will be limited to 5 minutes. Council may ask questions of speakers but speakers **cannot** ask questions of Council.

Council will not determine matters raised in the Public Forum session, however may resolve to call for a further report, when appropriate.

Speakers will be allowed to address Council in the Public Forum on the same issue no more than three (3) times in each calendar year. (Representatives of incorporated community groups may be exempted from this restriction).



**PORT MACQUARIE
HASTINGS**

Ordinary Council Meeting

Wednesday, 20 February 2013

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**PORT MACQUARIE
HASTINGS**

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

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

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

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

Item: 03**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

1. That the Minutes of the Ordinary Council Meeting held on 12 December 2012 be confirmed.
2. That the Minutes of the Extra-Ordinary Council Meeting held on 6 February 2013 be confirmed.

PRESENT**Members:**

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

Other Attendees:

Tony Hayward (General Manager)
Jeffery Sharp (Director of Infrastructure Services)
Craig Swift-McNair (Director of Corporate & Business Services)
Matt Rogers (Director of Development & Environment Services)
Lesley Atkinson (Director of Community & Cultural Development)
Stewart Todd (Group Manager Governance & Executive Services)
Tracey Fairhurst (Communications Co-ordinator)
Bronwyn Lyon (Governance Support Officer)
Sue Pollard (Statutory Reporting Officer)

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 Carl Moses delivered the Local Government Prayer.

03 APOLOGIES

There were no apologies.

04 CONFIRMATION OF MINUTES

RESOLVED: Turner/Griffiths

1. That the Minutes of the Ordinary Council Meeting held on 14 November 2012 be confirmed.
2. That the Minutes of the Extra-Ordinary Council Meeting held on 28 November 2012 be confirmed with the amendment to Item 08.01 – Kooloonbung Creek Pedestrian Bridge to read:
That Council:
 1. *Invite tenders for the design and construction of a 2.5m wide pedestrian bridge across Kooloonbung Creek parallel to and approximately 5m downstream (ie north of) the existing Buller Street traffic bridge. The pedestrian bridge to be a single span cable stay structure.*
 2. *Negotiate with Essential Energy to achieve relocation of the existing 11KV overhead powerline crossing of Kooloonbung Creek in the vicinity of the bridge and endorse provision of Town Centre Masterplan funds to underwrite the associated design and construction costs.*
 3. *In reference to the funding agreement between the Commonwealth of Australia and the Port Macquarie-Hastings Council, dated 19 June 2012, allocate \$600,000 of the \$1 million grant to the costs of the bridge.*
 4. *Undertake a Level 2 inspection of the Buller Street traffic bridge.*

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

05 DISCLOSURES OF INTEREST

Councillor Levido declared a non-pecuniary less than significant interest in Item 12.01 - Grant of Easement for Underground Power at Port Macquarie Airport because he is a partner in the Port Macquarie Law Firm, Donovan Oates Hannaford Lawyers. The Firm acts for Essential Energy and undertake the Firm's work for Essential Energy.

Councillor Levido declared a non-pecuniary significant interest in Item 12.09 - Settlement City Precinct – Draft Development Control Plan, Draft Section 94 Contributions Plan and Kmart Planning Proposal because he is a partner in the Port Macquarie Law Firm, Donovan Oates Hannaford Lawyers. The Firm acts for three (3) parties who have interests in the Settlement City Precinct.

Councillor Cusato declared a pecuniary interest in Item 08.11 – Tender T-12-19

Flood Mitigation Channel – Belah Road because his direct relative is a tenderer.

Councillor Cusato declared a non-pecuniary less than insignificant interest in Item 12.09 - Settlement City Precinct – Draft Development Control Plan, Draft Section 94 Contributions Plan and Kmart Planning Proposal because he is a retailer in the Port Macquarie area.

SUSPENSION OF STANDING ORDERS

RESOLVED: Besseling/Turner

That Standing Orders be suspended to allow 07.01 and 07.02 to be brought forward and considered next.

07.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

MOTION: Besseling

That the Mayoral Discretionary Fund allocations for the period 30 October 2012 to 30 November 2012 be noted.

07.02 COUNCILLOR PORTFOLIO STRUCTURE

MOTION: Besseling

That Council implement a Councillor Portfolio Structure as follows:

- (a) Communication, Government and Community Relations
Chair: Mayor Peter Besseling
Alt Chair: General Manager, Tony Hayward
- (b) Future Planning
Chair: Councillor Trevor Sargeant
Alt Chair: Councillor Lisa Intemann
- (c) Commerce Industry & Higher Education
Chair: Councillor Rob Turner
Alt Chair: Councillor Trevor Sargeant
- (d) Events & Tourism
Chair: Councillor Mike Cusato
Alt Chair: Councillor Rob Turner
- (e) Glasshouse

Chair: Councillor Adam Roberts
Alt Chair: Councillor Sharon Griffiths

- (f) Major Projects
Chair: Councillor Justin Levido
Alt Chair: Councillor Adam Roberts
- (g) Roads & Infrastructure
Chair: Councillor Lisa Intemann
Alt Chair: Councillor Mike Cusato
- (h) Organisational Efficiency & IT
Chair: Councillor Sharon Griffiths
Alt Chair: Councillor Geoff Hawkins
- (i) Finance & Governance
Chair: Councillor Geoff Hawkins
Alt Chair: Councillor Justin Levido

to champion the advancement of Council's key priorities by providing a means of gathering, receiving and discussing information in an efficient and timely manner.

06 PUBLIC FORUM

The Mayor advised of requests to speak in the Public Forum from:
Kevin Williams regarding the Communities of the Three Brothers Community Economic Transition Plan.
Kate Wood-Foye and Dr Muyesser Durr regarding the Youth Summit 2013.
Kevin Gallagher regarding a proposed science centre on Rotary Park.

RESOLVED: Turner/Griffiths

That the above requests to speak be permitted.

06.01 COMMUNITIES OF THE THREE BROTHERS – COMMUNITY ECONOMIC TRANSITION PLAN

Kevin Williams, representing the Communities of the Three Brothers, presented Council with an overview of the Community Economic Transition Plan.

06.02 YOUTH SUMMIT 2013

Kate Wood-Foye and Dr Muyesser Durr, representing Luminosity, addressed Council in regard to the Youth Summit 2013.

06.03 PROPOSED SCIENCE CENTRE ON ROTARY PARK

Kevin Gallagher, representing the Port Macquarie Astronomical Association Inc., addressed Council in regard to a proposed science centre on Rotary Park and answered questions from Councillors.

REQUESTS TO SPEAK ON AN AGENDA ITEM

The Mayor advised of the following requests to speak on agenda items:

Item 09.08 – Katie Thomas in support of the recommendation.

Item 12.09 – Tony Thorne in support of the recommendation.

Item 12.09 – Ian Williams in support of the recommendation.

Item 12.11 – Terry Minahan in opposition to the recommendation.

Item 12.11 – Breelin Frederick in support of the recommendation.

Item 12.11 – Clayton Coad in opposition to the recommendation.

Item 12.11 – Paula Skinner in support of the recommendation.

RESOLVED: Turner/Griffiths

That the above requests to speak be permitted.

SUSPENSION OF STANDING ORDERS

RESOLVED: Turner/Cusato

That Standing Orders be suspended to allow 09.08, 12.09 and 12.11 to be brought forward and considered next.

09.08 YOUTH ADVISORY COUNCIL ANNUAL REPORT

Katie Thomas, representing the Youth Advisory Council addressed Council in support of the recommendation.

RESOLVED: Levido/Griffiths

That Council note:

1. The establishment of Youth Advisory Council sub groups in Wauchope and Laurieton in addition to the existing Port Macquarie group.
2. The Port Macquarie-Hastings Youth Advisory Council organised and ran one of the most successful and well attended Youth Week Programs in New South Wales in 2012.
3. The Port Macquarie-Hastings Youth Advisory Council won two New South Wales State Local Government Awards for the 2012 Youth Week Program.

CARRIED: 9/0

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

AGAINST: Nil

12.09 SETTLEMENT CITY PRECINCT - DRAFT DEVELOPMENT CONTROL PLAN, DRAFT SECTION 94 CONTRIBUTIONS PLAN AND KMART PLANNING PROPOSAL

Justin Levido left the meeting, the time being 06:09pm.

The Mayor noted the replacement report of this item and invited the Director of Development and Environmental Services to outline the report changes.

The Director of Development and Environmental Services spoke to the replacement report outlining amendments to be original report.

Ian Williams, Kmart Australia Limited, addressed Council in support of the recommendation.

Tony Thorne, King and Campbell, representing Kmart Australia Limited, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Intemann/Turner

That Council:

1. Endorse for public exhibition the revisions to draft Settlement City Precinct development control provisions, as described in this report.
 2. Prepare and exhibit an amended draft Section 94 Settlement City Precinct Roads Contribution Plan, as described in this report.
 3. Negotiate and exhibit a Voluntary Planning Agreement, as described in this report.
 4. Prepare a Planning Proposal, as described in this report, pursuant to s55 of the Environmental Planning & Assessment Act 1979, subject to satisfactory
-

resolution of item no 3 above, to:

- a) Amend the Height of Building and Floor Space Ratio maps applying to Lot 2 DP 1163062, Warlters and Park Streets, Port Macquarie (the Kmart site);
 - b) Amend the Height of Building map applying to Lot 3 DP 263340 (adjoining Council-owned land) and Lot 1 DP 1163062 (St Josephs Primary School), Warlters and Bay Streets, Port Macquarie; and
 - c) Incorporate Design Excellence Provisions for land zoned B3 Commercial Core and SP3 Tourist in the Settlement City Precinct.
5. Forward the Planning Proposal to the Minister for Planning & Infrastructure to obtain a Gateway Determination pursuant to s56 of the Environmental Planning & Assessment Act 1979.
 6. Advise all persons who have previously made submissions and who own land adjoining the Settlement City Precinct regarding the exhibition of the revised draft documents in items 1 to 4 above.
 7. That the exhibition period not commence before 1 January 2013 and that during the exhibition period a briefing session be held with Councillors in addition to any public consultation.
 8. That consideration be given to reinstating the public art provisions in the exhibited DCP.

CARRIED: 8/0

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

AGAINST: Nil

Justin Levido returned to the meeting, the time being 06:37pm.

12.11 PORT MACQUARIE INDOOR STADIUM EXPANSION PIN (56563)

Clayton Coad, representing IFMG – Port Macquarie Indoor Stadium, addressed Council in opposition to the recommendation.

Breelin Frederick, representing the youth of Port Macquarie, addressed Council in support of the recommendation and answered questions from Councillors.

Terry Minahan, representing Hibbard residents, addressed Council in opposition to the recommendation.

Paula Skinner addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Sargeant/Hawkins

That Council note the previous application to, and acceptance by the NSW Government for the inclusion of a PCYC within an expanded Port Macquarie indoor stadium.

That Council endorse the decision made by the former Council Administrator for an expanded indoor stadium facility that includes a PCYC.

That a memorandum of understanding be developed between Council and the PCYC

that specifies an agreed manner of operation and upkeep and ensures minimum disruption to nearby residents

That the style, size and design of the expanded facility be considered in a rigorous community engagement process using the concept plan as included within this report as a starting point.

That the outcomes of this community engagement process proceed to a development application process by March 2013 enabling issues such as safety, parking, noise ,neighbourhood amenity and other matters raised by residents in the consultation to date, are examined and reported upon to Council for a decision prior to lodgement of the development application.

CARRIED: 9/0

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

AGAINST: Nil

08.01 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Levido/Roberts

That Council determine that the attachments to Item numbers 08.09, 08.11, 08.12, 08.13, 08.14, 08.15, 09.01, 12.10 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

CARRIED: 9/0

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

AGAINST: Nil

08.02 DECEMBER 2012 STATUS OF OUTSTANDING REPORTS TO COUNCIL

RESOLVED: Levido/Sargeant

That the information in the December 2012 Status of Outstanding Reports to Council be noted.

CARRIED: 9/0

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

AGAINST: Nil

08.03 DISCLOSURE OF INTEREST RETURN - COUNCILLORS

RESOLVED: Intemann/Turner

That the Disclosure of Interest returns for the Mayor and all Councillors be noted.

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

08.04 DISCLOSURE OF INTEREST RETURN - BUILDING SURVEYOR COMPLIANCE

RESOLVED: Intemann/Turner

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

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

08.05 ESTABLISHMENT OF COUNCILLOR MEMBERSHIP TO COMMITTEES AND BOARDS

RESOLVED: Sargeant/Levido

That Council:

1. Appoint the following Councillor Representation to its committees:

Audit Committee	Councillor Hawkins Alternate – Councillor Griffiths
Australia Day Sub-Committee	Mayor Councillor Cusato
Local Traffic Committee / Local Development Committee (Traffic)	Mayor
Mid North Coast Weeds Advisory Committee	Councillor Intemann Alternate – Councillor Levido
Port Macquarie-Hastings Sporting Fund Sub-Committee (Mayor's Sporting Fund)	Mayor
Port Macquarie-Handa Sister City Sub- Committee	Mayor Councillor Sargeant
Aboriginal Advisory Committee	Councillor Levido

(currently suspended)	Alternate – Councillor Hawkins
Arts & Cultural Development Committee	Councillor Roberts Alternate – Councillor Griffiths
Crime Prevention Committee	Mayor Councillor Griffiths
Hastings Access Sub-Committee	Councillor Turner Alternate – Councillor Intemann
Heritage & Museums Sub-Committee	Councillor Sargeant Alternate – Councillor Intemann
Port Macquarie-Hastings Youth Advisory Committee	Councillor Roberts Alternate – Councillor Turner
Regional Gallery Advisory Board	Councillor Levido Alternate – Councillor Hawkins
Port Macquarie-Hastings LGA Coast & Estuaries Sub-Committee	Councillor Intemann Councillor Roberts
Port Macquarie-Hastings LGA Floodplain Sub-Committee	Councillor Griffiths Councillor Sargeant
Town Centre Master Plan Sub-Committee	Councillor Hawkins Alternate – Councillor Cusato

2. Appoint the following Councillor Representation to the following boards:

Greater Port Macquarie Tourism Association Inc.	Councillor Cusato Alternate – Councillor Turner
Arts Mid North Coast	Councillor Sargeant Alternate – Councillor Levido

3. Rename the 'Port Macquarie-Hastings Sporting Fund Sub-Committee' to the 'Mayor's Sporting Fund Sub-Committee'.

CARRIED: 9/0

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

AGAINST: Nil

08.06 PROCUREMENT PROFESSIONAL OF THE YEAR AWARD FOR 2012

RESOLVED: Besseling/Turner

That Council congratulate Council's Procurement Coordinator Michael Robinson on being awarded Procurement Professional of the Year Award for 2012 by Local Government Procurement.

CARRIED: 9/0

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

AGAINST: Nil

08.07 DRAFT ASSET DISPOSAL POLICY

RESOLVED: Roberts/Griffiths

That Council:

1. Endorse the draft "Asset Disposal Policy" to be placed on public exhibition for a period of 60 days.
2. Upon receipt and consideration of any submissions received during the exhibition period, consider the "Asset Disposal Policy" for adoption at a future meeting of Council.

CARRIED: 9/0

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

AGAINST: Nil

08.08 MONTHLY REVIEW OF FINANCIAL POSITION - NOVEMBER 2012

RESOLVED: Levido/Hawkins

That Council adopt the adjustments included in the "Financial Implications" section of the Monthly Review of Financial Position report for November 2012.

CARRIED: 9/0

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

AGAINST: Nil

08.09 GLASSHOUSE FINANCES

RESOLVED: Roberts/Sargeant

That Council:

Note the information provided on the status of Glasshouse finances and outstanding loans; and

Provide a further report to Council on the current year budget forecast following ledger restructuring.

Undertake a community engagement process during the first quarter of 2013 for the purpose of assisting Council to determine the future strategic direction of the Glasshouse.

Give consideration to the future strategic direction of the Glasshouse, following the conclusion of the community engagement process at a future meeting of Council.

Develop a strategic plan for the Glasshouse following a determination of the future direction of the facility.

CARRIED: 9/0

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

08.10 INVESTMENTS - OCTOBER 2012

RESOLVED: Levido/Griffiths

That Council receive and note the Investment Report for October 2012.

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

08.11 TENDER T-12-19 FLOOD MITIGATION CHANNEL - BELAH ROAD

Michael Cusato left the meeting, the time being 07:25pm.

RESOLVED: Intemann/Sargeant

That Council:

1. Accept the tender for \$271,656.50 (excl GST) from Deklax Pty Ltd (trading as) Bridle Demolition Earthmoving Recycling for the construction of a Flood Mitigation Channel – Belah Road Port Macquarie.
2. Approve the transfer of \$70,000 to the project budget to address the funding requirements as detailed in the financial & economic section of this report.
3. Affix the seal of Council to the necessary documents.

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

Michael Cusato returned to the meeting, the time being 07:26pm.

08.12 TENDER T-12-20 SUPPLY & DELIVERY OF BURIAL PLAQUES

RESOLVED: Levido/Roberts

That Council:

1. Accept the tender from Phoenix Foundry Pty Ltd for the Supply and Delivery of Burial & Cremation Plaques for the period 1 January 2013 to 31 December 2015 with a further 12 month option available.
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2. Affix the seal of Council to the necessary documents.

CARRIED: 9/0

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

AGAINST: Nil

08.13 TENDER T-12-21 PURCHASE OF TWO (2) MOTOR GRADERS

RESOLVED: Cusato/Griffiths

That Council:

1. Accept the tender for \$314,911.11 (Ex GST) received from Hitachi Construction Equipment Pty Ltd for the Supply & Delivery of one (1) John Deere 670G Motor Grader including option of tilting front blade.
2. Accept the tender for \$337,311.11 (Ex GST) received from Hitachi Construction Equipment Pty Ltd for the Supply & Delivery of one (1) John Deere 670GP Motor Grader including option of tilting front blade and grader blade model upgrade (14ft).
3. Accept the trade in offer of \$140,000.00 (Ex GST) received from Hitachi Construction Equipment Pty Ltd for two (2) 1996 Caterpillar 12G Motor Graders leaving a net changeover cost to Council of \$512,222.22 (Ex GST).
4. Affix the seal of Council to the necessary documents.

CARRIED: 9/0

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

AGAINST: Nil

08.14 TENDER T-12-24 PURCHASE OF ONE (1) LANDFILL COMPACTOR

RESOLVED: Sargeant/ Levido

That Council:

1. Accept the tender for \$816,041.24 (Excl GST) received from GCM Enviro Pty Ltd for the Supply & Delivery of one (1) Landfill Compactor including options of tilting front blade, reversing camera, extended warranty and GPS engine diagnostic system.
2. Accept the trade in offer of \$140,000.00 (Excl GST) received from GCM Enviro Pty Ltd for one (1) 2004 Tanna G400 Landfill Compactor leaving a net changeover cost to Council of \$676,041.24 (Excl GST).
3. Affix the seal of Council to the necessary documents.

CARRIED: 9/0

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

AGAINST: Nil

08.15 TENDER T-12-25 SUPPLY & DELIVERY OF ONE (1) ELEVATED WORK PLATFORM (EWP)

RESOLVED: Cusato/Roberts

That Council:

1. Decline to accept the tender received from Nifty Pty Ltd for the Supply & Delivery of one (1) Elevated Work Platform. (In accordance with Local Government (General) Regulations 2005 - 178 1(b)) due to the machine not being able to meet all of Council's operational requirements; and
2. Selectively invite tenders from the below list of organisations for the Supply & Delivery of one (1) Elevated Work Platform. (In accordance with Local Government (General) Regulations 2005 - 178 3(b))
 - Monitor Industries;
 - Platform Sales Australia Pty Ltd;
 - Snorkel Australia Pty Ltd.

CARRIED: 9/0

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

AGAINST: Nil

09.01 ANNUAL REPORTING OF CONTRACTS FOR SENIOR STAFF

RESOLVED: Roberts/Griffiths

That Council note the contractual conditions for the following Senior roles in the Organisation:

- General Manager
- Director Infrastructure Services
- Director Community and Cultural Development
- Director Corporate and Business Services
- Director Development and Environmental Services

CARRIED: 9/0

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

AGAINST: Nil

09.02 RECOMMENDED ITEMS FROM THE PMH SPORTING FUND SUB-COMMITTEE MEETING HELD 1 NOVEMBER 2012

RESOLVED: Levido/Hawkins

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Port Macquarie-Hastings Sporting Fund to:

1. Ms Megan Cooper \$350.00 (ex GST) to assist with expenses she would have incurred competing at the National Bouldering Titles held in Sydney on 14 October 2012.
2. Ms Melissa Norup \$1,000.00 (ex GST) to assist with the expenses she will incur competing as part of the Australian School Girls Football (Soccer) Team to travel to Brazil and Argentina between 17 January 2013 and 3 February 2013 inclusive.

CARRIED: 9/0

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

AGAINST: Nil

09.03 AMENDMENT OF SCHEDULE OF FEES AND CHARGES FOR 2012/2013

RESOLVED: Hawkins/Cusato

That Council adopt the Amended Schedule of Fees and Charges for 2012/2013 incorporating a tiered pricing structure for Glasshouse Fees to provide a 40% discount to eligible not for profit groups.

CARRIED: 9/0

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

AGAINST: Nil

**09.04 DELEGATION TO COUNCIL OF FUNCTIONS UNDER THE PLUMBING
AND DRAINAGE ACT 2011**

RESOLVED: Intemann/Roberts

That Council:

1. Accept the NSW Fair Trading proposal to delegate plumbing regulator functions under the Plumbing and Drainage Act 2011 and affix the common seal to the Instrument of Delegation.
2. In accordance with Section 377 of the Local Government Act, 1993 - delegate its plumbing regulator functions under the Plumbing and Drainage Act 2011 to the General Manager.

CARRIED: 9/0

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

AGAINST: Nil

**09.05 ABORIGINAL RECONCILIATION ACTION PLAN 2008 - 2012 END OF
TERM REPORT**

RESOLVED: Levido/Sargeant

That Council note the End of Term Report of the Aboriginal Reconciliation Action Plan 2008 – 2012.

CARRIED: 9/0

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

AGAINST: Nil

**09.06 BUILDING BETTER REGIONAL CITIES PROGRAM AND HOUSING
AFFORDABILITY SCHEME (HARS)**

RESOLVED: Sargeant/Intemann

That Council note the Council Report on the Building Better Regional Cities Grant Program including the Housing Affordability Incentive Scheme tabled at the 12 December 2012 meeting.

CARRIED: 9/0

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

AGAINST: Nil

09.07 HEADSPACE PORT MACQUARIE - MEMORANDUM OF UNDERSTANDING

RESOLVED: Griffiths/Roberts

That Council note:

1. The Port Macquarie-Hastings Headspace Youth Mental Health Centre, will open for business in January 2013.
2. Port Macquarie-Hastings Council is a member of the Headspace Consortium.
3. The contribution Port Macquarie-Hastings Council staff will make towards the Headspace Centre.

CARRIED: 9/0

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

AGAINST: Nil

09.09 PROPOSAL TO NSW GOVERNMENT REGARDING PUBLIC LIBRARY FUNDING

RESOLVED: Levido/Intemann

That Council:

1. Note that the North East Zone of the NSW Public Libraries Association has endorsed a motion that all councils approach their local member to write to the Minister for the Arts in NSW calling upon the Government to implement the submission of the Library Council of NSW for the reform of the funding system for NSW Public Libraries.
2. Write to the Minister for the Arts in NSW through the local members supporting the Library Council of NSW submission seeking a reform of the current funding system for NSW Public Libraries.

CARRIED: 9/0

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

AGAINST: Nil

10.01 TERTIARY EDUCATION PLANNING

RESOLVED: Sargeant/Roberts

That Council:

Facilitate the resumption of regular meetings between Council, the Vice Chancellors of University of Newcastle, Charles Sturt University, the University of NSW, and the Director of North Coast TAFE or their senior representatives to consider future, coordinated planning for the delivery of tertiary education in discipline areas that are strategically linked to employment demands and aspirations within the mid north coast region.

Review the current Higher Education Plan (July 2010).

CARRIED: 9/0

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

AGAINST: Nil

10.02 BEST PRACTICE IN AREAS OF CRITICAL OPERATIONS

RESOLVED: Sargeant/Levido

That the General Manager prepare a report by the February 2013 Ordinary Council Meeting as to how Council plans to constantly research and deliver best practice in its critical areas of operations.

CARRIED: 9/0

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

AGAINST: Nil

11.01 WALL RESERVE TREE MANAGEMENT ISSUES (PIN 15194)

RESOLVED: Sargeant/Intemann

That Council:

1. Note the information provided in relation to the management of Wall Reserve.
2. Be provided with copies of submissions previously made by the Camden Haven Protection Society and Friends of Grants Beach.
3. Request officers to organize an onsite inspection for Councillors.

CARRIED: 9/0

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

AGAINST: Nil

11.02 2013 NSW COASTAL CONFERENCE - PORT MACQUARIE

RESOLVED: Hawkins/Roberts

That Council make provision in the 2013-2014 Operational Plan to underwrite the 2013 NSW Coastal Conference to be held in Port Macquarie in November 2013 to the value of \$10,000.

CARRIED: 9/0

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

AGAINST: Nil

11.03 EXTENTION OF WASTE SERVICES CONTRACTS

RESOLVED: Levido/Griffiths

That Council:

1. Not invite tenders for the Contract concerning the Collection of Waste and Recoverable Resources from the expiry of the current Contract in October 2011 as pursuant to s55(3)(i) of the Local Government Act 1993 (NSW), calling for tenders for short term operations is unlikely to generate a competitive environment due to high establishment costs and short contract duration.
2. Enter into a Deed of Variation of the current Contract for the Collection of Waste and Recoverable Resources to extend the operation of that Contract from 30 June 2013 to 31 August 2014.
3. Not invite tenders for the Contract concerning the operation of the Cairncross Organic Resource Recovery Facility from the expiry of the current Contract in June 2013 as pursuant to s55(3)(i) of the Local Government Act 1993 (NSW), calling for tenders for short term operations is unlikely to generate a competitive environment due to high establishment costs and short contract duration.
4. Enter into a Deed of Variation of the current Contract for the operation of the Cairncross Organic Resource Recovery Facility to extend the operation of that Contract from 30 June 2013 to 31 August 2014 with the following amendments to the current contract:
 - a. Option B1 of the contract (Commercial and Industrial Waste) not being included in the contact extension.
 - b. The schedule of rates for Option B of the contract being amended to \$90 per tonne from 1 July 2013.
 - c. Amendment of the minimum tonnage in Clause 2.6.1 to 23,000 tonnes per annum.
5. Affix the Seal of Council to the necessary documents.

CARRIED: 9/0

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

AGAINST: Nil

**12.01 GRANT OF EASEMENT FOR UNDERGROUND POWER AT PORT
MACQUARIE AIRPORT**

RESOLVED: Roberts/Levido

That Council:

1. Accept the offer of compensation in the amount of \$10,663 (GST Exclusive) for the granting of an easement 2 metres wide for underground electricity affecting Lot 25 DP1123026 (or land being a successor in title to Lot 25 DP1123026).
2. Pursuant to Section 377 of the Local Government Act 1993, delegate to the General Manager authority to sign:
 - a) Deed /contract of easement acquisition
 - b) Land and Property Information Transfer Granting Easement Form.

CARRIED: 9/0

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

AGAINST: Nil

**12.02 LAKE ROAD, PORT MACQUARIE - 40KM/H HIGH PEDESTRIAN ACTIVITY
AREA**

RESOLVED: Cusato/Griffiths

That Council:

1. Endorse the implementation of the Lake Road 40kmh High Pedestrian Activity Area.
2. Place the proposal on exhibition for community information and comment prior to implementation of the works for a period of sixty days,
3. Report to Council following closure of the exhibition period.

CARRIED: 9/0

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

AGAINST: Nil

12.03 THRUMSTER SEWERAGE

RESOLVED: Sargeant/Hawkins

That Council receive and note the updated information in relation to the provision of a sewage transfer system for Thrumster, via the directional drilling pipeline connecting to the existing Port Macquarie Sewerage Scheme.

CARRIED: 9/0

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

AGAINST: Nil

12.04 SMALL VILLAGES SEWERAGE SCHEME

RESOLVED: Levido/Griffiths

That a report be provided to the March 2013 Meeting of Council:
Confirming details of the commissioning of the reticulated sewerage service servicing Herons Creek; and
Setting out an achievable and funded timeline that will deliver a commissioned reticulated sewerage service to each of the Villages of Beechwood, North Shore, Comboyne, Long Flat and Telegraph Point by August 2016.

CARRIED: 9/0

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

AGAINST: Nil

12.05 DESIGN, CONSTRUCTION AND MAINTENANCE OF TRANSPORT ASSETS

RESOLVED: Levido/Turner

That Council:

1. Receive and note the Infrastructure Services Division's commitment to ongoing transport service improvements as discussed in this report.
2. Confirm its endorsement of the risk based approach to hazard identification, inspections, assessment and prioritisation of roads/transport assets maintenance based on the Statewide Mutual Best Practise Guidelines as adopted by Council under Administration on 23 May 2012.
3. Write to the Federal Member for Lyne and each of the State Members for Port Macquarie and Oxley providing them with a copy of the Report, setting out its pertinent aspects as to the significant funding challenges facing Council and seeking support in lobbying the Federal and State Government as to a realistic,

-
- viable and sustainable funding regime for the provision and maintenance of transport assets;
4. Develop a Public Awareness Campaign to be directed to the residents of the Port Macquarie-Hastings LGA as to the financial realities and challenges facing Council and the community with respect to the design, construction and maintenance of transport assets with such Campaign aimed at engaging the community as to the facts and the critical need for the Federal and State Government to prioritise the delivery of such a realistic, viable and sustainable funding regime as a matter of urgency; and
 5. Request the General Manager to provide a further report to the March 2013 Council Meeting as to the proposed Public Awareness Campaign.

CARRIED: 9/0

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

AGAINST: Nil

12.06 PROPOSED DELEGATIONS UNDER SECTION 59 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979.

RESOLVED: Roberts/Cusato

That Council:

1. Write to the NSW Department of Planning & Infrastructure to confirm acceptance of the delegations pursuant to Section 59 of the Environmental Planning & Assessment Act, 1979.
2. Pursuant to Section 377 of the Local Government Act 1993, delegate its functions pursuant to Section 59 of the Environmental Planning & Assessment Act, 1979 to the General Manager.

CARRIED: 9/0

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

AGAINST: Nil

12.07 LAKE ROAD INTERIM TRAFFIC IMPROVEMENTS

RESOLVED: Cusato/Sargeant

1. That Council carry out works to create a left turn only lane out of Acacia Avenue into Lake Road and a left turn only lane out of Chestnut Road into Lake Road.
2. That Council defer the Lake Road interim traffic improvements discussed in this report until the determination of Council's application for Lake Road improvements under the Federal Black Spot Program 2012/13.

CARRIED: 9/0

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

AGAINST: Nil

12.08 REZONING OF LAND AT DUNBOGAN FROM ZONE E2 ENVIRONMENTAL CONSERVATION TO ZONE E3 ENVIRONMENTAL MANAGEMENT (PIN 03468, 03469, 03470, 21855, 26603, 40332)

RESOLVED: Intemann/Sargeant

That Council:

1. Prepare a draft planning proposal in relation to the following lots at Dunbogan, to change that part of the lots which is zoned E2 Environmental Conservation to E3 Environmental Management, consistent with section 55 of the Environmental Planning and Assessment Act, 1979:
Lot 6 DP 734429
Lot 7 DP 734429
Lot 8 DP 734429
Lot 21 DP 835388
Lot 1 DP 270065
Lot 1 DP 1055417
2. Forward the draft Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination consistent with Section 56 of the Environmental Planning and Assessment Act, 1979.

CARRIED: 9/0

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

AGAINST: Nil

**12.10 BUILDING BETTER REGIONAL CITIES GRANT PROGRAM -
AFFORDABLE HOUSING INCENTIVE SCHEME ARRANGEMENTS**

RESOLVED: Roberts/Turner

That Council:

1. Waive the requirement to undertake a tender process in relation to the delivery of the Port Macquarie-Hastings Council affordable housing incentive scheme as part of the Building Better Regional Cities (BBRC) Funding Agreement under section 55(3)(i) of the Local Government Act 1993 as there are limited providers of these services and the Federal Government has endorsed this provider under the BBRC funding program.
2. Authorise the General Manager to enter into a contract with Ethan Affordable Housing to deliver the affordable housing incentive scheme.
3. Note the status of the BBRC project.
4. Amend the 2012/13 Operational Plan to include the delivery of this affordable housing incentive scheme.

CARRIED: 9/0

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

AGAINST: Nil

13 QUESTIONS FOR NEXT MEETING

Nil

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Besseling/Roberts

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 General Manager Annual Performance Review 2011/2012

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

-
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.

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 8.10pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 8.45pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Roberts/Cusato

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

Item 14.01 General Manager Annual Performance Review 2011/2012

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

RECOMMENDATION

That Council note the report on the Annual performance of the General Manager undertaken by Administrator Neil Porter in August 2012 and approve an increase in line with the SES Remuneration Tribunal determination.

The meeting closed at 8.46pm.

.....
Peter Besseling
Mayor

PRESENT**Members:**

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

Other Attendees:

Tony Hayward (General Manager)
Jeffery Sharp (Director of Infrastructure Services)
Craig Swift-McNair (Director of Corporate & Business Services)
Matt Rogers (Director of Development & Environment Services)
Lesley Atkinson (Director of Community & Cultural Development)
Stewart Todd (Group Manager Governance & Executive Services)
Lyndal Harper (Acting Communications Manager)
Bronwyn Lyon (Governance Support Officer)
Sue Pollard (Statutory Reporting Officer)
Linda Kocis (Executive Assistant to the Mayor)

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 APOLOGIES

There were no apologies.

03 DISCLOSURES OF INTEREST

Councillor Levido declared a pecuniary and non-pecuniary significant interest in Item 08.02 - Public exhibition of area-based development provisions for Rainbow Beach (Area 14): Submissions Report. The reason being:

1. Councillor Levido is a partner in the Port Macquarie Law Firm, Donovan Oates Hannaford Lawyers.
The Firm currently:
 - i) acts for one of the Landowners within Area 14;
 - ii) has acted in the past for another Landowner in Area 14; and
 - iii) acts for a related entity of another Landowner in Area 14.The Firm has a reasonable likelihood or expectation of appreciable financial gain or loss in the matter the subject of this Report before Council.
2. The aforesaid clients also have a reasonable likelihood or expectation of appreciable financial gain or loss in the matter the subject of this Report before Council.

04 ENSURING GOOD GOVERNANCE

Nil

05 LOOKING AFTER OUR PEOPLE

Nil

06 HELPING OUR COMMUNITY PROSPER

Nil

REQUESTS TO SPEAK ON AN AGENDA ITEM

The Mayor advised of requests to speak on an agenda item for Item 07.01 from Paul Flemming (S).

RESOLVED: Roberts/Turner

That the above request to speak be permitted.

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

07.01 LAKE CATHIE COASTAL ZONE MANAGEMENT PLAN

Paul Flemming addressed Council in support of the recommendation.

RESOLVED: Intemann/Sargeant

That Council note the progress of coastal management planning for Lake Cathie.

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

08.01 WATER RESTRICTION TRIGGER LEVELS AND UPDATE ON CURRENT WATER SUPPLY

MOTION*MOVED: Roberts/Levido*

That Council:

1. Adopt trigger levels for water restrictions for the Port Macquarie-Hastings LGA as follows:

Restriction Level	Trigger Point
Level 1 Mandatory Water Conservation Measures	Combined total storage in Cowarra & Port Macquarie Dams above 80% capacity
Level 2 Not used by Port Macquarie-Hastings Council	
Level 3	Combined total storage in Cowarra & Port Macquarie Dams below 80% capacity & river flows causing nil or sporadic pumping from Hastings River
Level 4	Combined total storage in Cowarra & Port Macquarie Dams below 70% capacity & river flows causing nil or sporadic pumping from Hastings River
Level 5	Combined total storage in Cowarra & Port Macquarie Dams below 60% capacity & river flows causing nil or sporadic pumping from Hastings River
Level 6	Combined total storage in Cowarra & Port Macquarie Dams below 50% capacity & river flows causing nil or sporadic pumping from Hastings River

2. Delegate to the General Manager the power to implement (lift or ease) water restrictions in line with the adopted trigger levels within levels 1 to 6 as identified, for any measures outside these levels, a Council resolution is required.
3. Implement Level 4 Water Restrictions from Monday, 11 February 2013 for the Port Macquarie-Hastings LGA as discussed in this report.
4. Be provided with a monthly update on water storage levels and water management practices during periods of water restrictions.
5. Undertake a media campaign to inform the community of the reasons for the changed water restrictions.

AMENDMENT:*MOVED: Sargeant/Griffiths*

That Council:

1. Adopt trigger levels for water restrictions for the Port Macquarie-Hastings LGA
-

 as follows:

Restriction Level	Trigger Point
Level 1 Mandatory Water Conservation Measures	Combined total storage in Cowarra & Port Macquarie Dams above 80% capacity
Level 2 Not used by Port Macquarie-Hastings Council	
Level 3	Combined total storage in Cowarra & Port Macquarie Dams below 80% capacity & river flows causing nil or sporadic pumping from Hastings River
Level 4	Combined total storage in Cowarra & Port Macquarie Dams below 70% capacity & river flows causing nil or sporadic pumping from Hastings River
Level 5	Combined total storage in Cowarra & Port Macquarie Dams below 60% capacity & river flows causing nil or sporadic pumping from Hastings River
Level 6	Combined total storage in Cowarra & Port Macquarie Dams below 50% capacity & river flows causing nil or sporadic pumping from Hastings River

2. Delegate to the General Manager the power to implement (lift or ease) water restrictions in line with the adopted trigger levels within levels 1 to 6 as identified, for any measures outside these levels, a Council resolution is required.
3. Implement Level 4 Water Restrictions from Monday, 11 February 2013 for the Port Macquarie-Hastings LGA as discussed in this report.
4. Be provided with a monthly update on water storage levels and water management practices during periods of water restrictions.
5. Undertake a media campaign to inform the community of the reasons for the changed water restrictions.
6. That any additional water restrictions that are undertaken in the near future are accompanied by a well thought out media strategy, less about technicality and more about plain English.

CARRIED: 9/0

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

AGAINST: Nil

THE AMENDMENT BECAME THE MOTION:

RESOLVED: Sargeant/Griffiths

That Council:

1. Adopt trigger levels for water restrictions for the Port Macquarie-Hastings LGA as follows:

Restriction Level	Trigger Point
Level 1 Mandatory Water Conservation Measures	Combined total storage in Cowarra & Port Macquarie Dams above 80% capacity
Level 2 Not used by Port Macquarie-Hastings Council	
Level 3	Combined total storage in Cowarra & Port Macquarie Dams below 80% capacity & river flows causing nil or sporadic pumping from Hastings River
Level 4	Combined total storage in Cowarra & Port Macquarie Dams below 70% capacity & river flows causing nil or sporadic pumping from Hastings River
Level 5	Combined total storage in Cowarra & Port Macquarie Dams below 60% capacity & river flows causing nil or sporadic pumping from Hastings River
Level 6	Combined total storage in Cowarra & Port Macquarie Dams below 50% capacity & river flows causing nil or sporadic pumping from Hastings River

2. Delegate to the General Manager the power to implement (lift or ease) water restrictions in line with the adopted trigger levels within levels 1 to 6 as identified, for any measures outside these levels, a Council resolution is required.
3. Implement Level 4 Water Restrictions from Monday, 11 February 2013 for the Port Macquarie-Hastings LGA as discussed in this report.
4. Be provided with a monthly update on water storage levels and water management practices during periods of water restrictions.
5. Undertake a media campaign to inform the community of the reasons for the changed water restrictions.
6. That any additional water restrictions that are undertaken in the near future are accompanied by a well thought out media strategy, less about technicality and more about plain English.

CARRIED: 9/0

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

AGAINST: Nil

REQUESTS TO SPEAK ON AN AGENDA ITEM

The Mayor advised that the requests to speak on an agenda item for Item 08.02 from David Rogers / Paul Thompson (O) have been withdrawn.

**08.02 PUBLIC EXHIBITION OF AREA-BASED DEVELOPMENT PROVISIONS
FOR RAINBOW BEACH (AREA 14): SUBMISSIONS REPORT**

Councillor Levido left the meeting and was out of sight during the Council's consideration of this item, the time being 05:58pm.

The Director of Development and Environmental Services tabled Replacement Attachment No. 10 for this item.

MOTION

MOVED: Sargeant/

1. Adopt the Rainbow Beach (Area 14) Development Control Plan, as shown in this report, as an addition to the area specific provisions in Port Macquarie-Hastings Development Control Plan 2011.
2. Review the Area 14 Koala Plan of Management dated October 2012 as shown in this report in conjunction with precinct provisions for the remainder of Area 14.
3. That the current contributions plan relating to the area be further reviewed to improve information about the roads corridor, the staging of the intersections, to ensure all landowners are paying an appropriate development contribution.

LAPSED FOR WANT OF A SECONDER

RESOLVED: Sargeant/Turner

That Council:

1. Adopt the Rainbow Beach (Area 14) Development Control Plan, as shown in this report, as an addition to the area specific provisions in Port Macquarie-Hastings Development Control Plan 2011.
2. Adopt the Area 14 Koala Plan of Management dated October 2012, as shown in this report.
3. Forward a copy of the approved plans to the Director General of the Department of Planning and Infrastructure within 28 days with a request that the Director General approve the Koala Plan of Management.
4. Publish a public notice of this decision within 28 days.
5. Review the Area 14 Koala Plan of Management dated October 2012 as shown in this report in conjunction with precinct provisions for the remainder of Area 14, that the KPOM be reported to Council with the DCP precinct provisions.
6. That the current contributions plan relating to the area be further reviewed to improve information about the roads corridor, the staging of the intersections, to ensure all landowners are paying an appropriate development contribution.

CARRIED: 8/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 06:26pm.

The meeting closed at 6.28pm.

.....
Peter Besseling
Mayor

Item: 05
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

I, declare the following interest:

☐

Pecuniary:

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

☐

Non-Pecuniary - Significant Conflict:

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

☐

Non-Pecuniary - Insignificant Conflict:

May participate in consideration and voting.

For the reason that:
.....

Signed: Date:

(definitions are provided on the next page)

Definitions

(Local Government Act and Code of Conduct)

Pecuniary

An interest that a person has in a matter because of a reasonable likelihood or expectation or appreciable financial gain or loss to the person or another person with whom the person is associated. (*LG Act s442 and s443*).

A Councillor or member of a Council Committee who is present at a meeting and has a pecuniary interest in any matter which is being considered must disclose the nature of that interest to the meeting as soon as practicable.

The Councillor or member of a Council Committee must not take part in the consideration and voting on the matter and be out of sight of the meeting. (*LG Act s451*)

Non-Pecuniary

An interest that is private or personal that the Councillor or member of a Council Committee has that does not amount to a pecuniary interest as defined in the LG Act.

If you have declared a non-pecuniary interest you have a number of options for managing the conflict. The option you choose will depend on an assessment of the circumstances of the matter, the nature and significance of your interest. You must deal with a non-pecuniary interest in one of the following ways.

Non Pecuniary – Significant Interest

(For example; family, a close friendship, membership of an association, sporting club, corporation, society or trade union).

- Have no involvement by absenting yourself from and not taking part in any consideration or voting on the issue as if the provisions in the LG Act s451(2) apply.
- A future alternative is to remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer).

Non Pecuniary – Less than Significant Interest

- It may be appropriate that no action is taken. However, you must provide an explanation of why you consider that the conflict does not require further action.

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

Councillor's Signature: Date:

Important Information

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

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

i. Section 443 (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative^{iv} or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

ii. Section 442 of the *Local Government Act 1993* provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).

iii. A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest—see section 448 (g) (ii) of the *Local Government Act 1993*.

iv. **Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

Item: 06**Subject: PUBLIC FORUM**

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

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

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

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

Item: 07.01**Subject: MAYORAL MINUTE - MAYORAL DISCRETIONARY FUND
ALLOCATIONS****Mayor, Peter Besseling**

RECOMMENDATION

That the Mayoral Discretionary Fund allocations for the period 1 December 2012 to 7 February 2013 be noted.

Discussion

Listed below are the Mayoral Discretionary Fund allocations for the period 1 December 2012 to 7 February 2013.

Mayoral Discretionary Fund

The total commitments from the Mayoral Discretionary Fund from 1 December 2012 to 7 February 2013 is \$350.00.

This includes the following:

Donation to Warrumbungle Mayor's Bushfire Appeal	\$100.00
Donation to Silver City to Surf Project	\$250.00

	\$350.00

Attachments

Nil

Ensuring Good Governance

What are we trying to achieve?

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

What will the result be?

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

How do we get there?

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

Ensuring Good Governance

Item: 08.01

Subject: CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

Presented by: Executive Services, Anthony Hayward

Alignment with Delivery Program

1.4.1 Comply with Local Government legislation, policies and agreed standards and communicate the impacts of this to the community.

RECOMMENDATION

That Council determine that the attachments to Item numbers 08.17, 08.18, 08.19, 10.02, 10.03, 11.04, 12.02 and 12.03 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

Discussion

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

Item No.: 08.17
Subject: Glasshouse Finances
Attachment Description: Glasshouse Budget Adjustments - February 2013
Confidential Reason: Confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).

Item No.: 08.18
Subject: T-12-31 Supply & Delivery of One (1) Elevated Work Platform
Attachment Description: T-12-31 Evaluation & Pricing Analysis
Confidential Reason: Confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).

Item No.: 08.19
Subject: T-12-32 Supply & Host a Content Management System for Council's Website
Attachment Description: T-12-32 Evaluation & Pricing Analysis
Confidential Reason: Confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).

Item No.: 10.02

Ensuring Good Governance

- Subject:** Disposal of Council Property - 40-44 Flynn Street, Port Macquarie
- Attachment Description:** Valuation and Commercial Details
- Confidential Reason:** Confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 - Section 10A(2)(c).
- Item No.:** 10.03
- Subject:** Application for the Closure of Part Wrights Road, Port Macquarie
- Attachment Description:** Valuation
- Confidential Reason:** Confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 - Section 10A(2)(c).
- Item No.:** 11.04
- Subject:** Coastal Erosion Notations - s149 Certificates
- Attachment Description:** Legal Advice Coastal Erosion Lake Cathie s149 Certificates Parts 1, 2 and 3
- Confidential Reason:** Contains information that relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings, on the ground of legal professional privilege (Local Government Act 1993 - Section 10A(2g)).
- Item No.:** 12.02
- Subject:** Council Owned Unit - 7/23 Burrawan Street, Port Macquarie - Consideration of Sale
- Attachment Description:** Property Valuation
- Confidential Reason:** Confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 - Section 10A(2)(c).
- Item No.:** 12.03
- Subject:** Acquisition of Land Rear 23 Burrawan Street, Port Macquarie
- Attachment Description:** Property Consultancy for Port Macquarie-Hastings Council
- Confidential Reason:** 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).

Attachments

Nil

Ensuring Good Governance

Item: 08.02

Subject: FEBRUARY 2013 STATUS OF OUTSTANDING REPORTS TO COUNCIL

Presented by: Executive Services, Anthony Hayward

Alignment with Delivery Program

1.4.1 Comply with Local Government legislation, policies and agreed standards and communicate the impacts of this to the community.

RECOMMENDATION

That the information in the February 2013 Status of Outstanding Reports to Council be noted.

Discussion

Report	Status	Reporting Officer	Current Anticipated Date for Report
Rotary Park traffic issues community consultation results (Item 11 - ORD 24/11/10)	Subject to completion of current works being undertaken and future funding.	INFRA	1 st half 2013
Evaluation of Council's Regulatory Functions (Item 08.22 ORD 10/10/12)	Included in this agenda	DES	Feb 2013
Wauchope Heavy Vehicle Deviation Status Report (Item 12.02 – ORD 14/11/12)	Included in this agenda	DIS	Feb 2013
Webcastings of Council Meetings (Item 08.04 – ORD 14/11/12)	Included in this agenda	EXEC	Feb 2013
Local Government Funding (Item 08.23 ORD 10/10/12)	Included in this agenda	DCBS	Feb 2013
Best Practice in Areas of Critical Operations (Item 10.02 – ORD 12/12/12)	Included in this agenda	DCBS	Feb 2013
Council Land at Burgess Close/Ocean Drive (Item 09.05 – ORD 14/11/12)	Included in this agenda	DIS	Feb 2013
Glasshouse - Current year budget forecast - Strategic Direction (Item 08.09 – ORD 12/12/12)	Included in this agenda	DCBS	Feb 2013
Kooloonbung Creek – Relocation of Flying Foxes (Item 08.16 ORD 27/06/12)	Included in this agenda	DES	Jun 2013

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Council's Listening to the Community Policy (Item 08.24 – ORD 10/10/12)		EXEC	Mar 2013
Small Villages Sewerage Scheme (Item 12.04 – ORD 12/12/12)		DIS	Mar 2013
Transport Assets - Public Awareness Campaign (Item 12.05 – ORD 12/12/12)		DIS	Mar 2013

Attachments

Nil

Ensuring Good Governance

Item: 08.03

Subject: BEST PRACTICE IN ALL AREAS OF CRITICAL OPERATIONS

Presented by: Executive Services, Anthony Hayward

Alignment with Delivery Program

1.5.3 Ensure ratepayer value for money through continual improvement in quality and efficiency of Council services.

RECOMMENDATION

That Council note the General Manager's response to Councillor Sargeant's Notice of Motion (item 10.02 December 2012 Council Meeting) relating to how Council plans to research and deliver best practice in its critical areas of operations.

Executive Summary

Following the review conducted by LSI Consultants from September to November 2012 a report was presented. One of the recommendations was that a Program Management Office (PMO) be established to manage organisational continuous improvement. The PMO was established in January 2013. Service delivery best practice is a component of the continuous improvement program and is critical to its success. The PMO and project teams will be conducting service delivery best practice research through desktop analysis, reference groups, and case studies.

The PMO proposes to work with the MIDROC group to establish collective service delivery best practice through the review of services, identifying shared services opportunities, increased efficiencies and effectiveness.

The PMO is also in the process of identifying other Councils who have or who are undertaking similar reviews with a view to making contact to ascertain the processes and outcomes that have been achieved.

The Mid North Coast Regional Organisation of Councils (MIDROC) member Council General Managers (GMAC) meet on a quarterly basis in an attempt to address issues common to Councils on the Mid North Coast. At these meetings member Council General Managers discuss a range of operational matters, including the best practice approach to provision of Council Services.

Discussion

In February 2012 MIDROC agreed to conduct a review of essential services provided by each member Council in an effort to identify the most efficient approach within

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budget confines. The intention is to assess the viability of sharing some essential services with other MIDROC Member Councils.

In April 2012, Port Macquarie Hastings Council undertook a suitability review of its operations comprising the following questions:

- Is the Service/Function generally non strategic in nature?
- Is the Service/Function transaction based?
- Is the Service/Function relatively low risk for councils?
- Is there generally low task complexity?
- Can scale economies be achieved?
- Can the Service/Function benefit from specialised software technology?
- Is there a lack of skills attainable by individual councils?

Group Managers were asked to provide a response to the MIDROC shared services questionnaire, for all areas of operation under their responsibility. This information was collated and forwarded to the MIDROC Executive officer. All responses from MIDROC Member Councils are now being reviewed by the GMAC Chair and MIDROC Executive Officer. This will assist to:

- Identify and eliminate non-value-adding process or information capture
- Identify workload demand and ensure optimum resourcing
- Establish better planning and scheduling

Part of the PMO remit is to work alongside the MIDROC review of services as detailed above. The best practice research will run parallel to the selected projects. In addition, the PMO is working on prioritising a number of continuous improvement projects (both strategic and operational) of which best practice research is a key input. It will form the basis for benchmarking and effectiveness in service delivery for determining the direction of the projects.

Further to the above, many employees are members of professional bodies, including planning, financial, engineering, environmental, procurement, waste and other relevant associations. These peak bodies provide much of the information relating to best practice and allow for networking with other organisations. There are many Council employees who are or have been on the executive of these industry associations, which allows great interaction with other councils and organisations.

For instance, our Procurement Coordinator was recently awarded the 2012 Procurement Professional of the Year award by Local Government Procurement, largely because he is constantly looking outside the box and trying to improve processes and ultimately outcomes. The Procurement Coordinator is also Chair of the MIDROC Procurement Alliance which enters into joint tenders and regularly works through best practice issues. This has led to the development of a tendering toolkit that is being utilised by several MIDROC Councils. He has also been heavily involved in a Local Government Procurement working group reviewing the *Local Government Act, 1993* in relation to procurement and tendering etc. This has allowed us great access to a range of other organisations and the ways that they do business.

Options

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The opportunity exists to establish reference groups with other councils to develop metrics which will enable cross comparisons in service levels, quality and cost. This will provide the basis to benchmark services within the MIDROC region. However it is acknowledged that further opportunities may exist outside of the region and could include national and/or international comparisons in both the public and private sectors.

The best practice research will provide information that will enable Council to review existing services, which will identify opportunities for the development of shared services with MIDROC councils.

Community Engagement & Internal Consultation

A communications plan is to be developed and when services have been reviewed, an appropriate community consultation process will be undertaken.

Planning & Policy Implications

Best practice research, as identified as appropriate for implementation within Council's processes, will result in the development of policy (or amendment of existing policy) to reflect the new operating practices.

The broader business process review will result in the development of higher level organisational operational management systems and processes that will facilitate improved and consistent performance monitoring procedures and comprehensive service level analysis.

Financial & Economic Implications

Best practice service delivery and the targeted selection and prioritisation of the intended business improvement projects/initiatives will have a quantifiable and sustainable impact on the performance of the organisation. A standardised suite of tools and frameworks will support consistent management of business improvement. Identified benefits will be collated as part of the process.

Attachments

Nil

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Item: 08.04

Subject: LOCAL EMERGENCY MANAGEMENT COMMITTEE

Presented by: Executive Services, Anthony Hayward

Alignment with Delivery Program

1.3.1 Participate in active alliances that allows other agencies to make effective decisions that consider the needs of our community.

RECOMMENDATION

That in accordance with S381 of the *NSW Local Government Act, 1993* Council delegate to the General Manager the powers outlined in S28(2)(a) of the *State Emergency and Rescue Management 1989*.

Executive Summary

On 26 November 2012 the NSW Parliament passed a number of amendments under the Emergency Legislation Amendment Bill 2012. Contained within this amendment Bill were changes to the *State Emergency and Rescue Management Act 1989*, in particular S28(2)(a) which requires General Managers of Councils to chair Local Emergency Management Committees.

Discussion

In 2012 a Bill was tabled in Parliament which set out to change a number of pieces of Emergency Legislation. The particular issue that was of interest to this Council was the proposed amendment '*requiring General Managers of Councils to chair Local Emergency Management Committees*'. At present the Council has had the ability to appoint an Officer to this Committee and this Officer would also act as the Chair.

Council sought legal advice from its lawyers as to whether the proposed amendments would affect the current situation where Council's Director of Infrastructure Services is the nominated person and the alternate is the Group Manager Infrastructure Operations.

Council's lawyers have advised that the provision under S28(2)(a) is in the nature of a function that "is conferred or imposed on an employee of a Council" under the *State Emergency and Rescue Management Act 1989*. It therefore follows that S381 of the *Local Government Act 1993* ("LG Act") would apply and operate to confer or impose the function on the Council rather than the General Manager. S381 of the LG Act relevantly provides:

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381 Exercise of functions conferred or imposed on council employees under other Acts

(1) If, under any other Act, a function is conferred or imposed on an employee of a council or on the mayor or a councillor of a council, otherwise than by delegation in accordance with this section, the function is taken to be conferred or imposed on the council.

(2) Such a function may be delegated by the council in accordance with this Part.

(3) A person must not, under any other Act, delegate a function to:

- the general manager, except with the approval of the council
- an employee of the council, except with the approval of the council and the general manager.

It follows that it would be necessary for the Council to firstly delegate the function to the General Manager who could then sub-delegate the function to any person or body (including another employee of the Council) pursuant to S378(2) of the LG Act.

Based on this advice delegation by Council to the General Manager is requested.

Options

N/A

Community Engagement & Internal Consultation

Discussion has taken place with the Director of Infrastructure Services.

Planning & Policy Implications

Status Quo will remain.

Financial & Economic Implications

Nil

Attachments

Nil

Ensuring Good Governance

Item: 08.05

Subject: QUARTERLY PROGRESS REPORT ON THE 2011-2015 DELIVERY PROGRAM AND 2012-2013 OPERATIONAL PLAN

Presented by: Executive Services, Anthony Hayward

Alignment with Delivery Program

1.4.1 Comply with Local Government legislation, policies and agreed standards and communicate the impacts of this to the community.

RECOMMENDATION

That Council note the December Quarterly Progress Report on the 2011-2015 Delivery Program and 2012-2013 Operational Plan, as attached.

Executive Summary

The purpose of this report is to present Council with the quarterly progress update on achievements against the 2011-2015 Delivery Program and 2012-2013 Operational Plan as at 31 December 2012.

The December quarterly progress report provides a comprehensive overview of progress towards reaching targets under Council's guiding principle and each of the four (4) focus areas, which include:

1. Ensuring Good Governance
2. Looking after our people
3. Helping our community prosper
4. Looking after our environment
5. Planning and providing our infrastructure

Discussion

This report represents the December 2012 quarterly review against the 2011-2015 Delivery Program and 2012-2013 Operational Plan. The information in this report is based on work undertaken up to the 31 December 2012.

The Local Government Act 1993 Section 404(5) provides it is a requirement that the General Manager ensure a progress report against the Delivery Program and Operational Plan be provided at least every six (6) months.

The report is part of Council's overall Integrated Planning and Reporting monitoring process with the review providing detailed analysis of achievement towards the targets set for the 2012-2013 period. It also includes details of the Major Works listed in the Operational Plan for the financial year and progress to date.

Ensuring Good Governance

The December quarterly progress report provides a comprehensive overview of progress towards reaching targets under Council's guiding principle and each of the four (4) focus areas, which include:

1. Ensuring Good Governance
2. Looking after our people
3. Helping our community prosper
4. Looking after our environment
5. Planning and providing our infrastructure

Extracts from Council's guiding principle and each focus area in the Operational Plan, including a comment on progress, has been provided below:

GUIDING PRINCIPLE: Ensuring good governance.

Community Strategic Plan:

- 1.1 Create professional development opportunities and networks to support future community leaders.

Delivery Program Objective:

- 1.1.1 Use a variety of tools to engage with the community in a manner that is representative, transparent and reflected in decision making.

Operational Plan Action: 1.1.1.3 Publish weekly 'Council Matters' information page

Target: 48 Council Matters printed

YTD Actual: 28 Council Matters have been printed

Comment on progress: Ongoing. Council Matters is printed each week in Port Macquarie News, Wauchope Gazette and the Camden Haven Courier.

Community Strategic Plan:

- 1.5 Implement innovative, fact based business practices

Delivery Program Objective:

- 1.5.1 Efficiently address community needs with responsive front line counter and call centre customer services that meet agreed standards

Operational Plan Action: 1.5.1.1 Measure customer satisfaction against the Standard of Service targets every six months

Target: Customer satisfaction level to be >75%

YTD Actual: 90% Customer satisfaction achieved

Comment on progress: Achieved. Customer satisfaction rates with standards of service provided by customer services staff remain very high.

FOCUS AREA: Looking after our people

Ensuring Good Governance

Community Strategic Plan:

- 2.1 Create an environment and culture that allows the Port Macquarie-Hastings community to feel safe

Delivery Program Objective:

- 2.1.1 Provide leadership in implementing safety initiatives

Operational Plan Action: 2.1.1.4 Manage and deliver approved lifeguard services

Target: Deliver lifeguard education programs to schools and community groups - 1,250 students

YTD Actual: 3,902 students have attended lifeguard education programs

Comment on progress: Ongoing. School education program delivered to 3,902 students at 21 infants/primary schools across the local government area as part of the 2012/13 Lifeguard Education Program.

Community Strategic Plan:

- 2.3 Provide medical and social services for all members of the community

Delivery Program Objective:

- 2.3.1 Advocate for health and social services in accordance with the Social Strategy

Operational Plan Action: 2.3.1.1 Implement healthy lifestyle programs

Target: Two (2) healthy lifestyle initiatives implemented

YTD Actual: Two (2) healthy lifestyle initiatives have been implemented

Comment on progress: Ongoing. Project is funded through to June 2014. In the last quarter reporting has been provided and approved by the Department of Health and Ageing. Eleven (11) exercise programs conducted and 3 cooking classes conducted. Fixed exercise equipment community engagement underway. Aboriginal Move Eat Live Well program has commenced. Community Garden is progressing through community engagement and draft plan development for December and public exhibition until end of January.

FOCUS AREA: Helping our community prosper

Community Strategic Plan:

- 3.2 Promote and support an increase in business capacity in order to generate ongoing economic growth

Delivery Program Objective:

- 3.2.1 Implement and evaluate support programs that assist the growth of existing business

Ensuring Good Governance

Operational Plan Action: 3.2.1.2 Provide two (2) professional development opportunities for tourism industry businesses

Target: Two (2) Professional development opportunities undertaken

YTD Actual: One (1) Professional development opportunity has been undertaken

Comment on progress: Ongoing. A one day Business Tourism Communications workshop was held on 6 August 2012. This was organised by the Tourism and Economic Development unit for industry. A final professional development opportunity for 2013 will be developed in the New Year.

Community Strategic Plan:

3.5 Target and encourage business enterprise by providing favourable business conditions including infrastructure and transport options.

Delivery Program Objective:

3.5.1 Develop, manage and maintain Port Macquarie Airport as a key component of the regional transport network and continue to grow the airport's contribution to the regional economy.

Operational Plan Action: 3.5.1.2 Completion of Stage 1 upgrade works at the airport (subject to regulatory approval)

Target: 100% completion of Stage 1 of upgrade works

YTD Actual: 50% completion of Stage 1 upgrade works

Comment on progress: Ongoing. Tender has been accepted and the associated contract awarded. Site establishment commenced.

FOCUS AREA: Looking after our environment

Community Strategic Plan:

4.1 Protect and restore natural areas.

Delivery Program Objective:

4.1.1 Implement a range of pro-active programs for the environmental management of Council and privately owned land and waterways.

Operational Plan Action: 4.1.1.1 Carry out weed management program according to the Mid North Coast Invasive Plant Species Strategy 2012

Target: 250ha of land treated for invasive weeds

YTD Actual: 298ha of land has been treated for invasive weeds

Comment on progress: Ongoing. Program on target.

Community Strategic Plan:

Ensuring Good Governance

4.1 Protect and restore natural areas.

Delivery Program Objective:

4.1.1 Implement a range of pro-active programs for the environmental management of Council and privately owned land and waterways.

Operational Plan Action: 4.1.1.3 Undertake feral animal control activity on Council controlled land

Target: Feral animal control undertaken on two (2) Council sites

YTD Actual: Two (2) sites have had feral animal control undertaken

Comment on progress: Ongoing. Control being undertaken on two (2) sites.

FOCUS AREA: Planning and providing our infrastructure

Community Strategic Plan:

5.2 Ensure transport options are safe, functional and meet access needs across the Local Government Area

Delivery Program Objective:

5.2.1 Plan and implement traffic and road safety programs and activities

Operational Plan Action: 5.2.1.1 Implement pedestrian access and mobility activities (PAMPS) as scheduled in the Roads & Transport delivery program

Target:

1. Six (6) access ramps constructed
2. 200m of footpath constructed

YTD Actual:

1. Three (3) access ramps have been constructed
2. 246m of footpath has been constructed

Comment on progress: 1. Ongoing. Two (2) access ramps have been constructed on Kennedy Drive at Crisp Street. Ramp constructed at intersection of Lord and Burrawan Streets.

2. Ongoing. 121 metres of footpath constructed on Kennedy Drive between Hill and Crisp Streets completing the footpath linkage between the Koala Crossing and Hill Street. 100 metres of footpath constructed on Ocean Drive at Bonny View Drive in conjunction with the road rehabilitation and formalisation of the bus stop. 25 metres of Footpath constructed at Hillcrest and Yaranabee (Hastings School).

Community Strategic Plan:

5.4 Plan settlements to accommodate a range of compatible land uses and projected population growth

Delivery Program Objective:

5.4.1 Plan settlements to accommodate a range of compatible land uses and projected population growth

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Operational Plan Action: 5.4.1.1 Investigate land use at Fernbank Creek Road for potential industrial development and amend Local Environment Plan (LEP) 2011 accordingly.

Target:

1. Investigations complete 100%
2. Local Environment Plan 2011 updated 100%

YTD Actual:

1. 95% investigations complete
2. 50% complete

Comment on progress:

1. Ongoing. Investigations being finalised including VPA with landowner.
2. Ongoing. Draft Local Environmental Plan amendment near completion.

Options

Nil.

Community Engagement & Internal Consultation

- General Manager
- Directors
- Group Managers
- Staff

Planning & Policy Implications

Nil.

Financial & Economic Implications

Nil.

Attachments

1. Operational Plan Quarterly Progress Report 31 December 2012

Ensuring Good Governance

Item: 08.06

Subject: OPTIONS FOR THE FUTURE WEBCASTING OF COUNCIL MEETINGS

Presented by: Executive Services, Anthony Hayward

Alignment with Delivery Program

1.1.1 Use a variety of tools to engage with the community in a manner that is representative, transparent and reflected in decision making.

RECOMMENDATION

That Council not webcast Council Meetings due to the identified risks and liability associated with using this medium.

Executive Summary

This report presents four (4) options for the future webcasting of Council Meetings that consider the legal advice obtained by Council.

The four (4) options detailed are:

1. Webcast Live with Meeting Archive (no edit)
2. Webcast Live
3. Delayed (7 Second) Webcast with optional Meeting Archive
4. Recorded Webcast Archive (with post edit)

Ongoing monthly operational costs range between \$2,979 and \$6,939 (ex GST) annually depending on the option pursued, while under a number of the options training is identified to be undertaken with the costs associated with the provision of the training equating to \$7,340 (ex GST).

While a number of the options detailed address and attempt to remove Council's exposure to risk and liability, unfortunately no option will guarantee the complete mitigation of the risks and liability raised in the legal advice provided to Council.

Discussion

Council after considering a report on webcasting Council Meetings at its Ordinary Meeting held 14 November 2012, resolved that a further report be presented on a possible way forward, considering the legal advice obtained and associated costs.

Background

While under Administration, Council determined to commence webcasting of Council Meetings on 26 March 2008. The first Council Meeting was webcast on 12 June 2008. The webcasting system when installed cost \$82,500 (ex GST) and under the

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previous mode of operation (pre July 2012) an annual ongoing cost of \$6,939 (ex GST).

Audience Numbers

The number of people utilising the webcasting service has varied greatly. The largest audience attracted was 757 (this meeting the Council considered a development application for a McDonalds Restaurant on Greenmeadows Drive). The lowest recorded audience was for the Extra-Ordinary Meeting of Council held on 8 October 2008, which was zero.

The average audience number watching the live webcast of Council Meetings is 84. While the average number of times an archived Council Meeting is reviewed is 73 times.

At the Ordinary Meeting of Council held 25 July 2012, Council resolved to suspend the webcasting of Council Meetings at that date and called for a report to be presented to the October 2012 Council Meeting addressing associated costs, previous audience numbers and the risks associated with webcasting Council Meetings.

Since October 2012, Council has been prudent in its examination of webcasting Council Meetings and requested a report that explored options for webcasting Council Meetings (including costings) that protects Council's legal position bearing in mind legal advice received.

Risk and Liability

The webcasting of Council Meetings can expose Council to a number of risks, liability and potential litigation. These risks, while present under Administration, are exposed to greater degree with elected representation. The main areas of concern include defamation, misleading and deceptive conduct, negligence and privacy.

Defamation

The liability of Council for statements made within the Council Chamber depend on who the speaker is and whether that person speaks with the authority of Council.

Council is not liable for defamatory statements made by a member of the public within the Chamber as they are neither published nor authorised by Council. If a statement is made with the authority of Council then Council may be a co-publisher as all who are concerned with publication of a defamatory statement are equally liable for it.

However, as publication is confined to the Chamber, the defence of common law qualified privilege is usually available for the publication as all who are present will have some sort of interest in the subject matter.

Common law qualified privilege is a public policy defence which protects a speaker in making defamatory statements which were honestly made to recipient or recipients who each has a real interest in the subject matter of the publication.

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Once such a defence is established, it can only be defeated by proof on the part of a plaintiff that in fact the speaker was motivated by malice to make the statement.

Many controversial statements made within the Council Chamber are often picked up and republished in the local newspaper, in such circumstances the original speaker (and any other party liable for the original publication) may be liable for that republication as the law makes the original publisher liable where republication was the natural and probable consequence of the original publication.

Therefore there has been limited success in proving publication of defamatory statements within a Council Chamber.

Once Council webcasts a Council Meeting, it becomes the publisher of everything that occurs and is said during a Council Meeting regardless of who did or said it.

Council's legal advice has identified two (2) possible defences available under the Defamation Act 2005.

An excerpt of Section 28, "it is a defence to the publication of defamatory matter if the defendant proves that the matter was contained in a public document or a fair copy of a public document or a fair summary of, or a fair extract from, a public document".

'Document' within the Defamation Act 2005 is defined as (relevant extract) "any record of information, and includes anything on which there is writing, anything on which there are marks, figures, symbols or perforations having a meaning to persons qualified to interpret them, anything from which sounds, images or writings can be reproduced with or without the aid of anything else, and a map, plan, drawing or photograph".

Advice provided to Council indicates that a very reasonable argument could be made that a digital recording of a Council Meeting which was open to the public constitutes a public document as it is arguably a 'document' within the definition and would be issued by Council for the information of the public.

An excerpt of Section 29, "it is a defence to the publication of defamatory matter if the defendant proves that the matter was, or was contained in, a fair report of any proceedings of public concern".

'Proceedings of public concern' within the Defamation Act 2005 is defined as (relevant extract) "any proceedings in public of a local government body of any Australian jurisdiction, any proceedings of a public meeting (with or without restriction on the people attending) held anywhere in Australia if the proceedings relate to a matter of public interest, including the advocacy or candidature of a person for public office".

Council's legal advisors are of the opinion that this statutory defence will be applicable to any claim against Council for any defamatory statement made by any person which is subsequently published on the internet by Council as part of a record of a public Council Meeting. Such Meetings are undoubtedly proceedings of public concern.

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However, defences under both of the above sections of the Defamation Act can be defeated if it is proven that the publication was not published honestly for the information of the public.

Council's legal advisors provided an example of a person using the occasion of a public Council Meeting to gratuitously defame another person with allegations that have little or nothing to do with the business of the meeting or the affairs of Council.

Council's current webcasting system broadcasts live and direct to the internet. The system does not have a delay button similar to that utilised by TV and radio stations, however it has similar functionality, standby mode, which could assist in the avoidance of the publication of defamatory material. It is of note that no Council staff member has had detailed and thorough training in the area of defamation.

With regard to the Council Meeting webcast archive, Council does not currently edit the webcast prior to placing it in archive and making it accessible on the internet for later reference. Significant financial and human resource would be required to post-edit the Council Meeting and remove any potentially defamatory content prior to posting to the webcast archive.

Misleading, deceptive and negligence conduct

It is possible during a Council Meeting that Councillors, Council staff and other persons addressing the Council may provide incorrect, inaccurate or incomplete information about a matter that may be sought to be relied upon by persons who view the Council Meeting webcast.

Council's legal advisors have provided that it is possible that persons viewing the webcast may seek to rely upon the webcast as an official record of what was said and the decisions made at the Council Meeting and will take action to their detriment on the basis of such information.

It must be acknowledged that decisions made at Council Meetings are subject to rescission motions that may be lodged and dealt with after the Council Meeting has concluded. It should also be acknowledged that the official record of the business transacted at a Council Meeting is contained in the Minutes of that Meeting that are confirmed at a subsequent Council Meeting.

Should Council determine to recommence the webcasting of Council Meetings it would be important that any person viewing a live broadcast or an archived Council Meeting acknowledge that:

1. The broadcast or archive recording is not an official record of the Council Meeting or any discussion depicted therein.
2. The official record of business transacted at a Council Meeting is contained in the signed Minutes of the Meeting.
3. Council does not guarantee or warrant that any of the information in the webcast is accurate, complete, reliable or current and that the Council is not responsible or liable to any person or entity whatsoever for any loss, damage, injury claim liability or other cause of any time resulting from the use of any information contained in the webcast.

Privacy

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Webcasting a Council Meeting has the potential to breach privacy laws. Section 21 of the Privacy and Personal Information Protection Act 1998 (PPIP Act) outlines that a Council (public sector agency) must not do anything or engage in any practice, that contravenes an information protection principle applying to the Council (agency).

The PPIP Act contains 12 information protection principles. Two (2) principles that are relevant to the webcasting of Council Meetings are:

- Requirements when collecting personal information (s10 of the PPIP Act)
- Limits on disclosure of personal information (s18 of the PPIP Act)

Council's legal advisors have advised that if Council captures images of members of the public who are in attendance or addressing a Council Meeting in an audiovisual recording and transmits or makes the audiovisual recording available via its website it is arguable that it is both collecting and disclosing personal information, if the identity of those persons is apparent or can reasonably be ascertained from the audiovisual recording.

This issue can somewhat be dealt with by fixing the position of the video camera positions so that they do not capture images of members of the public and to have members of the public who wish to speak at a Council Meeting give their express consent to having their image and words recorded and made available in audiovisual form to members of the public at the website maintained by the Council.

To supplement the express consent of speakers it has also been advised that should webcasting recommence, that signs be placed in conspicuous locations at the Council Chamber entry and inside the Council Chamber to inform members of the public that an audiovisual recording of the Council Meeting is being made and that if they speak at the Council Meeting or stand in a particular position in the Council Chamber their words and image may be recorded and transmitted live or made available to the public via Council's website.

Council did previously have set positions for the numerous video cameras located in the Council Chamber and had a number of signs located in and around the Council Chamber indicating to those in attendance that the Council Meeting was being webcast live. The Administrator upon opening a Council Meeting also acknowledged those watching the webcast from home.

In addition to the above mentioned privacy risks it is possible that members of the public addressing Council in either the public forum or on an agenda item may provide personal information about others. Council's legal advisors have suggested that should such a circumstance arise Council edit out the relevant part of the recording (if it can be) before it is placed on the website for access by the general public.

Copyright

The infringement of copyright is another important matter for Council to consider in deciding whether or not to recommence webcasting of Council Meetings.

Council's legal advisors have advised that Council will be at risk of breaching the Copyright Act 1968 (Cth) if it provides on its website an audiovisual recording of a Council Meeting that includes images of legible copies of architectural plans,

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drawings, photographs, submissions, photographs or other copyright documents that are presented at a Council Meeting or includes audio of music or songs that may be played during the Council Meeting.

This risk is mitigated by obtaining the copyright holders permission to publish the material prior to making the recording available to the general public or alternatively fixing the position of the video cameras as to minimise the chance of capturing legible copyright material – it should be acknowledged that this practice would not mitigate the risk of transmitting copyright audio of music or songs.

Options

Webcast Live with Meeting Archive (no edit) (Option 1)

This option will reinstate the service that was provided whilst under administration. A live webcast of the Council Meeting with an archive of the previous six (6) Council Meetings available for viewing at any time.

Capital Cost

The Council Chamber is currently fitted with the required equipment to recommence the webcasting of Council Meetings.

Operational Cost

Meeting Set-Up	\$75.00		\$75.00
Stream Meeting	\$256.00		\$256.00
Host Archive (per Meeting)	\$55.00	6 Meetings held in archive	\$330.00
Total (ex GST)			\$661.00

No additional staffing costs (per Meeting) are required to implement this option. However, as detailed under the 'Operational Implementation' section below, a large amount of administrative work will be required to be undertaken prior to the re-commencement of this option.

The estimated annual ongoing cost of providing this option is \$6,939 (ex GST), excluding staff costs. That being for the webcast of nine (9) Council Meetings (two (2) Council Meetings per year have been historically held off site) and providing the last six (6) Council Meetings by way of archive.

Operational Implementation

If this option is pursued Council will be required to:

- Gain acknowledgement from webcast viewers that:
 - The broadcast is not an official record of the Council Meeting or any discussion depicted therein.
 - The official record of business transacted at a Council Meeting is contained in the signed Minutes of the Meeting.
 - Council does not guarantee or warrant that any of the information in the webcast is accurate, complete, reliable or current and that the Council is not responsible or liable to any person or entity whatsoever

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for any loss, damage, injury claim liability or other cause of any time resulting from the use of any information contained in the webcast.

- Review the layout of the Council Chamber (specifically the angle at which the camera capturing the image of the member of the public addressing Council is taken) bearing in mind the legal advice pertaining to privacy.
- Gain from people who wish to speak at a Council Meeting express consent to have their image and words recorded and made available in audiovisual form to members of the public at the website maintained by the Council.
- Place signs in conspicuous locations in and around the Council Chamber to inform members of the public that an audiovisual recording of the Council Meeting is going to take place and if they speak or stand in a particular position in the Council Chamber their words and image may be captured and transmitted live to the public via Council's website.

Other Considerations

In the case where a member of the public addressing Council in either the public forum or on an agenda item provides personal information about others, Council's legal advisors have suggested that should such a circumstance arise Council edit out the relevant part of the recording (if it can be) before it is placed on the website for access by the general public.

It should also be acknowledged that Council will be at risk of breaching the Copyright Act 1968 (Cth) if it provides on its website an audiovisual recording of a Council Meeting that includes images of legible copies of architectural plans, drawings, photographs, submissions, photographs or other copyright documents that are presented at a Council Meeting or includes audio of music or songs that may be played during the Council Meeting.

This option, Webcast Live with Meeting Archive (no edit), while removing some level of risk and liability does not fully mitigate the Council from the risks and liability raised in the legal advice provided to Council.

Webcast Live (Option 2)

Under this option a live webcast of the Council Meeting would be broadcast via the internet. No archive facility would be provided to later view the proceedings of the Council Meeting.

Capital Cost

The Council Chamber is currently fitted with the required equipment to recommence the webcasting of Council Meetings.

Operational Cost

Meeting Set-Up	\$75.00		\$75.00
Stream Meeting	\$256.00		\$256.00
Total (ex GST)			\$331.00

No additional staff costs (per Meeting) are required to implement this option. However, as detailed under the 'Operational Implementation' section below, a large

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amount of administrative work will be required to be undertaken prior to the implementation of this option.

The estimated annual ongoing cost of providing this option is \$2,979 (ex GST), excluding staff costs. That being for the webcast of nine (9) Council Meetings (two (2) Council Meetings per year have been historically held off site).

Operational Implementation

If this option is pursued Council will be required to:

- Gain acknowledgement from webcast viewers that:
 - The broadcast is not an official record of the Council Meeting or any discussion depicted therein.
 - The official record of business transacted at a Council Meeting is contained in the signed Minutes of the Meeting.
 - Council does not guarantee or warrant that any of the information in the webcast is accurate, complete, reliable or current and that the Council is not responsible or liable to any person or entity whatsoever for any loss, damage, injury claim liability or other cause of any time resulting from the use of any information contained in the webcast.
- Review the layout of the Council Chamber (specifically the angle at which the camera capturing the image of the member of the public addressing Council is taken) bearing in mind the legal advice pertaining to privacy.
- Gain from people who wish to speak at a Council Meeting express consent to have their image and words recorded and made available in audiovisual form to members of the public at the website maintained by the Council.
- Place signs in conspicuous locations in and around the Council Chamber to inform members of the public that an audiovisual recording of the Council Meeting is going to take place and if they speak or stand in a particular position in the Council Chamber their words and image may be captured and transmitted live to the public via Council's website.

Other Considerations

In the case where a member of the public addressing Council in either the public forum or on an agenda item provides personal information about others, Council's legal advisors have suggested that should such a circumstance arise Council edit out the relevant part of the recording (if it can be) before it is placed on the website for access by the general public. Transmitting a Council Meeting live greatly reduces the opportunities to edit out the provision of such information.

It should also be acknowledged that Council will be at risk of breaching the Copyright Act 1968 (Cth) if it provides via its website an audiovisual recording of a Council Meeting that includes images of legible copies of architectural plans, drawings, photographs, submissions, photographs or other copyright documents that are presented at a Council Meeting or includes audio of music or songs that may be played during the Council Meeting.

This option, Webcast Live, while further minimising the level of risk and liability it does not fully mitigate the Council from the risks and liability raised in the legal advice provided to Council.

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Delayed (7 Second) Webcast with optional Meeting Archive (Option 3)

Under this option a webcast of the Council Meeting would be broadcast delayed to potentially allow for the non transmission of defamatory, misleading, deceptive and negligence conduct, information impinging on privacy law and information that potentially breaches copyright.

Additionally, this option could be implemented with or without an archive facility.

Capital Cost

The Council Chamber is currently fitted with the required equipment to recommence the webcasting of Council Meetings.

Operational Cost (with Archive Facility)

Meeting Set-Up	\$75.00		\$75.00
Stream Meeting	\$256.00		\$256.00
Host Archive (per Meeting)	\$55.00	6 Meetings held in archive	\$330.00
Total (ex GST)			\$661.00

The estimated annual ongoing cost of providing this option is \$6,939 (ex GST), excluding staff costs. That being for the webcast of nine (9) Council Meetings (two (2) Council Meetings per year have been historically held off site) and providing the last six (6) Council Meetings by way of archive.

Operational Cost (without Archive Facility)

Meeting Set-Up	\$75.00		\$75.00
Stream Meeting	\$256.00		\$256.00
Total (ex GST)			\$331.00

The estimated annual ongoing cost of providing this option is \$2,979 (ex GST), excluding staff costs. That being for the webcast of nine (9) Council Meetings (two (2) Council Meetings per year have been historically held off site).

No additional staff costs (per Meeting) are required to implement this option (with or without archive facility). However, as detailed under the 'Operational Implementation' section below, a large amount of administrative work will be required to be undertaken prior to the implementation of this option.

Training Cost

Privacy Training*#	\$585.00 (Includes both Introduction & Advanced Courses)	4 Staff trained 2 x 1 day courses	\$2,340.00
Defamation Training**	\$5,000.00	1 x 1 day course	\$5,000.00
Total (ex GST)			\$7,340.00

*: Training provided by the NSW Crown Solicitor's Office.

#: On-line training courses are available, however it is considered prudent for Council to invest in face to face training in this area.

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**: This is an indicative cost based on previous defamation advice obtained, a detailed scope of training requirements would need to be prepared due to the area of defamation being a highly specialised area of law.

Suitably identified Council staff will be required to undertake the above training, if this option is pursued. It should be acknowledged, that if Council staff are afforded training they should not be considered experts in the areas of defamation, privacy and copyright, as these areas are intricate and complex, a level of risk will still be present under this option.

Operational Implementation

If this option is pursued Council will be required to:

- Gain acknowledgement from webcast viewers that:
 - The broadcast is not an official record of the Council Meeting or any discussion depicted therein.
 - The official record of business transacted at a Council Meeting is contained in the signed Minutes of the Meeting.
 - Council does not guarantee or warrant that any of the information in the webcast is accurate, complete, reliable or current and that the Council is not responsible or liable to any person or entity whatsoever for any loss, damage, injury claim liability or other cause of any time resulting from the use of any information contained in the webcast.
- Review the layout of the Council Chamber (specifically the angle at which the camera capturing the image of the member of the public addressing Council is taken) bearing in mind the legal advice pertaining to privacy.
- Gain from people who wish to speak at a Council Meeting express consent to have their image and words recorded and made available in audiovisual form to members of the public at the website maintained by the Council.
- Place signs in conspicuous locations in and around the Council Chamber to inform members of the public that an audiovisual recording of the Council Meeting is going to take place and if they speak or stand in a particular position in the Council Chamber their words and image may be captured and transmitted live to the public via Council's website.
- Organise and ensure Council staff attend the training detailed above, prior to the implementation of this option.

Other Considerations

In the case where a member of the public addressing Council in either the public forum or on an agenda item provides personal information about others, Council's legal advisors have suggested that should such a circumstance arise Council edit out the relevant part of the recording (if it can be) before it is placed on the website for access by the general public. Transmitting a Council Meeting live greatly reduces the opportunities to edit out the provision of such information.

There is still the potential for personal information to be transmitted by Council, even with the implementation of a delayed transmission.

It should also be acknowledged that Council will be at risk of breaching the Copyright Act 1968 (Cth) if it provides on its website an audiovisual recording of a Council Meeting that includes images of legible copies of architectural plans, drawings, photographs, submissions, photographs or other copyright documents that are

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presented at a Council Meeting or includes audio of music or songs that may be played during the Council Meeting.

This option, Delayed (7 Second) Webcast with optional Meeting Archive, while addressing a number of issues raised in Council's legal advice, does not fully mitigate the Council from all the risks and liability raised in the legal advice provided to Council.

Recorded Webcast Archive (with post edit) (Option 4)

Under this option the Council Meeting would be recorded, later edited and placed within an archive for viewing. No live or semi-delayed webcast would be provided.

This option would greatly minimise the risk of Council transmitting defamatory, misleading, deceptive and negligence conduct, information impinging on privacy law and information that potentially breaches copyright, it should be acknowledged, however, that the risk and liability will never be fully removed.

Operational Cost

Meeting Set-Up	\$75.00		\$75.00
Host Archive (per Meeting)	\$55.00	6 Meetings held in archive	\$330.00
Total (ex GST)			\$405.00

The estimated annual ongoing cost of providing this option is \$4,635 (ex GST), excluding staff costs. That being for the webcast of nine (9) Council Meetings (two (2) Council Meetings per year have been historically held off site) and providing the last six (6) Council Meetings by way of archive.

Additional staff cost will be required to implement this option. Suitably trained staff will be required to review the recording of the Council Meeting and potentially edit out any part of the Meeting determined to be defamatory, misleading, deceptive or negligence conduct, information impinging on privacy law or information that potentially breaches copyright.

This cost is difficult to estimate due to the variable of the duration of a Council Meeting. However, the duration of the Council Meeting (as a minimum) would provide a guide as to the additional staff time required to post edit the Council Meeting prior to making the recording available via Council's website.

Also, as detailed under the 'Operational Implementation' section below, a large amount of administrative work will be required to be undertaken prior to the implementation of this option.

Training Cost

Privacy Training**	\$585.00 (Includes both Introduction & Advanced Courses)	4 Staff trained 2 x 1 day courses	\$2,340.00
Defamation Training**	\$5,000.00	1 x 1 day course	\$5,000.00
Total (ex GST)			\$7,340.00

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*: Training provided by the NSW Crown Solicitor's Office.

#: On-line training courses are available, however it is considered prudent for Council to invest in face to face training in this area.

**: This is an indicative cost based on previous defamation advice obtained, a detailed scope of training requirements would need to be prepared due to the area of defamation being a highly specialised area of law.

It should be acknowledged, that if Council staff are afforded training they should not be considered experts in the areas of defamation, privacy and copyright, as these areas are intricate and complex, a level of risk will still be present under this option.

Operational Implementation

If this option is pursued Council will be required to:

- Gain acknowledgement from webcast viewers that:
 - The broadcast is not an official record of the Council Meeting or any discussion depicted therein.
 - The official record of business transacted at a Council Meeting is contained in the signed Minutes of the Meeting.
 - Council does not guarantee or warrant that any of the information in the webcast is accurate, complete, reliable or current and that the Council is not responsible or liable to any person or entity whatsoever for any loss, damage, injury claim liability or other cause of any time resulting from the use of any information contained in the webcast.
- Review the layout of the Council Chamber (specifically the angle at which the camera capturing the image of the member of the public addressing Council is taken) bearing in mind the legal advice pertaining to privacy.
- Gain from people who wish to speak at a Council Meeting express consent to have their image and words recorded and made available in audiovisual form to members of the public at the website maintained by the Council.
- Place signs in conspicuous locations in and around the Council Chamber to inform members of the public that an audiovisual recording of the Council Meeting is going to take place and if they speak or stand in a particular position in the Council Chamber their words and image may be captured and transmitted live to the public via Council's website.
- Organise and ensure Council staff attend the training detailed above, prior to the implementation of this option.

This option, Recorded Webcast Archive (with post edit), while potentially removing the majority of risk, cannot guarantee the complete mitigation of the risks and liability raised in the legal advice provided to Council.

Community Engagement & Internal Consultation

- Council's Legal Advisors.
- General Manager.
- Group Manager Governance and Executive Services.

Planning & Policy Implications

Nil.

Ensuring Good Governance

Financial & Economic Implications

The Council Chamber is currently fitted with the required equipment to recommence the webcasting of Council Meetings, no further capital investment is required.

If webcasting was to be pursued, ongoing monthly operational costs would range between \$2,979 and \$6,939 (ex GST) annually depending on the option pursued. These monetary amounts do not include any human resource costs (staff costs), these will be in addition.

Under a number of the options explored within this report, training was identified as a required component of implementation. The total training costs identified for the relevant option are \$7,340 (ex GST).

Attachments

Nil

Ensuring Good Governance

Item: 08.07

Subject: AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (NSW) ANNUAL CONFERENCE

Presented by: Executive Services, Anthony Hayward

Alignment with Delivery Program

1.4.1 Comply with Local Government legislation, policies and agreed standards and communicate the impacts of this to the community.

RECOMMENDATION

That Council determine the Council delegates to attend the Australian Local Government Women's Association (NSW) Annual Conference to be held in Gosford from 14 to 16 March 2013.

Executive Summary

The Australian Local Government Women's Association (NSW) Annual Conference is to be held in Gosford NSW, from 14 to 16 March 2013.

As per Council's Payment of Expenses and Provision of Facilities to Councillors Policy, a Council resolution is required for a Councillor to represent Council at the conference.

Discussion

The Australian Local Government Women's Association (NSW) Annual Conference is to be held in Gosford NSW, from 14 to 16 March 2013.

- Full registration for a member of ALGWA is \$813.65 (ex GST) per delegate.
- Full registration for a non-member of ALGWA is \$904.55 (ex GST) per delegate.
- Day registration (Friday Only) is \$500 (ex GST) per delegate.

	Each (ex GST)	Number	Total
Full Conference Registration	(ALGWA Member) \$813.65	-	-
	(Non-ALGWA Member) \$904.55	2	\$1,809.10
Accommodation (2 Bedroom Apartment)	\$289.00 per night/per room	3 nights	\$867.00
Grand Total (ex GST)			\$2,676.10

In addition to the above costs such as transportation and any out of pocket expenses, as allowed for under the Policy, will be at the expense of Council.

Ensuring Good Governance

As per Council's Payment of Expenses and Provision of Facilities to Councillors Policy ("Policy"), a Councillor may nominate or be nominated to attend conferences, seminars, or similar functions.

A Council resolution or approval under delegated authority by the Mayor or General Manager is required for attendance.

Attachment 1 to this report is the Australian Women's Local Government Association NSW Annual Conference 2013 – Draft Program, for your information.

Reporting Requirements for Conferences

As per the Policy, a Councillor or Councillors attending a conference are required to provide a report in writing to Council on the outcome of the conference.

Relevant Policy extract provided below:

2.8 Reporting Requirements

Councillors will report in writing to an Open session of Council on the outcome of the conference, seminar or similar function. The report will be submitted to the General Manager within one (1) month of the Councillor's attendance at the conference, seminar or similar function.

If a number of Councillors attend the same function, a single report may be submitted on behalf of all Councillors that attended, however the report must be signed by all Councillors that were in attendance.

The report to Council will be in writing and include the following:

- The purpose/subject matter of the conference, including the reason for the attendance of the delegate(s).*
- The agenda of the conference.*
- Any items of interest to Council discussed at the conference.*
- Recommendations for further areas of action or investigation (if applicable).*

Options

Council is to determine the number of delegates to attend the Australian Local Government Women's Association (NSW) Annual Conference 2013.

Community Engagement & Internal Consultation

Internal Consultation

- Group Manager Governance and Executive Services

Planning & Policy Implications

This report satisfies the requirements of Council's Payment of Expenses and Provision of Facilities to Councillors Policy.

Ensuring Good Governance

Financial & Economic Implications

The 2012/2013 budget contains an allocation of \$32,800 for expenses pertaining to conferences and out of pocket expenses for Councillors. The attendance of two (2) or more Councillors can be funded from within this budget allocation.

Costings are provided below for the attendance of two (2) delegates at the conference:

	Each (ex GST)	Number	Total
Full Conference Registration	(Non-ALGWA Member) \$904.55	2	\$1,809.10
	(ALGWA Member) \$813.65	-	-
Accommodation (2 Bedroom Apartment)	\$289.00 per night/per room	3 nights	\$867.00
Grand Total (ex GST)			\$2,676.10

In addition to the above costs such as transportation and any out of pocket expenses, as allowed for under the Policy, will be at the expense of Council.

Attachments

1. Australian Women's Local Government Association NSW Annual Conference 2013 – Draft Program

Ensuring Good Governance

Item: 08.08

Subject: NEW MODEL CODE OF CONDUCT AND PROCEDURES FOR ADMINISTRATION

Presented by: Executive Services, Anthony Hayward

Alignment with Delivery Program

1.4.1 Comply with Local Government legislation, policies and agreed standards and communicate the impacts of this to the community.

RECOMMENDATION

That Council:

- 1. Adopt the Port Macquarie-Hastings Council Code of Conduct and the Procedures for the Administration of the Port Macquarie-Hastings Council Code of Conduct, as attached to this report.**
- 2. Note the appointment of the Group Manager Governance and Executive Services as the Complaints Coordinator.**

Executive Summary

The Local Government Act 1993 requires a council, within 12 months after an ordinary election to review its adopted Code of Conduct.

Late in December 2012, the Division of Local Government advised all NSW councils of the new Model Code of Conduct for Local Councils in NSW and the new Procedures for the Administration of the Model Code.

Council must adopt a Code of Conduct that incorporates the provisions of the new Model Code of Conduct and Procedures for Administration of the Code by 1 March 2013.

Discussion

The Local Government Act 1993 Section 440(3) states:

A Council must adopt a Code of Conduct (the Adopted Code) that incorporates the provisions of the Model Code. The adopted Code may include provisions that supplement the Model Code.

Section 440(7) states:

A Council must within 12 months after each ordinary election, review its adopted Code and make such adjustments as it considers appropriate and as are consistent with the Section.

Ensuring Good Governance

The Division of Local Government (DLG) notified councils of a new model Code of Conduct framework and implementation arrangements late in December 2012, through the issuing of DLG Circular 12-45.

The draft Port Macquarie-Hastings Council Code of Conduct and the draft Procedures for the Administration of the Port Macquarie-Hastings Council Code of Conduct are attached as Attachment 1 and 2 respectively.

The new Model Code of Conduct and the Procedures for the administration of the model Code of Conduct for local Councils in NSW will be supported by new provisions in the Local Government Act 1993 to more effectively deal with serious or repeated breaches of a council's adopted Code through expanded and strengthened penalties.

Key changes to the Model Code of Conduct and Procedures are:

- In the interest of clarity and simplicity, standards of conduct and procedures for dealing with breaches will be separately prescribed.
- Minor changes have been made to the standards prescribed under the Code in relation to binding caucus votes, the disclosure of political donations, loss of quorum, the management of significant non-pecuniary conflicts of interests in relation to principal planning instruments, gifts, relationships between councillors and staff and use of council resources for re-election purposes.
- New standards have been included to address misuse of the Code and other conduct intended to undermine its implementation.
- New provisions have been included to improve all councils' access to suitably skilled conduct reviewers.
- Under the new procedures, complaints will be managed from start to finish by an independent conduct reviewer at arm's length from the council if they are not informally resolved at outset.
- There will be an increased focus on informal resolution of less serious matters.
- Code of Conduct matters will be dealt with confidentially. However, where a conduct review determines that a Councillor has breached the Code and a sanction is imposed by the Council, this will be made public via the minutes of the meeting.
- There will be limited rights of review to the Division where a person is subject to an adverse outcome.
- The Division will have more options for dealing with matters directly under the misconduct provisions. This will enable it to directly police the administration of the Code and address issues such as misuse or failure to cooperate.
- Penalties for misconduct will be expanded and increased to improve deterrence.
- Both the Division and the Pecuniary Interest and Disciplinary Tribunal will be able to impose stronger penalties for repeated misconduct. This will enable the more effective management of ongoing disruptive behaviour by individual councillors to enable councils to get on with the core business of serving their communities.

Ensuring Good Governance

The features of the changes to the Model Code of Conduct and Procedures for the Administration of the Model Code include:

- Greater flexibility to resolve non-serious complaints, minimising costs to councils.
- Improved complaints management, with complaints about councillors and the General Manager managed from start to finish by qualified and independent conduct reviewers.
- Greater fairness and rigour in the investigation process through clearer procedures.
- Stronger penalties for ongoing disruptive behaviour and serious misconduct to more effectively deter and address such behaviour, allowing councils to get on with the business of serving their communities.

The commencement date for the new Model Code framework is 1 March 2013.

With regard to the transition to the new Model Code of Conduct and the Procedures for Administration of the Model Code of Conduct:

- Complaints made and yet to be finalised are to be dealt with under the current adopted Code of Conduct.
- Complaints received since notification of the new Code but where the alleged conduct occurred prior to this date, are to be assessed against the standard prescribed under the current adopted Code of Conduct but dealt with under the new procedures.
- Complaints relating to alleged conduct that occurred after 1 March 2013 are to be assessed against the new Code and Procedures.

Council is now required to undertake the following actions:

1. Adopt a new Model Code of Conduct and Procedures for Administration of the Code by 1 March 2013.
2. Ensure panels of conduct reviewers, appointed using the selection process prescribed under the new procedures, are in place by 30 September 2013. Councils without existing panels should establish a panel by 1 March 2013.

It is of note that Council initiated the process to establishment a Conduct Review panel in conjunction with MIDROC member councils in late 2012. A Council Report concerning the establishment of a Conduct Review panel will be presented in due course.

In addition, the General Manager must appoint a member of staff to act as Complaints Coordinator before 1 March 2013. To be appointed as a Complaints Coordinator, the staff member must also be a nominated Disclosures Coordinator, as per Council's Public Interest Disclosure Internal Reporting Policy. The General Manager has appointed the Group Manager Governance and Executive Services as the Complaints Coordinator.

Options

Nil. As per Section 440 of the Local Government Act, it is a requirement that a council adopt a Code of Conduct that incorporates the provisions of the Model Code.

Ensuring Good Governance

Community Engagement & Internal Consultation

While Council has not undertaken any community engagement, the Division of Local Government undertook an extensive engagement process that began in 2011 and included councils, other key stakeholders and the general public.

Internal Consultation

- General Manager.
- Group Manager Governance and Executive Services.
- Group Manager Organisational Development.

Planning & Policy Implications

If the Code of Conduct, Attachment 1, is adopted by Council it will become the Council's Code from 1 March 2013.

Financial & Economic Implications

Nil.

Attachments

1. Draft PMHC Code of Conduct
2. Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

Ensuring Good Governance

Item: 08.09

Subject: INVESTMENTS - NOVEMBER 2012

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.4.2 Manage Council's financial assets & to provide accurate, timely and reliable financial information for management purposes. Strategic financial planning & reporting and operational financial services - including payroll, accounts payable, investments, debt recovery, revenue and rates billing, asset accounting, grant administration, taxation compliance (FBT, GST, PAYG), budget preparation, general accounting.

RECOMMENDATION

That Council receive and note the Investment Report for November 2012.

Executive Summary

Investment balances and performance for the month of November 2012 are presented in this report.

Discussion

This report provides details of all funds that Council has invested under Section 625 of the Local Government Act, as at 30 November 2012.

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

Developments

Staff continue to monitor opportunities to switch to allowable alternative investments with a greater forecast investment return to maturity. Council's independent advisor, Denison Advisory Services, is continuing to work with the Finance team in reviewing Council's portfolio and investment strategy.

The investment portfolio as at 30 November 2012 is as follows:

Ensuring Good Governance

Port Macquarie Hastings Council

Investment Summary - 30 November 2012

Inv Name	Type	Purchase Date	Maturity Date	Current Yield	Face Value	Valuation	\$ Value
Miami CDO	CDO	4-Apr-07	20-Mar-17	0.0000%	\$3,000,000	40.000	\$1,200,000
Total CDO's					\$3,000,000		\$1,200,000

Inv Name	Type	Purchase Date	Maturity Date	Current Yield	Face Value	Valuation	\$ Value
Bank of Queensland Limited	FRN	30-Mar-11	30-Sep-13	4.8700%	\$1,000,000	99.712	\$997,120
Holiday Coast Credit Union	FRN	4-Nov-04	17-Apr-13	6.8700%	\$2,000,000	99.565	\$1,991,300
Royal Bank of Scotland	FRN	10-Mar-11	10-Mar-14	5.5300%	\$2,000,000	100.885	\$2,017,700
Total FRN's					\$5,000,000		\$5,006,120

Inv Name	Type	Purchase Date	Maturity Date	Yield	Face Value
ANZ Bank	TD	13-Nov-12	13-May-13	4.7800%	\$4,000,000
ANZ Bank	TD	13-Nov-12	13-Nov-15	4.7000%	\$2,000,000
ANZ Bank	TD	13-Nov-12	13-Nov-17	4.8700%	\$2,000,000
Bendigo Bank	TD	19-Sep-12	18-Mar-13	5.0000%	\$3,000,000
Bank of Queensland	TD	30-Nov-12	29-May-13	4.7500%	\$4,000,000
Commonwealth Bank	TD	20-Dec-11	18-Dec-14	5.7600%	\$2,000,000
ING Bank (Australia) Limited	TD	3-Mar-11	4-Mar-13	6.7700%	\$3,000,000
ING Bank (Australia) Limited	TD	7-Mar-12	3-Dec-12	6.0000%	\$4,000,000
ING Bank (Australia) Limited	TD	20-Dec-11	20-Dec-16	6.1600%	\$3,000,000
ING Bank (Australia) Limited	TD	8-Jun-11	7-Jun-13	6.5300%	\$3,000,000
Investec Bank (Australia) Limited	TD	30-Aug-12	27-May-13	5.2500%	\$5,000,000
ME Bank	TD	31-Oct-12	29-Jan-13	4.7100%	\$6,000,000
National Australia Bank	TD	20-Dec-11	20-Dec-12	5.7500%	\$5,000,000
National Australia Bank	TD	15-Jun-12	15-Jun-13	5.0900%	\$10,000,000
Rabobank	TD	9-Jun-11	10-Dec-12	6.5400%	\$1,000,000
Rabobank	TD	9-Jun-11	10-Jun-13	6.7000%	\$1,000,000
Rabobank	TD	11-Nov-11	11-Nov-16	6.3000%	\$2,000,000
Rabobank	TD	6-Sep-12	9-Sep-13	5.0200%	\$2,000,000
Rabobank	TD	6-Sep-12	4-Jun-13	5.0000%	\$2,000,000
St George Bank	TD	15-Aug-12	15-Aug-13	5.1500%	\$5,000,000
St George Bank	TD	19-Sep-12	13-Mar-14	4.8800%	\$4,000,000
Suncorp Metway Term Deposit	TD	18-Dec-09	18-Dec-12	7.4500%	\$1,000,000
Westpac Term Deposit	TD	14-Sep-11	14-Sep-16	6.0500%	\$7,000,000
Westpac Term Deposit	TD	11-Nov-11	11-Nov-16	6.2200%	\$3,000,000
Westpac Term Deposit	TD	11-Nov-11	11-Nov-14	5.9200%	\$3,000,000
Westpac Term Deposit	TD	30-Nov-12	28-Feb-13	4.6100%	\$2,000,000
Westpac Term Deposit	TD	6-Sep-12	5-Dec-12	5.1000%	\$6,000,000

Total TD's	\$95,000,000
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Cash Fund

Westpac Business Cash Reserve Acc CASH	3.95%	\$7,975,339
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Capital Protected Equity Linked Note Rating		Purchase Date	Maturity Date	Valuation	Face Value	\$ Value	Comment / Protection
Emu Note	AAA	26-Oct-05	30-Oct-15	91.400	\$1,000,000	\$914,000	Commerzbank
L'reach S24 Regional Prop	A+	14-Dec-06	13-Dec-12	99.110	\$3,000,000	\$2,973,300	Delevered - Deutsche
L'reach S32 Partnership	A+	30-Nov-07	23-Nov-14	92.560	\$3,000,000	\$2,776,800	Delevered - UBS
WBC Focus Notes	AA	20-Dec-06	20-Dec-12	100.362	\$1,000,000	\$1,003,622	Delevered - Westpac
Total Cap Protected Notes					\$8,000,000	\$7,667,722	

Portfolio	\$118,975,339	\$116,849,181
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Ensuring Good Governance

Other Issues

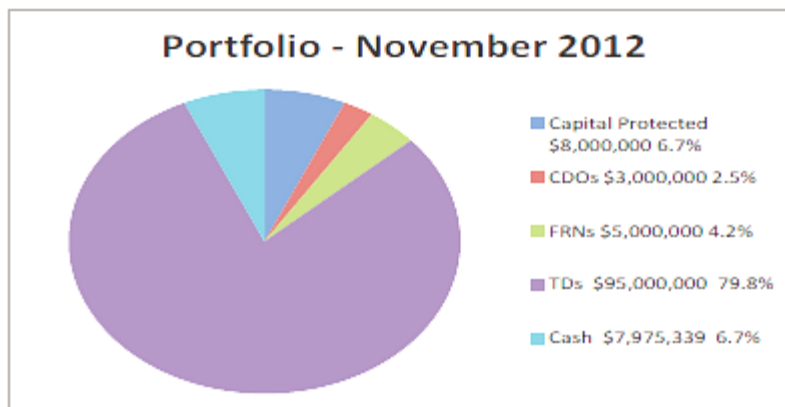
“Current value \$” in the table above is the estimate of current realisable value for the investment as provided by Denison Advisory Services. It should be noted that this is not necessarily the amount that is expected to be received upon maturity.

The one remaining CDO investment is now outside of legislative and policy guidelines, which technically requires remedy. This CDO is unlikely to make maturity, however the opportunity to exit it is limited.

As reported previously, the Equity Linked notes have been de-levered, meaning no further interest will be received. Invested capital for those products has reverted to underlying zero coupon bonds (low risk instruments with highly rated institutions).

Investment Portfolio Summary (Denison Advisory Services)

The following sections relate to Council’s portfolio at November month end. PMHC’s portfolio totals \$119mm (October \$111.5mm) and is represented in the graph below showing each component - note that these amounts use the face value amounts of each investment made.



At November month end the market valuation for the portfolio was \$116.8m.

The pricing for Floating Rate Notes improved and the Capital Protected Notes again rose as they neared their scheduled maturities. The portfolio continues to retain a high level of overall liquidity. The cash component totals \$8.0mm (up from \$4.5mm last month) and both the FRNs and Capital Protected investments can be liquidated – the TD portfolio has a spread of maturities providing the portfolio additional liquidity if required.

Market News - Interest Rates

The official cash rate was unchanged at 3.25% in early November however the market was pricing in a high chance (approximately 80%) of there being one delivered on the first Tuesday in December and they were not disappointed.

Ensuring Good Governance

The average yield for the 12 bank bill futures contracts (a 3yr period) is currently at 3.06% up from 3.03% a month earlier and down from 4.04% this time last year. The market moderated slightly its expectations of the drop in short term rates over the next year but was marginally more aggressive in expecting lower rates for longer.

The Australian Dollar

The Australian dollar was stronger over the month reversing a slightly weaker October.

The currency rose on a trade weighted basis by just over 1% to 77.2 and it also improved against the USD to close at a level of 1.0428.

Options

This is an information report.

Consultation/Submissions

Council uses the services of Dennison Financial Advisory in relation to the investment portfolio, including advice on the placement of investments, assistance with policy development and general advice.

Planning & Policy Implications

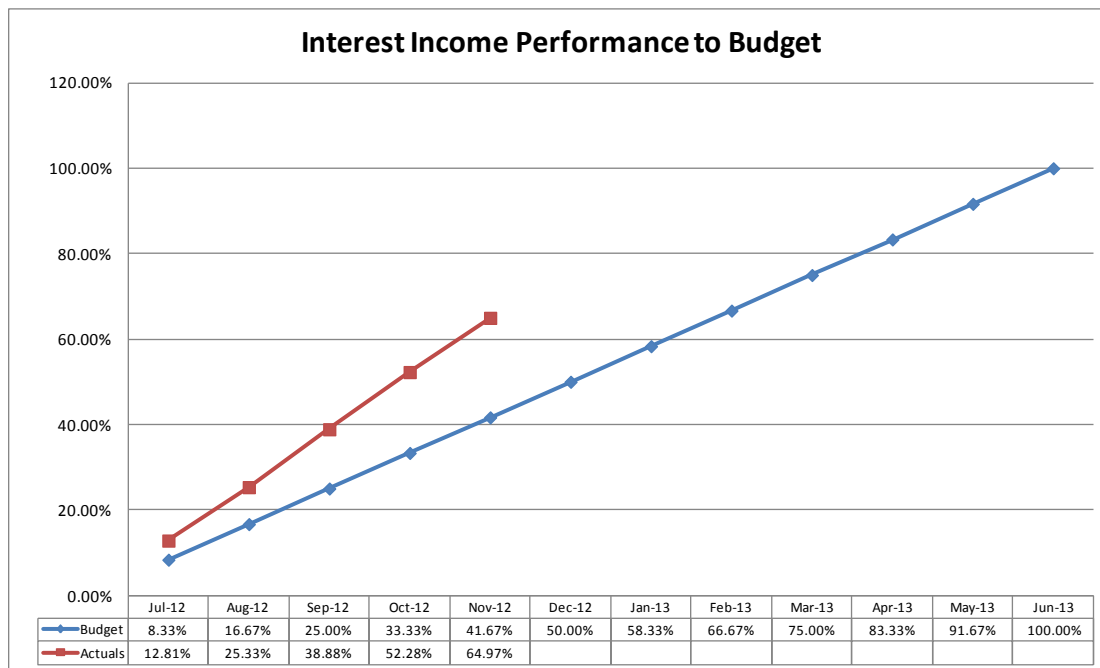
Not applicable.

Financial & Economic Implications

Council's total investment portfolio performance for November was 1.82% above the benchmark (5.34% against 3.52%) and year to date investment income is 64.97% of the total budget.

Ensuring Good Governance

Details of investment income performance (Year to Date):



The graph shows YTD investment income is 64.97% of the annual budget.

Summary of Actual Interest for November 2012

Total Budget	Budget YTD	Actual Revenue YTD
\$3,633,000	\$1,513,750	\$2,360,414

Attachments

Nil

Ensuring Good Governance

Item: 08.10

Subject: INVESTMENTS - DECEMBER 2012

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.4.2 Manage Council's financial assets & to provide accurate, timely and reliable financial information for management purposes. Strategic financial planning & reporting and operational financial services - including payroll, accounts payable, investments, debt recovery, revenue and rates billing, asset accounting, grant administration, taxation compliance (FBT, GST, PAYG), budget preparation, general accounting.

RECOMMENDATION

That Council receive and note the Investment Report for December 2012.

Executive Summary

Investment balances and performance for the month of December 2012 are presented in this report.

Discussion

This report provides details of all funds that Council has invested under Section 625 of the Local Government Act, as at 31st December 2012.

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

Developments

Staff continue to monitor opportunities to switch to allowable alternate investments with a greater forecast investment return to maturity. Council's independent advisor, Denison Advisory Services, is continuing to work with the Finance team in reviewing Council's portfolio and investment strategy.

The investment portfolio as at 31 December 2012 is as follows:

Ensuring Good Governance

Port Macquarie Hastings Council

Investment Summary - 31 December 2012

31/12/2012

Inv Name	Type	Purchase Date	Maturity Date	Current Yield	Face Value	Valuation	\$ Value
Miami CDO	CDO	4-Apr-07	20-Mar-17	0.0000%	\$3,000,000	98.000	\$2,940,000
Total CDO's					\$3,000,000		\$2,940,000

Inv Name	Type	Purchase Date	Maturity Date	Current Yield	Face Value	Valuation	\$ Value
Bank of Queensland Limited	FRN	30-Mar-11	30-Sep-13	4.5733%	\$1,000,000	99.790	\$997,900
Holiday Coast Credit Union	FRN	4-Nov-04	17-Apr-13	6.8700%	\$2,000,000	99.630	\$1,992,600
Royal Bank of Scotland	FRN	10-Mar-11	10-Mar-14	5.0600%	\$2,000,000	100.900	\$2,018,000
Total FRN's					\$5,000,000		\$5,008,500

Inv Name	Type	Purchase Date	Maturity Date	Yield	Face Value
ANZ Bank	TD	13-Nov-12	13-May-13	4.7800%	\$4,000,000
ANZ Bank	TD	13-Nov-12	13-Nov-15	4.7000%	\$2,000,000
ANZ Bank	TD	13-Nov-12	13-Nov-17	4.8700%	\$2,000,000
Bendigo Bank	TD	19-Sep-12	18-Mar-13	5.0000%	\$3,000,000
Bank of Queensland	TD	30-Nov-12	29-May-13	4.7500%	\$4,000,000
Commonwealth Bank	TD	20-Dec-11	18-Dec-14	5.7600%	\$2,000,000
ING Bank (Australia) Limited	TD	3-Mar-11	4-Mar-13	6.7700%	\$3,000,000
ING Bank (Australia) Limited	TD	20-Dec-11	20-Dec-16	6.1600%	\$3,000,000
ING Bank (Australia) Limited	TD	8-Jun-11	7-Jun-13	6.5300%	\$3,000,000
ING Bank (Australia) Limited	TD	12-Dec-12	11-Jun-13	4.7400%	\$5,000,000
Investec Bank (Australia) Limited	TD	30-Aug-12	27-May-13	5.2500%	\$5,000,000
ME Bank	TD	31-Oct-12	29-Jan-13	4.7100%	\$6,000,000
National Australia Bank	TD	20-Dec-11	20-Dec-14	5.7500%	\$5,000,000
National Australia Bank	TD	15-Jun-12	15-Jun-13	5.0900%	\$10,000,000
National Australia Bank	TD	12-Dec-12	12-Jun-14	4.5700%	\$3,000,000
National Australia Bank	TD	12-Dec-12	12-Nov-13	4.5600%	\$2,000,000
Rabobank	TD	9-Jun-11	10-Jun-13	6.7000%	\$1,000,000
Rabobank	TD	11-Nov-11	11-Nov-16	6.3000%	\$2,000,000
Rabobank	TD	6-Sep-12	9-Sep-13	5.0200%	\$2,000,000
Rabobank	TD	6-Sep-12	4-Jun-13	5.0000%	\$2,000,000
St George Bank	TD	15-Aug-12	15-Aug-13	5.1500%	\$5,000,000
St George Bank	TD	19-Sep-12	13-Mar-14	4.8800%	\$4,000,000
Westpac Term Deposit	TD	14-Sep-11	14-Sep-16	6.0500%	\$7,000,000
Westpac Term Deposit	TD	11-Nov-11	11-Nov-16	6.2200%	\$3,000,000
Westpac Term Deposit	TD	11-Nov-11	11-Nov-14	5.9200%	\$3,000,000
Westpac Term Deposit	TD	30-Nov-12	28-Feb-13	4.6100%	\$2,000,000
Total TD's				5.3785%	\$93,000,000

Cash Fund

Westpac Business Cash Reserve Account	CASH	3.75%	\$12,315,429
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Capital Protected Equity Linked Notes	Rating	Purchase Date	Maturity Date	Valuation	Face Value	\$ Value	Comment / Protection
Emu Note	AAA	26-Oct-05	30-Oct-15	91.420	\$1,000,000	\$914,200	Commerzbank
L'reach S32 Partnership	A+	30-Nov-07	23-Nov-14	93.140	\$3,000,000	\$2,794,200	Delevered - UBS
Total Cap Protected Notes					\$4,000,000	\$3,708,400	
Portfolio					\$117,315,429	\$116,972,329	

Ensuring Good Governance

Other Issues

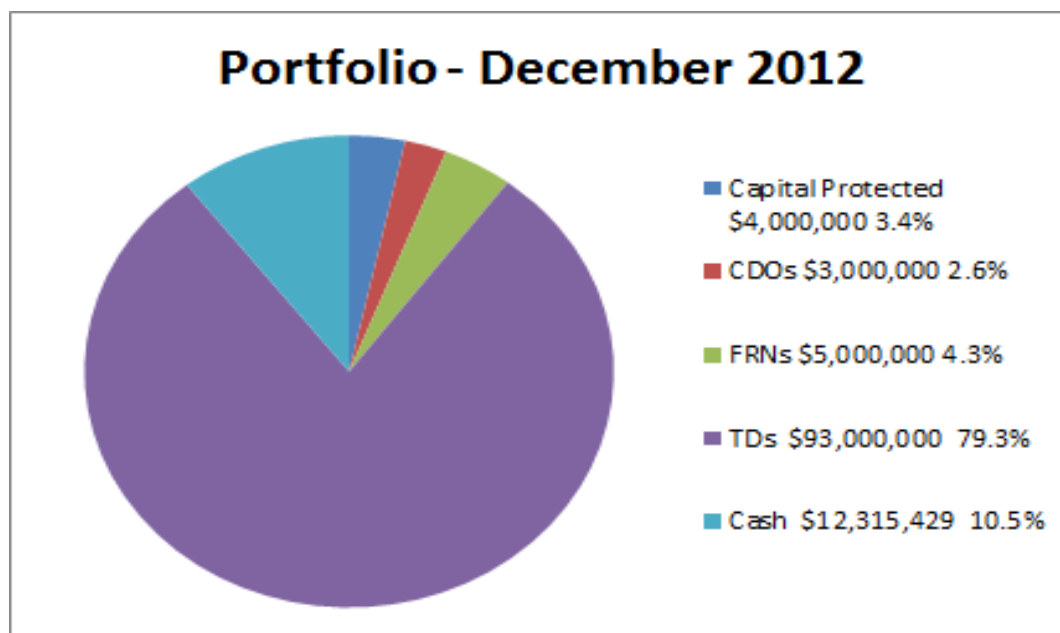
“Current value in \$” in the table above is the estimate of current realisable value for the investment as provided by Denison Advisory Services. It should be noted that this is not necessarily the amount that is expected to be received upon maturity.

The one remaining CDO investment is now outside of legislative policy guidelines, which technically requires remedy. This CDO is unlikely to make maturity, however the opportunity to exit is limited.

As reported previously, the Equity linked notes have been de-levered, meaning no further interest will be received. Invested capital for those products has reverted to underlying zero coupon bonds (low risk instruments with highly rated institutions).

Investment Portfolio Summary (Denison Advisory Services)

The following sections relate to Council's portfolio at December month end. PMHC's portfolio totals \$117.3mm (November \$119mm) and is represented in the graph below showing each component – note that these amounts use the face value amounts of each investment made.



At December month end the market valuation for the portfolio was \$117mm.

The pricing for Floating Rate Notes improved marginally and the Capital Protected Notes again rose as they neared their scheduled maturities. The portfolio continues to retain a high level of overall liquidity. The cash component totals \$12.3mm (up from \$8mm last month) and both the FRNs and Capital Protected investments can be liquidated – the TD portfolio has a spread of maturities providing the portfolio additional liquidity if required.

Ensuring Good Governance

Market News - Interest Rates

The cash rates was again reduced during the month to 3.00% meeting the market's view that a cut was needed and likely.

The average yield for the 12 bank bill futures contracts (a 3yr period) is currently at 3.18% up from 3.06% a month earlier and down from 3.91% this time last year. The market maintained its expectations of the drop in short term rates over the next 6 months or so but has swung back with higher rates predicted over the next two years.

The Australian Dollar

The Australian dollar was relatively flat during December on a trade weighted basis.

The currency closed the month down marginally at just below 1.04 USD but showed most strength against the Japanese Yen.

Options

This is an information report.

Consultation/Submissions

Council uses the services of Denison Financial Advisory in relation to the investment portfolio, including advice on the placement of investments, assistance with policy development and general advice.

Planning & Policy Implications

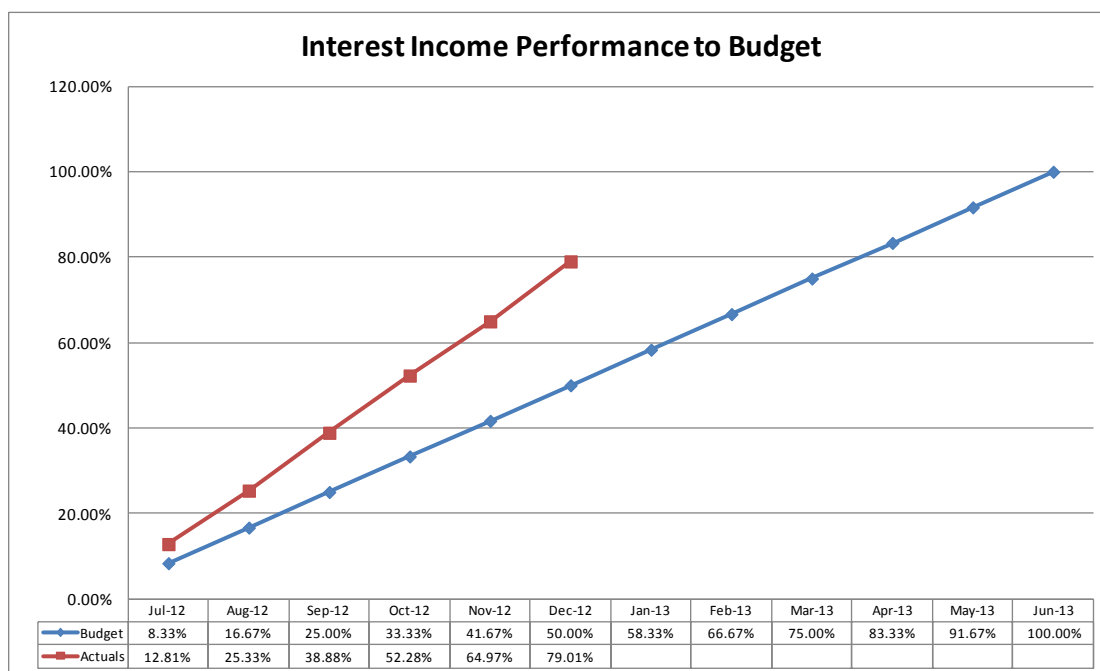
Not applicable.

Financial & Economic Implications

Council's total investment portfolio performance for December was 1.83% above the benchmark (5.21% against 3.38%) and year to date investment income is 79.01% of the total budget.

Ensuring Good Governance

Details of investment income performance (Year to Date):



The graph shows YTD investment income is 79.01% of the annual budget.

Summary of Actual Interest for December 2012

Total Budget	Budget YTD	Actual Revenue YTD
\$3,633,000	\$1,816,500	\$2,870,451

Attachments

Nil

Ensuring Good Governance

Item: 08.11

Subject: INVESTMENTS - JANUARY 2013

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.4.2 Manage Council's financial assets & to provide accurate, timely and reliable financial information for management purposes. Strategic financial planning & reporting and operational financial services - including payroll, accounts payable, investments, debt recovery, revenue and rates billing, asset accounting, grant administration, taxation compliance (FBT, GST, PAYG), budget preparation, general accounting.

RECOMMENDATION

That Council receive and note the Investment Report for January 2013.

Executive Summary

Investment balances and performance for the month of January 2013 are presented in this report.

Discussion

This report provides details of all funds that Council has invested under Section 625 of the Local Government Act, as at 31st January 2013.

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

Developments

Staff continue to monitor opportunities to switch to allowable alternate investments with a greater forecast investment return to maturity. Council's independent advisor, Denison Advisory Services, is continuing to work with the Finance team in reviewing Council's portfolio and investment strategy.

The investment portfolio as at 31 January 2013 is as follows:

Ensuring Good Governance

Port Macquarie Hastings Council

Investment Summary - 31 January 2013

		Purchase		Current			
Inv Name	Type	Date	Maturity Date	Yield	Face Value	Valuation	\$ Value
Miami CDO	CDO	4-Apr-07	20-Mar-17	0.0000%	\$3,000,000	98.000	\$2,940,000
Total CDO's					\$3,000,000		\$2,940,000
Inv Name	Type	Purchase	Maturity Date	Current	Face Value	Valuation	\$ Value
		Date		Yield			
Bank of Queensland Limited	FRN	30-Mar-11	30-Sep-13	4.5733%	\$1,000,000	99.790	\$997,900
Holiday Coast Credit Union	FRN	4-Nov-04	17-Apr-13	6.7400%	\$2,000,000	99.630	\$1,992,600
Royal Bank of Scotland	FRN	10-Mar-11	10-Mar-14	5.0600%	\$2,000,000	100.900	\$2,018,000
Total FRN's					\$5,000,000		\$5,008,500
Inv Name	Type	Purchase	Maturity Date	Yield	Face Value		
		Date					
ANZ Bank	TD	13-Nov-12	13-May-13	4.7800%	\$4,000,000		
ANZ Bank	TD	13-Nov-12	13-Nov-15	4.7000%	\$2,000,000		
ANZ Bank	TD	13-Nov-12	13-Nov-17	4.8700%	\$2,000,000		
Bendigo Bank	TD	19-Sep-12	18-Mar-13	5.0000%	\$3,000,000		
Bank of Queensland	TD	30-Nov-12	29-May-13	4.7500%	\$4,000,000		
Commonwealth Bank	TD	20-Dec-11	18-Dec-14	5.7600%	\$2,000,000		
ING Bank (Australia) Limited	TD	3-Mar-11	4-Mar-13	6.7700%	\$3,000,000		
ING Bank (Australia) Limited	TD	20-Dec-11	20-Dec-16	6.1600%	\$3,000,000		
ING Bank (Australia) Limited	TD	8-Jun-11	7-Jun-13	6.5300%	\$3,000,000		
ING Bank (Australia) Limited	TD	12-Dec-12	11-Jun-13	4.7400%	\$5,000,000		
ING Bank (Australia) Limited	TD	30-Jan-13	29-Jul-13	4.5000%	\$3,000,000		
Investec Bank (Australia) Limited	TD	30-Aug-12	27-May-13	5.2500%	\$5,000,000		
National Australia Bank	TD	20-Dec-11	20-Dec-14	5.7500%	\$5,000,000		
National Australia Bank	TD	15-Jun-12	15-Jun-13	5.0900%	\$10,000,000		
National Australia Bank	TD	12-Dec-12	12-Jun-14	4.5700%	\$3,000,000		
National Australia Bank	TD	12-Dec-12	12-Nov-13	4.5600%	\$2,000,000		
National Australia Bank	TD	30-Jan-13	30-Oct-13	4.4100%	\$2,000,000		
National Australia Bank	TD	30-Jan-13	30-Jan-14	4.4200%	\$5,000,000		
Rabobank	TD	9-Jun-11	10-Jun-13	6.7000%	\$1,000,000		
Rabobank	TD	11-Nov-11	11-Nov-16	6.3000%	\$2,000,000		
Rabobank	TD	6-Sep-12	9-Sep-13	5.0200%	\$2,000,000		
Rabobank	TD	6-Sep-12	4-Jun-13	5.0000%	\$2,000,000		
St George Bank	TD	15-Aug-12	15-Aug-13	5.1500%	\$5,000,000		
St George Bank	TD	19-Sep-12	13-Mar-14	4.8800%	\$4,000,000		
Westpac Term Deposit	TD	14-Sep-11	14-Sep-16	6.0500%	\$7,000,000		
Westpac Term Deposit	TD	11-Nov-11	11-Nov-16	6.2200%	\$3,000,000		
Westpac Term Deposit	TD	11-Nov-11	11-Nov-14	5.9200%	\$3,000,000		
Westpac Term Deposit	TD	30-Nov-12	28-Feb-13	4.6100%	\$2,000,000		
Total TD's					\$97,000,000		
Cash Fund							
Westpac Business Cash Reserve Account	CASH			3.70%	\$7,938,272		
Capital Protected Equity Linked Notes	Rating	Purchase	Maturity Date	Valuation	Face Value	\$ Value	Comment / Protection
		Date					Commerzbank as @
Emu Note	AAA	26-Oct-05	30-Oct-15	91.420	\$1,000,000	\$914,200	31 Dec 2012
L'reach S32 Partnership	A+	30-Nov-07	23-Nov-14	93.250	\$3,000,000	\$2,797,500	Delevered - UBS
Total Cap Protected Notes					\$4,000,000	\$3,711,700	
Portfolio					\$116,938,272	\$116,598,472	

Other Issues

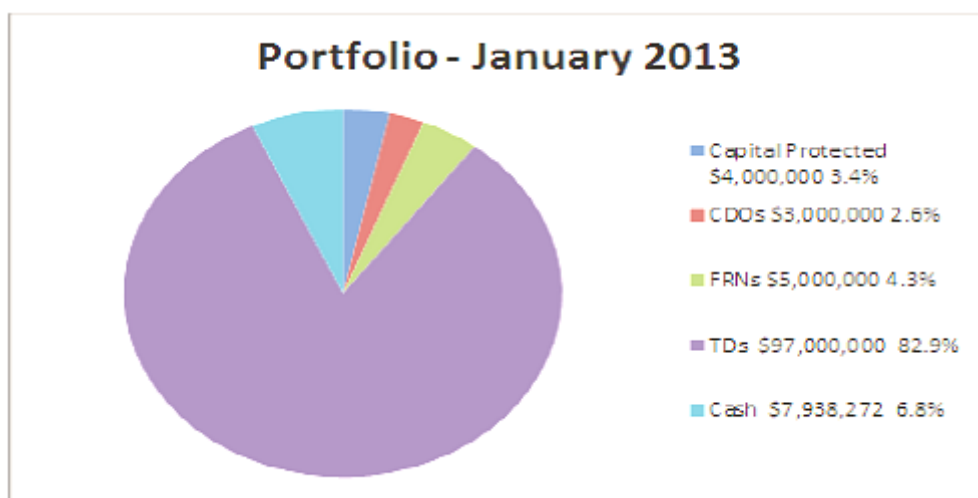
"Current value in \$" in the table above is the estimate of current realisable value for the investment as provided by Denison Advisory Services. It should be noted that this is not necessarily the amount that is expected to be received upon maturity.

Ensuring Good Governance

The one remaining CDO investment is now outside of legislative policy guidelines, which technically requires remedy. This CDO is unlikely to make maturity. As reported previously, the Equity linked notes have been de-levered, meaning no further interest will be received. Invested capital for those products has reverted to underlying zero coupon bonds (low risk instruments with highly rated institutions).

Investment Portfolio Summary (Denison Advisory Services)

The following sections relate to Council's portfolio at January month end. PMHC's portfolio totals \$116.9mm (December \$117.3mm) and is represented in the graph below showing each component – note that these amounts use the face value amounts of each investment made.



At January month end the market valuation for the portfolio was \$116.6mm.

The pricing for Floating Rate Notes improved marginally and the Capital Protected Notes again rose as they neared their scheduled maturities. The portfolio continues to retain a high level of overall liquidity. The cash component totals \$7.9mm (down from \$12.3mm last month) and both the FRNs and Capital Protected investments can be liquidated – the TD portfolio has a spread of maturities providing the portfolio additional liquidity if required.

Market News - Interest Rates

The cash rate was left unchanged at 3%. There was no RBA meeting in January.

The average yield for the 12 bank bill futures contracts (a 3yr period) is currently at 3.22% up from 3.18% a month earlier and down from 3.90% this time last year. The market maintained its expectations of the drop in short term rates over the next 6 months or so but has swung back to look for marginally higher rates further along the curve.

The Australian Dollar

The Australian dollar was mixed against the major currencies but still managed to deliver a gain of around 0.8% on a trade weighted basis.

Ensuring Good Governance

The currency closed the month up against the USD at 1.0430 but was weaker against the Euro in particular. It delivered gains against the pound, the yen and the Canadian dollar. Our currency tends to outperform when investors are in risk-on mode as we are viewed as a higher yielding currency with the inherent risks that come with being a small component of the global markets.

Options

This is an information report.

Consultation/Submissions

Council uses the services of Denison Financial Advisory in relation to the investment portfolio, including advice on the placement of investments, assistance with policy development and general advice.

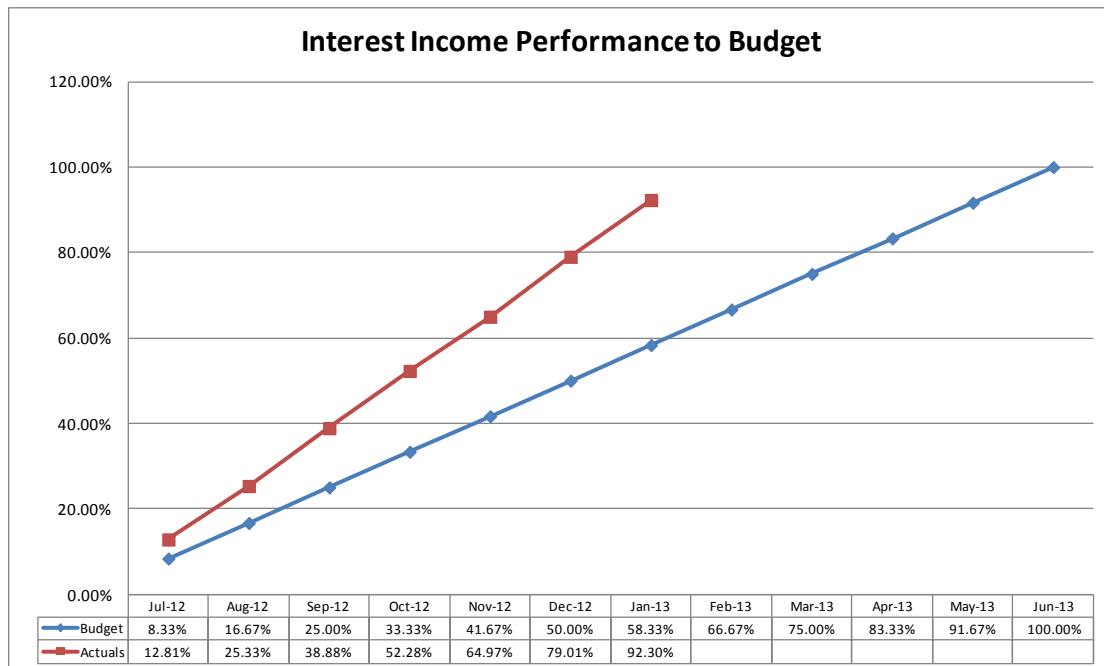
Planning & Policy Implications

Not applicable

Financial & Economic Implications

Council's total investment portfolio performance for January was 1.84% above the benchmark (5.10% against 3.26%) and year to date investment income was 92.30% of the total budget.

Details of investment income performance (Year to Date):



The graph shows YTD investment income is 92.30% of the annual budget.

Ensuring Good Governance

Summary of Actual Interest for January 2013

Total Budget	Budget YTD	Actual Revenue YTD
\$3,633,000	\$2,119,250	\$3,353,421

Attachments

Nil

Ensuring Good Governance

Item: 08.12

**Subject: QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2012
AND MONTHLY BUDGET REVIEW - JANUARY 2013**

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.4.2 Manage Council's financial assets & to provide accurate, timely and reliable financial information for management purposes. Strategic financial planning & reporting and operational financial services - including payroll, accounts payable, investments, debt recovery, revenue and rates billing, asset accounting, grant administration, taxation compliance (FBT, GST, PAYG), budget preparation, general accounting.

RECOMMENDATION

That Council:

- 1. Note the Quarterly Budget Review Statement for the December Quarter.**
- 2. Adopt the adjustments in the "Financial Implications" section of the report for January 2013.**

Executive Summary

Each month Council's budgets are reviewed by Managers and Directors and any required adjustments are reported.

Discussion

The Division of Local Government requires all NSW Council's to prepare a Quarterly Budget Review Statement (QBRS). Council currently prepares a monthly review of financial position, this will continue but will be incorporated into the QBRS each quarter. As no Council meeting was held in January 2013 the December quarterly budget review has been incorporated with the January monthly financial review.

The January budget review forecasts a surplus for the 2012/13 financial year of \$157,188. This is an improvement of \$748,323 over the November result and an improvement of \$886,777 over the original budget, which projected a deficit of \$729,589.

Commentary of Key Variance Items

1. The improvement in the result this review is due primarily to the deferral of the Local Infrastructure Renewal Scheme loan borrowing. The current budget assumes that the loan would have been borrowed in August 2012. As it will now not be borrowed until late in the 2012/13 financial year this saving has been made.
2. Council has received advice of its contribution to the Emergency Services; the net increase in budget required is \$46,685.

Ensuring Good Governance

3. Numerous other budget reductions have been included after an extensive line-by-line budget review with Directors and Group Managers.
4. Various new grants have been received and the income and expenditure budget for these grants is included this month.
5. The cost of the Local Government election is now determined at \$377,000 which is \$27,000 more than originally budgeted for.

Quarterly Budget Review Statement

The quarterly QBRS presents a summary of council's financial position at the end of each quarter. It is a mechanism whereby the councillors and the community are informed of council's progress against the Operational Plan (original budget) and the last revised budget, along with recommended changes and reasons for major variances. Included in the QBRS are the following budget review components.

- Statement by the Responsible Accounting Officer on Council's financial position at the end of the year based on the information in the QBRS;
- Budget review of Income and Expenditure in a consolidated format (including performance indicators)
- Budget review of the Capital budget (including performance indicators)
- Budget review of the Cash and Investments position
- Budget review of Contracts and other expenses

Attached are the quarterly budget review reports for the December 2012 quarter for Council's information.

Options

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

Consultation/Submissions

Consultation in this matter has occurred across each division and section with input from Directors and Managers.

Planning & Policy Implications

Nil

Financial & Economic Implications

Attached for information is each individual budget adjustment for January 2013 by Division and Section.

Responsible Accounting Officer Statement

The budget position at the end of January stands at \$157,188 surplus. This is a significant improvement on the original forecast deficit of \$729,589.

Attachments

1. January 2013 Budget Review Adjustments.
2. December 2012 Quarterly Report

Ensuring Good Governance

Item: 08.13

Subject: LOCAL GOVERNMENT FUNDING AND PORT MACQUARIE-HASTINGS COUNCIL

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.4.2 Manage Council's financial assets & to provide accurate, timely and reliable financial information for management purposes. Strategic financial planning & reporting and operational financial services - including payroll, accounts payable, investments, debt recovery, revenue and rates billing, asset accounting, grant administration, taxation compliance (FBT, GST, PAYG), budget preparation, general accounting.

RECOMMENDATION

That Council note the information regarding Local Government Funding and Port Macquarie-Hastings Council in this report.

Executive Summary

At the Council meeting of 10th October 2012, a Notice of Motion was put forward by Cr J Levido in relation to Local Government Funding and Port Macquarie Hastings Council. It was resolved that:

Council request the General Manager to prepare a Report for consideration by Council at its February 2013 Meeting as to current funding arrangements relating to Port Macquarie-Hastings Council, the adequacy of those arrangements to practically service the Local Government Area and discussion on alternative sustainable funding models that could be reasonably developed to improve the position of Council, with a view to Council:

1. *Determining a settled and consistent position for lobbying purposes with other levels of government;*
2. *Using the information as a basis for further development through MIDROC; and*
3. *Advancement of the agenda through constituent bodies such as the Local Government Association.*

The above resolution was carried unanimously.

This report details information that will attempt to address the above-mentioned Notice of Motion.

Ensuring Good Governance

Discussion

Through this report, there will be discussion about a range of issues including current funding arrangements; issues & constraints; financial viability & sustainability; financial shortfalls and alternative funding options.

Current Funding Arrangements

Council raises its revenue from a variety of sources. Section 15 of the *NSW Local Government Act 1993* provides Councils with the power to impose rates and make charges for the provision of services.

The amount by which councils in NSW may increase rates each year is limited to a maximum amount as determined by the Independent Pricing & Regulatory Authority (IPART). This process, known as rate pegging, is unique to NSW and has been in place since 1977. There will be further discussion on rate pegging later in this report.

Other sources of revenue include fees and charges, grants, developer contributions, interest income and loans. Council also holds cash reserves that can be drawn upon to fund its capital or operational budget as certain income i.e. developer contributions may be collected several years in advance of expending these funds.

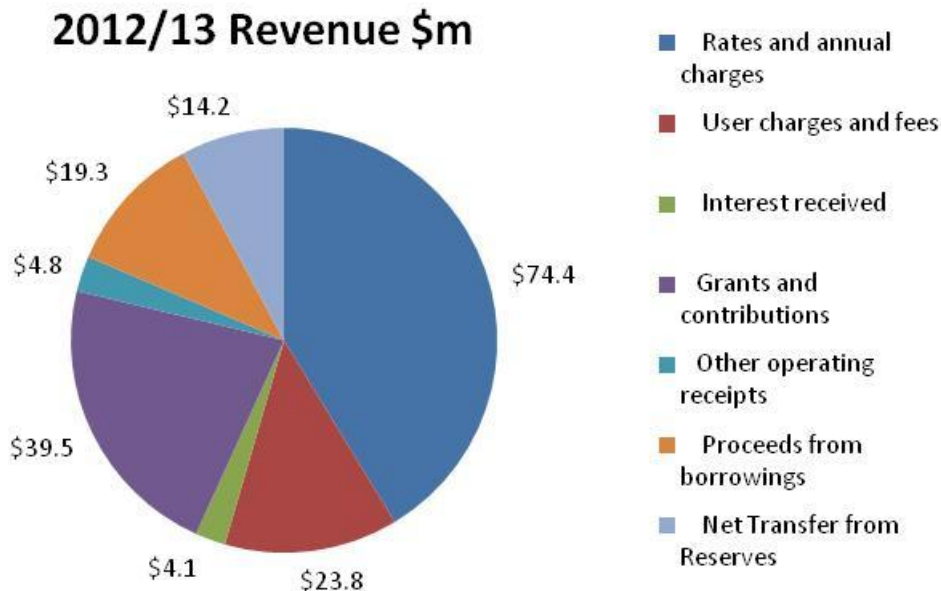
In terms of the capacity of the above-mentioned revenue streams to fund the works and services required in the Port Macquarie Hastings local government area (LGA), Council faces a significant shortfall in terms of its ability to maintain and renew its infrastructure assets to an acceptable level. In the absence of extensive reform of the overall funding structure for local government, Council needs to ensure it is best placed to make the most of the funds it currently collects and receives, which effectively translates to living within its means and ensuring that the allocation of scarce resources is made in a prudent and systematic way, in line with community priorities.

Council's funding sources

Council receives revenue from the following sources (2012/13 budget):

	\$'000	% of total
Operating Revenue		
Rates and annual charges	74,390	41.3%
User charges and fees	23,835	13.2%
Interest received	4,134	2.3%
Grants and contributions	39,517	21.9%
Other operating receipts	4,850	2.7%
	146,726	
Capital and Reserve Movements		
Net transfer from Reserves	14,177	7.9%
Proceeds from borrowings	19,300	10.7%
	33,477	
Total funding sources	180,203	

Ensuring Good Governance



There are core sources of revenue which Council is able to access. These sources of revenue are generated from the current operational base and include rates and charges, sales of goods and services, and government grants. While there is some scope to increase the core sources of revenue, there are also a number of limitations which prevent Council from doing so as per the following discussion.

Issues

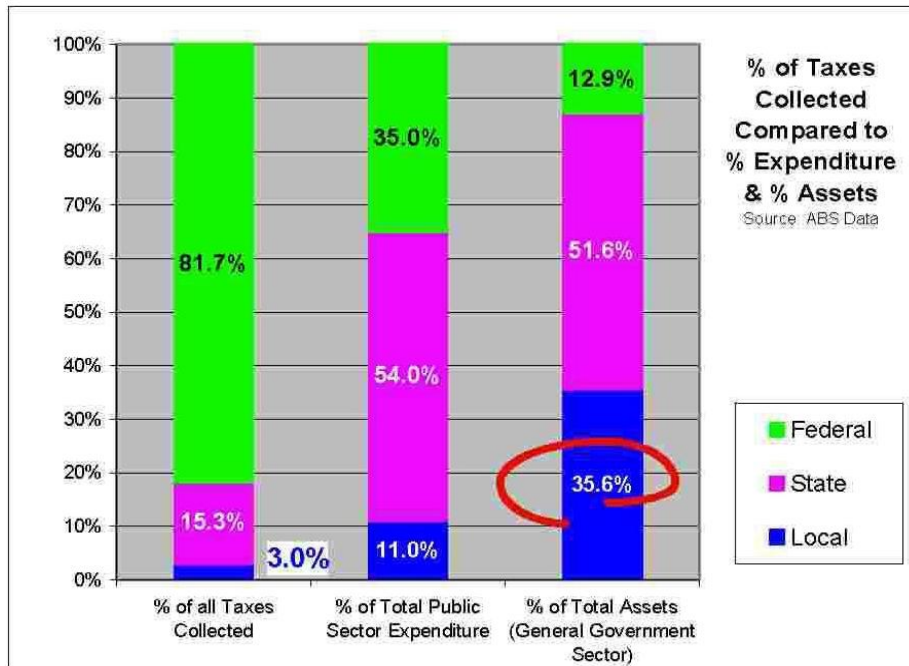
Rate Pegging

As described above, IPART currently determine the amount by which local councils in NSW can increase rates i.e. this is called rate pegging. NSW is the only state that adopts this system of restricting rate increases.

What this has meant over time is that the increase in Council revenue has not kept pace with the increase in costs. The Henry Tax Review of 2010 concluded that all states should allow local government a degree of autonomy over the setting of the level of rates. The Review states '...if local governments are to be accountable for their expenditures, it follows that they should have full or at least greater autonomy over the setting of the tax rate applied to properties in their jurisdictions'. It should be noted that at this stage, many of the recommendations from the Henry Tax Review have not been implemented.

To highlight the percentage of taxes collected by each level of government versus the amount of expenditure each level of government is responsible for, please refer to the graph below. The graph illustrates that whilst responsible for almost 36% of total government assets, local government nationally only receives 3% of all taxes collected.

Ensuring Good Governance



The review of local government currently being conducted by the Independent Local Government Review Panel in NSW, has received numerous submissions in relation to the issue of rate pegging. The majority of respondents have favoured the abolition of rate pegging, arguing that it has outlived its usefulness in terms of achieving council efficiencies and was now resulting in under-investment in infrastructure and threatening the financial sustainability of Councils.

On the issue of under-investment in infrastructure, Australia-wide the local government infrastructure backlog is estimated at around \$15 billion, of which NSW's share is approximately \$6 billion, noting that the infrastructure backlog for Port Macquarie-Hastings Council is approximately \$180 million to restore to assets to existing standards and \$500 million to provide to a level to accommodate current and future needs.

According to a submission by IPART to the current Local Government Review Panel, taxation revenue i.e. rates increased by approximately 4.4% per annum in NSW compared to 8% in the other mainland states. As detailed in the IPART submission, the Federal government's 2008-09 Local Government National Report shows that average rates per capita in NSW were around \$120 or 22% less than the average in other states. This difference amounts to 'revenue foregone' of around \$850 million in NSW in 2008/09.

Cost Shifting

Cost shifting describes a situation where the responsibility for, or 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 the provision of corresponding funding or the conferral of corresponding and adequate revenue raising capacity.

Ensuring Good Governance

Over time cost shifting has had a significant impact on NSW councils. The impact of cost shifting on NSW council's is approximately \$400m per annum. The impact on Port Macquarie-Hastings Council is approximately \$4.4m per annum as per the table below:

	\$'000
Pensioner rates rebates	1,317
Public library operations	584
Waste Levy	567
Community & Human Services	343
Contribution to NSW Fire Brigade	311
Noxious Weed Control	298
Contribution to NSW Rural Fire Service	250
Safety/Crime prevention	120
Shortfall in cost recovery for processing DAs	89
Sewage treatment system licence fees	86
Functions under Rural Fires Act	80
Companion Animals Act administration	69
Contribution to NSW SES	61
Road Safety officer	32
Other	100
Total	4,392

What this cost shifting effectively means is that over time, Council's recurrent budget has been eroded by \$4.4m per annum, funds which would have otherwise been utilised for the provision of works and services to the community.

Fees and charges

Each year Council is required to develop a comprehensive schedule of Fees and Charges which is adopted in June each year for implementation the following financial year.

Certain fees and charges are regulated by other levels of government whilst others are determined by Council. There are several issues to consider when setting the level of discretionary fees and charges. Fees and charges are reviewed on an annual basis with the view of optimising the revenue base whilst at the same time attempting to ensure that the level of our fees and charges are fair and equitable for stakeholders using our services. Council, when setting its level of fees and charges, also needs to consider the nature of the service and recognise any community service obligation as well as wider objectives such as equity and social justice considerations. For this reason, most fees and charges are generally increased in line with the estimated CPI movement. If a Council service is in competition with that provided by another council or agency (private or public), the pricing for that service is determined at a commercial level i.e. crematorium services.

Ensuring Good Governance

An example of some of the fees and charges that Council does not set i.e. are regulated by other levels of government are:

- Sec 603 certificates;
- Waste management access charge;
- Noxious plant certificates;
- Certain DA fees;
- Animal registration fees (Companion Animals Act);
- Annual stormwater charges;
- Annual water availability charge;
- Fire service levy;
- Wastewater charge.

Financial viability and sustainability

The 2006 report of the Independent Inquiry into the Financial Sustainability of NSW Local Government (known as the “Allan report”) defines sustainability as follows:

‘A Council’s finances should be considered sustainable in the long term only if its financial capacity is sufficient - for the foreseeable future - to allow the council to meet its expected financial requirements over time without having to introduce substantial or disruptive revenue (or expenditure) adjustments’.

Viability is a very different concept to sustainability. Viability focuses on the short term and may be defined as the ability to generate sufficient income to meet operating payments and debt commitments i.e. to be able to continue to trade. The current regulatory focus in NSW is principally on viability because that is where the immediate or practical risk lies.

A submission to the current Local Government Review Panel by the Urban Task Force claims that half of NSW local councils are financially unsustainable or close to it and that the main reason for this is a \$6 billion infrastructure renewals backlog that is growing by \$150 million a year.

Port Macquarie Hastings is classified as a “Group 4” council (medium size regional council with population in the range of 30-70,000) by the Division of Local Government (DLG). In recent data relating to Group 4 Councils provided by the NSW Treasury Corporation, suggests that whilst Group 4 councils appear generally strong in terms of viability i.e. adequate cash flow and low debt etc, most are becoming less sustainable.

Whilst Council may be financially viable, the fact remains that due to cost pressures and the infrastructure backlog; our long term financial sustainability is at risk and will require ongoing review and corrective action. At the current rate of investment in infrastructure, Council’s on-going viability will be adversely affected due to the need to fund higher levels of maintenance as our assets deteriorate in the longer term. The table directly below details the annual maintenance shortfall for Port Macquarie-Hastings Council.

Areas of financial shortfall

As with most Council’s in NSW, the primary area of financial shortfall facing Council is the ability to maintain and renew its infrastructure assets.

Ensuring Good Governance

The PriceWaterhouseCoopers report titled *National Financial Sustainability Study of Local Government*, established that financial distress was common in all Australian Local Government jurisdictions.

The report indicated that by far the greatest source of financial stress seems to reside in ensuring adequate provision and maintenance of local infrastructure. The main burden of this financial distress has been borne by deferred local infrastructure maintenance and renewal.

For Port Macquarie-Hastings Council, the most recent data indicates that Council's infrastructure backlog and maintenance shortfall are as follows:

Asset Class	Estimated cost to bring to satisfactory standard \$'000	Annual maintenance shortfall \$'000
Public Buildings	2,327	40
Roads	172,005	18,011
Water	1,750	3,959
Sewer	0	0
Stormwater	11,772	1,160
Flood mitigation	0	303
Total	187,854	23,473

Source of data: Special Schedule 7 - 2012 Financial Statements

As can be seen from the data above, the problem, particularly in relation to roads, is of such a significant magnitude that it cannot be addressed without financial assistance from the State and Federal Governments or some other funding source yet to be determined.

As mentioned previously, the combined infrastructure backlog across all NSW Councils is in excess of \$6 billion, and is particularly prevalent in rural and regional councils with small rate bases and large local road networks to maintain. This evidence supports the case that rate-pegging, whilst not the sole cause of the NSW backlog, is an ineffective way of enabling councils to determine the revenue required to cover the true costs of providing infrastructure and services to the local community.

Alternative funding options

Following is discussion on the range of alternate funding options open to Council:

Debt funding

In much the same way that an individual would take out a mortgage to purchase a home, debt finance enables councils to construct and deliver infrastructure earlier than would have been possible otherwise. Debt funding also allows the spread of costs across future generations who will benefit from the investment. This is known as the principle of intergenerational equity.

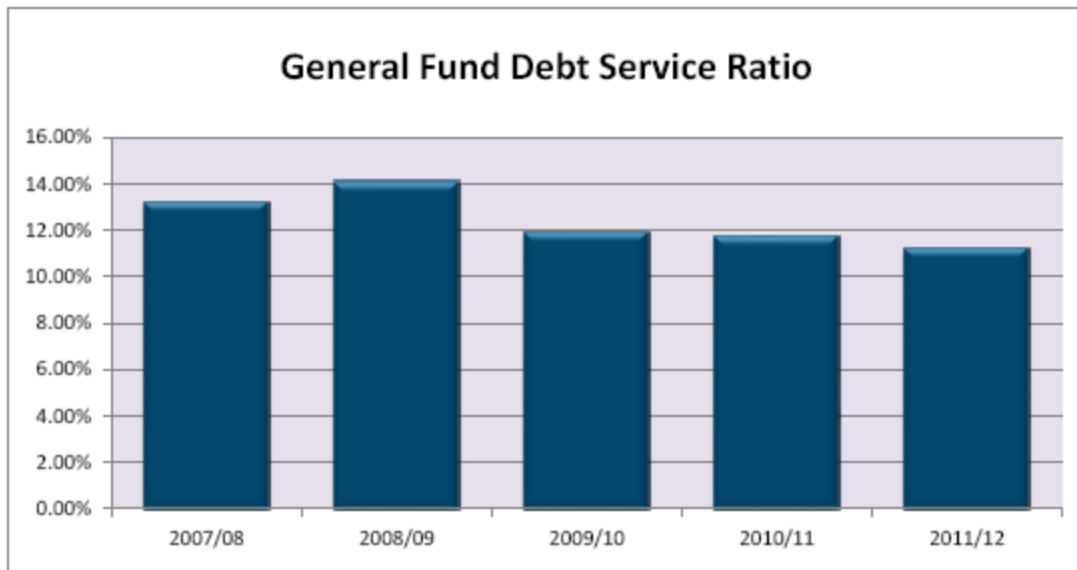
Ensuring Good Governance

Inversely, failure to invest in infrastructure has the potential to pass on the legacy of significant maintenance and renewal costs to future generations beyond a level that is reasonable or affordable.

As such, the quantum debt should not be considered in isolation but rather in terms of the capacity of Council to service that debt in the medium and long term. As at June 30 2012 Councils loan liability, by fund, was as follows:

Sewer	\$26.0m
Water	\$13.7m
General Fund (Glasshouse)	\$22.7m
General Fund (Other)	\$27.0m
Total	\$89.4m

Council's General Fund Debt Service Ratio (which measures the cost of debt servicing as a percentage of operating income) was 11.17% as at 30 June 2012. According to the LGMA "Financial Healthcheck", a debt service ratio of up to 20% is acceptable for a growth council such as Port Macquarie Hastings. As can be seen in the graph below, Council's General Fund Debt Service Ratio has decreased over the five years to June 2012.



Council's auditor (Thomas Noble and Russell) noted in their report to the 2012 Annual Financial Statements that '...a debt service ratio of this level for a developing coastal council such as Port Macquarie Hastings is acceptable under Local Government Managers Association performance measures. We are aware that Council is managing its General Fund debt carefully'.

The 2012 Ernst and Young Report "Strong Foundations for Sustainable Local Infrastructure" supports the concept of responsible borrowing and alternative debt options and notes that the Australian Government, alongside State and Territory governments, have far greater capabilities than local government, in that they can create the crucial links between the financial markets which have the capacity and

Ensuring Good Governance

capability (but not necessarily) the confidence to invest and councils, which have the pressing need for capital, but not the means to access it.

The report makes the following observations:

- *There is significant capacity within the local government sector to optimise its level of borrowing. However, this is currently held back by the fear of debt and the absence of a structured local government debt product suitable for institutional investors.*
5.
- *Centralised financing, where available on a state basis, currently provides the benefit of low finance costs and a government guarantee. Centralising financing on a national level would not only enhance these benefits, but is also likely to be an essential prerequisite for the creation of financial products to channel institutional investment into local government infrastructure.*
6.
- *There is a role for the Australian Government in working with the states and territories to investigate the feasibility of establishing a national financing authority for local government to bridge the gap between institutional investors and Australian councils.*
7.
- *Furthermore, the Australian Government can provide assistance in creating sustainable revenue streams which form a direct link between those who benefit from new investments and those who pay for them. Tax Increment Financing, whereby councils leverage future rates revenues to borrow for infrastructure investment, represents one such revenue stream.*

This financing model is commonly referred to as 'local government infrastructure bond' funding. The Report goes on to say that the Federal government may need to make this type of investment vehicle more attractive by offering tax incentives to potential investors. It also suggested that a national financing authority should be established to provide the necessary governance and oversight of the scheme.

However, whilst the concept of local government bonds seems attractive, it is acknowledged that there is considerable work required at the Federal government and commercial banking level regarding development of the environment for this opportunity to be progressed. The benefits must be considered with reference to the current low interest rate environment on conventional loans.

Review Rate pegging

The concept of rate pegging has been discussed above. It would appear that most councils in NSW and their representative organisations are opposed to rate pegging.

According to a submission from IPART to the current Local Government Review Panel, over the period 2001/02 to 2010/11, growth in total revenues of NSW Councils was 5.7% per annum, compared to an average of 8.0% for the other mainland states.

According to the same submission, taxation revenue i.e. rates increased by approximately 4.4% per annum in NSW compared to 8% in the other mainland states. As detailed in the IPART submission, the Federal government's 2008-09 Local Government National Report shows that average rates per capita in NSW were

Ensuring Good Governance

around \$120 or 22% less than the average in other states. This difference amounts to 'revenue foregone' of around \$850 million in NSW in 2008/09.

As mentioned earlier in the report and according to the same submission from IPART, taxation revenue i.e. rates increased by approximately 4.4% per annum in NSW compared to 8% in the other mainland states. As detailed in the IPART submission, the Federal government's 2008-09 Local Government National Report shows that average rates per capita in NSW were around \$120 or 22% less than the average in other states. This difference amounts to 'revenue foregone' of around \$850 million in NSW in 2008/09.

Further to the above, in the report "Rates and Taxes - A Fair Share for Responsible Local Government" (Nov 2006), Access Economics referred to the inefficiency of rate capping as being "inconsistent with the call for local government to become more financially secure and to develop broader sources of income".

As mentioned previously, other states in Australia do not have rate pegging, but rely on other systems. For example, in Queensland, Councils carry out the following processes to help them determine what level of rates to charge:

- evaluate and determine the range of services it needs to support the community for example, waste management, local roads and suburban care
- decide how much money is needed to fund services and infrastructure
- establish how much funding it can expect to receive from the federal and state governments and other income sources
- determine how much money is required from rates and charges to cover the balance of expenditures
- decide on the best mix of rates and charges to provide services to the community

Special Rate Variations

In 2012 Council applied to the IPART for a Special Rate Variation (SRV), and application that was successful. The application was in two parts. The first part of the application was to apply to have the then current 7.3% SRV (which was due to expire 30 June 2012), made permanent. This now provides Council with \$2.5m (indexed) annually for asset maintenance purposes. The second part of the application involved a further 4.43% special variation for a period of five years, which is due to expire on 30 June 2017. This provides a further \$1.7m (indexed) for an expanded road works program.

In the lead up to 2016, Council will need to consider whether to apply for another rate variation as a medium term strategy, however since it is not practical, feasible or equitable to apply for SRVs every few years, an SRV represents a limited strategy in terms of generating new revenue streams on an on-going basis.

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Financial Assistance Grants (FAGs)

Each year the Federal Government provides some \$2 billion per annum to local councils across Australia by way of Financial Assistance Grants (FAGs). It is the responsibility of the NSW Grants Commission to make recommendations on the allocation of grants between the various NSW Councils based primarily on population data. NSW councils will receive an estimated \$684m in 2012/13, of which Port Macquarie-Hastings Council's share is \$8.5m. It could be strongly argued that the Federal \$2b allocation should be increased as a strategy to address the growing national local infrastructure backlog. A unified approach would be required from local government to have the FAGs increased; however this alone will not be the panacea to resolve for the financial sustainability issues within local government.

Tax Increment Financing

The report "Strong Foundations for Sustainable Local Infrastructure" by Ernst & Young (November 2012), explores the concept of Tax Increment Funding (TIF). This model has been used in the United States for some decades. From the United States experience, TIF allows a government entity to take tax revenues (such as property tax) derived from increases in property values within a prescribed development area and use those 'incremental' tax revenues to fund the infrastructure and renewal projects that led to (or at least significantly contributed to) this property appreciation. For the property owner, there is no new tax or rise in property tax. A TIF represents a reallocation of part of the growth in property taxes from State Treasuries to the TIF authority. TIF districts are sometimes also referred to as Tax Allocation Districts or Revenue Allocation Districts.

Local government can use this form of financing to kick start developments within a defined area, to promote the viability of existing businesses and attract commercial enterprises. Local authorities borrow funds against future tax revenues generated from these infrastructure improvements. Parts, or all, of this increased revenue, would be used, years later, to repay the original debt and interest. Simply put the new improvement acts like a mortgage for a homeowner. You get the house (improvement) and pay for it over 20 or 30 years.

From an Australian perspective, the Federal Government has a role in helping the local government sector create sustainable revenue streams that provide a direct link between those who benefit from new investments and those who pay for them. The Ernst & Young report referred to above should work with other jurisdictions to identify the legislative changes needed to introduce Tax Increment Financing. TIF would allow councils to collect additional revenue (funding) from increases in the value of properties benefitting from new infrastructure, which can be used to support the raising of upfront finance to pay for the infrastructure. Some councils already partner with private developers to create additional funding streams by jointly developing real estate adjacent to new infrastructure to offset the costs. TIF would give councils an additional way to generate revenue from existing property owners who will benefit from new infrastructure.

Other opportunities

There are other options available to Council that would involve having a more commercial approach to income generation. Some examples could include:

Ensuring Good Governance

- Sale of underutilised or underperforming Council owned properties, with funds to be used to purchase strategic assets or to build up a strategic property reserve;
8.
- Leverage commercial opportunities from current council business units and operations such as the Environmental Laboratory or the Engineering Trades Services unit;
9.
- Review fees and user charges for Council services to ensure a commercial rate is being charged where appropriate.
10.

As evidenced by the issues and opportunities detailed throughout this report, there is no one solution to the financial sustainability issues facing local government. The facts are that whilst Council is currently considered to be financially viable, there are substantial issues facing the organisation from a financial sustainability perspective in the longer term.

This report should be considered a first step in highlighting the financial issues facing Council and it is considered that ongoing dialogue with Council, the community and other levels of government will be required in order to secure the financial future of the organisation and to ensure we will be able to continue to deliver the range of services the community seeks and expect.

Options

This report is for information purposes

Financial & Economic Implications

This report discusses Council's current revenue streams and broadly discusses options for enhancing revenue into the future. There are no direct financial or economic implications in the immediate term as a result of this report.

Attachments

Nil

Ensuring Good Governance

Item: 08.14

**Subject: DONATIONS TOWARDS BUILDING AND DEVELOPMENT
APPLICATION FEES FOR CHARITABLE AND NON-PROFIT
ORGANISATIONS**

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

2.7.1 Encourage and build capacity for community groups to be active and self sustaining.

RECOMMENDATION

That Council:

1. **Approve the donations for reimbursement of Development Application fees as detailed in the report;**
2. **Review the policy “Waiving of DA Fees and Lease Fees to Charitable and Non-Profit Organisations” with the intent of incorporating these donations into the Community Grants Program.**

Executive Summary

Under the policy “Waiving of DA Fees and Lease Fees to Charitable and Non-Profit Organisations” Council is able to provide assistance by way of donation towards development application and lease fees incurred by the applicants.

Discussion

Eligible applicants are required to complete an application form stating the purpose for which the development will be used and the on-going benefits to the community. The following applications have been received for consideration:

Applicant	Purpose	Community Benefits	Eligible fees paid under the policy
Wauchope Seventh Day Adventist Church	Create church allotment and replace existing place of worship in Wauchope.	The new facility will assist the church in serving the community including charitable work such as helping the poor and vulnerable, social inclusion, volunteering and aged care	\$3,580
Eastward Missionary	Residences and	Conduct health expos at	\$2,813

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College	ablutions block	local community events, public health programs and visitations to the needy in the community.	
Hastings Valley Miniature Railway Society Inc	Operation of miniature railway	Provide operation of outdoor miniature railway facility in public reserve and educate the public on the workings of steam and diesel locomotives.	\$227
Each Ltd (Headspace Port Macquarie)	Fit out of existing tenancy	Mental health services to young people.	\$1,882
Hastings Home Modification & Maintenance Services Inc	Disability access	Facilitate access and egress to building for disabled resident. Less impact on carer.	\$601
Camden Haven P A H & I Society Inc	Improve toilet facilities at Kendal showground	Will enhance the facility for general public, the disabled and volunteer workers.	\$464
Kendal Community Boatshed t/a Kendal Dragon Boat Inc	Re-furbish old amenities block as clubhouse	Establish boat shed and clubhouse for Kendall district community	\$751
4 Life Care and Training	Not-for-profit community facility providing food parcels for people in need.	Clients able to access food service and training classes on how to save on food costs and reduce wastage. Positive social impact.	\$110
Endeavour Mental Health	Amendments to Clubhouse Building	Vocational rehabilitation for those recovering from mental illness	\$424
Total			\$10,852

Options

Council may approve a donation of any amount up to the Development Application fees paid or alternatively, decline any or all of the applications if deemed appropriate.

Community Engagement / Internal Consultation

Consultation has been made with the Director Corporate and Business Services and the Group Manager Financial Services

Planning & Policy Implications

It is proposed that the existing policy be reviewed with a view to incorporation into the annual Community Grants Program. This will provide a more centralised and holistic approach to assisting the community with worthwhile projects.

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Financial & Economic Implications

The amount proposed of \$10,852 is within the current budget allocated for these donations. There are no economic implications.

Attachments

1. Policy - Waiving of DA Fees and Leases to Charitable and Non-Profit Organisations

Ensuring Good Governance

Item: 08.15

Subject: ASSET DISPOSAL POLICY

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.5.3 Ensure ratepayer value for money through continual improvement in quality and efficiency of Council services.

RECOMMENDATION

That Council:

- 1. Adopt the draft Asset Disposal Policy.**
- 2. Note that no submissions were received on the draft Asset Disposal Policy during the exhibition period.**

Executive Summary

On 12 December 2012, a draft Asset Disposal Policy was presented to Council. Council resolved to:

- 1. Endorse the draft "Asset Disposal Policy" to be placed on public exhibition for a period of 60 days.*
- 2. Upon receipt and consideration of any submissions received during the exhibition period, consider the "Asset Disposal Policy" for adoption at a future meeting of Council.*

The purpose of this report is to adopt the draft Asset Disposal Policy, noting that no public submissions were received during the exhibition period.

Discussion

The Independent Commission Against Corruption (ICAC) advise that public sector agencies that regularly dispose of depreciated, redundant or excess stock need to ensure they have standardised methods to manage the disposal of unwanted resources in a transparent and accountable manner.

This policy directs Council activities to openly and transparently dispose of assets that have reached the end of their useful life or are deemed to be surplus to its needs. In doing so, Council must aim to:

- Provide a systematic and transparent method for the disposal of assets;
- Ensure that best value for money is achieved;
- Promote fair and effective competition to the greatest extent;

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- Comply with Council's position on sustainability and environmentally friendly practices.

Council does not currently have a policy that prescribes how to dispose of assets, so it is only prudent that such a policy be developed that will form an important part of our suite of procurement related policies.

Options

Council could choose not to adopt the draft Asset Disposal Policy.

Consultation/Submissions

Consultation has taken place with Council's General Manager, Directors and Senior Leadership Team.

The draft Asset Disposal Policy was presented to and endorsed by Council's Audit Committee on 8th November 2012.

The draft Policy was placed on public exhibition from 14th December 2012 until 11th February 2013. No submissions were received during this period.

Planning & Policy Implications

The attached draft Policy applies to the disposal of all assets by Council and provides a framework for compliance with the disposal of assets. However, it should be noted that the sale of land requires a resolution of Council as per the Local Government Act.

Financial & Economic Implications

Reporting and accounting for disposal of all assets will be done in accordance with Local Government Code of Accounting Practice and Financial Reporting. The Group Manager, Financial Services will ensure that appropriate financial management practices are followed and Council records are maintained, including the Council financial accounts and asset register.

Attachments

1. Asset Disposal Policy

Ensuring Good Governance

Item: 08.16

Subject: DRAFT SPONSORSHIP POLICY

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.5.3 Ensure ratepayer value for money through continual improvement in quality and efficiency of Council services.

RECOMMENDATION

That Council adopt the draft Sponsorship Policy and Sponsorship Guidelines following a recent exhibition period where nil submissions were received.

Executive Summary

At the Ordinary Council meeting held on 14 November 2012 it was resolved:

That Council:

- *Endorse the draft "Sponsorship Policy and Sponsorship Guidelines" to be placed on public exhibition for a period of 28 days.*
- *Upon receipt and consideration of any submissions received during the exhibition period, consider the draft "Sponsorship Policy and Sponsorship Guidelines" for adoption at a future meeting of Council.*

The draft Sponsorship Policy and Sponsorship Guidelines were placed on exhibition from Monday 3 December 2012 to Monday 31 December 2012. There were no submissions received.

Discussion

This draft Sponsorship Policy and draft Sponsorship Guidelines will enable Council to take a proactive approach towards seeking sponsorship. It seeks to ensure an open and transparent process and that Council complies with the relevant legislation.

The draft Sponsorship Policy and Guidelines apply to all sponsorships received by Port Macquarie-Hastings Council, whether in cash or "value in kind".

This policy applies to all Council staff, and any potential sponsor can use this policy for reference or to identify projects which could benefit from sponsorship.

The draft policy should be applied in conjunction with the Independent Commission Against Corruption's (ICAC) *Sponsorship in the Public Sector* (2006) which has been designed to be used as a guide by public sector agencies in developing policies and procedures for receiving sponsorship.

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At the Ordinary Council Meeting held on the 14th November 2012, Council resolved to exhibit the Draft Sponsorship Policy and Draft Sponsorship Guidelines for a period of twenty eight (28) days. The Draft Sponsorship Policy and Draft Sponsorship Guidelines were exhibited from Monday, 3rd December 2012 to Monday, 31st December 2012. At the close of the exhibition period, no submissions were received.

Options

Council could choose not to adopt the draft Sponsorship Policy and Sponsorship Guidelines.

Community Engagement & Internal Consultation

Council exhibited the Draft Sponsorship Policy and Draft Sponsorship Guidelines from Monday, 3rd December 2012 to Monday, 31st December 2012. During that time no submissions were received in writing.

Planning & Policy Implications

The attached draft Policy provides a framework to standardise current sponsorship practices and procedures across Council.

Financial & Economic Implications

There are no financial and economic implications associated with this draft Policy.

Attachments

1. Sponsorship Policy
2. Sponsorship Guidelines

Ensuring Good Governance

Item: 08.17

Subject: GLASSHOUSE FINANCES

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.4.2 Manage Council's financial assets & to provide accurate, timely and reliable financial information for management purposes. Strategic financial planning & reporting and operational financial services - including payroll, accounts payable, investments, debt recovery, revenue and rates billing, asset accounting, grant administration, taxation compliance (FBT, GST, PAYG), budget preparation, general accounting.

RECOMMENDATION

That Council:

1. **Note the information contained in the report.**
2. **Adopt the budget amendments to the current financial year as detailed in the confidential attachment.**

Executive Summary

At the October 2012 Ordinary Meeting of Council the General Manager was requested to prepare a report on the status of the Glasshouse Finances. An interim report was provided to the Ordinary Meeting of Council on 12 December 2012 (a copy of this report is attached). It was resolved at this meeting:

That Council:

1. *Note the information provided on the status of Glasshouse finances and outstanding loans; and*
2. *Provide a further report to Council on the current year budget forecast following ledger restructuring.*

The purpose of this report is to provide further information on the current year budget forecast following ledger restructuring; and to provide an indication of the draft budget position for the 2013/2014 financial year.

A number of additional resolutions were also made at this meeting - notably:

3. *Undertake a community engagement process during the first quarter of 2013 for the purpose of assisting Council to determine the future strategic direction of the Glasshouse.*
4. *Give consideration to the future strategic direction of the Glasshouse, following the conclusion of the community engagement process at a future meeting of Council.*

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5. *Develop a strategic plan for the Glasshouse following a determination of the future direction of the facility.*

The final three (3) resolutions will be the subject of future reports to Council.

Discussion

As detailed in the report to the December 2012 Ordinary Meeting of Council, the Glasshouse ledger had originally been built where the focus of the ledger was on an integrated facility. This structure does not allow (without considerable manual manipulation) a separation of key Glasshouse activities of Commercial, Cultural and Community. Other difficulties have been recently identified which also complicate the ability to produce accurate and useful information in this format such as:-

1. **Centralisation of key costs** – costs such as staff labour and marketing are not currently allocated by activity.
2. **Inter-activity charges** – Internal Glasshouse Commercial activities are charged to Cultural and Community either at cost or not at all (for example, catering).
3. **Sponsorship** – Sponsorship has generally not been recognised in the ledger; which has understated the cost of Cultural and Community activities.
4. **Council usage** – The usage of the venue by Council (for functions or events such as Ironman) has been either free or heavily discounted. Whilst the overall effect on Council's bottom line is unaffected (unless the function or event is for a non-general fund activity) this practice has seen the function of Council responsible for the event/function as understating their true costs to the detriment of the Glasshouse.

Functional Activities of the Glasshouse

The Glasshouse consists of a number of functional activities. Whilst the activities for higher level reporting are now Commercial, Community and Cultural; there are also activities which provide internal service support (Glasshouse Management, Back of House and Front of House). The costs of the internal service support functions are allocated back to Commercial, Community and Cultural to enable true costs for those activities to be ascertained.

A description of the components of the Glasshouse and their functions are listed as follows:-

Cultural - Glasshouse Regional Gallery

Every year the Glasshouse Regional Gallery has presented approximately 25 diverse exhibitions featuring contemporary, indigenous, historical, traditional, design and sculptural artworks as well as a number of prominent social history exhibitions. The Council Collection of art works feature regularly within the exhibition program. Exhibitions are programmed approximately 2-3 years in advanced, currently 2013 is in the final stages of confirmation, 2014 is mostly developed and 2015 is currently being populated.

Supporting artists within the local community is a key objective of the Gallery's program. Every year more than a quarter of our exhibitions have local content in

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some form. Over the last three years, over 125 local artists have been featured in over 25 exhibitions. A strong aspect of the Glasshouse's commitment to supporting artists is providing professional development opportunities within the exhibition program. Northern Exposure is a selected exhibition that is scheduled every two years and is open to all artists across the region. The Gallery also accepts proposals from local artists, who are encouraged to contact the gallery to obtain relevant application forms and to discuss project ideas.

Over the past three years the Gallery has presented a number of exhibitions and programs targeted at young people and children. These programs include the ever popular Artexpress and Operation Art as well as in-house developed exhibitions including Splash, Animal Adventures, Fun with Colour and Indonesia in the Bush. Kidspot interactive learning areas are an integral part of many exhibitions presented within the Glasshouse and promote family engagement as well as arts and cultural awareness.

The Arts and Alzheimer's program is the cornerstone of our "Access for All Program" and has been developing and expanding steadily since 2010. The program provides a unique and quality experience for local people with Alzheimers and their carers to engage with visual arts through dedicated tours by our qualified guides. The program has been very successful with many participants experiencing positive outcomes.

Collection Development has been a key area of focus for the Glasshouse over the past three years. Over this time the Gallery has acquired approximately 70 works for the Port Macquarie-Hastings Council Collection. The majority of these were donated by the artists or acquired through the Cultural Gifts Program. A selection of these works featured in the New Acquisitions exhibition in 2012, with our most recent acquisition being 5 works on paper from the Port Macquarie Series donated by the artist Euan Macleod.

Cultural - Performing Arts

The Performing Arts Program delivered at the Glasshouse ensures our community has access to the same high quality performing arts opportunities available to other major centres and regional communities around Australia. A recent survey of the Australian Performing Arts Centres showed that across Australia, Local Government Authorities are the major owners of Regional, outer metropolitan and suburban performing arts centres in Australia with 76% of venues being owned by a Local Government Authority. 80% of venues around Australia run a curated Professional Theatre Season.

The Professional Theatre Season (performing arts program) provided by the Glasshouse has a strategic role to play in creating a "whole community" in our region and increasing the quality of life and overall attractiveness of the area. The Glasshouse Performing Arts Program follows the "Access for All" philosophy and an attempt is made to ensure that every member of the community as well as visitors will find something of interest to attend - in a single year. The program is focussed on specific target markets covering the following segments:-

- Education Sector through the Education @ the Glasshouse program for schools (largely 4 - 18 year olds).

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- Young Adults - through the comedy, contemporary music, dance, physical theatre, themed events (eg comedy festival) and some crossover into events in the Glasshouse Season program
- Adults - through the Glasshouse Season program including music (both classical and contemporary), dance, ballet, comedy and drama.
- Seniors - through the Morning Music @ the Glasshouse program and Glasshouse Season program.

Professional development through workshops and skills development opportunities with major performing arts companies.

Cultural - Public Education and Programs.

The Education @ the Glasshouse program is a dedicated schools program encompassing visual arts, performing arts and heritage elements of the Glasshouse program. The program targets students in years K – 12 and their teachers and aims to engage, inspire and educate young people in the arts, through cultural and heritage activities and to build long-standing audiences and sustainable partnerships with these educational institutions.

The Education sector was identified as a key priority in the early stages of the Glasshouse's development. Being the largest regional gallery and only professional theatre on the mid-north coast, with unique archaeological remains, the Glasshouse is able to offer a unique opportunity to engage across various areas within the Educational sector.

During the past 3 years, the Education program has grown significantly, with schools travelling from over 1 hour away to participate in Glasshouse Education programs. The Education program services not only schools within the Hastings Local Government area, but also services the educational sector in the Kempsey Shire; the Manning Valley and the Great Lakes Area.

The program is a mixture of opportunities across a variety of topics. All activities are of high quality, relate to the curriculum and include teachers' notes and kits where applicable.

The program includes

- Workshops with high a level of participation
- Performances where students are audience members
- Lectures, presentations and discussions with artists and industry specialists
- Tours of the building and training in arts professions
- Teachers professional development activities

The Glasshouse also runs a separate program to engage the wider community and visitors under its Public Program banner. The Public Program is a vital part of the Glasshouse's engagement with its community and a key strategy in generating audiences, participants and ownership as well as developing skills and building the visual and performing arts in the community. The Glasshouse seeks to implement an imaginative, innovative, and informed approach to the delivery of this service. Public Programs are designed for all age groups and levels within the community and the broader region. A public program provides a stimulating array of educational and social events that may include guided tours, art demonstrations, floor talks,

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workshops, art classes, pre-show talks, question & answer sessions, access subsidies and community days. Current Public programs include Kids Spot, Holiday Fun, Adults Workshops, Professional Development for Arts Industry, Coffee Morning Program, Access to Art, and Arts Chat.

Community

Whilst there are very clear ties to overall community benefits in both the Commercial and Cultural activities delivered by the Glasshouse; the Community aspects in the financial reporting sense reflect the Visitors Information Centre; the discounts provided to the Community for usage of the venue; and other ad hoc functions.

The Visitor Information Centre resides in the Glasshouse. The Centre provides numerous services to visitors and residents; and the tourism industry by making accommodation and tour bookings on their behalf. The Glasshouse also provides a location for an array of brochures for the visitor. The Front of House team deliver the Visitor Information Service; and whilst there has been an industry downturn in traditional Visitor Information Services due to the rapid growth of mobile devices and online booking services; the Visitor Information Service staff also provide general assistance with queries to the public on the following -

- Accommodation (as distinct from bookings)
- Local attractions
- Eateries
- Directions (maps)
- What is on in the area
- Road closures
- Camping availability
- Opening hours of other businesses
- Onward destinations and directions
- Transport (eg public transport) options

Venue hire is also available for eligible community groups at a discounted rate. The current rate available to eligible community and not for profit groups is 40% off the published venue hire rate.

The Glasshouse building also houses a number of significant archaeological and heritage items (including free interactive heritage displays in the foyer and basement spaces) which are also displayed for the benefit and information of the community and visitors. The Glasshouse also provides public toilet facilities.

Commercial

Glasshouse Event services is the primary contact for all hirers (both community and commercial) for all venues within the Glasshouse - providing detailed information and support to every customer to assist in the planning, marketing and implementation of the event, conference, performance or meeting.

There is a wide variety of events that are held within the Glasshouse. These include:-

- Local school productions and variety concerts;
- University forums;
- HSC Showcases;

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- Industry forums;
- Conferences;
- Product launches;
- Private events;
- Weddings;
- Major Events (eg Ironman);
- A huge variety of shows (including Guy Sebastian; Sarah Blasko and, Carl Barron);
- Community organisation productions (for example, local youth theatres; drama groups, and Eisteddfods).

Current services and opportunities for growth include:-

- Further promotion of the Glasshouse venues and products;
- Identify and pursue further commercial opportunities to identify new clients and events;
- Work collaboratively with Port Macquarie Hastings Tourism to secure events and festivals to the region which generates considerable economic impact;
- Identify and pursue further use of the Glasshouse with community groups, schools, universities, theatre groups and performing arts businesses to build venue utilisation.

Internal Service Provision - Management & Council Overheads (the costs of these services are allocated back to Cultural, Community and Commercial activities).

These costs include Glasshouse and Corporate & Business Divisional management costs; the costs for the provision of IT, Human Resources, and Administrative services by Council such as Finance, Records Management, Accounts Payable and Payroll. Approximately \$470,000 of costs recorded for the Glasshouse represent the Glasshouse's share of the Councils' costs of providing IT, Human Resources and administration services to the organisation.

The costs are based on either transactional data where possible, or an assessment of how staff time and other costs are generated or allocated.

Internal Service Provision - Front of House Services (the costs of these services are allocated back to Cultural, Community and Commercial activities).

The Front of House (FOH) Glasshouse team provides a range of support services for visitors to the region and the building. They are the public face of the building and provide services, including Visitor Information Centre, Box Office, Retail Sales and Front of House Services.

The Greater Port Macquarie Visitor Information Centre (GPM VIC) relocated to the Glasshouse on 1 July 2009 and continues to deliver visitor related services. Whether it is face-to-face, telephone or e-business the Glasshouse Front of House team works to increase visitation to the region, enhance the visitors' experience, provide business opportunities for industry partners and service the community's needs.

The Glasshouse Box Office delivers a range of professional ticketing services for all events held at the Glasshouse, including 7 day per week counter and phone sales, 24/7 online ticketing, gift vouchers, and provision of information on upcoming events and functions. The Box Office also works hard to deliver a variety of services behind

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the scenes for event organisers and internal staff including event set up, management of online ticketing, ticketing reports, database management, and management of promoter and VIP ticketing.

The Front of House team also staff the Glasshouse Shop which is a retail outlet selling souvenirs, gifts and artwork. The emphasis is on quality merchandise, designed and made in Australia and also sells a range of locally designed and handcrafted art works, specialising in costume jewellery and glassware.

In addition to running the GPM VIC, Box Office and Glasshouse Shop, the Front of House Team provide the following support services to the Glasshouse:

- Duty Manager and ushers for theatre performances and all Glasshouse events
- Co-ordinating the 60 volunteers in the Regional Gallery and a team of 15 Tourism Ambassadors.

Internal Service Provision - Back of House Services (the costs of these services are allocated back to Cultural, Community and Commercial activities).

The "Back of House" is a team of theatre and gallery technicians who service the needs of community users, commercial hirers, touring productions, artists and exhibitors, and conference organisers.

This team is responsible for lighting, audio, visual, staging, crewing, wardrobe, logistics and furniture for the events staged at the Glasshouse. This team is able to assist community users to improve the technical aspects of their productions and stage more professional productions. The team also adds value to other Council activities beyond the Glasshouse such as assisting with the operation of Council events (for example, Moonlight Movies) and provision of technical equipment for Council functions and events.

Ledger Restructuring and current year budget review

The ledger has now been rewritten to enable the Glasshouse finances to be represented by the key activities of Commercial, Cultural and Community.

Council Overhead charges, Glasshouse Management charges; and Glasshouse Front of House, Glasshouse Back of House and Glasshouse Marketing now allocate their costs back to Commercial, Cultural and Community. The Commercial function charges other Glasshouse activities (for example, the Gallery), a rental fee based on indicative market rent; and Performing Arts/Public Programs a venue hire fee as per the fees charged to external hirers. On a consolidated basis, these charges net to nil, however, provides an indication of the true cost of Cultural Programs.

Internal venue hire charges (given that the facility has not previously operated under this model) are estimated. These may need to be reviewed in the future, however, will not affect the consolidated Glasshouse budget. The effect will only be between Cultural and Commercial activities within the Glasshouse.

A number of budget adjustments are proposed, to not only represent the above internal adjustments which net to a nil change on a consolidated basis; but to review other line items in the budget. It was apparent that several budget line items had been carried forward from previous years, hence were not indicative of the true

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position, and consequently needed to be reviewed. Where immediately possible, expenditure has been reduced. The result of all changes to date is a reduction to the forecasted Glasshouse budget of \$80,627 in the current year; resulting in a total forecast Glasshouse budget of \$6,162,907. This is summarised in the following table:

Glasshouse Budget Movements Summary 2012/2013			
Functional Area	Existing Budget	Proposed Budget	Movement
Glasshouse Management	1,791,134	-	-1,791,134
Back of House	950,950	-	-950,950
Front of House	298,959	-	-298,959
Community	-116,790	788,000	904,790
Cultural - Gallery	198,400	752,067	553,667
Cultural - Museums & Heritage	129,365	-	-129,365
Cultural - Council & Glasshouse Overheads	-	1,203,479	1,203,479
Cultural - Public Programs	89,900	235,435	145,535
Cultural - Performing Arts	-116,100	398,700	514,800
Commercial	107,800	-124,690	-232,490
Loans (principal and interest)	2,610,816	2,610,816	-
Transfers to Reserves	299,100	299,100	-
Operating Contribution to Glasshouse	6,243,534	6,162,907	-80,627

Further detail is provided in the confidential attachment titled "Glasshouse Budget Adjustments - February 2013 - CONFIDENTIAL" which details the individual budget adjustments on a per line basis. This analysis contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).

Draft 2013/2014 Glasshouse Budget

Whilst reviewing the 2012/2013 current year budget, the 2013/2014 draft budget has also been prepared. Whilst there may be changes before final adoption (particularly from Council Overhead charges to the Glasshouse); the Glasshouse budget is demonstrating an overall improvement compared to the current adopted budget for 2012/2013 of \$501,188, resulting in a total forecast draft Glasshouse budget of \$5,742,346 for the 2013/2014 financial year. This has predominantly been achieved by a reduction in Glasshouse salaries; the tendering of the management rights for catering and beverage; the relocation of heritage functions from the Glasshouse back to the Community Development Division; reduction in transfer to Office Building and Equipment Reserve on the current year transfer; and a reduction in other Glasshouse management costs.

As Council has yet to undertake a community engagement process to assist in Council determining the future strategic direction of the Glasshouse; no significant changes have been made to current programs delivered by the Cultural function of the Glasshouse as outlined earlier in the report.

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Whilst not reflected in the budget estimates, it is considered that commercial initiatives such as building venue hire utilisation above current levels; exploring additional marketing opportunities (advertising space) and seeking sponsorship, potential naming rights and philanthropic support will assist in reducing the overall Glasshouse cash position further.

Functional Area	Forecast Budget 2012/2013	Forecast Budget 2013/2014
Community	788,000	868,388
Cultural	2,589,681	2,534,345
Commercial	-124,690	-477,535
- Loans	2,610,816	2,611,748
- Tfr to Reserves	299,100	205,400
Operating Contribution to Glasshouse (General Fund)	6,162,907	5,742,346

The movement in forecast budget can be demonstrated as below:-

Consolidated Budget Summary	
Current Adopted Budget (2012/2013)	6,243,534
Proposed Forecast Budget (2012/2013)	6,162,907
Draft Proposed Budget (2013/2014)	5,742,346
Movement from Current adopted position to proposed draft budget for 2013/2014	501,188

A summary of the Glasshouse draft 2013/2014 by functional area is also summarised in the attachment titled "Glasshouse Draft 2013/2014 Budget by Functional Area".

Again, as per the current year review, internal venue hire charges (given that the facility has not previously operated under this model) are estimated. These may need to be reviewed in the future, however, will not affect the consolidated Glasshouse budget. The effect will only be between Cultural and Commercial activities within the Glasshouse.

Loan Funding

At the time the Glasshouse was constructed, Council chose to fund the costs in the manner summarised in the table below:

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The Glasshouse - Funding Composition

	Cost	S94	loan	Grant	Revenue	Reserve Working
Construction	27,264,755	10,873,801	15,515,954	875,000		
Ritz Land Acquisition	3,200,000		3,200,000			
Consultants	2,000,000		2,000,000			
Dec Quarterley Review 2005	1,461				1,461	
Sept Quarterley Review 2006 - Arch Grant	100,000			100,000		
Mar Quarterley Review - 2007 (Sale of Tender Documents)	6,518				6,518	
2007/08 Works Programme - Sale of Finniains Site	6,681,726				6,681,726	
2008/09 Works Programme - S94 Contributions to carparking	1,380,400					1,380,400
2008/09 Works Programme - Additional funding	2,460,000		2,460,000			
Administrator Minute 06.2.26 November 2008	4,800,000		4,800,000			
Final Funding	1,368,080				1,368,080	
	49,262,940	10,873,801	27,975,954	975,000	8,057,785	1,380,400
Loan Capitalisation - Fund out of general revenue - 2007/08	1,090,541				1,090,541	
2008/09	1,983,399				1,983,399	
Total	52,336,880	10,873,801	27,975,954	975,000	11,131,725	1,380,400
		Total Loans	38,849,755			

Of the total cost, \$27,975,954 was sourced through loan borrowings that are repaid through Council general revenue; and \$10,873,801 was sourced through loan borrowings that are paid from the S94 restricted asset for community facilities.

As with many capital works projects that Council undertakes, The Glasshouse was included in a S94 Plan. A S94 plan is produced in accordance with Section 94 of the Environment Planning and Assessment Act 1979. A S94 plan outlines works that need to be undertaken to cater for future growth in the area covered by the plan. A calculation is undertaken to determine how much of a project is due to future growth and how much is applicable for the current population. The works that are required due to growth are paid for by future development and the current population requirement (backlog) is funded by ratepayers. The growth percentage for each project is assessed and the amount to be funded by developers calculated. Once all the projects have been assessed the developer contribution for that plan is calculated and adopted.

The Glasshouse was included in the October 2005 Community Facilities S94 Plan. Included in that plan was an amount to be paid by development of \$10,873,801. Due to the timing of the project and reduced development in the area this amount was not available in cash in the Community Facilities Restricted Asset at the time. So in accordance with S94 an allowance was made in the plan for interest of \$10,046,378 to be also paid by development. This allowed Council (via a formal Council resolution) to borrow the development contribution of \$10,873,801 so that the project could proceed.

S94 funds have in the past been borrowed for another project. In 2005 works constructed at Major Innes Drive were funded from S94 funds. The Innes Peninsula S94 Plan at the time had insufficient funds to allow the project to proceed so once again Council borrowed the S94 component and it is now being repaid from S94 funds.

Funding the Glasshouse

Council delivers every year a large capital works program, of which the general fund component is funded in a number of ways. Sources of funding include grants, S94,

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contributions, and Council reserves. Council also allocates a significant amount of net cash provided by operating activities (Operating Income including Rates less Operating expenditure) towards the capital works program; and any required balance can be sourced from loan borrowings.

Council often chooses to “allocate” the loan funding to the largest (or easily identified) project(s) as this is administratively easier. But it is not the only option. For example, in the financial years ended 2006, 2007 and 2008; Council chose to fund \$8,247,652 of Civil Infrastructure and Parks expenditure with revenue as this comprised of many smaller projects and administratively, it was simpler to allocate the bulk of loan funding towards the one item, being the Glasshouse. Had Council chosen to allocate the funding somewhat differently, then the current balance of Glasshouse loan funding would be considerably less today.

Options

Council could choose not to adopt the budget amendments as detailed in the confidential attachment.

Community Engagement & Internal Consultation

Not applicable.

Planning & Policy Implications

Not applicable

Financial & Economic Implications

The current year budget review forecasts an improvement in the bottom line position of \$80,627. The draft budget for 2013/2014 forecasts an improvement in the bottom line position of the Glasshouse on the current adopted budget of \$501,188.

Attachments

1. Glasshouse Finances - Report to Council Meeting 12 December 2012
2. Glasshouse Budget Adjustments February 2013 (Confidential)
3. Glasshouse Draft 2013_2014 Budget by Functional Area

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Item: 08.18

Subject: T-12-31 SUPPLY & DELIVERY OF ONE (1) ELEVATED WORK PLATFORM

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.5.3 Ensure ratepayer value for money through continual improvement in quality and efficiency of Council services.

RECOMMENDATION

That Council:

1. **Accept the tender of \$157,000 (excl GST) from Platform Sales Australia Pty Ltd for the Supply & Delivery of One (1) Elevated Work Platform and Trailer.**
2. **Approve the purchase of \$7,980 (excl GST) from Platform Sales Australia Pty Ltd for optional extras (scheduled service agreement, lifting winch and slip on nylon spreader plates).**
3. **Affix the seal of Council to the necessary documents.**

Executive Summary

The purpose of this report is to advise Council of the results of a recent tender for the Supply & Delivery of one (1) Elevated Work Platform (EWP) and to recommend a successful tenderer for the supply of this item of plant.

Discussion

Provision was made in the 2012/13 Plant Replacement Programme for the purchase of an additional Elevated Work Platform.

This EWP will be used for a dual purpose of tree lopping and pruning within the Parks & Recreation section and electrical maintenance of sporting field lighting within the Engineering Trades Section.

It was discussed and agreed that whilst it was going to be difficult for any EWP to meet all Council work requirements, pre-tender investigations of the market gave the Tender Evaluation Panel (TEP) confidence that a suitable machine could be procured.

At the Ordinary Council meeting (12/12/2012) Agenda Item 08.06 - T-12-25, Council resolved to;

1. **Decline to accept the tender received from Nifty Pty Ltd for the Supply & Delivery of one (1) Elevated Work Platform. (In accordance with Local**

Ensuring Good Governance

- Government (General) Regulations 2005 - 178 1(b)) due to the machine not being able to meet all of Council's operational requirements; and
2. Selectively invite tenders from the below list of organisations for the Supply & Delivery of one (1) Elevated Work Platform. (In accordance with Local Government (General) Regulations 2005 - 178 3(b))
 - Monitor Industries;
 - Platform Sales Australia Pty Ltd;
 - Snorkel Australia Pty Ltd.

In accordance with this resolution a selective tender was advertised on 17 December 2012 and closed on 10 January 2013. The tender documents were forwarded to the above list of suppliers via Council's tendering website.

At the closing of tenders, two (2) submissions were received from the following organisations in no particular order;

- Monitor Industries;
- Platform Sales Australia Pty Ltd.

A representative from Snorkel Australia Pty Ltd contacted the Fleet Services Manager to decline the offer to tender due to a review of the specifications indicating that Snorkel were not able to supply an EWP that would meet Council's requirements.

An initial compliance check was conducted following the closing of the tender by the Procurement Coordinator to identify submissions that were non-conforming with the immediate requirements of the request for tender. This included compliance with contractual requirements and provision of requested information and Schedules.

It was evident that all submissions had completed all schedules and addressed the specified criteria and were therefore considered conforming and were further evaluated.

These submissions were evaluated in the weeks following the closing of tenders by a Tender Evaluation Panel (TEP) comprising of the following Council employees:

- Procurement Coordinator (Probity Advisor);
- Fleet Services Manager;
- Projects Coordinator - Electrical;
- Tree Inspection Officer.

The following are the evaluation criteria that were included in the tender document and the criteria against which tenders were scored:

- Rates Tendered;
- Value for money;
- Compliance with technical & safety specification requirements;
- Mechanical assessment, serviceability, quality of drive components;
- Operational suitability to Councils applications;
- Company support warranty, parts availability and technical backup;
- Additional technical features, not specified, appropriate to Councils operation.

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Please refer to the attached confidential spreadsheet titled "T-12-31 Evaluation & Pricing Analysis - CONFIDENTIAL" which details the final evaluation scores for the tenders as determined by the Evaluation Panel and lists the tender prices offered by this tenderer. This analysis contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).

Please note, there are four (4) pages to this spreadsheet, three (3) demonstrating the individual panel members scores, one (1) demonstrating the combined scores and price summary.

Both EWP's tendered were demonstrated on site (Koala Street Depot) on 30 - 31 January. At these demonstrations, an assessment was conducted by plant operators as to the suitability of each EWP to their specific requirements and applications and scored against a list of operator specific criteria. A mechanical assessment was also conducted by Workshop Mechanics and scored each EWP in the same way as for the operators, with a specific list of mechanical assessment criteria.

At a tender evaluation meeting held on 31 January 2013 scores were combined from the individual scores of each TEP member to demonstrate an average and rank both tenders. Both tender submissions were then discussed in detail to identify any outstanding compliance issues or clarifications that may be required. The TEP were satisfied that having reviewed the tender submissions and having demonstrations of the units' practical applications that a final recommendation could be made. The attached Evaluation & Pricing Analysis demonstrates that whilst both EWP's were able to meet the specifications and address all criteria to a very high standard and priced very competitively, the tender from Platform Australia was ranked most favoured.

It was therefore discussed and agreed by the TEP that due to favourable scoring against both the priced and non-priced criteria that it be recommended that Council;

1. Accept the tender of \$157,000 (excl GST) from Platform Sales Australia Pty Ltd for the Supply & Delivery of One (1) Elevated Work Platform and Trailer.
2. Approve the purchase of \$7,980 (excl GST) from Platform Sales Australia Pty Ltd for optional extras (scheduled service agreement, lifting winch and slip on nylon spreader plates).

Options

Council has the option of accepting the recommended tenderer or not accepting same, in which case Council would be required to re-tender for these goods and services.

Community Engagement & Internal Consultation

- Fleet Services Manager;
- Environmental Engineer;
- Waste Coordinator;
- Plant Operators;
- Plant Mechanics.

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Planning & Policy Implications

There are no planning and policy impacts associated with this tender.

Financial & Economic Implications

Provision was made in the 2012/13 Plant Replacement Programme for the purchase of an additional Elevated Work Platform.

Attachments

1. T-12-25 Evaluation & Pricing Analysis (Confidential)

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Item: 08.19

Subject: T-12-32 SUPPLY & HOST A CONTENT MANAGEMENT SYSTEM FOR COUNCIL'S WEBSITES

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.5.2 Provide and maintain information management system that meets user requirements.

RECOMMENDATION

That Council:

1. Accept the tender of \$93,148 (excl GST) from Seamless (Australia) Pty Ltd to supply a new Content Management System (CMS) for Part A – Council's corporate website.
2. Accept the tender of \$39,314 (excl GST) from Seamless (Australia) Pty Ltd to supply a new Content Management System (CMS) for Part B – Council's Intranet.
3. Accept the tender of \$19,800 (excl GST) from Seamless (Australia) Pty Ltd to host & support a new Content Management System (CMS) for both Council's corporate website and intranet annually for a period of two (2) years.
4. Affix the seal of Council to the necessary documents.

Executive Summary

The purpose of this report is to advise Council of the results of a recent tender to supply and host a new content management system for Council's corporate website and intranet and to recommend a successful tenderer to be appointed for this project.

Discussion

Background: Council's corporate website is a portal of information and the first point of contact for online customers. The presentation of the website should be customer focused and intuitive whilst the content management system should be user friendly and easily managed by Council staff.

Port Macquarie-Hastings Council's current content management system (CMS) is Lantern which has been Council's corporate website and intranet CMS since 2004. Sputnik (the owner of Lantern) had announced the end of life for all versions of Lantern as at December 30, 2012. All support for Lantern has now ceased.

The objective of this tender is to obtain a low cost content management system that is intuitive, easy to edit by multiple authors and easy to navigate. The system should

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include up-to-date technologies with the opportunity to add future enhancements and integrate well with already established Council systems.

The tender sought for project implementation for Part A – Corporate Website and Part B – Intranet with commencement of the projects to begin upon receipt of Council's letter notifying the successful tenderer.

The Tender identifies the services required by Council below:

PART A – CORPORATE WEBSITE

The successful tenderer will be required to implement the recommended content management system for Council's website. This will require:

- Facilitating two full day workshops with Council staff to agree on a suitable and appropriate navigation menu and structure that is intuitive and appropriate for Council's customers. Each workshop will contain up to 12 Council staff members.
- Build the information architecture based on 2,000 pages. This will include building the first 3 levels of the navigation menu.
- Creating new page templates for the CMS. The page templates will need to be style guided around Council's existing brand and style guide colours. Three different design styles of page templates will be required. One design style for the majority of pages within Council's website, one design style for the airport web pages and a third design style for ad-hoc campaigns.
- Create a home page design for the website, using Council's existing brand and style guide colours.
- Migrate existing content from current website to new CMS pages. This will be 1500 pages.
- Conduct internal alpha testing of the CMS to ensure it meets with technical standards.
- Provide training to 5 staff on how to manage the CMS. Council staff will be responsible for controlling all content within the CMS. Training will need to be at a level where Council staff can amend the information architecture and manage content. Training should be no longer than one full day.
- Facilitate external beta testing of the website with external stakeholders, determined by Council, to test the design and usability of the website. Four sessions will be required (approx 2 hrs each) with approx 15 people per session. These sessions will be held over one to two days, onsite.
- Finalise the website design and final testing of the CMS product.
- Transition Council from old website to new website to go live. Provide a transition plan.

The successful tenderer will also be required to provide hosting of the website. This will include:

- Hosting the website within Australia for a period of 24 months from go live date.
- Ensuring the performance of the CMS through regular patching, updates and active monitoring.
- Ensuring the security of the website and data protection remains intact.

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- Provide technical help and support to Council staff on any CMS errors that occur whilst using the system.

The contract term for the hosting and support services for Part A Corporate Website will be for a period of twenty-four (24) months from the successful “go live” launch.

PART B – INTRANET

The intent of the Intranet is to encourage staff to control their own content and take ownership of the system. Instant chats, online notice boards, blog spaces, sharing photos and accessing Council policies, procedures, forms and information are all key features of the type of Intranet Council is seeking. Users of the intranet should be able to update content instantaneously, without the need for formal authorisation.

The successful tenderer will be required to implement the recommended content management system for Council's Intranet. This will require:

- Facilitate two full day workshops with Council staff to agree on an appropriate navigation menu and structure that is suitable for Council. Each workshop will contain 12 Council staff.
- Build the information architecture based on 500 pages. This will include building the first two levels of navigation.
- Creating a new design for the page templates in the CMS and the home page of the Intranet. The colour scheme and look and feel has to be styled around Council's internal logo - live, love, work. (The logo will be provided to the successful Tender)
- Conduct internal alpha testing of the CMS to ensure it meets with technical standards.
- Provide training to 5 staff on how to manage the CMS. Council staff will be responsible for controlling all content within the CMS. Training will need to be at a level where Council staff can amend the information architecture and manage content. Training should be no longer than one full day.
- Facilitate external beta testing of the Intranet with external stakeholders, determined by Council, to test the design and usability of the Intranet. Five workshop sessions to be held over one full day, on-site at Council. Each session (1 hr per session) will include 12 Council staff.
- Finalise the Intranet design and final testing of the CMS product.
- Transition Council from old Intranet to new Intranet to go live. Provide a transition plan.
- Provide year round support and maintenance for the CMS product. This includes system patching to ensure the CMS product being used is the latest version.

Note: The successful tenderer is not required to:

- Host the Intranet. The Intranet will be hosted internally by Council.
- Populate content into the CMS. Council staff will populate content into the CMS.

The contract term for the support services for Part B Intranet will be for a period of twenty-four (24) months from the successful “go live” launch.

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Tender Process: Tenders were first advertised on 21 November and closed at 11:00 am on 13 December 2012. During the tender period, some fourteen (14) individual organisations downloaded the tender documents from Council's tendering website. It should be noted that this project was originally advertised (October 2012) as a Request for Quotation (RFQ-12-15). It was evident that due to the pricing provided in all submissions from the RFQ that a tender be advertised in accordance with the requirements of Section 55 of the Local Government Act 1993.

At the closing of tenders, thirteen (13) submissions were received from the following organisations, shown in no particular order;

- CDAA Pty Ltd;
- AEL Data Services LLP (Data NZ Limited);
- Energetica Pty Ltd;
- Keltree Pty Ltd as Trustee for the Kelly Family Trust (IBC Digital);
- Icemedias Pty Ltd;
- Komosion Pty Ltd;
- Ladoo Pty Ltd;
- Multibase WebAustralis Pty Ltd;
- Netcat Biz Pty Ltd;
- Massmedia Studios Pty Ltd;
- Seamless (Australia) Pty Ltd;
- Squiz Australia Pty Ltd;
- IPP Technologies Pty Ltd, Australia (QBurst Technologies (Implementation Partner)).

An initial compliance check was conducted following the closing of the tender by the Procurement Coordinator to identify submissions that were non-conforming with the immediate requirements of the request for tender. This included compliance with contractual requirements and provision of requested information and Schedules.

It was evident that all submissions had completed all schedules and addressed the specified criteria and were therefore considered conforming and were further evaluated.

These submissions were evaluated following the closing of tenders individually by a Tender Evaluation Panel (TEP) comprising of the following:

- Procurement Coordinator (Probity Advisor);
- Procurement & Contracts Officer (Probity Advisor);
- Group Manager - Information, Communication & Technology Services;
- Communications Officer (Digital);
- Marketing Coordinator;
- Senior Project Manager - The Strategic Directions Group. (Independent Advisor)

The following are the evaluation criteria that were included in the tender document and are the criteria against which each tender was scored:

- Conformity with the tender documents;
- Price;
- Ability to meet the requirements as set out in the CMS Requirements Summary;
- Ability to meet the specified implementation dates;

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- Previous experience with the implementation and hosting of Council Corporate Websites or similar;
- Ability to provide data protection, backup recovery and ongoing maintenance and support

The weighting of the above criteria was not disclosed to any tenderer.

The qualitative criteria assessment was carried out individually by the Evaluation Panel Members for each tender in the days following the closing of the tender with Panel Members scoring the tenders in accordance with the tender documents and criteria.

At a tender evaluation meeting held on 7 January 2013, all submissions were discussed in detail to ensure all submissions were clearly defined and to identify if any clarification was required. The individual TEP scores were combined to demonstrate average scores for each submission and to rank all tenders.

The TEP discussed and agreed that when all scores were combined for both priced and non-priced criteria, six (6) submissions were clearly ranked favourably against the abovementioned criteria. It was also agreed that the TEP were satisfied that any of these tenderers would be able to fulfil the obligations of this tender to a very high standard and therefore recommended the following tenderers (in no particular order) be shortlisted to demonstrate the products where a final assessment could be conducted;

- Energetica Pty Ltd;
- Keltree Pty Ltd as Trustee for the Kelly Family Trust (IBC Digital);
- Multibase WebAustralis Pty Ltd;
- Netcat Biz Pty Ltd;
- Seamless (Australia) Pty Ltd;
- Squiz Australia Pty Ltd.

As per the tender documents "The Tender Evaluation Panel will at its discretion, shortlist a number of tenderers to demonstrate their products based on initial evaluation of tender submissions. These demonstrations will assist the evaluation panel gain an understanding of the operational suitability of the product to Councils requirements and assist the evaluation process".

A demonstration agenda and clarification questions were provided to all tenderers in a timely manner to ensure the presentation and evaluation process was conducted consistently for all tenderers. These presentations were subsequently conducted to the satisfaction of the TEP.

Each member of the TEP scored demonstrations against a prepared list of criteria based on functionality, innovation, ease of use, mobility and integration with Council's systems. It was discussed and agreed that a comprehensive analysis of tender submissions and presentations had been conducted and no further clarification was required.

At a second evaluation meeting held on 5 February, all scores from the TEP were combined to demonstrate the ranking of all submissions. The tender initiation plan required that the scores from the original submission be combined with the scoring

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from the demonstrations to rank each submission. The scoring of submissions, demonstrations and pricing are attached to this report.

Please refer to the attached confidential spreadsheet titled "T-12-32 Evaluation & Pricing Analysis - CONFIDENTIAL" which details the final evaluation scores for the tenders as determined by the Evaluation Panel and lists the tender prices offered by each tenderer. This analysis contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).

Please note, there are five (5) pages to this spreadsheet, three (3) demonstrating the individual rankings from the TEP, one (1) demonstrating an average of all TEP scores & price summary and one (1) demonstrating the rates offered.

The attached *T-12-32 Evaluation & Pricing Analysis*, demonstrates the ranking of these six (6) submissions. Each submission was then discussed in detail. The TEP was satisfied that all tenderers provided a comprehensive demonstration of the products and that no further clarification was required before a final recommendation could be made.

At this meeting the TEP agreed that whilst this tender was advertised as two (2) separable portions (Part A – Corporate Website and Part B – Intranet) it would be advantageous for continuity and financially beneficial to recommend a single supplier for both separable portions.

It was discussed and agreed that all tenderers could offer a solution that would satisfy Council's requirements however it was evident that the offer from Seamless (Australia) was ranked most favourably and represented the best value for money. It should also be noted that the price offered from Seamless was below the average price from all tenders.

At the evaluation meeting held on 5 February it was discussed and agreed that due to favourable scoring against both priced and non-priced criteria combined with a comprehensive demonstration that the TEP recommend;

1. Accept the tender of \$93,148 (excl GST) from Seamless (Australia) Pty Ltd to supply a new Content Management System (CMS) for Part A – Council's websites.
2. Accept the tender of \$39,314 (excl GST) from Seamless (Australia) Pty Ltd to supply a new Content Management System (CMS) for Part B – Council's Intranet.
3. Accept the tender of \$19,800 (excl GST) from Seamless (Australia) Pty Ltd to host & support a new Content Management System (CMS) for both the corporate website and intranet annually for a period of two (2) years.

Options

Council has the option of accepting the recommendation included in this report or not accepting same, in which case Council would be required to re-tender for these services.

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Community Engagement & Internal Consultation

- Procurement Coordinator;
- Procurement & Contracts Officer;
- Group Manager – Governance and Executive Services;
- Group Manager - Information, Communication & Technology Services;
- Communications Officer (Digital);
- Marketing Coordinator;
- Communications Manager (Acting);
- Computer Systems Support Officer;
- Senior Project Manager - The Strategic Directions Group.

Planning & Policy Implications

There are no planning or policy implications associated with this tender.

Financial & Economic Implications

There are no direct financial implications associated with this report. The implementation and ongoing support for this project will be funded from within the Website Development / Maintenance budget. The supply of Part A and Part B of the Content Management System is to be funded from available budgets in Communications, the Office Building and Equipment Reserve, and Water, Sewerage and Waste funds.

Attachments

1. T-12-32 Evaluation & Pricing Analysis (Confidential)

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Item: 08.20

Subject: A PROPOSAL TO ALTER THE BOUNDARIES OF THE LOCALITIES OF LAKE INNES, LAKE CATHIE AND BONNY HILLS

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

1.3.1 Participate in active alliances that allows other agencies to make effective decisions that consider the needs of our community.

RECOMMENDATION

That Council:

1. **Make application to the Geographical Names Board to alter the boundaries of Lake Innes and Lake Cathie as depicted by the red line in the attachment titled "Lake Innes / Lake Cathie Boundary Proposal."**
2. **Make application to the Geographical Names Board to alter the boundaries of Bonny Hills / Lake Cathie as depicted by the red and white dashed line in the attachment titled "Rainbow Beach Development".**

Executive Summary

A report to consider making applications to the Geographical Names Board to alter the boundaries of the localities of Lake Innes, Lake Cathie and Bonny Hills.

Discussion

Lake Innes / Lake Cathie Proposal

In recent months, correspondence has been received from residents in the Long Point Drive area highlighting problems encountered in their properties falling within the geographic locality of Lake Innes. Problems cited include issues with substantial delays of the delivery of mail, difficulties conducting online business with retailers, insurers, service providers such as Centrelink, the Australian Taxation Office and the despatch of emergency services.

Council is advised that the boundaries of the geographic localities were assigned in 1993. There have been no alterations to the boundaries of Lake Innes and Lake Cathie since 1993. It could be hypothesised that with the increasing popularity of e-commerce and increasing reliance on GPS units, anomalies between the details held in databases containing address localities and the public perception of localities are coming into greater conflict.

From the initial correspondence received, it appears that a solution would be to alter the boundaries of Lake Innes and Lake Cathie by incorporating those properties within the red line as shown in the attachment titled "Lake Innes / Lake Cathie

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Boundary proposal” into the locality of Lake Cathie. The attachment also shows the current localities of Lake Innes and Lake Cathie.

It is the statutory responsibility of the Geographical Names Board (GNB) and not Councils, to alter locality boundaries. The GNB, in processing applications to alter boundaries, looks to Council to consult with the community to establish general support for a proposal.

Lake Cathie / Bonny Hills Proposal

Planning is underway for the development of land on the southern side of Ocean Drive at Bonny Hills. The development is known as Area 14 or Rainbow Beach. The land zoning and general road layout of the development is depicted in the attached plan titled “Rainbow Beach Development.” The residential component will be located on the southern outskirts of Lake Cathie and future residents will most likely ‘identify’ their address as Lake Cathie as distinct from Bonny Hills. The alteration of the boundary at this stage of the development is a proactive move by Council. With reference to the attachment “Rainbow Beach Development” a possible alteration to the boundary of Lake Cathie and Bonny Hills is represented by the change in zoning between the residential (R1) and environmental (E2) zones as represented by the red and white dashed line.

Options

There is the option to:

1. Make application to the Geographical Names Board to alter the boundaries of Lake Innes and Lake Cathie as depicted by the red line in the attachment titled “Lake Innes / Lake Cathie Boundary Proposal.”
2. Make application to the Geographical Names Board to alter the boundaries of Bonny Hills / Lake Cathie as depicted by the red and white dashed line in the attachment titled “Rainbow Beach Development”
3. Remain with the status quo.

Community Engagement & Internal Consultation

Lake Innes / Lake Cathie Proposal

Correspondence was sent to the owners and occupiers of land in the Long Point Drive area inviting submissions either for or against a proposal to alter the boundaries. Fifty four letters were sent. Seventeen responses were received within the six weeks period allocated for the receipt of submissions. The responses are attached. Responses ranged from a “Yes. We support the proposal” to detailed submissions setting out the issues faced by owners and occupiers. Of note, all submissions are in favour of the proposal to alter the boundaries. Based on the submissions received, the GNB should be satisfied that there is a general consensus to an alteration of the boundaries.

Lake Cathie / Bonny Hills Proposal

Nil consultation given the land is yet to be developed.

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Planning & Policy Implications

Not applicable

Financial & Economic Implications

Not applicable

Attachments

1. Lake Innes / Lake Cathie Boundary Proposal
2. Rainbow Beach Development
3. Submissions Received

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Item: 08.21

Subject: EVALUATION OF COUNCIL'S REGULATORY FUNCTIONS

Presented by: Development & Environmental Services, Matt Rogers

Alignment with Delivery Program

1.5.3 Ensure ratepayer value for money through continual improvement in quality and efficiency of Council services.

RECOMMENDATION

That Council note the evaluation of its regulatory functions.

Executive Summary

At the Ordinary Council Meeting held on 10 October 2012, Council resolved:

That Council request the General Manager to prepare a report for consideration at Council's February 2013 Meeting dealing with the following issues:

- 1. A summary of the extent of Council's regulatory functions;*
- 2. Details of how the effectiveness of the delivery of Council's regulatory functions is measured by Council including details of internal reporting mechanisms and benchmarking criteria;*
- 3. How consultation with both stakeholders and the community generally is undertaken as to the delivery of Council's regulatory functions;*
- 4. How technology is utilised and can be utilised to more effectively deliver Council's regulatory functions;*
- 5. How any review of the delivery of Council's regulatory functions is currently undertaken.*
- 6. How Council's Business Process Review (currently underway) will provide the opportunity to review Council's regulatory functions.*

This report addresses the matters raised in the resolution.

Discussion

- 1. A summary of the extent of Council's regulatory functions*

In general terms, Council's functions can be broadly divided into regulatory functions and service provision functions. Regulatory functions being those that are undertaken to implement laws and requirements aimed at controlling activities within the community (for the benefit of the broader community). Service functions being those activities such as providing roads, water, sewerage, waste management, libraries, open space etc. Internal services like finance, governance, IT and records are

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examples of supporting services that facilitate Council's delivery of regulatory and service provision functions to the community.

Council has a wide range of regulatory functions. The majority of these functions are conferred upon the Council by the NSW Government. Regulatory functions are required to follow the extensive statutory and legal requirements of the NSW regulatory system. However, local policy does play a part in how regulatory functions are implemented, within the context set by NSW legislation.

The following is a list and short description of Council's regulatory functions, including reference to the controlling legislation and/or local policy:

Function	Description	Key Legislation/ Instruments/Codes
Strategic Land Use Planning	The setting of land use and development policy including planning strategies, local environmental plans (LEP), development control plans, planning agreements, developer contributions plans	Environmental Planning & Assessment Act 1979, NSW Planning directions and Guidelines, SEPPS, Mid North Coast Regional Strategy, Council policy (e.g. Urban Growth Management Strategy)
Development assessment	The process of receiving, assessing and determining development applications	Environmental Planning & Assessment Act 1979, PMH Local Environmental Plan 2011, PMH Development Control Plan 2011
Building certification & inspection	Certifying compliance of building construction applications and inspection of building works under construction (including plumbing & drainage)	Environmental Planning & Assessment Act 1979, Building Code of Australia, supporting Australian Standards, Plumbing & Drainage Act 2011, PMH Local Environmental Plans 2011, PMH Development Control Plan 2011
Subdivision certification and inspection	Certifying compliance of land subdivision construction applications and inspection of subdivision works under construction	Environmental Planning & Assessment Act 1979, AUSPEC Standards, supporting Australian Standards, PMH Development Control Plan 2011
Development compliance	Monitoring compliance with development applications and dealing with unauthorised development works	Environmental Planning & Assessment Act 1979, Local Government Act 1993, Protection of the Environment (Operations) Act 1997, Roads Act 1993
Environmental compliance	Monitoring and enforcing compliance with environmental laws and standards, dealing	Protection of the Environment (Operations) Act 1997, Local Government Act 1993

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	with environmental pollution including air pollution, water pollution, illegal waste dumping, land contamination and dealing with related complaints/reports	
Public Health compliance	Monitoring and enforcing compliance with public health laws and standards, e.g. inspecting public swimming pools, tattooists, cooling towers etc and dealing with related complaints/reports	Public Health Act 2010, Local Government Act 1993
Food Safety compliance	Monitoring and enforcing compliance with food safety laws and standards, e.g. inspecting food shops and dealing with food shop related complaints/reports	Food Act 2003, Local Government Act 1993
Onsite sewage management regulation	Monitoring compliance with onsite sewage management systems (septic systems etc), dealing with applications for new systems, complaints reports	Local Government Act 1993, Protection of the Environment (Operations) Act 1997
Fire Safety compliance	Monitoring and enforcing compliance with fire safety laws for buildings including fire safety upgrade audits and inspections	Environmental Planning & Assessment Act 1979, Building Code of Australia, supporting Australian Standards
Public open Space control	Monitoring and enforcing compliance with local controls in parks, reserves and beaches	Local government Act 1993 and various PMHC policies
Animal registration and compliance	Administering dog and cat registration, monitoring compliance with companion animal laws, controlling stray animals (principally dogs and stock)	Companion Animals Act 1998, Impounding Act 1993, Local Government Act 1993, various PMHC policies
Tree preservation and compliance	Assessing applications for tree pruning/removal and dealing with illegal tree removal	Environmental Planning & Assessment Act 1979, PMH Local Environmental Plans 2011, PMH Development Control Plan 2011, Local Government Act 1993
Roads, Parking and Traffic control and compliance	Implementing, monitoring and enforcing compliance with various traffic and parking controls	Roads Act 1993, Australian Road Rules
Caravan parks and manufactured	Licensing and inspection of caravan parks and	Local Government Act 1993 and Regulations

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home estates	manufactured home estates	
Private swimming Pools	Administration of the registration, monitoring and enforcement of the requirements of the private pools legislation	Swimming Pools Act 1992
Noxious weeds control	Inspection of public and private land and enforcing legal requirement to control noxious weeds	Noxious Weeds Act 1993
Trade Waste	Inspection and regulation of systems that manage commercial waste discharges to the sewerage system	Local Government Act 1993

The majority of these regularity functions are carried out by the Development & Environmental Services Division of Council. Aspects of tree preservation, roads and traffic control are carried out by the Infrastructure Services Division.

2. Details of how the effectiveness of the delivery of Council's regulatory functions is measured by Council including details of internal reporting mechanisms and benchmarking criteria

Various methods are employed to measure the effectiveness of Council's regulatory functions. Measures include a combination of high level evaluation techniques as well as specific performance measures for specific functions. The following is a description of the type of performance measures used.

Application Processing

There is and has been much debate in government and industry about benchmarking for application processing timeframes, particularly development applications. The wide variation of types of applications and varying degrees of complexity makes setting benchmarks difficult. However, the following performance measures have been adopted for processing of applications by PMHC:

Application Type	No. Applications Received	Performance Measure Processing Time (days)	PMHC Performance (2012/13 YTD)
Development Application (Median Net)	339	40	35
Development Application (Average Gross)	339	90	66
Construction Certificate (average net)	216	14	12
Complying Development Certificate (average net)	66	7 (state benchmark is 10)	5
Subdivision Certificate Applications (average net)	14	14 days	28
Tree Removal	94	14 days	6

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Applications (average gross)			
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Performance is reported internally on a monthly basis and reviewed by management and communicated to staff through regular supervision and team meetings. Attachment 1 to this report is an example of the reporting outputs.

Performance data for development applications and complying development certificates are also included in the annual performance reporting by the NSW Department of Planning and Infrastructure. The results from the 2010-2011 Performance Monitoring Report indicate Port Macquarie-Hastings Council's YTD average gross determination time for development applications is lower than the 2010-2011 state average (68 days), and YTD average determination time for complying development applications is less than half the 2010-2011 state average (14 days).

It is also worthy to note that 28% of all applications determined in the Port Macquarie-Hastings area are processed as complying development (streamlined assessment pathway) as compared to the state average of 18% applications. Including the time for these applications as part of the average assessment times for all development applications would see Port Macquarie-Hastings performance against the state average improve further.

It is also interesting to note that development assessment times are significantly impacted by the quality of information submitted by applicants and by the length of time taken for statutory referral agencies to respond to councils requests for information and comment. Data from the 2010/11 Performance Monitoring Report indicates that across NSW; 37% of development applications required further information to be submitted by the applicant, who took an average of 56 days to respond, and; 11% of development applications required referral to state agencies, who took an average of 47 days to respond. This is illustrated at the local level where the current gross average development application time is 66 days, but when calculated to exclude the time taken to wait for information from applicants, results in a net average processing time of 35 days.

To assist with the smooth processing of development applications, applicants are encouraged to seek information from Council's website, to speak to staff (duty planners available Mon - Thursday, 8.30am-1.00pm) or for more complex proposals, attend a pre-lodgement meeting, to ensure they have the necessary information that will enable the lodgement of a complete development application.

Other applications, such as caravan park and manufactured home applications are processed in much lower volumes and performance is not specifically measured. However, an appropriate processing service level for these type of application is 21 days.

Traditionally, most of the emphasis on monitoring the effectiveness of application processing is based upon processing timeframes. However, it is also appropriate to evaluate the rigor of the process to ensure that mistakes are minimised, legal risks associated with process appeals are avoided and that process workflows are optimized and improved.

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In this respect, staff carry out internal auditing of development applications and internal peer review of all complying development certificate applications. The internal audit of DAs is an initiative that has been in place for 18 months and includes a feedback process to staff so that workflows and systems can be modified and improved on an ongoing basis. The following performance measures are derived from this internal auditing process and are reported internally and externally as part of the Council's Operational Plan process:

Application Type	Performance Measure	PMHC Performance (2012/13 YTD)
Development Applications processed in accordance with legislation	100%	100%
Number of successful legal appeals relating to processing error	0	0

A review of these performance measure is to be undertaken for the 2013-2014 Operational Plan. It is suggested that a measure based on the number of corrective actions identified by the auditing process is more appropriate than a percentage compliance approach.

Strategic Landuse Planning

While strategic landuse planning involves compliance with statutory and internal procedure, from a tasking perspective, this work is essentially 'project' work. That is, the preparation of strategy, policy and statutory LEP development are discrete, complex and lengthy projects from a task management perspective. Given the wide variety of projects in the strategic landuse planning field, it is not feasible to adopt standard performance matrices for strategic landuse planning.

However, these projects are implemented using Council's Project Management Framework which allows for the planning and defining of timelines and activities (including regular internal monitoring through regular management and staff supervision meetings) on a project specific basis. The project management approach informs the strategic landuse planning program, which is reflected in the Council's Delivery and Operational Plans. This approach enables direct performance evaluation against the Operational Plan and public reporting on a quarterly basis through Council Meetings.

Preparation of LEPs are also monitored against timelines set by the Department of Planning & Infrastructure. These timelines are based on the nature of the specific LEP and are built into Council's project management processes.

It should also be noted that the current State Government reforms to the NSW planning system are expected to have a significant impact upon the strategic planning framework in NSW. A White Paper for the new planning legislation is expected to be released early this year.

Responding to Reports and Complaints

Ensuring Good Governance

A significant majority of the workload of Council's Environmental Health Officers, Compliance Officers and Rangers is investigating and responding to reports and complaints by individual members of the community and businesses. These reports and complaints cross all aspects of Council's regulatory functions as described above.

Customer service standards for specific requests are used as a measure of service effectiveness and efficiency. These customer service standards are based on what is considered to be an acceptable timeframe to receive and carry out an *initial investigation or enquiry* into the specific matter and then respond to the customer. The time taken to deal with many requests exceeds the initial customer service standard given the nature of compliance issues and the legal processes that are required to be followed (e.g. issuing notices/orders, carrying out follow up inspections, prosecutions).

The following are a list of requests relating to Council's regulatory functions and the corresponding service standards and performance data:

Compliance - Customer Request Management Statistics - 1 January 2012 to 1 January 2013				
	Received	Service Standard (Days)	% Completed Within Service Standard	% Completed Outside Service Standard
Food Premises	23	21	57%	43%
Food Safety Enquiry	116	21	78%	22%
Health Issues Private Property	80	14	49%	51%
Public Health Licence inspection	76	21	70%	30%
Public Health Licence Registration	85	21	56%	44%
On Site Sewerage Management	53	21	34%	66%
Public Health - Pollution	93	21	48%	52%
Swimming Pool	11	21	18%	82%
Air & Noise Quality	246	35	10%	90%
Domestic Animals	1,515	7	95%	5%
Other Animals	68	7	94%	6%
Building Compliance	504	21	36%	64%
Laws & Enforcement - Infringements	572	21	89%	11%
Investigations - Infringements	252	21	76%	24%
Laws & Enforcement - Notifications	497	21	84%	16%
Illegal Tree Removal - Public land	20	7	20%	80%
Illegal Tree Removal - Private land	39	14	69%	31%

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It should be noted that the service standards listed above have not been specifically benchmarked against other councils. These service standards are based upon what is considered to be generally accepted service standards within government and have been selected based on staff knowledge of industry practice, evidence of customer expectations and the resources available to deliver the services.

Performance against these standards, in addition to tasking and workload monitoring, is reported internally on a monthly basis.

These service standards and the performance which is measured against them will need to be tested as part of broader conversations with the community about all of Council's services, taking into account community expectations, Council's resource capability and comparisons against other similar regional councils.

Proactive Regulatory Programs

Council carries out a number of proactive regulatory programs. These programs cover the broad fields of environmental health, public open space control and local traffic/parking control. The following table presents a summary of the major proactive regulatory programs and their performance measures:

Function	Service Standard	Performance 2012/2013 YTD
Food Safety	242 inspections	120 inspections
Public Swimming Pools	85 inspections	54 inspections
Skin Penetration Premises	55 inspections	4 inspections
Cooling Towers	33 inspections	2 inspections
Parking Control	63 hours per week	On track (as per staff roster)
Fire Safety in Buildings	100 inspections	50 inspections
Companion Animals Registration	Annual cross reference (of microchipping and registrations records) with follow up as required	Ongoing
Onsite Sewage Management	110 inspections	93 inspections
Noxious Weeds Control	300 properties inspected annually	143 properties inspected
Building Construction Inspections (% mandatory inspections carried out)	100%	100%

Performance of proactive compliance programs is monitored on a quarterly basis as part of the reporting process for the Council's Operational Plan.

Provision of Information and Advice

An area of work associated with the delivery of Council's regulatory functions that is not readily recognised is the provision of information and advice to applicants, professionals, residents, businesses and other stakeholders. This function comprises a significant part of the day-to-day activities of staff and is therefore worthy of mention.

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Given the often technical and legalistic nature of regulatory issues, staff spend a significant amount of time answering enquiries and providing advice on the full range of regulatory functions.

Implementation of specific performance measures that assess the effectiveness of all methods of information provision are not currently practical given Council's operating system capability/design (e.g. data on the volume of counter enquiries and phone enquiries is not available). However, the following information is available and provides an indication of how staff measure and monitor performance in this area.

Action	Service Standard	PMHC Performance (2012/13 YTD)
Relevant planning staff available at the designated times and days	100% of availability achieved	100%

Request for Information - Customer Request Management Statistics - 1 January 2012 to 1 January 2013

	Received	Service Standard (Days)	% Completed Within Service Standard	% Completed Outside Service Standard
Landuse and Planning enquiry	243	21	76%	24%
S149 Planning Certificates	2,930	5	100%	0%
Outstanding Notices	154	21	99%	1%
Development application enquiries	672	21	74%	23%

The data above is based on formal written customer requests only. Performance is reported and reviewed on a monthly basis.

Community Satisfaction Survey

Council's regular Community Satisfaction Survey is also an important mechanism to measure the effectiveness of Council's regulatory functions. While the Community Satisfaction Survey is high level by design, important feedback relevant to this specific role of the Council can be derived from the survey results. The following specific questions/issues in the survey are relevant to support a high level evaluation of Council's regulatory functions:

- Able to feel safe within your community
- Managing residential development
- Managing commercial development
- Environmental monitoring and nature protection
- Ensuring compliance with development and environmental regulations
- Quality of town centre and public spaces
- Regulating traffic flow
- Parking

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- How satisfied are you with the level of communication Council currently has with the community?
- How effective do you believe the following methods of community engagement are? (various methods given)
- How satisfied were you with the way your contact was handled?

The results of the Community Survey are used to inform the development of Council's Delivery and Operational Plan as well as internal performance monitoring for all areas, including regulatory functions. Information from the 2012 Community Satisfaction Survey is expected to be publically available in March 2013.

3. How consultation with both stakeholders and the community generally is undertaken as to the delivery of Council's regulatory functions

Only limited consultation is currently undertaken as to the *delivery* of Council's regulatory functions. Staff consult with the Hastings Construction Industry Association through regular forums. Issues associated with both development policy, approvals processes, inspections processes and infrastructure matters are canvassed through these stakeholder meetings.

However, there is limited scope for stakeholder input into the *delivery* aspect of Council's regulatory functions because the vast majority of these activities are controlled by statutory processes over which there is little, if any, discretion. While stakeholder consultation is an important part of council business, care needs to be taken to ensure our consultation processes do not have the effect of disengaging stakeholders by consulting on the delivery aspects of activities for which there is limited discretion. For these types of activities, it is suggested that the focus should be on improving stakeholder awareness through appropriately targeting education and communication.

Consultation with stakeholders is an important component of the *implementation* of Council's regulatory functions. The degree and type of consultation varies depending upon the issue at hand but can be broadly divided into consultation associated with; policy making, development proposals and enforcement activities.

The following provides a range of examples of how consultation is undertaken:

Policy Making

Draft plans/policies/strategies are exhibited according to the principles of Council's Public Participation Policy. The extent of engagement depends upon the significance of the policy or amendment and involves public notifications in local newspapers and the Council's website, holding information sessions, attending specific stakeholder group meetings, direct mail outs to affected landowners etc. Engagement processes enable stakeholders to make formal submissions that are considered as part of policy development.

Development Proposals

For certain types of development, application assessment processes include consultation. Port Macquarie-Hastings Development Control Plan (DCP) 2011 specifies Council's policy with respect to the public advertisement and neighbour

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notification of development applications. This process enables stakeholders to make formal submissions that are considered as part of the development assessment process. Where objections to development are received, these applications are referred to the Development Assessment Panel to allow stakeholders to participate and voice their views prior to a determination being made. The same principles are followed for applications where the Joint Regional Planning Panel is the consent authority.

Council has traditionally used newsletters to communicate with the development sector on regulatory matters pertaining to the building industry. This initiative has recently been revisited and a building industry e-newsletter is soon to be released and continued on a regular basis.

Enforcement

The implementation of enforcement processes incorporate the principles of natural justice. These principles enable the person/entity that is the subject of an enforcement matter to make representations to Council officers prior to enforcement actions being implemented. This is effected using straight forward methods such as a 'show cause' approach prior to enforcement actions being implemented, or through statutory processes such as the formal 'notice of intention' that is required under the Local Government Act prior to service of an Order to deal with a compliance process.

It is also normal practice to keep complainants/reporters informed of the progress of compliance issues reported.

4. How technology is utilised and can be utilised to more effectively deliver Council's regulatory functions

At present, Council uses typical local government sector technology in the delivery of regulatory functions. Technologies such as IT systems that manage property information and application processes (that integrate across council operations e.g. rates, property, applications, word processing) form the basis of the technologies used. Council has a Geographic Information System (GIS) that is well developed to support internal processes including regulatory functions.

In addition, a number of more contemporary technologies have been (or are in the process of being) implemented. These include:

- Online Complying Development Applications
- Online DA tracker (in progress)
- Online S149 Planning Certificates (in progress)
- Ability to lodge electronic plans and supporting applications information
- Electronic parking sensors
- Snap Send Solve mobile reporting integration
- GIS mapping and tracking of Noxious Weeds
- GIS mapping for onsite sewage management risks

However, there is a significant potential for innovative technologies to support and improve Council's ability to deliver services in this field, including:

- Increased offering of online services - improving the way information (documents/GIS information/resources) is made available through the

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- website is more convenient for stakeholders and will ultimately reduce the workload on staff in providing information and basic advice.
- Moving to a robust system of electronic lodgement for applications to increase access for applicants and reduce internal processing.
 - Mobile computing - the use of technologies such as tablets in the field, with connectivity to Council's IT system, will enable staff access to information and carry out data input in the field, reducing the time taken to deal with inspections, investigations and some associated administration necessary for updating records. This type of technology has a significant potential to free up staff time and increase the effective use of the resources available.
 - Electronic parking signage - is a service well used in many cities to inform commuters and shoppers about the availability of parking spaces, thus improving space utilisation, traffic flow and customer satisfaction.

It is also recognised that refinement of internal processes and consistent use of technology is a fundamental issue for delivering more effective services. An example of work being undertaken in this area is the development of the database function in Council's property/applications IT system. Staff are in the process of migrating various separate databases into the corporate system to ensure that 'corporate knowledge' is retained and the benefits of the integrated IT system are extended to all areas with database, scheduling and reporting requirements.

5. How any review of the delivery of Council's regulatory functions is currently undertaken

Presently, monitoring of the delivery of regulatory functions is carried out by staff as part of internal monthly reporting processes. These processes essentially involve the preparation of routine reports on the data presented earlier in this report and form part of the normal management responsibility to monitor process and projects.

Data from performance reporting is reviewed by management and work teams to identify areas where intervention is required and to engage with staff on service delivery effectiveness. In a practical sense, this is achieved through regular supervision, team meetings and implementation of associated follow up actions.

As discussed above, internal auditing processes for DA have been implemented and have proven effective in driving process improvement in the development assessment process. For some functions, such as the processing of complying development applications, peer review of each application is carried out given the recent changes in legislation and the need for management oversight to ensure quality and consistency of service.

Ad hoc reviews have also been carried out in the past on a range of regulatory functions. Examples include a review of the Complying Development Process in 2008 and more recently in 2010 (part of the Online Complying Development project).

6. How Council's Business Process Review (currently underway) will provide the opportunity to review Council's regulatory functions

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The current Business Process Review program provides an excellent opportunity for a rigorous review of Council's regulatory functions. The review process will enable each type of regulatory task to be examined through a formal business process mapping exercise. This exercise will enable staff to break down each task into its key components, identify opportunities for improvement and the development of relevant and specific measures to evaluate ongoing service delivery effectiveness.

The Compliance Section of the Council has been identified as a priority area for the implementation of business process reviews. The Compliance Section handles a significant part of Council's regulatory functions. The review of this area will examine existing business practices and the systems, processes and procedures to identify opportunities to improve the efficiency and effectiveness of Ranger, Onsite Sewage, Building, Food Safety and Environmental Health Services. This will include:

- Identifying and eliminating non-value-adding process and information capture
- Identifying workload demand and ensuring optimum resource during peak demand period
- Establishing better planning and scheduling

The broader Business Process Review will also result in the development of higher level organisational operational management systems and processes that will facilitate improved and consistent performance monitoring procedures and comprehensive service level analyses.

Options

Not applicable

Community Engagement & Internal Consultation

Internal consultation has been undertaken with the Executive, Group Managers with involvement in regulatory functions and relevant staff.

Planning & Policy Implications

Not applicable.

Financial & Economic Implications

Not applicable.

Attachments

1. Application Statistics

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Item: 08.22

Subject: AMENDMENT TO 2012/2013 FEES AND CHARGES

Presented by: Development & Environmental Services, Matt Rogers

Alignment with Delivery Program

1.4.1 Comply with Local Government legislation, policies and agreed standards and communicate the impacts of this to the community.

RECOMMENDATION

1. That Council publicly exhibit amendments the 2012-2013 Fees and Charges to include fees associated with the administration of the Public Health Act as outlined in this report, for a period of 28 days.
2. That a further report on the outcomes of the exhibition process be presented to Council.

Executive Summary

The report proposes a number of new fees and charges following amendments to the Public Health Act 2010 and Regulation effective from 21 December 2012.

Discussion

The new Public Health Act 2010 (PHA 2010) and Public Health Regulation 2012 (PHR 2012) have introduced a number of changes to the way the regulatory provisions of the Act are implemented. Some of these changes have fees associated with their implementation and include a cost recovery mechanism for councils. The following table outlines the new provisions and related fee implications:

Legislation	Requirement	Regulation Fee	Proposed Council Fee
Section 35(2) PHA 2010 - Clause 19 PHR 2012	The occupier of the premises at which a public swimming pool or spa is situated must notify council in writing within 7 days accompanied by a fee.	Not exceeding \$100	\$82.50
Section 38(2) PHA 2010 - Clause 31 PHR 2012	The occupier of the premises at which skin penetration procedures are carried out must notify council in writing within 7 days accompanied by a fee.	Not exceeding \$100	\$82.50
Section 31 PHA 2010 - Clause 11	The occupier of the premises at which a water-cooling or warm-	Not exceeding	\$82.50

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PHR 2012	water system is installed must notify council in writing within 7 days accompanied by a fee.	\$100	
Section 41 PHA 2010 -Clause 97 PHR 2012	Prescribed fee for: a) Improvement notice or prohibition order; b) In any other case	\$500 each \$250 each	\$500 each \$250 each
Section 41 PHA 2010 - Clause 97 PHR 2012	Re-inspection of premises subject to prohibition order	\$250 hour	\$250 hour

Council proposes a fee that will cover administration costs associated with the notification of premises to the Council. Note that this will only apply to new premises and cannot be charged retrospectively. In the case of Improvement Notices, Prohibition Orders and reinspections, the fee proposals are in accordance with the legislation.

Under the legislation, Council has some autonomy to extend the period for payment or to waive whole or part of the fee for Improvement Notices or Prohibition Orders.

A reinspection fee has a minimum charge of half an hour and a maximum charge of 2 hours (excluding time spent travelling).

Options

1. Adopt the proposed amendment to the 2012/13 fees and charges recommended in this report.
2. Make no changes to the 2012/13 fees and charges as adopted in June 2012.

Community Engagement & Internal Consultation

Council is required to publicly exhibit the amended fees and charges for the statutory period of 28 days and invite comment from the community.

Planning & Policy Implications

Nil

Financial & Economic Implications

It is expected that approval of these fees and charges will assist Council in covering the costs of implementing these regulatory functions under the Public Health Act. Charging a fee for service is appropriate given the importance of maintaining revenues in the difficult financial climate faced by local government.

Attachments

Nil

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Item: 08.23

Subject: A FRAME SIGN POLICY AND AMENDMENTS TO THE OUTDOOR DINING PROCEDURE AND ACTIVITIES IN PUBLIC PLACES POLICY

Presented by: Development & Environmental Services, Matt Rogers

Alignment with Delivery Program

1.4.1 Comply with Local Government legislation, policies and agreed standards and communicate the impacts of this to the community.

RECOMMENDATION

That Council:

- 1. Adopt the draft 'A' Frame Sign Policy, and**
- 2. Amend the Activities in Public Places Policy and Outdoor Dining Procedures as provided for in this report.**

Executive Summary

This report proposes a new policy that allows "A" frame signs to be displayed in public places to provide opportunities for business promotion, while maintaining pedestrian safety and high quality amenity. The report also proposes administrative amendment to the Activities in Public Places Policy and minor amendment of the Outdoor Dining Procedures.

Discussion

Signage provides an important promotion avenue for local business. However excessive signage can detract from local amenity and may also constitute a risk to public safety. In some cases, "A" frame signs on roads and footpaths have appeared in such large numbers or at various locations so that effective controls are required to protect the amenity of the Port Macquarie-Hastings area and to provide a safe environment on both footpaths and roadways.

The draft policy presented with this report provides the basis by which Council can manage the use/placement of "A" frame signage in public places to address both safety and amenity issues.

Key aspects to the draft "A" frame Sign Policy include:

- The legislative context for managing "A" frame Signs
- Standards for the location and form of signage
- Management of signage displayed on public land
- Insurance, fees and application/approval processes

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Other policies will require amendment to ensure consistency with the proposal to allow "A" frame signs to be managed in public places as described in the *Planning & Policy Implications* section of this report. In addition to changes for consistency reasons, the following minor changes as proposed to the Outdoor Dining Procedures:

- Markers to be placed in the footpath to indicate the boundary of the Outdoor Dining area.
- Fees to be levied in accordance with Council's Management Plan as adopted each year.
- Hours of operation to be no later than 11pm.
- Council's Smoking Policy to apply to all Outdoor Dining approved areas.

Options

Council can adopt the policy and amendments as recommended, make further amendments, or not adopt the policies.

Community Engagement & Internal Consultation

At the October 2012 Council meeting, it was resolved that Council should publicly exhibit the draft "A" Frame Sign Policy along with the amended Activities in Public Places Policy and Outdoor Dining Procedures for a period of forty (40) days.

The draft policy was placed in the "On Exhibition" section of the corporate website, a media release was sent and subsequently published in the "Port News" and advertised in the Council Matters section. Additionally, a news post was compiled on the home page of the PMHC Listening site and an email link was sent to the members of the Community Reference Group.

In addition, a public information session was held at the Council's Burrawan Street offices which was attended by four (4) members of the business community. The proposed policy was generally well received, with no major issues of concern being raised at this session.

Council received three (2) submissions on the "A" Frame Sign Policy, one (1) submission on the amendments to the Outdoor Dining Procedure and one (1) which commented on both. These can be found in full in the attachments to this report.

The follow is a summary of those submissions.

Submission "A" Frame Sign Policy		Issue
1.	Hastings Access Subcommittee	Support for policy provisions that maintain egress and access for people with a disability or mobility impairment.
	Response/Comment:	Noted. The Policy make provision for egress and access for people with a disability or mobility impairment.

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Submission "A" Frame Sign Policy		Issue
2.	Wauchope Business Association Inc.	Placement of signage, ability to place goods on footpaths, cost, various policy suggestions etc.
	Response/Comment:	Issues noted but suggestions not supported. Placement of anything against the building line would be a breach of Disability and Discrimination Act by obstructing egress paths for vision impaired people. Expanding the policy to include goods and other uses of public land is not consistent with primary use of public footpaths i.e. access and community benefit.

Submission "A" Frame Sign Policy		Issue
3.	Shop Owners, 50 Hastings St Wauchope	Signage should be permitted so long as it is safe.
	Response/Comment:	Noted. The Policy make provision for community safety.

Submission "A" Frame sign Policy & Outdoor Dining Procedure		Issue
4.	Wauchope & Laurieton Seafoods	Placement of signage, cost, placement of tables and adverse effect on small businesses
	Response/Comment:	<p>Council, as the "roads authority", currently requires applicants to apply for a development approval (DA) on Council owned road reserves and footpaths. Pursuant to provisions of the Port Macquarie-Hastings Development Control Plan (DCP) 2011, a minimum clearance from the building shoreline is to be maintained between the immediate front of the building shoreline and the proposed outdoor dining area, to allow the unobstructed movement of people and goods along all public footpaths.</p> <p>Once DA consent is received, an Approval to Occupy under S.125 of the Roads Act must be obtained from Council for the use of tables, chairs and associated furniture in the approved area.</p> <p>Rental rates for outdoor dining areas are based on market value, as determined by independent valuation advice. The market valuation is then discounted by 32% as an incentive to promote the food and beverage industry in our local government area.</p>

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		If a business operator does not seek the appropriate consent to use the footpaths for outdoor dining, their insurance company may not support any claims made against that policy for injuries or compensation.
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Submission Outdoor Dining Procedures		Issue
5.	Wauchope Business Association Inc	Various suggestions about use of outdoor dining areas including fees.
	Response/Comment:	<p>Council, as the “roads authority”, currently requires applicants to apply for development approval on Council owned road reserves/footpaths. Pursuant to provisions of the Port Macquarie-Hastings Development Control Plan 2011, a minimum clearance from the building shoreline is to be maintained between the building “shoreline” and the proposed outdoor dining area, to allow the unobstructed movement of people and goods along all public footpaths.</p> <p>Once DA consent is received, an Approval to Occupy under S.125 of the “Roads Act” must be obtained from Council for the use of tables, chairs and associated furniture on the approved area. Many of the issue raised in the submission are dealt with through this process.</p> <p>Rental rates for outdoor dining areas are based on market value as determined by independent valuation advice. The market valuation is then discounted by 32% as an incentive to promote the food and beverage industry in our local LGA.</p>

Following consideration of submissions, it is not considered that the issues raised warrant amendment to the draft policies as exhibited.

It should also be noted that consultation was held with each of the local Chambers of Commerce as part of the ‘A’ Frame Sign Policy development process.

Planning & Policy Implications

Council’s current Activities in Public Places Policy prohibits the placement of “A” frame sign in public places. This proposal would necessitate the amendment of the Activities in Public Places Policy to allow “A” frame sign to be displayed according to the new policy.

Council’s Outdoor Dining Procedures would also require amendment so as to allow “A” frame signs, with the required approval, to be displayed within an outdoor dining area.

The amended policies are attached to this report.

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Financial & Economic Implications

Allowing the controlled display of “A” frame signs in public places would have a no adverse financial implications for the Council. Application fees are proposed to cover the Council’s costs in relation to inspection fees, insurance costs and administration. It is expected that this proposal will be revenue neutral once implemented.

The proposal is also expected to have a positive community economic impact by assisting the promotion of local businesses.

Attachments

1. Draft "A" frame sign policy
2. "A" frame sign application
3. Amended Activities In Public Places Policy
4. Amended Outdoor Dining Procedure
5. Submission 1
6. Submission 2
7. Submission 3
8. Submission 4
9. Submission 5

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Item: 08.24

Subject: COMPLIMENTS TO COUNCIL STAFF AND COMPLAINTS AGAINST COUNCIL SERVICE QUARTERLY REPORT OCTOBER TO DECEMBER 2012

Presented by: Community & Cultural Development, Lesley Atkinson

Alignment with Delivery Program

1.5.3 Ensure ratepayer value for money through continual improvement in quality and efficiency of Council services.

RECOMMENDATION

That the information in the Compliments to Council Staff and Complaints Against Council Service quarterly report for the period October – December 2012 be noted.

Executive Summary

Port Macquarie-Hastings Council adopted a compliments recognition and complaints management system in 1998 and all compliments for staff received and complaints received and resolved within the reporting period are tabled in a quarterly report to Council in January, April, July and October each year. This report lists all compliments and complaints received in the second quarter of the reporting year 2012 – 2013.

A total of 86 compliments for Council staff were received in the second quarter of the 2012 - 2013 reporting year. This is an increase of 36% compared to the previous quarter. There are two attachments relating to compliments for staff with this report which summarise the details of the compliments and statistical analysis of compliments.

There has been a slight increase in the number of complaints received in the second quarter 2012-2013 (19 complaints) as compared to the first quarter in which 16 complaints were received. In the corresponding period last year (2011-2012) there were an identical number of complaints received (19 complaints).

There are two attachments relating to complaints against service with this report which summarise the details of the complaints and a statistical analysis of complaints.

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Discussion

Compliments for Staff

The compliments noted in this report are those received in written format from customers through a variety of channels including letters, emails and customer feedback forms. The first attachment "2012 2013 Complaints Register Quarter 2" outlines the number of compliments received for the period October to December 2012.

The second attachment "2012-2013 Staff Compliments Statistics Quarter 2 report" summarises compliments received by division and includes the reason for the staff compliment and the relevant business unit. A total of 86 staff compliments were received in this quarter which is an increase of 36% from the 63 staff compliments received in the previous quarter. In the corresponding quarter last year (2011-2012) a total of 38 staff compliments were received. This quarter shows a substantial increase in compliments.

Trends from the second quarter are:

43% of compliments were for Infrastructure staff;
31% of compliments were for Corporate & Business staff (now including Glasshouse staff);
21% of compliments were for Community & Cultural Development staff.

The top 5 business units who received compliments are:

24% Roads (21 compliments);
18% Glasshouse (16 compliments);
14% Parks & Building (12 compliments);
9% Community Development (8 compliments);
8% Tourism (7 compliments).

69% of all compliments recognised the exceptional delivery of service by Council staff across all divisions with the most compliments relating to service provided by staff in the maintenance and upkeep of local roads and parks. Staff from Infrastructure (roads) were recognised for excellent work in the maintenance of roads throughout the LGA including compliments for work on the following roads:

- Blackmans Point Road Blackmans Point
- Ocean Drive Port Macquarie
- Bay Street Dunbogan
- Jones Road Byabarra
- Herons Creek road Herons Creek
- Batar Creek Road Kendall
- Braemar drive Port Macquarie
- Pacific Drive Port Macquarie
- Avondale Street Wauchope
- Dahlsford Drive Port Macquarie.

16% of all compliments noted assistance from staff in delivery of successful events and outcomes as the reason for their positive feedback which is a 5% increase from

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the previous quarter. Of particular note were events that were supported by staff across divisions including the Carers week event at The Glasshouse (Glasshouse and Community Development staff), the All Abilities Playground in Wauchope (Community Development and Infrastructure staff) and the NSW Planning conference (Glasshouse, Executive, Development & Environment and Tourism staff).

14% recognised the excellent work Council staff have contributed towards the enhancement of community relations and these included activities arranged and conducted at the Glasshouse for the local TAFE and schools including Kempsey East Public School and Crescent Head Public School.

At a team level there were a number of compliments for the Tourism team in December reflecting on their success at the recent 2012 NSW Tourism Awards, and the ongoing successful partnerships they have established with organisations such as Countrylink, Destination NSW and Sydney Airport.

Complaints Against Council Service

Complaints are defined by Council policy as “an expression of dissatisfaction with Councils’ Policies, Procedures, Charges, Agents or Quality of Service”, and is aligned with the guidelines on “Complaint Management in Councils” published by the NSW Ombudsman and the Division of Local Government. This policy was adopted in 1998 and last updated in 2007. Complaints are differentiated from action requests (referrals) which are defined as “the request for provision of a Council service”.

Council last considered the Complaints Handling and Complaints Statistics Reports at the Ordinary Council October 2012 meeting. It is the practice to report complaints on a quarterly basis for Council’s consideration. The attached reports relate to all complaints received in the period October to December 2012.

The third attachment “2012- 2013 Complaints Summary Report Quarter 2” provides details of the actual complaints and the action taken by Council staff to resolve the complaint. The fourth attachment “2012-2013 Complaints Statistics Report Quarter 2” provides a summary of the complaint numbers received and resolved in the second quarter of 2012-2013. All complaints are recorded in the CRM section of the Authority system.

The attachment “2012-2013 Complaints Statistics Report Quarter 2” indicates that a total of 19 complaints have been received and 20 were resolved in this quarter. There is a slight increase in complaints received when compared to the 16 complaints received in the previous quarter. There are no active complaints at the end of this reporting period. All complaints lodged in this quarter have been resolved in this quarter.

The attachment “2012-2013 Complaints Summary Report Quarter 2” provides brief details of each of the finalised complaints, the action taken by Council in response to the complaints and the customer’s satisfaction with Council’s handling of the complaint. This report covers the reporting period October to December 2012.

Of the 19 complaints received in this quarter, the reasons customers lodged complaints were evenly split between the following categories:

Ensuring Good Governance

- To note general dissatisfaction;
- To request a service to be provided by Council;
- To request a review or change to an existing policy or procedure.

Each of the above objectives scored 6 of the 19 complaints received in this quarter. The one remaining complaint requested an explanation for the lack of response to an issue previously raised.

There were a diverse list of matters that prompted customers to lodge complaints in this quarter. The item that generated the most complaints related to Council's implementation and enforcement of a policy regarding advertising signs in the region, in particular, regarding an event held at the Port Macquarie Racecourse in November.

In addition, there were multiple complaints relating to the lack of perceived enforcement of "no parking areas" on the North Shore and dissatisfaction with traffic control for road maintenance works at King Creek. There were also single complaints noted regarding the current lack of leash free areas for dogs in Wauchope, the lack of facility to itemise individual payments on rates instalment notices, a concern there would be a reduction in museum and gallery services following a review of Glasshouse operations and a complaint regarding the fee for changing the size of domestic garbage bins.

There was a significant reduction in complaints (7 to 4) relating to Parks and Building services in this quarter and it is noted that in some cases, the comments from customers regarding the way in which their complaints were resolved were extremely praiseworthy for Parks staff.

Time taken to resolve complaints

Of the 20 complaints resolved in this quarter all complaints were resolved within 28 days:

75% (15/20) of all complaints, were resolved within 7 days
25% (5/20) were resolved within 28 days.

Options

Council has the option of making its own determination in this matter.
Council may seek to have additional information provided in relation to this report.

Community Engagement & Internal Consultation

Nil.

Planning & Policy Implications

There are no planning or policy impacts.

Financial & Economic Implications

Ensuring Good Governance

There are no financial or economic impacts.

Attachments

1. 2012 2013 Compliments register Quarter 2
2. 2012 2013 Staff Compliment Statistics Quarter 2
3. 2012 2013 Complaints Summary Report Quarter 2
4. 2012 2013 Complaint Statistics Report Quarter 2

Looking After Our People

What are we trying to achieve?

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

What will the result be?

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

How do we get there?

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

Looking After Our People

Item: 09.01

Subject: RECOMMENDED ITEMS FROM THE PMH SPORTING FUND SUB-COMMITTEE MEETING HELD 6 DECEMBER 2012

Presented by: Executive Services, Anthony Hayward

Alignment with Delivery Program

2.9.1 Provide a range of sporting and recreational opportunities.

RECOMMENDATION

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Mayor's Sporting Fund to Ms Paige Leonhardt in the amount of \$250.00 (ex GST) in acknowledgement and recognition of her achievements to date.

Executive Summary

The Port Macquarie-Hastings has a fine tradition of outstanding talent when it comes to sporting ability and sports achievements at all levels. With this tradition comes awareness for the community to recognise and nurture our young local sporting talents. A major problem associated with developing our local sporting talent has been the lack of financial assistance available to athletes in order that they may pursue their sporting goals.

Pursuing sporting dreams, in reality, is an expensive exercise. Athletes must travel extensively in order to face competitors, attend training camps and source new opportunities within their chosen sport. Increasingly, sports people turn to the local community and businesses for financial assistance. It is from these requests that in 1999 the Port Macquarie-Hastings Sporting Fund (formerly known as the Mayor's Sporting Fund) was established.

In 1999 the then Mayor, Wayne Richards, recognised the need for such a fund after receiving numerous requests for financial assistance from young local athletes or their parents to assist their child to compete at an elite level. The Mayor acknowledged that young athletes selected to compete in State; National or International competitions incur considerable costs, as Council had no specific fund to help out, and the Mayor was only able to pass on their requests to local businesses. The formation of the Port Macquarie-Hastings Sporting Fund provided the opportunity for young local athletes to make application to Council for assistance to help ease this financial strain placed on these families by the sporting success of their children.

The Port Macquarie-Hastings Sporting Fund holds two major fund raising events each year. The Coca Cola Sporting Fund Golf Day Challenge and the Coca Cola

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Sporting Fund Golden Thong Bowls Day Challenge. Since the Fund's formation, over \$220,000 has been distributed to young local athletes selected to compete at State, National and International competitions to assist them in meeting the costs they will incur travelling and competing at such an elite level.

The Port Macquarie-Hastings Sporting Fund Sub-Committee at its meeting held on 6 December 2012 considered the following application for financial assistance:

1. Paige Leonhardt be advised that due to her not meeting the minimum age criteria for funding, the Sporting fund, in acknowledgement and recognition of her achievements to date, grant her \$250.00.

Attachments

1. Item 07 PMHC Sporting Fund 2012 12 06 resolution

Looking After Our People

Item: 09.02

**Subject: COMMUNITY GARDEN - CENTRAL ROAD COMMUNITY
ENGAGEMENT OUTCOMES**

Presented by: Community & Cultural Development, Lesley Atkinson

Alignment with Delivery Program

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

RECOMMENDATION

That Council approve the location of the community garden in the Central Road location in-line with the attached design.

Executive Summary

At the November 2012 Council meeting it was resolved that Council would engage with the community about the suitability of constructing a community garden on Central Road. Funding has been secured in November 2011 through the NSW State Government Community Builders program to construct the garden, employ a project officer and undertake community capacity building activities. This project funding agreement concludes at the end of September 2013.

As per the Council resolution, over the last 3 months a significant community engagement process has been implemented to gauge the level of support for the Central location and inform the development of draft designs. This report provides the background to the project, the results and analysis of the community engagement process and recommendations and options for Councils consideration.

Discussion

Background

Over a number of years there have been increasing approaches to Council for a community garden in Port Macquarie. In October 2010 Council resolved to construct a community garden as stage 1 of the Environment and Creativity Centre (ECC) at the Ocean Drive and Burgess Close site. Subsequently \$70,000 was allocated to undertaking initial studies of the site, development of a Masterplan and Development Application to enable the project to be 'investment ready'.

In November 2010 a funding application was lodged with the NSW State Government Community Builders Program for the development of a community garden. In November 2011 the NSW Government announced that \$131,000 for the garden was the only successful application for PMQ-H LGA and only 1 of 8 projects funded across the Mid-North and North Coast region (out of 83 applications across

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this area). The Community Builders funding is a community strengthening fund which has an infrastructure component to a maximum of 50% of the funding, as well as a community capacity building focus. The project timeframe concludes at the end of September 2013 when acquittal is due.

The Council meeting held on the 28/09/2011 authorised the acceptance of this grants and the associated funding agreement.

Since the funding was received (early 2012) Council has employed a casual Community Garden project officer who has been working with the community to develop an incorporated community group called the "Port Macquarie Community Gardens Inc". They are recently incorporated and have resolved to secure public liability insurance. The group is currently developing policies and procedures for the garden operations. Once the garden is built and the funding acquitted, this group of residents will take over the management, maintenance and development of the garden through a lease arrangement with Council. This funding will be spent as per the project budget outlined in the funding application. The incorporated group will be able to source other funding opportunities and grants as they arise. Significantly the aim is for the project to become self sustaining. Local businesses and organisations such as the Men's Shed and Landcare have already expressed an interest in being involved through donations, labour, materials (e.g.: men's shed have started constructing raised beds, there are offers of donations of mulch and compost etc). The management committee has 16 members; there are 140 garden members as well as over 260 "Port Macquarie Community Gardens" Facebook members.

Site selection

Over the last year Council has been exploring the Ocean Drive and Burgess Close ECC site in detail culminating in a storm water assessment and flood analysis. These studies have caused significant delay to the construction of the community garden. Significant constraints on the site were identified through this process (e.g.: required fill levels, drainage works and culvert upgrade) to the estimated cost to Council of approximately \$500,000.

Due to the site constraints and costs associated with the ECC site, compounded by the pressure to commence constructing a garden within the specified project timeframe, a report was tabled at the November 2012 Council meeting recommending that a site on Central Road be explored for the community garden.

In recommending this site an extensive site analysis was undertaken of over 21 sites within the Central Business District area. Central Road was the preferred location for a number of reasons as outlined in the attached site analysis attached predominately influenced by:

- Land ownership
- Land use
- Permissibility
- Land Size
- Access to sun and shade - North facing
- Proximity to lowest SIEFA index communities in Port Macquarie and the CBD
- Visibility and profile of the site
- Access to public transport
- Amenities - or capacity for amenities
- Parking and capacity

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- Flood prone
- Bushfire prone
- Site contour

During initial site visits it became apparent that Parklands Village are using this land for village use as they have built two golfing greens and have fenced the property to the Western edge reducing public access to the site. Parklands had also been maintaining the site and have planted a number of garden beds, some with invasive species. Parklands maintenance and garden workers regularly drive across Lot 8 in order to access the village from the Southern side.

Significantly this parcel of land (Council owned) is designated Community Land (Public Reserve), and is also a dedicated Koala corridor with potential for bush regeneration within the Koala Plan of Management.

What the community told us.

At the November 2012 meeting, Council resolved to commence community engagement to gauge the level of support for a garden at the Central Road location and to inform draft designs to go on public exhibition. A community engagement plan was developed and is attached to this report for reference.

The Healthy Communities Coordinator and the Community Garden Project Officer undertook a significant community engagement process that is outlined in detail in the Engagement section of this report. Through this engagement process a series of meetings, workshops, surveys and submissions were made available for community input into the design and location of the community garden. Initial surveys and feedback from two community workshops informed the development of concept designs that were placed on public exhibition for 9 weeks.

A total of 226 people completed the survey with the following results:

- 71.1% of survey respondents (160 people) support the Central Road location. The main reasons included: location in relation to industrial and residential area, central to town, access to public transport, additional parking in designs, positive use of the land, good visual aspect, potential of the site, Northerly aspect and size, proximity to local services and potential for partnerships.
- 15.8% (37 people) of survey respondents do not support the Central Road location. The main reasons included: loss of security and safety for Parklands residents, risks of vandalism, the need for fencing, location in relation to industrial area, traffic and parking.
- 13.1% of survey respondents (31 people) were unsure whether they do or do not support the Central Road location. The reasons cited were: not familiar with the area or site, and concern over the response from the village residents.

10 formal submissions were received from community members and groups. The summary of the feedback from the submissions was mixed with a number of submissions both in favour and opposing the project. The main factors identified in favour of the project included the location of the site, the permissibility of the site, support for the development of garden infrastructure utilising grant funding and the inclusion of people with a disability.

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The major concerns regarding the garden centred on the location of the garden near Parklands Village, and included the perceived cost to Council and ratepayers, the security and safety of Parklands residents, devaluing of Parklands properties, traffic and parking impacts for Parklands and potential vandalism.

In addition to the formal submissions there have also been a number of letters to the local papers both objecting and in favour of the project. Whilst these do not count as formal submissions it is important that Council is aware that the community garden has created an amount of public debate.

Design modifications

If Council chooses to support the Central Road location for the community garden there are a few designs modifications that could be made to the concept plan to address the majority of concerns from Parklands Village.

(1) Fencing the Northern Boundary of the garden / Parklands boundary

Given that the residents of Parklands Village hold strong concerns regarding their sense of security and safety it would be possible to fence the Northern boundary of the Public Reserves (Lots 8 and 4). A proposal has been submitted from Parklands Management to install a "school style" perimeter fence along the Northern boundary of the Public Reserves (DP 262151 Lots 8 and 4). Parklands management have obtained a quote at an estimated cost of between \$25,000 (Zones 1 and 2) through to \$80,000 (Zones 1, 2 & 3). The full boundary between both Lots and Parklands Village is 258.31 meters. Parklands Village (Stocklands management) have identified that they would look for Council to contribute 50% of the cost for fencing the property. Stocklands would be responsible for funding the fencing and this would not financially impact adversely on the residents of Parklands village.

According to the *Dividing Fences Act 1991-Section 25* Council is not required under the Act to fence Council property. Council regularly denies applications and requests from residential properties requesting Council to contribute to the cost of fencing property that bound Council land. Should Council agree to fence the Parklands boundary it would set a precedent. It should be noted that Council has not agreed to fence other properties in the past. Having said this, the Act does not prevent Council from entering into a specific arrangement to contributing to fencing work in respect of dividing fences.

Council would not be required to fence the property to the level of expectation from Parklands and could well provide funding for a fence that is less costly. It must be noted that the funding agreement for the Community Builders funding does not currently provide for the funding to be used for fencing to this degree. It would be possible to allocate some funding towards the cost of the fence (\$5,000) from the allocation; however this would reduce the capacity to complete other components of the project. If Council agrees to a "school style" fence, additional funding would need to be allocated from the General works budget which would impact on other planned projects.

The inclusion of a boundary fence along the Northern boundary of Lots 8 and 4 would help in allaying residents concerns regarding their security. If Council decides to approve the fencing, there are two structures encroaching onto Council land (courtyard and fence) that would be required to be removed. These structures are

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part of the Parklands development. Additionally, any fencing is required to be koala friendly due to this area being a designated Koala corridor.

- (2) Removal/ redesign of pathways in the current design that lead towards Parklands Village

As the current design is a concept plan, it would be possible to modify pathways that lead towards Parklands Village boundaries. There were concerns flagged that the current design has 2 pathways that are too close to the Parklands boundary. It should be noted that these are 20m from the (Lot 8) Zone 2 and 48.9m from the (Lot 4) Zone 1 boundary. This is normally an acceptable exclusion zone.

Options

That Council:

- Determine not to proceed with the Central Road location for the community garden and seek an alternate location
- Return the funding to the State Government
- Determine to proceed with the community garden project at Central Road and incorporate a fence and allocate funding from the General works budget to provide for the fence.

Community Engagement & Internal Consultation

After the November Council report, Council staff developed a community participation plan and undertook a series of community engagement strategies outlined below:

1. On the 19-11-2012 - directly approaching surrounding businesses (Lifeline, The Antique shop, Tony Frost - building owner, Post Office, Safe N Sound storage) to inform them of the proposal and the upcoming community workshops. All businesses were supportive of the project and no concerns were raised.
2. 19-11-2012 through to the 30-1-2013. Letter box, on-line media, fliers, website, newspapers, Council matters, Mayoral column and social media communication strategies commenced to promote the community engagement process and the project. Hardcopy versions of the plans and the surveys were also made available to Parklands residents and were at Council offices and libraries throughout this period.
3. A community survey was available on-line from the 19-12-2012 and was open for comment until the end of January 2013. The survey asked (1) whether the community supports the garden at the Central Road location; (2) what would they like to see in a garden (3) what would they not like to see (4) whether they would like to be involved and (5) provides for any other comments
4. 21-11-2012 - Face to face meeting with the Manager for Parklands Village who was initially supportive of the project, however indicated that there may be some resistance from some residents. Council staff arranged to meet and speak with the Residents Committee to let them know about the community engagement, the project concept and inform them of the two upcoming community workshops.
5. 28-11-2012 - initiated a survey of the site and marked the Council boundaries.

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6. 29-11/2012 - attended the Residents Committee where there were around 70-80 residents present. Whilst a few residents were supportive of the garden concept, the majority raised objections. Residents main concerns included:
 - a) The Parklands property being devalued (the look and amenity as well as the reduced access);
 - b) the feeling that Council was taking 'their land and golf course';
 - c) a high level of concern around their security and safety; and
 - d) parking and traffic issues

Most of the residents were unaware of the concept of a community garden and were highly critical that staff had not come to the meeting with any designs. This initial meeting was the first step in the engagement process as endorsed by the November Council meeting to offer the opportunity to find out more about the project, have a say on the project location and inform any design work at the community workshops. Since the residents committee meeting the Manager of Parklands has changed his position in relation to the garden location to support the views of Parklands residents.

7. 1st and 3rd December 2012 - two community workshops were held with approximately 40 community members participating (general community, garden members and residents of Parklands). A number of questions were asked at the meetings: (1) what are the opportunities for this site (2) what are the concerns for this site (3) how could design elements overcome any concerns and/or build on opportunities. A site visit was also a component of these workshops with an opportunity to view the location and the survey points.
8. 5-12-2013 - Feedback from the workshops and the survey informed the draft designs. A site visit was made with a landscape architect. These designs take into consideration the feedback from the workshops and the initial round of surveys and were developed to demonstrate the potential for the site. The designs allow for the garden to be built in stages as not all works will be able to be completed with the funding through Community Builders.
9. The designs have also been discussed with internal staff prior to exhibition (including Natural Resources Officer, Traffic engineers, drainage engineers, tree inspectors, Ecologist, Water projects engineer, Technical Services Manager, Parks and Recreation Group Manager, Facilities Coordinator) to ensure that they are compliant from Councils perspective. Internal staff see the opportunity for the garden to be a educational opportunity to teach residents about sustainability and natural resources (e.g.: invasive species, water saving and reuse, waste reduction)
10. An offer to attend a second meeting with the residents to discuss the designs was declined by Parklands management.
11. 21-12-2012- Staff met with Parklands Manager to discuss the draft plans, to explain the design elements and process for making submissions.
12. 21-12-2012 Designs were on public exhibition public exhibition for 9 weeks until the end of January (online at www.pmhclisting.com.au/communitygarden at Council offices and libraries). The plans have been emailed / mailed to all those

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who have expressed an interest in the garden and were provided to the Manager of Parklands to distribute to residents.

13. Correspondence has been received, noted and a response has been sent to various community members.

The following is the summary from the community engagement process concerning the draft plans:

- 2,521 website page views (designs, survey and submission form)
- Community garden documents were downloaded 705 times

Surveys

224 people completed the survey (32 hardcopy surveys were data entered to assist with collation and analysis)

- 71.1% of survey respondents support the Central Road location.
- 15.8% of survey respondents do not support the Central Road location.
- 13.1% of survey respondents were unsure whether they do or do not support the Central Road location.

Formal submissions

- 2 on-line submissions were received (1 in favour and 1 opposing)
- A hardcopy submission from Parklands Village Residents Committee which contained a petition with 77 signatures against the garden location
- A email submission on behalf of the Port Macquarie Community Gardens Inc. representing the members of that organisation supporting the location and the garden
- 3 hardcopy submissions from Parklands residents
- Correspondence from 2 Parklands residents who have written a number of times
- 1 hardcopy submission from a non-resident of Parklands Village.

Please refer to the attached Formal Submission attachment for more information.

Planning & Policy Implications

As noted in the attached October 2010 Council report and the November 2012 Council Report.

Financial & Economic Implications

Council has received a \$131,000 grant from the NSW State Government, 2010 Community Builders Program to develop the community garden. Due to delays with the original Ocean Drive site and the subsequent engagement regarding Central Road, the Community Garden funding is behind target. The project timeframe for completion of garden and capacity building activities is September 2013. There are risks associated with the funding should the matter not be progressed in a timely manner. A grant variation would be required to be approved by the Department.

Attachments

1. Community Garden Participation Plan

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2. Community garden draft concept plan - overall site plan
3. Community Garden Site Analysis Matrix
4. Community Garden - Hardcopy Submission responses
5. Council Report Environment and Creativity Centre 27-10-2010
6. Council Report - Community Garden Funding Acceptance 28-9-2011
7. Community Garden Media Sheet
8. Council Report- Update on Environment and Creativity Centre project and Community Garden proposed location 14-11-2012

Looking After Our People

Item: 09.03

Subject: BACKGROUND ON THE ENVIRONMENT AND CREATIVITY CENTRE PROJECT

Presented by: Community & Cultural Development, Lesley Atkinson

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the status of the proposed site for the Environment and Creativity Centre.

Executive Summary

This report was requested by Council at its 14th November 2012 Ordinary Council meeting. Its purpose is to provide further detail on the Environment and Creativity Centre project including:

- Background regarding how the project came about;
- Details regarding the site selection of the Ocean Drive/ Burgess Close site;
- Constraints that have been identified regarding the site;
- Estimated costs to progress the project.

A number of community groups have been approaching Council for many years to secure a permanent home for their group. Given the need to be strategic in its use of Council owned land, there has been a strong drive to maximise the uses of any Council owned land. From a community development perspective there is also a strong driver to co-locate community groups as this provides greater connectivity for the community and the ability to leverage off each other.

The Environment and Creativity Centre project evolved over a number of years as Council grappled with the needs of different community groups, lack of available funding to devote to community facilities and the need to be strategic in the use of Council owned land. The following report provides a snapshot of a number of years of deliberations with community groups as well as with Council.

Discussion

Background to the project

Over a number of years, Council has been approached by a variety of community groups and individuals, requesting land/and or facilities for their use including:

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- local residents requesting the development of a community garden.
- Arts and Crafts group (currently located with a two year lease agreement on Gordon Street on Council operational land that is earmarked for future purposes) are looking for a new site. Additionally their building is quite old and requiring replacement.
- Hastings Valley Fine Arts Association are requiring a permanent home for their organisation.
- Port Macquarie Landcare Nursery is located in the industrial area and are seeking a permanent base to operate from.

Some of these groups have been in conversation with Council for over 10 years seeking a permanent site for their community group use. Over the years, a number of options have been presented and explored with these groups. However, funding limitations and/or changes in strategic direction necessitated Council to modify what could be done at particular times.

Council undertook a review of its property holdings in April 2009 with a view to selling certain properties to raise funds given its financial situation. Indeed many of the earlier options being discussed with some community groups needed to be modified in light of the changing financial situation of Council.

It is fair to say that Council staff continued to explore possible land options in order to assist these community groups.

Concurrently there has been an emerging trend to co-locate community groups and provide multi-purpose community centres. This direction ensures that value for money is achieved for residents as well as providing greater ability for community development outcomes to be achieved by leveraging off each others' capacity and capability.

Accordingly, given Council's limited budget and scarce community land holdings, the current approach to constructing community spaces is to create multipurpose facilities that maximise the available space, rather than have single purpose community land use.

Thus, in the early stages of the concept development of the Environment and Community Centre, consideration was given to the needs of a variety of community groups that could co - locate in this space.

During this process it was identified that the precinct of Ocean Drive and Burgess Close did not have a children's playground. This was considered a priority area for a new playground facility. The closest playgrounds are in Muston Street and Westport Park.

Consideration was also given to two of Councils key planning documents for community facility development - *Port Macquarie-Hastings Council Community Cultural and Emergency Facilities Contribution Plan 2005* and the *Port Macquarie Urban Growth Management Strategy 2011-2031* identify the need for a District Level Community Arts Centre earmarked for 2011/2012-2014/2015 period.

In addition, it was clear that the project would need to be undertaken in stages given Council's financial situation and the slowdown in receipt of s94 contributions income.

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Further it became apparent that State and Federal Government grant funding would provide the greatest opportunity to source funding to pursue the development of such a multi-purpose facility.

Accordingly, Council determined that the space would be developed in stages and that Council's strategy would be to get the site "investment ready" in order to secure grant funding.

Meetings were held with a variety of stakeholders to outline this direction early in the project development. However as the project unfolded it has hit a number of hurdles associated with the degree of remediation identified during the project in relation to stormwater issues.

Site selection

In 2009-2010 a detailed site analysis of all Council Community designated land within the Port Macquarie township was undertaken for the Environment and Creativity Centre project. It was determined that the preferred location was the Ocean Drive and Burgess Close site due to a number of factors:

- Size of the site to accommodate the multipurpose community facility known as the ECC
- Proximity to the CBD – within 2.5 kilometres
- Access via public transport and on a main road
- Permissible from a Council planning perspective.

A detailed report proposing the land on the corner of Ocean Drive and Burgess Close (Lot 16, DP 1122022) for the multipurpose Environment and Creativity Centre (ECC) was tabled and adopted at the Ordinary Council meeting held on the 27 October 2010 and is attached for reference. This report proposed the site as suitable for the development of a multipurpose community space, subject to further study and community engagement in order to develop a Masterplan and then Development Application.

Next Stages

From the early days of the development of the concept for multi use of the space, it has been stated that the development will only be able to go ahead in stages as grant funding becomes available for each of the 4 components of the project. At the time of the October 2010 Council meeting, there was no funding available for the construction of any of the proposed stages (Community Garden, Playground, Landcare Nursery and Creativity Centre). Subsequently, grant funding was secured in 2011 for the Stage 1 – Community Garden component.

In 2012, \$70,000 was allocated through the General fund to allow the project team to undertake a Masterplan and community engagement process. An initial feasibility study and flora and fauna assessment indicated that the site was viable, although it was identified that significant storm water and flooding issues impacted the site during heavy rainfall events, particularly at the Burgess Close culvert.

Site Constraints

1. Flood Study and Encroachment Analysis

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In 2012, GHD were contracted to undertake a detailed flood assessment and encroachment analysis to determine the Maximum Developable Footprint (MDF) on the site. Through this process GHD identified that whilst the site can be developed to a MDF of 3800m², this would require a significant amount of fill and drainage works to be completed along the Eastern and Southern boundary.

- To achieve this the fill would equal:
 - Cut Volume -1500m³
 - Fill Volume +5200m³
 - Excess Fill Required +3700m³
- The fill cost is estimated to cost \$47.00 per m²
 3700m² x \$47 = \$173,900
(costs are referenced from the Rawlinsons: Australian Construction Handbook, Edition 30, 2012)
- To excavate the drainage overflow channel and spread and compact the fill is estimated at \$80,000
(this cost is estimated through Councils Infrastructure and Technical Services section based on previous experience)

Total estimated earthworks = \$253,900

The GHD study also identified the site as High Hazard in relation to flooding, with the existing stormwater culvert across Burgess Close requiring replacement at an estimated cost of \$180,000. This is irrespective of whether the ECC proceeds or not. There are two preschools in Burgess Close which suggests that the stormwater culvert works will need to be undertaken in the near future. Discussions have occurred with Director Infrastructure regarding the need to program this work into the works program.

Total estimated culvert upgrade = \$180,000

(this cost is estimated through Councils Infrastructure and Technical Services section based on previous experience)

Total Estimated costs to create a viable land parcel for ECC purpose.

Drainage and earthworks	\$80,000
Fill	\$173,900
Culvert upgrade*	\$180,000
Contingency 10%	\$43,390

Total estimated cost \$477,290

*Burgess Close will require this work regardless of the ECC.

2. Traffic Impact Assessment

There is a requirement for a detailed Traffic Impact Assessment to be undertaken in order to submit the Development Application. Burgess Close currently provides access to St. Agnes and St. Joseph preschools and will provide access to future expansion (Stage 3) of the site to include St Joseph's Family Services Building (Stage 3, DA 2004/857). The Ocean Drive and Burgess Close intersection has significant traffic movements during the morning and afternoon periods.

Looking After Our People

Council shall require a Traffic Impact Assessment as part of the Development Application process for the ECC. The cost of this Traffic Impact Assessment, estimated between \$5,000-\$10,000, will need to be factored into the costs of the Development Application

Findings of this study will determine traffic impacts associated with this development inclusive of the previous approved development (DA 2004/857). Costs associated with any required mitigation cannot be determined until the finding of the study have been determined. Any arising works would be an additional cost to Council.

Other considerations:

Should the site at the corner of Burgess Close and Ocean Drive not be progressed, there may be a need to work with the relevant community groups to explore other placement options (Landcare, Craft groups and playground).

Noting the remediation costs associated with this site, Council could continue with the Masterplan and Development Application phase only. This would move the project to a stage that would allow sources of funding to be explored for all aspects of any future development of this multipurpose community centre (earthworks, drainage and construction of the buildings).

Options

Council could seek additional information on this report.

Community Engagement & Internal Consultation

During the development of the original concept, discussions occurred with a variety of stakeholders including: Arts and Crafts Group, Port Macquarie Community Gardens Inc, Hastings Valley Fine Arts, Port Macquarie Landcare, and St Josephs Family Services.

The following areas have had involvement in this project:

- the Project working party Liam Bulley (Manager Building and Recreation), Brian Ross (Coordinator Building Services), David Purnell (Facilities Coordinator)
- Cliff Toms (Manager Technical Services)
- Thor Aaso (Natural Resource Officer)
- Bill Peel (Ecologist)
- Ian Russell (Property officer)
- Gordon Cameron (Waste and Environmental Engineer)
- Mark Edenborough (Drainage Engineer)
- Peter Cameron (Group Manager Strategic Planning)
- Jaclyne Fisher (Group Manager Community Development)
- Lesley Atkinson (Director Community and Cultural Development)
- Matt Rogers (Director Development and Environment)
- Tony Hayward (General Manager)
- Jeff Sharp (Director Infrastructure)
- Craig Swift-McNair (Director Corporate Services)
- Jeff Walton (Property).

Looking After Our People

Planning & Policy Implications

As notes in the attached October 2010 Council Report and the attached November 2012 Council Report.

Financial & Economic Implications

\$70,000 has been allocated to the ECC Masterplan and Development Application costs in the 2012/13 Budget. \$55,423 remains available.

Future funding would need to factor in up to \$480,000 to remediate the site to create 3,800 m2 of developable land. It should be noted that \$180,000 of this amount will be required to upgrade the Burgess Close culvert regardless of the ECC. It is noted that the Director Infrastructure is assessing the risks associated with this aspect and when this work can be scheduled into the Works Program. Up to \$10,000 will be required to undertake a Traffic Impact Assessment to submit a Development Application. External funding sources require projects to be shovel ready.

Attachments

1. Council Report October 2010 Environment and Creativity Centre
2. Council Report November 2012 Update Environment and Creativity Centre

Looking After Our People

Item: 09.04

Subject: 2015 NSW LOCAL GOVERNMENT ABORIGINAL NETWORK CONFERENCE

Presented by: Community & Cultural Development, Lesley Atkinson

Alignment with Delivery Program

2.4.1 Work with community groups to build capacity on social justice issues.

RECOMMENDATION

That Council supports the bid to host 2015 Local Government Aboriginal Network Conference in Port Macquarie.

Executive Summary

During the 2013 Local Government Aboriginal Network (LGAN) Conference held in August, it was proposed that Port Macquarie-Hastings Council (PMHC) submit a bid to host the Conference in Port Macquarie in 2015.

Discussion

The NSW LGAN was established in 1988 as an information exchange and forum to discuss issues related to Aboriginal communities, businesses and the wider community. The organisation is comprised of Aboriginal local government staff and Aboriginal people who have been elected as Councillors. This is an important network event for Aboriginal communities as it works towards enhancing the profile of Aboriginal and Torres Strait Islander people in the wider community.

The LGAN Conference has been held annually for the past 24 years. The conference attracts around 150 - 200 delegates who are interested in developing and enhancing Aboriginal lifestyle, culture, health, enterprise, education and employment opportunities. These delegates include Aboriginal and non Aboriginal Councillors and Council staff members, representatives from the public sector in State and Federal Governments, companies and industry consultants from the private sector, representatives from community and volunteer groups and Aboriginal Advisory Committees to Council.

It is the one time each year that Aboriginal issues, interests and achievements are the focal point at a local community level on a state-wide basis. This means having the direct attention of those who work with local Aboriginal communities across NSW.

There are a range of benefits in hosting this conference in our Local Government Area given the tourism and economic benefits to the community. It also

Looking After Our People

demonstrates this Council's commitment to supporting the local Aboriginal community.

Options

Council may seek additional information on NSW LGAN Conference.

Council may elect not to support the submission to host the 2015 NSW LGAN Conference.

Community Engagement / Internal Consultation

Bearlay Aboriginal Interagency Committee.

Planning & Policy Implications

Nil.

Financial & Economic Implications

Financial support will be required during the 2015 - 2016 operational budget. It is proposed to underwrite the conference to the value of \$10,000; this allocation will be able to be funded from within the existing Community Development operational budget. It is noted that the conference has run at no cost to the NSW Aboriginal Network Conference or the hosting Council in previous years.

Any profit generated from the conference will be divided in agreement with the Memorandum of Understanding between the host Council and the NSW Local Government Aboriginal Network as follows:

1. 30% to the Network
2. 70% to the Host Council's Aboriginal community programs

As the host, Port Macquarie-Hastings Council can utilise the expertise of the Tourism & Economic Development team to guide Council through the many components of organising a conference.

It is expected that the conference will have a positive economic impact. A conference of this type has a financially viable effect as well as promoting the region as a key tourist destination.

Attachments

Nil

Looking After Our People

Item: 09.05

Subject: 2012 ANNUAL REPORT ON DISABILITY DISCRIMINATION ACT (DDA) ACTION PLAN 2009-2018

Presented by: Community & Cultural Development, Lesley Atkinson

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

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

Executive Summary

Access to Council services and amenities is a requirement of the law, most notably under the Commonwealth Disability *Discrimination Act 1992 (DDA)* and the NSW Anti-Discrimination laws.

The DDA Action Plan assists Council to:

- Review its practices and programs to identify and eliminate possible sources of discrimination (intentional or unintentional) against people with a disability;
- Demonstrate how it will overcome barriers to access over time; and
- Incorporate disability access within all areas of Council work, including physical and social infrastructure, communication and services

The Action plan is reviewed on a quarterly basis and an annual report submitted to Council. In this way, the initiatives identified in the plan will be monitored. This tracking will assist those responsible for action to develop future plans and identify funding opportunities to realise the delivery of this plan.

4,826 people or 6.6% of the population in Port Macquarie-Hastings Council area report needing help in their day-to-day lives due to disability. This is significantly higher than the NSW State average of 4.9%. The number of people with a disability in our LGA has increased by 897 persons since the 2006 census. People with a disability often experience difficulty in moving around their locality and accessing information, facilities and services.

Improving accessibility enhances quality of life for the whole community. A focus on access leads to well designed public spaces, improved pedestrian safety, better

Looking After Our People

quality service, participation by a broader range of residents, and good use of technology for communicating with residents and visitors.

Discussion

PMHC has a strong commitment to improving and upgrading accessibility of its facilities and services and has made significant improvements to access.

Our key achievements for 2012 include:

- \$83k grant and upgrade to Laurieton HACC Centre including wheelchair accessible bathroom, kitchen, buzzers on entry doors and widening doorways;
- Footpath constructed at Lighthouse Road – Davis St to Matthew Flinders Drive and footpath at Lord street;
- Construction of kerb ramp at Lasiandra Park Wauchope which connects to accessible amenities;
- Construction of kerb ramp linking accessible car parking space to footpath at Wauchope Public School;
- Construction of landings on footbridge on Lake Road;
- Refuges & ramps constructed at Stewart and William Streets;
- Construction of disability access to bus shelters at Ocean Drive and Bonny View Drive;
- Construction of accessible ramp and widening doorway at Wauchope Arts Hall to enable wheelchair access;
- Construction of accessible ramp and bathroom at Wauchope Indoor Stadium;
- Construction of Wauchope All Abilities Playground at Bain Park and \$100k grant funding from Federal Government;
- Development of draft concept plans for Shelly Beach Reserve including improvements to accessible infrastructure;
- Access Committee design of new town centre mobility map for Wauchope, Laurieton and Port Macquarie;
- Carers Day hosted at the Glasshouse including workshops;
- Access Committee allocated priorities of funding for the Buildings Access Improvements Work (\$53,100 budget);
- Successful grant application for accessible bus shelters throughout the LGA (approx \$100k);
- Successful Glasshouse grant application for “Access for All” disability development programs (\$17k);
- Rangers monitoring the accessible car parking spaces;
- Communication materials being available in a wide variety of formats;
- Aged & Disability Officer participating in Disability Interagency meetings and Accessible Arts Mid-North Coast;
- Training in Auslan sign language continues with CS staff, ViC, Corporate Events & Aged & Disability Officer attending the workshops;
- Ongoing Glasshouse Regional Art Gallery Dementia Program;
- Coordination of 10 Hastings Access Sub-Committee meetings;
- Concept design and community engagement of concept plans of Lighthouse Road footpath; and

Looking After Our People

- Promotion of services such as Missed Business, assisted waste services, staff training, and the Regional Gallery Dementia Program continue to achieve positive access outcomes.

Options

1. That Council ask for further information on the attached report; or
2. That Council does not accept this report.

Community Engagement & Internal Consultation

Input has been obtained from the relevant service delivery Group Managers

Planning & Policy Implications

Community Development is working with Infrastructure Technical Services and Recreation & Buildings to develop a program of prioritised works for inclusion in the four year Delivery program

Financial & Economic Implications

Identified Funding Gaps

Whilst 4 years into the ten year DDA Action Plan, a continuing issue of concern is the implementation of the Pedestrian Access and Mobility Plans (PAMP). This requires an injection of major and ongoing funding to review and update the document created in 2001 and then implement. Due to our unique demographics the lack of community connecting infrastructure across the LGA remains the largest barrier to access for our community (i.e. lack of footpaths and kerb ramps, interrupted and discontinued footpaths).

There is \$250k planned over the next 5 years for implementation of the PAMP. However \$1.46m is needed to undertake the planned works to 2018, so there is a shortfall of some \$1.21m. It is noteworthy that in order to undertake the entire PAMP (until 2031) a budget of \$14.68m would be required.

Gaps that have emerged requiring significant funding for projects that have not started include:

- Flynn's Beach linking footpath between ramp and accessible car park (\$6k); currently being assessed for possible construction in the 2013-2014 budget.
- Accessible ramp at North Haven Baths (\$50k); and
- Cost to install automatic entry doors at the Glasshouse (\$66k).

Significant works which remove barriers to access and need significant state and federal funding include:

- Construction of the Home and Community Care Centre HACC Stage 2 at Greenmeadows (seeking \$3m with 100% Federal Govt Funding);
- Stingray Bridge upgrade with pedestrian walkway (\$12m with 50% State Govt funding). Noting that the walkway issue will be resolved when Council determines appropriate upgrade/construction of the bridge to service these areas; and
- Wauchope Aquatic Centre (seeking \$3.25m Regional Development grant with \$1.5m Council contribution).

Looking After Our People

- The DDA Action Plan is aspirational and some main components will not be achieved by 2018 due to unallocated funds. A priority is the \$1.21m shortfall needed for footpath improvements (PAMP). To assist in this the Access Committee is working closely with Technical Services to pilot the Yellow Brick Road project, a project which focuses on ensuring that significant pedestrian routes are linked and clearly marked.

Attachments

1. 2012 Monitoring Budget Disability Discrimination Act Action Plan 2009-2018

Looking After Our People

Item: 09.06

Subject: HOME AND COMMUNITY CARE (HACC) STAGE 2 FUNDING REQUEST

Presented by: Community & Cultural Development, Lesley Atkinson

Alignment with Delivery Program

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

RECOMMENDATION

That Council allocate \$33,791 to the Home and Community Care (HACC) Stage 2 project at Greenmeadows Drive to enable detailed design plans to be commissioned and be 'investment ready'.

Executive Summary

Council purchased a portion of Greenmeadows land in Area 12 from the Catholic Church for \$1 (plus legal costs) for the purpose of constructing HACC Stage 1 and HACC Stage 2.

Council accepted the funding offer of \$1,611,741 from the NSW Department of Ageing, Disability and Home Care (DADHC) for the construction of a Dementia Day Care Centre as Stage 1 of a HACC Community Centre which has been completed. \$34,349 has been unexpended from this funding.

The planned HACC Stage 2 will see the provision of a Community Centre which provides spaces in the facility for the co-location of Home and Community Care Services.

The HACC Stage 2 building project at Greenmeadows has stalled as it requires \$3 million funding for the works. To do this it must be "investment ready" with detailed design plans. The quote for the plans is \$68,140. Council currently has \$34,349 of funding which needs to be expended by 30 June 2013 and has a shortfall of \$33,791. This report seeks approval from Council to allocate \$33,791 to the project. It is important that projects such as this be developed to a stage to be "investment ready" to enable grant funding to be accessed.

Discussion

The NSW government funding was not fully expended on HACC Stage 1. The surplus of \$34,349 following the delivery of Stage 1 has been retained. Council has received permission from Family & Community Services to use this funding in order to prepare detailed design plans for HACC Stage 2. These funds have to be fully expended by 30 June 2013.

Looking After Our People

The DA has been approved for HACC Stage 2 with an estimated \$3 million to construct and fit-out.

The Contributions Plan 2005 identifies 100% funding (\$1.8m) from S94 Area 12 for the HACC Stage 2 construction. This forecast was dependant on growth with significant residential development. This growth has not occurred and subsequently the projections for the S94 Contributions will be decades away. Another source of funding needs to be identified.

There is a need within this community for additional HACC services given the ageing population and continued growth of this demographic in the Port Macquarie-Hastings Local Government Area. A number of community groups have made representations to Council about the need for the HACC Stage 2 facility.

It is important to have projects such as this "investment ready" (shovel ready) in order to access any available funding opportunities. This report seeks the re-allocation of \$33,791 from the Operational budget to enable this detailed design plans to be finalized to leverage off the retained Stage 1 funding surplus.

Options

That Council not allocate the funding of \$33,791. This would necessitate the remaining grant of \$34,349 to be returned to the State Government. It would also mean that the HACC Stage 2 project be placed on hold indefinitely until funding becomes available to complete the detailed design.

Community Engagement & Internal Consultation

Internal consultation has occurred with Building Services who have given their support to the project.

A range of external stakeholders were consulted in the development of HACC Stage 2 including:

Hastings Macleay Community Transport
Hastings Valley Neighbourhood Aid
Port Macquarie Meals Services
Hastings Respite Care
Mid North Coast Community Legal Aid
Disability Advocacy
Hastings Respite Care
Alzheimer's Australia

Planning & Policy Implications

Disability Discrimination Act Action Plan (DDA) 2009 -2018

Looking After Our People

Financial & Economic Implications

\$33,791 shortfall to be allocated from the 2012/13 Operational budget.

HACC Stage 2 is a planned co-location of Home and Community Care Services Offices and Community Centre and would be operated on a cost recovery basis (similar to HACC Stage 1).

Attachments

Nil

Helping Our Community Prosper

What are we trying to achieve?

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

What will the result be?

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

How do we get there?

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

Helping Our Community Prosper

Item: 10.01

Subject: NOTICE OF MOTION - MID NORTH COAST REGIONAL
ORGANISATION OF COUNCILS (MIDROC)

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

RECOMMENDATION

That:

1. Port Macquarie-Hastings Council re-commits its support of the Mid North Coast Regional Organisation of Councils (MIDROC) and the concept of regional co-operation among councils;
2. The General Manager provide a Report to Council's April 2013 Meeting as to:
 - a) The current status of MIDROC, its activities and any future strategy or initiatives;
 - b) Those areas of Council's activities and services suited to a regional focus through MIDROC listed from easiest to most difficult; and
 - c) How a regional focus through MIDROC can be practically implemented including details and impediments;
3. The Mayor, General Manager and relevant executive staff be authorised to take a proactive role in the endeavours of MIDROC; and
4. A copy of this motion be forthwith forwarded to the Mayors and General Managers of the other MIDROC members.

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Helping Our Community Prosper

Item: 10.02

Subject: DISPOSAL OF COUNCIL PROPERTY - 40-44 FLYNN STREET, PORT MACQUARIE (PIN 6809)

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

3.2.3 Develop, manage and maintain Council's property including property sales, acquisitions, road closures, land development, management of community and commercial leases, management of Flynn's Beach Caravan Park.

RECOMMENDATION

That Council:

1. Authorise the General Manager to dispose of furniture, fittings and equipment along with the cabins and 8 parcels of land in such a manner as to maximise returns, following the closure of the Port Macquarie Holiday Cabins on the 21st February 2013.
2. Affix the Common Seal and authorise the Mayor and General Manager to sign the necessary documents associated with the sale and transfer of 8 lots of land contained within the property at 40 – 44 Flynn Street, Port Macquarie more particularly described as Lots 4-8 DP24963, Lots 36 and 38 DP22883 and Lot 1 DP23380.
3. Restrict net sale proceeds into a property reserve until a viable alternative project is identified for investment.

Executive Summary

Following a report to the Ordinary Council meeting held on the 25th July 2012, the following resolution was passed regarding the future of the Council owned business trading as the Port Macquarie Holiday Cabins situated at 40 – 44 Flynn Street Port Macquarie:-

That Council:

1. Following the forthcoming 2012-2013 Christmas/New Year holiday period of bookings, cease to operate the Port Macquarie Holiday Cabins.
2. Consider a further report on the options for disposal of the Council property at 40-44 Flynn Street, Port Macquarie at a future meeting of Council.

The report to the July meeting (attached) outlined that the management and operation of Caravan Parks is not considered the "core business" of Council; and follows a decision by Council in September 2010 to resign as reserve Trust Managers for the Bonny Hills and Beachfront Caravan Parks effectively relinquishing control of the Parks back to the Land and Property Management Authority. The report notes that traditionally, it is difficult to recruit people with extensive knowledge and experience in managing caravan park operations.

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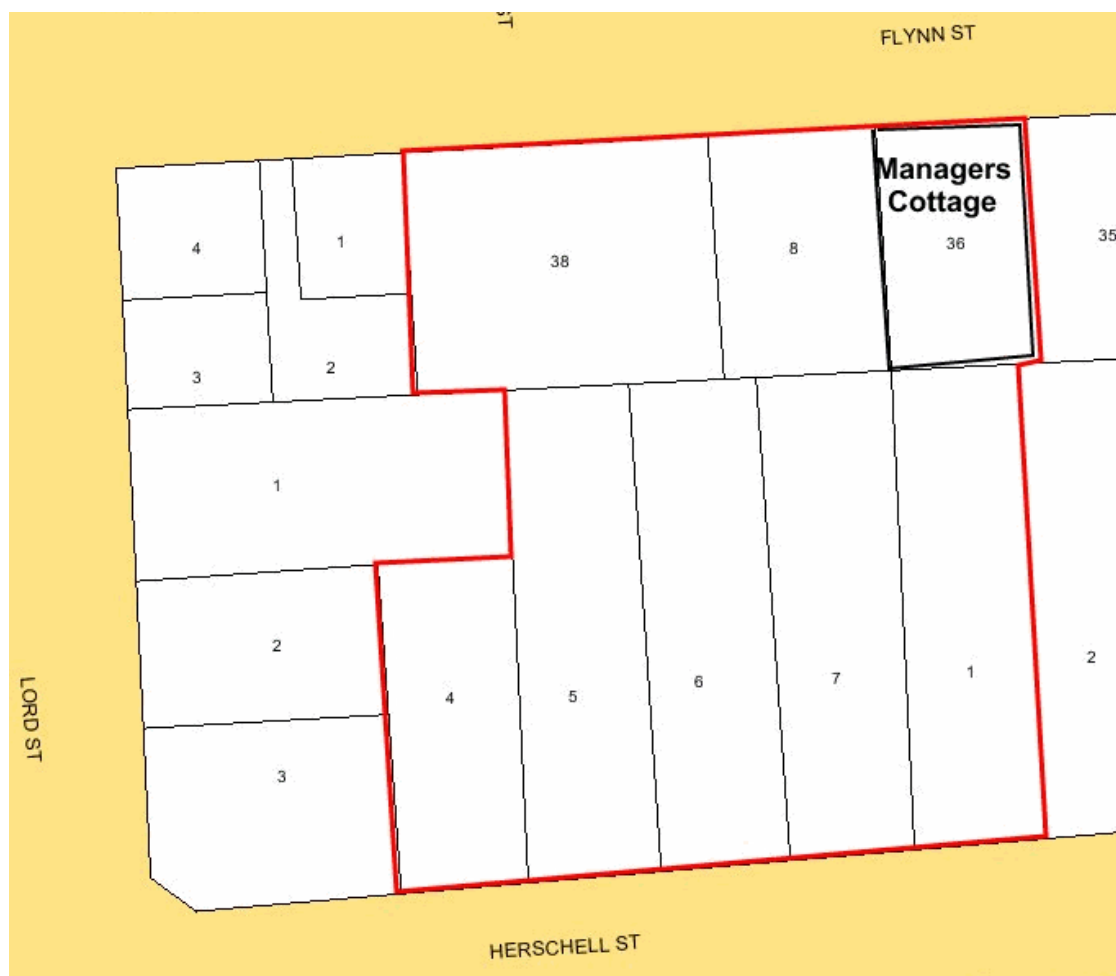
Whilst Council has engaged contract managers on site at the Park to manage the site, there remains an ongoing and significant Council responsibility in terms of contract management; repairs and maintenance costs; replacement of fixtures and fittings; funding for capital upgrades; site inspections, monitoring of operational expenditure; and various other administrative requirements such as accounts payable and fee setting.

Following the Council resolution the General Manager has now put in place arrangements for the business to cease operating on 21st February 2013. The existing Contract Managers have been engaged until the end of February 2013 to assist Council staff to prepare for the disposal of the cabins and their contents.

With closure of the Park now imminent with no forward bookings; appropriate measures should now be put in place to dispose of the property and improvements.

Discussion

The property located 500 metres from the popular Flynns Beach has a frontage to both Flynn and Herschell Streets and comprises of 8 separate titles with a total area of 6,559m². A plan of the property is shown below highlighted in red.



Helping Our Community Prosper

The improvements consist of 13 transportable cabins (6 modern Timberline 2007 model units and 7 older style units); a small flat; a manager's residence and an amenities block. Advice has been sought from appropriate experts in the industry who dispose of properties of this nature advising that Council should receive keen interest in the sale of these improvements at auction.

Sale of cabins:

It is anticipated that given a reasonable marketing period and preparation of the cabins for sale after the business is closed on the 21st February 2013, an auction of the cabins will most likely be scheduled during April 2013.

Sale of land:

It is intended that once the cabins and all contents and chattels in the park have been sold and removed from the site, the land comprising of 8 lots will be prepared for sale by auction. The manager's cottage is situated on one title and is expected to be sold as one residential dwelling property.

The remaining 7 lots range in area of between 544m² to 1,100m² and due to their size and location are believed to appeal to the market not only as new home sites but also small to medium residential unit development sites. Of interest to a prospective developer will be the Section 94 credits that will apply, given that there are existing lots.

Should any of the property not sell at auction, disposal will then be by private treaty based on Council's consultant valuer's advice.

It should be noted that Council has now unsuccessfully offered the whole property for sale as a going concern or redevelopment site by Expression of Interest on 4 separate occasions since late 2004.

The sale by auction of the cabins and equipment followed later by the 8 parcels of land are anticipated to yield a good return to Council.

Options

The options available for the sale of these assets include:-

- Private treaty
- Public Auction or
- Tender

To ensure that Council receives maximum value in a reasonably quick period of time, it is recommended that these assets be sold by Public Auction. This will determine the level of interest on the day given the current market forces, and should result in a quick outcome.

Consultation/Submissions

Consultation has been held with the Director of Corporate and Business Services, Group Manager Business Services, Property Development and Leasing Coordinator and consultant valuers.

Planning & Policy Implications

Helping Our Community Prosper

Not applicable.

Financial & Economic Implications

Valuation reports were sought to assess the market value of this property.

The reports indicated:-

- the market value of the existing business as a going concern
- the market value of the 8 residential lots
- the residual value of the cabins if sold for removal

Given that caravan park management (and hence redevelopment of site to increase yield which may be a viable alternative for a purchaser) is not core business for Council; Councils' capital investment in the site is best realised through disposal. Given valuation advice received, Council's maximum financial return from the property is best achieved by closing the business, selling the cabins; and finally selling the vacant lots. This process may take several months.

In consultation with Council's expert valuers, a reserve price will be set prior to the auction of these assets.

Please refer to the attached confidential reports which detail valuation and commercial details for the subject property. This information contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 - Section 10A(2(c)).

The proceeds on disposal will be restricted in a property reserve until a viable alternative project is identified for investment.

Attachments

1. Report to Council on 25 July 2012
2. Valuation Report 1 (Confidential)
3. Valuation Report 2 (Confidential)
4. Auctioneer's Report (Confidential)

Helping Our Community Prosper

Item: 10.03

**Subject: APPLICATION FOR THE CLOSURE OF PART WRIGHTS ROAD,
PORT MACQUARIE**

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

2.3.1 Advocate for health and social services in accordance with the Social Strategy.

RECOMMENDATION

That Council:

- 1. Set the value of the land to be sold to the Port Macquarie Hospital Lodge Association Inc at the Upper Range as assessed in the valuation attached to this report.**
- 2. Affix the Common Seal to the following documents and authorise the Mayor and General Manager to sign:**
 - a) Linen plan of road closure**
 - b) Contract for the Sale of land**
- 3. Pursuant to Section 377 of the Local Government Act 1993, delegate to the General Manager, authority to sign the Section 88B Instrument.**

Executive Summary

A report to determine compensation payable by the Port Macquarie Hospital Lodge Association Inc ("Rotary Lodge") for the purchase (after closure) of part Wrights Road, Port Macquarie.

Discussion

Council at its meeting of 18 April 2012 (Helping our Community Prosper - Item 10.01) considered a request for the closure and purchase of part Wrights Road, Port Macquarie. A copy of Item 10.01 is attached.

Council resolved to support the application made by "Rotary Lodge" and consequently approval of the road closure has been obtained from the Department of Primary Industries (DPI) who have the statutory power to permanently close roads.

Council, at the same meeting, resolved:

"3. On notification from the DPI of approval of the application, obtain a valuation of the land comprised in the road to be closed; and upon receipt of this valuation present a report back to Council for the purpose of determining compensation."

Helping Our Community Prosper

Council is advised that the DPI has approved of the road closure, although a Notice of road closure published in the New South Wales Government Gazette has not yet occurred as there are some administrative processes remaining before a Notice can be published. This means that the land continues to hold the status of public road.

In accord with the resolution, a valuation has been obtained. A copy is provided as a confidential attachment to this report. *This information contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 - Section 10A(2)(c).*

Options

See Financial and Economic Implications of this report.

Community Engagement & Internal Consultation

Not applicable.

Planning & Policy Implications

The road closure process has been conducted having regard to the provisions of the Roads Act 1993.

Financial & Economic Implications

After a Notice of Road Closure has been published in the NSW Government Gazette, Council may sell the land comprised in the former road reserve. Council's standard road closure application form, has for many years stated that the value of the land to be sold shall be determined by Council's valuer and represents the value which an applicant must pay to Council. All road closure applicants are required to sign an acknowledgement confirming that the applicant has read and understood the costs (including land compensation) prior to an application being received for processing.

In this instance, the acknowledgement has been signed.

Rotary Lodge is seeking to close part of Wrights Road to be used for car parking purposes arising from the expansion of the Lodge. A Development Application for the Lodge expansion has been received and is presently being processed. The road closure is an integral part of the Lodge expansion as there is insufficient space on the existing land owned by the Lodge to cater for the required number of car parking spaces.

Rotary Lodge requested, via a letter to the previous Council (Administrator) to waive all compensation for the value of the land comprising the road to be closed (and associated fees), on the basis of a community benefit attaching to the expansion of the Lodge facility, however the Administrator did not give approval for the waiving of compensation.

There is the option for Council to:

1. Require payment of the full value assessed by Council's consulting valuer.

Helping Our Community Prosper

2. Specify an amount less than the full value assessed by Council's consulting valuer. Council will note that the valuation provides a lower and upper value range of the land.
3. Waive the statutory fees charged by Council for the road closure. These charges total \$1,350.
4. A combination of the above.

In making its resolution on the value of the land, Council is advised that Section 43(4) of the Roads Act 1993 which states: "Money received by the Council from the proceeds of the sale of land is not to be used by the Council except for acquiring land for public roads or for carrying out road work on public roads."

Attachments

1. Helping our Community Prosper - Item 10.01 18 April 2012
2. Valuation report (Confidential)

Looking After Our Environment

What are we trying to achieve?

We understand and manage the impact that the community has on the natural environment. We protect the environment now and in the future.

What will the result be?

- Accessible and protected waterways, foreshores, beaches and bushlands.
- Renewable energy options.
- Clean waterways.
- An environment that is protected and conserved for future generations.
- Development outcomes that are ecologically sustainable and complement our natural environment.
- Residents that are environmentally aware.
- A community that is prepared for natural events and climate change.

How do we get there?

- 4.1 Protect and restore natural areas.
- 4.2 Ensure service infrastructure maximises efficiency and limits environmental impact.
- 4.3 Implement total water cycle management practices.
- 4.4 Continue to improve waste collection and recycling practices.
- 4.5 Provide community access and opportunities to enjoy our natural environment.
- 4.6 Create a culture that supports and invests in renewable energy.
- 4.7 Increase awareness of and plan for the preservation of local flora and fauna.
- 4.8 Plan and take action to minimise impact of natural events and climate change.
- 4.9 Manage development outcomes to minimise the impact on the natural environment.

Looking After Our Environment

Item: 11.01

**Subject: REPORT ON THE ASSESMENT OF RELOCATING FLYING FOXES
FROM KOOLOONBUNG CREEK NATURE PARK**

Presented by: Development & Environmental Services, Matt Rogers

Alignment with Delivery Program

4.7.1 Promote the conservation of key habitats.

RECOMMENDATION

That Council note the progress on the implementation of the Kooloonbung Creek Plan of Management 2012.

Executive Summary

On the 27th of June 2012 Council resolved to:

1. *Adopt the amended Kooloonbung Creek Nature Park Plan of Management 2012.*
2. *Commit \$50,000 from the 2012-2013 Environmental Levy Reserve to assist in the cost of the removal of vegetation to provide a buffer to the flying-fox Colony.*
3. *Continue to look at the option of relocating the flying-foxes from Kooloonbung Creek and a further report to be brought back to Council by June 2013.*

This report provides an update on the progress of the Kooloonbung Creek Plan of Management 2012 and an assessment of relocating the flying-foxes colony from the reserve. Any relocation attempt would be of high financial cost, is unlikely to be successful and is not recommended.

Discussion

The population of Kooloonbung Creek Flying-fox Colony seasonally varies in location and size, from several thousands in mid winter to several tens of thousands in the height of summer. During exceptional events (such as the aftermath of Cyclone Yasi in QLD), the population of Flying-foxes can greatly increase to over 300,000. The adopted Plan of Management has the principle aim at alleviating some of the impact of the Flying-fox colony by removal vegetation to create strategic buffers against residential properties.

Since the adoption of the Plan the following actions have been completed or are underway.

1. Removal of dying wattles from Hollingworth Street (completed under dangerous tree provisions in the DCP)

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2. Development Application (DA 2012/616) lodged for assessment for the removal / pruning of the remainder target vegetation behind Glebe Close, Hollingworth Street and Fischer Street. The DA includes the provision of a Koala Plan of Management and Environmental Impact Assessment which have been completed and submitted.
3. Referral of vegetation removal proposals to the Federal Department of Sustainability Environment Water Populations and Communities (SEWPaC) under the EPBC Act 1999 (underway).
4. Adoption of the Plan by the Deputy General Manager Crown Lands Division in accordance with the provision of Section 114 of the Crown Lands Act 1989 (completed).
5. Monthly population monitoring (ongoing).
6. Review of the feasibility of relocating Flying-foxes from the Reserve, as per assessment below.

Council's Natural Resource Officer has undertaken an extensive review of historic and current relocation flying-fox attempts in Australia using peer reviewed published data, expert advice, and personal communications with land managers associated with past relocation attempts. The following provides a synopsis of the issues surrounding a possible relocation attempt for the Flying-fox colony at Kooloonbung Creek Nature Park.

Practical Considerations

State and Federal legislation will require Council to demonstrate an alternative suitable roosting site be secured and managed in perpetuity. 5 potential alternative roosting locations have been assessed (including Sea Acres Nature Reserve refer attached assessment). Only Fenton Island on the Maria River meets the Flying-Fox Camp Management Policy (DECC, 2007) criteria (see attachment). However this alternative roosting site will displace one family household and is likely to have negative responses from neighbouring residents.

Establishment and revegetation of an alternative roosting site will take a minimum of 15 years to create a suitable habitat for the Flying-foxes thus predating the timing of any relocation effort. This was the experience at the Tocal Flying-fox camp (*pers comm* Anna Lloyd, Geolink, 2012).

A review of documented relocation attempts though throughout Australia (Roberts *et al.* 2011; see attachment) confirms that all relocation attempts have or continue to fail. Failure has been in the form of an inability to relocate a colony over years to decades, to relocations causing the dispersed colony to fragment and create multiple sub-colonies establishing in other nearby residential areas such as is the current situation in Maclean, Murwillumbah, Charters Towers, Boyne Island QLD and the Melbourne Botanic Gardens (Roberts *et al.* 2011, Geolink, 2012).

The coastal strip of the Port Macquarie LGA contains numerous remnant bushland reserves nestled amongst existing residential populations that provide suitable roosting habitat. Thus a relocation attempt has a very high risk of establishing a number of sub colonies of Flying-foxes in undesirable residential areas with unpredictable and perverse outcomes. To mitigate against this, Council would have to undertake systematic dispersal of Flying-foxes for many years across all bushland reserves to force them to relocate and subsequently remain at the alternative Flying-fox site. The cost and outcomes of this effort are unknown.

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The natural site conditions of Kooloonbung Creek (i.e. predominately wetlands and open waterways) means that it is unlikely that an effective dispersal operation would be practically achieved, severely limiting the success rate and greatly increasing the cost of any ongoing relocation attempt.

Relocation attempts require the use of noise, smoke and or lights as a disturbance mechanism pre dawn and post dusk every day, seven days a week, for several months to years. All known relocation attempts to date have either failed or continue to take repeated relocation efforts. The noise required is considered to be industrial noise at levels similar to angle grinders or lawn mowers. As the Flying-foxes are often adjacent to residents in the Kooloonbung Creek Nature Park, this noise would have to be played at the backyards of some residents pre dawn and dusk, some of which are not currently affected by the Colony.

Risk Considerations

Australian Flying-foxes naturally carry a number of pathogens that pose a human health risk, namely Lyssavirus, Hendra and Menangle Virus. Infection rates in healthy Flying-foxes are naturally low (3-5%). Government advice confirms that the risk of the contracting these flying fox diseases is very low providing Flying-foxes are not handled (DPI 2012; DAFF 2012).

However, ongoing relocation attempts over months to years (an inevitable requirement for the Kooloonbung Creek colony location), will almost certainly trigger immunosuppression in nutritionally stressed individuals (Plowright *et al.*, 2008; DAFF, 2012; NSW DPI, 2012). This in turn, will likely increase the rate of infections in a colony, increasing the risk of human and animal cross infections in the local community.

Currently the risk of Hendra Virus to humans and horses is very low, as the Kooloonbung Creek colony occurs well away from any commercial horse stables, racetracks or adjustment properties. A relocation attempt may result in a sub colony establishing at or adjacent to such sensitive properties, greatly increasing the risk of spreading Hendra Virus to equine industry, and thus increasing the risk of the virus spreading further into the general community. As the outcome of dispersing the Flying-foxes cannot be predicted, a relocation effort is likely to increase the animal and community health risk to Hendra Virus.

Attached is a risk assessment for a relocation option and the current status quo, i.e.; continue to undertake actions as per the Plan of Management. The relocation of Flying-foxes is considered to be the highest risk option in terms of human health, financial, ecological and political risk to the Council and the community.

Options

Council could choose to undertake a relocation of Flying-foxes, or to continue with the implementation in-situ management of the Flying foxes as per the Kooloonbung Creek Plan of Management.

In situ management of Flying-foxes is the preferred management strategy of NSW Office of Environment and Heritage (OEHS; DECCW, 2009; DECC, 2007) and the Federal Department of Sustainability, Environment, Water, Population &

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Communities (SEWPaC). In situ management has been successfully implemented at Coffs Harbour, Bellingen, Wingham Brush, Gordon at Ku-ring-gai, and Ipswich (Roberts *et al*, 2011).

Community Engagement & Internal Consultation

Community Engagement was undertaken as part of the preparation of the Kooloonbung Creek Nature Park Plan of Management 2012.

Planning & Policy Implications

The Grey Headed Flying-fox is listed as vulnerable under the *Environment Protection and Biodiversity Conservation Act (1999)* and the *NSW Threatened Species Act (1995)*. The Kooloonbung Creek Nature Park is identified as critical roosting habitat for the survival of the species as per the Draft National Recovery Plan for the Grey-headed Flying-fox (DECCW, 2009) and pursuant to the EPBC Act. Thus a relocation attempt would require extensive environmental assessment and approvals and is unlikely to be supported by government regulators.

Financial & Economic Implications

If a relocation attempt was implemented, the exercise of relocation is likely to be ongoing for several years if not longer. Planning and approval processes plus cost of multiple relocation attempts and the establishment and management of an alternative roosting site in perpetuity would result in an estimated outlay in the order of \$4M over 5 years, see below for detail. This cost estimate is comparable to costs outlaid in similar sized relocation attempts that have ultimately failed (see attachment).

5 potential sites have been assessed to establish an alternative relocation site (see attachment). 4 out of the 5 do not meet the NSW Flying-fox Camp Management Policy requirements (DECC, 2007), with the most important requirement being distance to existing residential areas. Approximately \$1.12M would be required to purchase and establish and maintain an alternative roosting site at Fenton Island, Maria River, the preferred relocation site.

It is highly unlikely that any current funding programme would provide assistance to fund a Flying Fox relocation operation as it is inconsistent key state and federal environmental legislation. Furthermore, as the vast majority of relocation attempts have failed it is likely that this long-term financial commitment will not result in the intended outcome.

Relocation Cost Estimates	Details	Costs
Relocation pre dawn and post dusk.	30 people for 12 months, 5 hours per day at \$45/hr.	\$2,463,750
establishment of additional roosting site	Fenton Island see attachment	\$1,120,000
pre and post monitoring	Health assessment and radio tracking by specialist	\$100,000
planning and approvals	3 years + staff time and resources	\$250,000
	TOTAL COST	\$3,933,750

References:

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Department of Environment Climate Change (2007) *Flying-fox Camp Management Policy*.

Department of Environment Climate Change and Water (2009) *Draft National Recovery Plan for the Grey-headed Flying-fox*.

Department of Primary Industries NSW (2012) Hendra Virus Fact Sheet.
<http://www.dpi.nsw.gov.au/agriculture/livestock/horses/health/general/hendra-virus/faqs>.

Department of Agriculture, Fisheries and Forestry QLD (2012) Hendra Virus Fact Sheet. <http://www.daff.gov.au/animal-plant-health/pests-diseases/weeds/animal/hendra/questions-and-answers>

Department of Agriculture, Fisheries and Forestry Australia (2012) Australian bat lyssavirus, hendra virus and menangle virus information for veterinary practitioners

Geolink (2012) Lorn Flying-fox Management Strategy. Prepared for Maitland City Council.

Roberts, B., Eby, P., Catterall, C., Kanowski, J. Bennett, G (2011) The outcomes and costs of relocating flying-fox camps: insights from the case of Maclean Australia. In *The Biology and Conservation of Australian Bats*. Royal Zoological Society of NSW.

Plowright, R., Hume F., Smith C., Dvljian, A., Palmer, C., Tabor, G., Daszak, P., Foley, J (2008) Reproduction and nutritional stress are risk factors for Hendra virus infection in little red flying foxes (Pteropus scapulatus). *Proc. R. Soc. B* (2008) 275,

Toop, S. (2004) Relocating Melbourne's flying-foxes – an overview of practices and processes. *Managing Flying-fox camps from Melbourne to Mataranka*. Australasian Bat Society, Ipswich, Qld. 861–869.

Attachments

1. Assessment of Relocating Flying-fox camps. Roberts (et al 2011)
2. Kooloonbung Creek Plan of Management
3. Fenton Island - Alternative Roosting Site MAP
4. Appendices

Looking After Our Environment

Item: 11.02

Subject: DA2012/0502 - TWO LOT SUBDIVISION AND CLAUSE 4.6 VARIATION TO CLAUSE 4.1 BEING THE MINIMUM LOT SIZE STANDARD IN PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENT PLAN 2011, LOT 69 DP 1103700, 2 OCEAN DRIVE, KEW (PIN 51039)

Presented by: Development & Environmental Services, Matt Rogers

Alignment with Delivery Program

4.9.2 Undertake development assessment in accordance with relevant legislation.

RECOMMENDATION

That DA 2012/0502 for a two (2) lot subdivision and Clause 4.6 Variation to Clause 4.1 (Minimum Lot Size Standard) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 69 DP 1103700, No. 2 Ocean Drive, Kew, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for a two (2) lot subdivision and Clause 4.6 Variation to Clause 4.1 (Minimum Lot Size Standard) of the Port Macquarie-Hastings Local Environmental Plan 2011 at the subject site.

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

Subsequent to exhibition of the application, no submissions have been received.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 1.804ha.

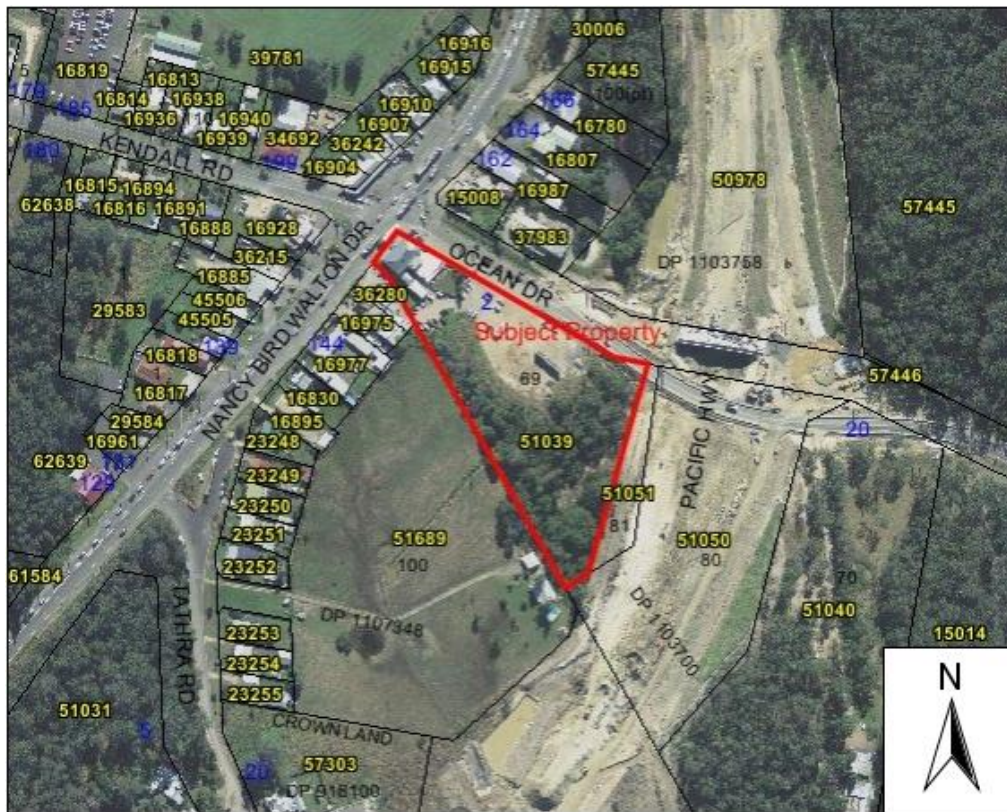
The site is zoned IN2 Light Industrial and B4 Mixed Use in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:

ENVIRONMENT



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

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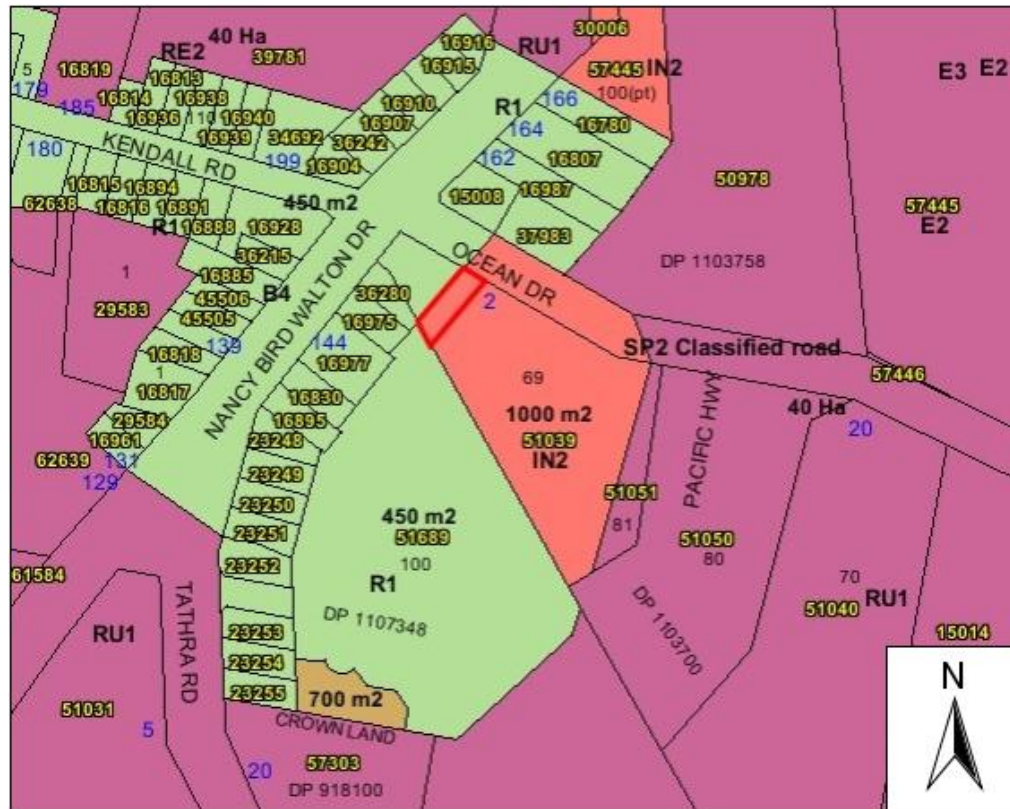
2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Subdivision of the property into two (2) lots. One lot will contain the existing Royal Hotel, while the larger residue lot will contain vacant industrial zoned land.
- The site will contain a number of easements to allow future development and access to each site.
- No vegetation removal is required as part of this application.
- The Royal Hotel located onsite is a heritage item.
- There are two (2) minimum lot size zones applicable to the site. Generally, the B4 zone correlates with the 450m² lot size area and the IN2 correlates with a 1000m² minimum lot size area. However, there is an anomaly whereby a section of the recently zoned B4 area overlaps into the 1000m² minimum lot size standard area. Proposed Lot 1 has been designed to follow the zone boundary, which results in approximately 500m² of the minimum 1000m² lot size area of land being located in that property (Note: refer to the maps below for clarification with the area in question highlighted by the red lines). The subdivision therefore requires a Clause 4.6 variation to the minimum lot size standard. Under the Department of Planning Circulars PS08-003 and 08-014, Council can assume the concurrence role of the Department of Planning for the variation. However, given the variation is more than 10%, the proposal needs to be determined by full Council.

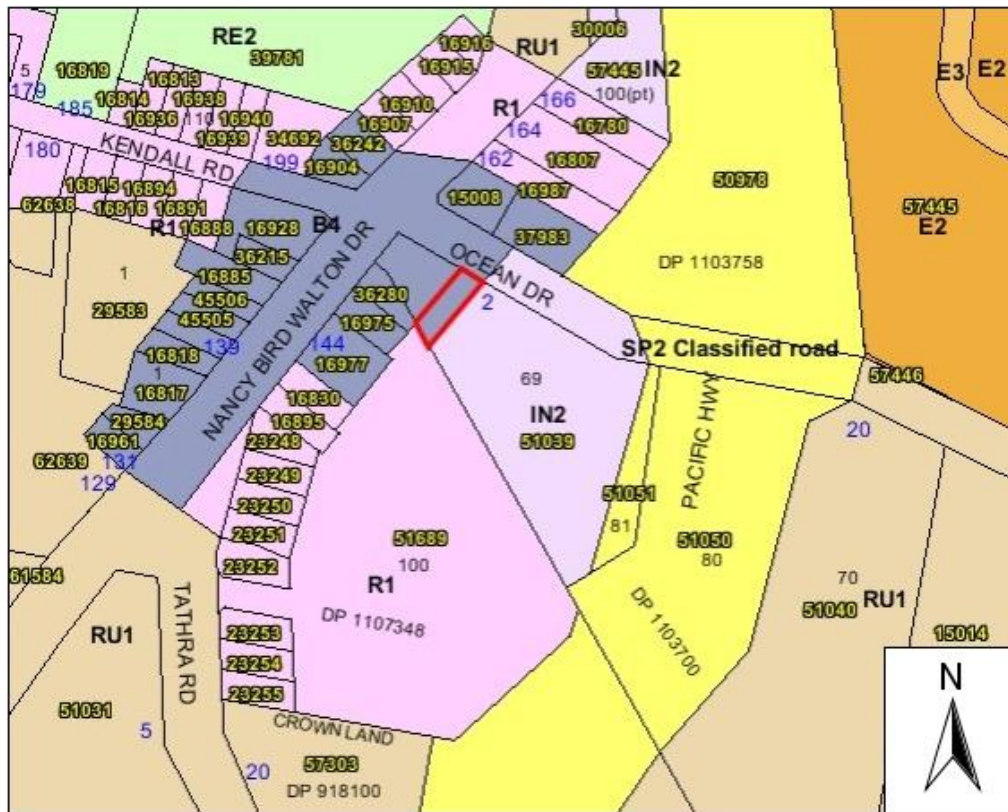
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Minimum lot size map



Zone Boundary (subdivision follows zone boundary)

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Further attachments on the proposal are located at the end of this report.

A copy of the report considered by the Development Assessment Panel on 23 January 2013 is provided in the attachments.

The Development Assessment Panel resolved:

That DA 2012/0502 for a two (2) lot subdivision and Clause 4.6 Variation to Clause 4.1 being the Minimum Lot Size Standard in the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 69 DP 1103700, No. 2 Ocean Drive, Kew, be supported and it be recommended to Council that the application be determined by granting consent subject to the recommended conditions.

Attachments

1. DA2012 - 0502 - DAP Meeting Report 23012013.pdf

Looking After Our Environment

Item: 11.03

Subject: EXISTING HOLDING PROVISIONS - LEP 2011

Presented by: Development & Environmental Services, Matt Rogers

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Prepare a draft planning proposal, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979 to amend clause 4.2A(4) of Port Macquarie-Hastings LEP 2011, to extend the sunset provisions for existing holdings to 3 years after the commencement date of the LEP (ie 23 February 2014).
2. Forward the draft planning proposal referred to in 1 above to the Department of Planning and Infrastructure for a Gateway Determination, pursuant to Section 56 of the Environmental Planning and Assessment Act, 1979, with a request that this matter be expedited consistent with section 73A *Expedited Amendments* on the basis that the proposed planning proposal addresses a machinery LEP matter, and will not have significant adverse impact on the environment.
3. Request that the Director General of the Department of Planning & Infrastructure issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 59 of the Act in respect of the planning proposal.

Executive Summary

A two (2) year sunset provision on existing holdings provisions in Port Macquarie-Hastings LEP 2011 (LEP 2011) will come into effect on 23 February 2013, after which Council will no longer be in a position to approve dwellings based on existing holdings entitlements.

Council has recently advertised the coming end of the sunset period and has received formal objections to the sunset LEP provisions from two concerned landowners and from the Wauchope Community Progress Association (at the time of the preparation of this report). The Progress Association is requesting that Council remove subclause 4.2A(4) of the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP 2011) so that "existing holdings" provisions under subclause 4.2A(3) not be subject to any time constraints.

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The purpose of this report is to update Council on the status of existing holdings provisions and to provide commentary on options to extend the sunset provisions or to reinstate the existing holdings provisions into LEP 2011 without any sunset.

It is recommended that Council extend the sunset period for 12 months for the reasons described in the report below:

Discussion

Background

Existing holdings provisions were first introduced by Council in 1975 and relate to adjoining land held in one ownership on 26 May 1967.

For the purposes of LEP 2011, an *existing holding* means land that:

- a) was a *holding* on 26 May 1967, and
- b) Is a *holding* at the time the application for development consent is lodged, whether or not there has been a change in the ownership of the *holding* since 26 May 1967, and includes any other land adjoining that land acquired by the owner since 26 May 1967.

Note: A *holding* means all adjoining land, even if separated by a road or railway, held by the same person or persons. For an *existing holding* entitlement to be valid the holding must contain the allotment or allotments as they were at 26 May 1967. That is, an existing holding is the historic clustering of one or more adjoining lots in one ownership in May 1967. Ownership of other adjoining land at the time of lodgement of an application can invalidate the existing holding eligibility.

Existing Holdings Sunset Provisions

The sunset provisions for existing holdings were introduced in a new draft comprehensive LEP for the Port Macquarie-Hastings area in 2010. The draft sunset provisions were based on a model clause supplied by the Department of Planning and Infrastructure at the time of preparation of draft LEP 2011.

The draft LEP, including existing holding sunset provisions, were exhibited by Council from 8 March until 10 May 2010. It was not possible to notify affected landowners individually. However, Council advertised widely during the preparation of the LEP and the existing holdings provisions were specifically addressed in a fact sheet in relation to rural zones, subdivision and dwelling eligibilities. Notices were displayed at local rural post offices and planning staff attended LEP information sessions at Council's branch offices.

Council's planning staff responded to a number of individual enquiries to assist landowners in interpreting the effect of the change. However, Council did not receive any submissions on the existing holdings issue during exhibition. The sunset provisions were incorporated into PMH LEP 2011 when it was brought into operation on 23 February 2011.

An extract of Clause 4.2A is shown below:

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- (3) *Development consent must not be granted for development to which this clause applies, on land on which no dwelling house or dual occupancy (attached) has been erected, unless the land is:*
- (a) *a lot that is at least the minimum lot size specified for that land by the Lot Size Map, or*
 - (b) *a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy (attached) was permissible immediately before that commencement, or*
 - (c) *a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy (attached) would have been permissible if the plan of subdivision had been registered before that commencement, or*
 - (d) *an existing holding, or*
 - (e) *within a lot identified as "Dwelling opportunity" on the Dwelling Opportunity Map, but only if no other dwelling or dual occupancy is erected on that lot.*
- Note. A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.*
- (4) *Land ceases to be an existing holding for the purposes of subclause (3) (d) if an application for development consent referred to in that subclause is not made in relation to that land before 2 years after the commencement date of this Plan.*

Note: The sunset provision in 4.2A(4) will end on 23 February 2013.

In addition to public notification that was carried out during the draft LEP exhibition, changes to the existing holdings provisions we advertised in the local newspapers during the middle of 2012 and then weekly between November 2012 and February 2013 to notify landowners who may be affected by the sunset provisions.

Generally speaking, dealing with the enquiries from rural landholders has revealed that existing holdings entitlements have been extinguished due to either the subdivision of land after 1967, changes in land ownership within the holding or the construction of a dwelling on part of the holding since 1967.

Planning staff have also responded to enquiries from the Wauchope Community Progress Association and met with representatives of the Progress Association to explain the status of the existing holdings provisions. A letter from the Progress Association is attached to this report.

A summary of issues raised in the WCPA letter of objection is provided below:

- *"The DP&I which first championed sunset clauses has given in. It is no longer a requirement in its draft 4.2A clause. Its advice of April 2010 simply provides that, in relation to the existing holding provision, Council may choose to sunset or not. In relation to subclause (4) it says that the sunset clause may be omitted if not required. Consistent with this advice, DP&I has not opposed any Councils that have gone down the track of abandoning the sunset provisions or, alternatively, extending them for periods of up to 10 years.*
- *There is nothing to indicate that revoking the sunset provisions would cause any administrative difficulties for Council staff.*

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- *Justice in the circumstances demands that those who may have entitlements under the existing holding provisions should be allowed to exercise their rights at a time of their choosing. It is simply inequitable to shoehorn people into artificial time restraints that will force them to make inappropriate planning decisions and incur unnecessary costs or debt liabilities.*
- *Extending the sunset provisions for a further period of 12 months is not the answer. This is a simplistic, “let’s be seen to be doing something” solution, that shows no detailed understanding of the complexities of the problems facing people who can claim dwelling entitlements under existing holding provisions.”*

The Progress Association is requesting that Council remove subclause 4.2A(4) of the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP 2011) so that “existing holdings” provisions under subclause 4.2A(3) not be subject to any time constraints.

Review of sunset provisions

Complex searches are required to determine whether there is potential to approve a dwelling under existing holdings provisions. It can take up to 2 days research to determine a single enquiry and, as a result, Council is unable to determine a definite number of holdings that remain undeveloped. However the following summary can be provided based on desktop research by Council’s planning staff.

The original number of existing holdings across the Port Macquarie-Hastings LGA in 1967 was approximately 1718. It is no longer possible to construct a dwelling on the vast majority of these holdings due to changes in land ownership, subdivision and construction of dwellings since 1967.

In addition, Council has minimum lot size provisions for rural dwellings and it is often the case that dwellings can be approved without reliance on existing holding dwelling eligibilities.

In order to estimate the approximate number of existing holdings which remain undeveloped and which would not meet the minimum lot size provisions, staff have undertaken a desktop analysis of 296 existing holdings in areas to the north, south and west of Wauchope (Parishes of Ralfe, Ballengarra, Redbank and Ellenborough).

The outcome of the analysis suggests that there are only six (6) remaining holdings in the areas surveyed, which are below the applicable minimum lot size and which have not been subdivided, transferred to an adjoining owner or which do not already have an approved dwelling. Three (3) of these holdings are Crown Land and are therefore not relevant for the purposes of this analysis. This means that only 1% of the total number of existing holdings in those areas remains and using this a guide, it is estimated that approximately 17 of the original 1718 existing holdings in the Port Macquarie-Hastings may retain the potential for a dwelling approval.

In these cases, it cannot be assumed that a dwelling approval will be issued because there are often problems such as flooding, access limitations, bushfire constraints and/or effluent disposal requirements, which cannot be met.

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Although the number of remaining holdings is small, the existence of a longstanding dwelling eligibility in even a small number of cases is a significant issue for those landowners and for Council. The primary question for Council has therefore been whether it is reasonable to phase out existing holdings in favour of minimum lot size provisions.

On balance, the removal of existing holdings provisions has been supported by planning staff for the following reasons:

- Very few entitlements remain, as discussed above;
- In addition to the 46 years that have elapsed, landowners owners have been provided with a 2 year period to obtain dwelling approval, after which they have 5 years to act on the consent.
- The existing holdings are administratively complex and create confusion and uncertainty for rural landowners and purchasers throughout rural zones.

Notwithstanding Council's efforts to notify interested parties of the sunset provisions in Clause 4.2A(4) of LEP 2011, there has been a significant increase in public awareness in relation to the issue since December 2012.

Council has been advised that other North Coast Council's have opted to retain their existing holdings provisions or sunset the provisions over a longer period. The Northern Regional office of NSW DP&I has advised that these alternative provisions have not been opposed by the Department.

It is therefore recommended that Council extend the sunset in Clause 4.2A(4) for a period of one (1) year to provide an additional opportunity for enquiries and action by rural landowners. To do so, it will be necessary to formally amend the PMH LEP 2011 and there will be insufficient time to make such a change prior to the lapsing of the existing holdings provisions on 23 February 2013. There will therefore be an interim period in which there would be no dwelling eligibilities for existing holdings.

Options

Council could opt to extend the sunset provisions for a period longer one (1) year or to reinstate existing holdings provisions in perpetuity.

Community Engagement & Internal Consultation

As noted in the above report, Council advertised widely during the preparation of LEP 2011 and again in the period leading up to the end of the sunset period. Should an extension to the sunset be supported, a specific community awareness program will be developed to further promote these changes and the effect of an extended sunset clause.

Planning & Policy Implications

The planning implications are addressed in the report above. They are principally related to the period of operation of existing holdings provisions, the small number of dwelling eligibilities that remain and the administrative complexity of the existing holding provisions. The application of minimum lot size provisions is favoured as

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these provisions are relatively simple to understand and are consistent with the rural planning principles for NSW.

Financial & Economic Implications

Council's Development & Environment Division undertakes research in relation to specific enquiries on existing holdings as part of Council's development assessment functions, within existing budgets and staff resources. The detailed research associated with complex existing holding matters is not an effective use of resources and can be obviated by the transition to a contemporary and simple minimum lot size approach.

Given the small number of existing holdings that may remain and their potential development constraints, it is considered unlikely that there is any significant economic impact associated with the phasing out of existing holding provisions through an extended sunset period.

Attachments

1. Letter from Wauchope Community Progress Association

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Item: 11.04

Subject: COASTAL EROSION NOTATIONS - S149 PLANNING CERTIFICATES

Presented by: Development & Environmental Services, Matt Rogers

Alignment with Delivery Program

4.8.1 Carry out a range of studies to determine the likely extent of natural events and the impact of climate change, develop relevant mitigation strategies.

RECOMMENDATION

That Council endorse the proposed action for s149 Planning Certificate Notations for Coastal Erosion at Lake Cathie.

Executive Summary

This report provides advice on changes to notifications on s149 Planning Certificates relating to coastal erosion risk at Lake Cathie. s149 Certificates will be amended to be more specific as to the restrictions on development relating to Council's resolution of 25 July 2012.

Discussion

Council has received representations from some landowners in relation to the wording of s149 Planning Certificate notations concerning coastal erosion risk at Lake Cathie. To confirm Council's position, legal advice has been sought on the appropriateness of the current s149 Planning Certificate Notations. *Please refer to the confidential attachments titled Legal Advice Coastal Erosion Lake Cathie s149 Certificates Parts 1, 2 and 3, which contains information that relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings, on the ground of legal professional privilege (Local Government Act 1993 - Section 10A(2g)).* As noted in the advice if the Study identifies risks and hazards for different properties, either now or in the future, these individual hazards should be outlined in detail.

The following outlines the advice currently provided in s149 Certificates in relation to Coastal Erosion and whether a change to that advice is proposed:

- i. **1. (a) The following environmental planning instruments, namely, local environmental plans and zone/s apply to the land**
Port Macquarie-Hastings Local Environmental Plan 2011.....
All or part of the land is identified on the Coastal Erosion Risk Map adopted by the local environmental plan as land subject to coastal erosion risk.

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No amendment is proposed to this section as the map identifies long term erosion risks for Lake Cathie, i.e. the Coastal Erosion Risk Map covers land affected by the immediate, 2050 and 2100 hazard.

- ii. **1. (e) May complying development be carried out under each of the codes for complying development (the Codes SEPP) because of the provisions of clauses 1.17A (c) and (d) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008?**

No, for the reason that the land is excluded land identified by an environmental planning instrument, namely, as being a coastal erosion hazard. This applies only to the General Housing Code and the Rural Housing Code. However, the Rural Housing Code allows complying development to be carried out only on that part of the lot which is not subject to a restriction referred to in clause 1.19 of the Codes SEPP.

No amendment is proposed to this section.

- iii. **4. COASTAL PROTECTION**

Is the land affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that Council has been so notified by the Department of Services, Technology and Administration?
No.

Advice only. Council has been given no notifications.

- iv. **4A. INFORMATION RELATING TO BEACHES AND COASTS**

Has an Order been made under Part 4D of the Coastal Protection Act 1979 in relation to emergency coastal protection works (within the meaning of the Act) on the land or on adjacent public land, but only to the extent that Council has been so notified by a Coastal Authority as defined by the Act? *No. In addition, Council has not received any notification under section 55X of the Act in relation to emergency coastal protection works.*

Advice only. No Orders have been notified to Council.

- v. **8. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES RESTRICTING DEVELOPMENT DUE TO RISKS OR HAZARDS**

Is the land affected by a policy:

(a) adopted by the Council; or

(b) adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)? *The land may be affected by coastal erosion risk. Council has adopted the "Lake Cathie Coastal Hazard Study" which maps existing, 50 year and 100 year limits of Stable Foundation Zones on the land.*

The following wording is proposed for properties that are subject to the restrictions on development affected by Council's resolution of 25 July 2012. This approach will result in more specific information on the nature of the policy relating to each specific parcel of land.

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Council resolved on 25 July 2012 that the following interim controls apply pending the adoption of the Lake Cathie Coastal Zone Management Plan:

- 1. For properties forward (seaward) of the 2050 zone of wave impact and slope adjustment.*
 - a) Additions to existing dwellings (excluding detached garages and outbuildings) be limited to a maximum 10% increase in floor area.*
 - b) Any redevelopment or reconstruction above 10% being undertaken as relocatable structures.*
 - c) New detached garages and outbuildings being relocatable structures.*
 - d) No subdivision including strata subdivision.*
- 2. For properties behind the (landward) 2050 zone of wave impact and slope adjustment and forward of the 2050 zone of reduced foundation capacity.*
 - a) Additions to existing dwellings (excluding detached garages and outbuildings) be limited to a maximum 10% increase in floor area or provide for foundation footings to extend into the stable foundation zone.*
 - b) All new buildings (that are not relocatable) be subject to a requirement for foundation footings to extend into the stable foundation zone.*

NOTE: No controls currently apply to land behind (landward) of the 2050 zone of reduced foundation capacity.

The above zones are mapped in the "Lake Cathie Coastal Hazard Study - Revised 2010 (Lake Cathie CHS). Copies of the Lake Cathie CHS are available from Council or digital copies can be downloaded from Council's Website.

Under the Lake Cathie CHS, Coastal Risk Assessment was undertaken for three planning periods; present day, 2050 and 2100. For each planning period the erosion hazard has been defined as:

- a line delineating the limit of wave impact and dune slumping (Zone of Wave Impact and Slope Adjustment); and*
- a line delineating the limit of the area behind the dune face where the capacity of the sand to support building foundations is reduced because of the sloping dune escarpment (Zone of Reduced Foundation Capacity).*

Your property is located [insert either forward (i.e. seaward) of the 2050 Zone of Wave Impact and Slope Adjustment; or behind (i.e. landward) of the 2050 Zone of Wave Impact and Slope Adjustment and forward of the 2050 Zone of Reduced Foundation Capacity]. Your property is therefore subject to a policy of Council restricting development of the land as it is identified as being affected by a coastal erosion risk.

For properties wholly behind the 2050 Zone of Reduced Foundation Capacity, where no specific development controls currently exist, the following wording is proposed to be included in s149 certificates. Whilst wording in this section is discretionary

Looking After Our Environment

pursuant to s149(5), Council is still considered to have a duty of care to advise of potential erosion risk under the Council adopted Lake Cathie Coastal Hazard Study - Revised 2010.

Council resolved on 25 July 2012 that the following interim controls apply pending the adoption of the Lake Cathie Coastal Zone Management Plan:

1. *For properties forward (seaward) of the 2050 zone of wave impact and slope adjustment.*
 - a) *Additions to existing dwellings (excluding detached garages and outbuildings) be limited to a maximum 10% increase in floor area.*
 - b) *Any redevelopment or reconstruction above 10% being undertaken as relocatable structures.*
 - c) *New detached garages and outbuildings being relocatable structures.*
 - d) *No subdivision including strata subdivision.*
2. *For properties behind the (landward) 2050 zone of wave impact and slope adjustment and forward of the 2050 zone of reduced foundation capacity.*
 - b) *Additions to existing dwellings (excluding detached garages and outbuildings) be limited to a maximum 10% increase in floor area or provide for foundation footings to extend into the stable foundation zone.*
 - c) *All new buildings (that are not relocatable) be subject to a requirement for foundation footings to extend into the stable foundation zone.*

NOTE: No controls currently apply to land behind (landward) of the 2050 zone of reduced foundation capacity.

The above zones are mapped in the "Lake Cathie Coastal Hazard Study - Revised 2010 (Lake Cathie CHS). Copies of the Lake Cathie CHS are available from Council or digital copies can be downloaded from Council's Website.

Under the Lake Cathie CHS, Coastal Risk Assessment was undertaken for three planning periods; present day, 2050 and 2100. For each planning period the erosion hazard has been defined as:

- *a line delineating the limit of wave impact and dune slumping (Zone of Wave Impact and Slope Adjustment); and*
- *a line delineating the limit of the area behind the dune face where the capacity of the sand to support building foundations is reduced because of the sloping dune escarpment (Zone of Reduced Foundation Capacity).*

Your property is located behind (I.e. landward of) the 2050 Zone of Reduced Foundation Capacity. No controls currently apply to land behind (landward) of the 2050 zone of reduced foundation capacity but the land is noted as being affected by a coastal erosion risk in the Lake Cathie CHS,

Looking After Our Environment

Options

None proposed.

Community Engagement & Internal Consultation

Not applicable.

Planning & Policy Implications

Consistent with legal advice provided to Council.

Revised s149 Certificate notations do not require a resolution of Council to implement.

Financial & Economic Implications

The proposed notations are not considered to have any financial or economic implications for Council.

Attachments

1. Legal Advice Coastal Erosion Lake Cathie s149 Certificates Part 1 (Confidential)
2. Legal Advice Coastal Erosion Lake Cathie s149 Certificates Part 2 (Confidential)
3. Legal Advice Coastal Erosion Lake Cathie s149 Certificates Part 3 (Confidential)

Planning and Providing Our Infrastructure

What are we trying to achieve?

Our population growth is supported through public infrastructure, land use and development strategies that create a connected, sustainable and accessible community.

What will the result be?

- Supported and integrated communities.
- Infrastructure provision and maintenance that respects community expectations and needs.
- A natural environment that can be accessed by a network of footpaths, cycleways, coastal and hinterland walkways.
- Accessible, convenient and affordable public transport.
- Employment and population growth that is clustered within urban centres.

How do we get there?

- 5.1 Create and maintain integrated transport system that eases access between population centres and services.
- 5.2 Ensure transport options are safe, functional and meet access needs across the Local Government Area.
- 5.3 Develop and enhance quality open space and recreational facilities.
- 5.4 Plan settlements to accommodate a range of compatible land uses and projected population growth.

Planning and Providing Our Infrastructure

Item: 12.01

Subject: NOTICE OF MOTION - KOREE ISLAND PUMPING STATION

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

RECOMMENDATION

That a report be provided to Council's April 2013 Meeting, as to:

1. The operation of the Koree Island Pumping Station upon the Hastings River including details of constraints affecting the ability to pump water from the Hastings River to Council's potable water storage facilities (such a Cowarra Dam) and options available to lessen those constraints such as enhanced water filtration infrastructure; and
2. The current position both physically and legally as to the use of recycled water within the Port Macquarie-Hastings Local Government Area for both potable and non-potable uses including details of any strategy of Council currently in the process of being implemented.

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Planning and Providing Our Infrastructure

Item: 12.02

**Subject: COUNCIL OWNED UNIT - 7/23 BURRAWAN STREET, PORT
MACQUARIE - CONSIDERATION OF SALE (PIN 3103)**

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

3.2.3 Develop, manage and maintain Council's property including property sales, acquisitions, road closures, land development, management of community and commercial leases, management of Flynn's Beach Caravan Park.

RECOMMENDATION

That Council:

1. Offer for sale by Public Auction strata unit situated at 7/23 Burrawan Street, Port Macquarie more particularly described as Lot 7 SP 12938.
2. Note the reserve sale price to be set at auction will be that as instructed by the General Manager in accordance with independent valuation advice received from Council's consultant valuer.
3. Affix the Common Seal of Council for signing and sealing the necessary documents associated with the sale of this unit.

Executive Summary

To consider a proposal to sell a strata unit owned by Council at 7/23 Burrawan Street, Port Macquarie more particularly described as Lot 7 SP 12938.

Some of the proceeds from this sale are proposed to fund the acquisition by Council of a small area of common vacant land at the rear of these units. Details of this proposal are the subject of a separate agenda item for this meeting.

The property is classified as "operational" in Council's Land Register, accordingly there is no impediment to the property being sold.

Discussion

Council purchased Unit No 7, 23 Burrawan Street, Port Macquarie in March 2007 for an amount of \$145,000. The two bedroom unit is part of a complex of 10 units located at the rear of the Council car park adjoining the Administration Headquarters building on the corner of Lord and Burrawan Streets, Port Macquarie.

See front view of unit below.

Planning and Providing Our Infrastructure



The reason for the purchase was a precautionary measure to ensure that Council had sufficient floor space to meet the then growing need for staff office accommodation. Since purchase, the property has (until recently) been let as a residential unit. Just prior to this purchase Council had leased office space within a new office building in Grant Street near the Port Macquarie Library for occupation by the Finance and Corporate Services Division.

Council's circumstances have now altered with staff from this Division being relocated from the Grant street premises back to the Administration Headquarters building.

The unit in Burrawan Street is now considered surplus to Council's requirements.

Building condition

The structural condition of the aged complex could be described as being fair to average. The kitchen appears to have been updated in the 1990's as well as some small PC items. There have been some repairs carried out around the footing/pier area under the bearers and joist area.

Around the perimeter of the property there has been numerous step cracking to the external brickwork having been repaired at different times.

Unit sales

The rate of sales within this complex is moderate with 6 units having been sold over the last 4 years. A recent enquiry has been received from one of the unit owners

Planning and Providing Our Infrastructure

seeking an interest in purchasing Council's unit. This person currently owns 3 other units in the complex.

Council's consultant valuer has provided a valuation report setting out the fair market value range of the unit. The complex was previously part of an old motel built around the early 1970's. These units, because of their affordability, are described as the entry point to the market in this locality.

Please refer to the confidential attachment titled "Property Valuation" which contains information that 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).

The recommendation to Council is to offer the sale of Council's unit by Public Auction. The services of a licensed auctioneer will be engaged and Council's resources will be used to market the property. Should the unit not be sold on the day of the auction the sale would then proceed by private treaty without engaging the services of an agent.

Options

Council has the option of offering the property for sale by public auction as detailed in the recommendation included in this report, or to not proceed with the sale of the unit at this time.

Community Engagement & Internal Consultation

Consultation has occurred with the following:-

Director of Corporate and Business Services;
Director of Infrastructure;
Group Manager Business Services;
Buildings Coordinator;
Property Development and Leasing Coordinator; and
Council's consultant valuer.

Planning & Policy Implications

The recommendation to offer the property for Public Auction is in accordance with Council's Policy relating to the Disposal of Real Property.

Financial & Economic Implications

The value of this unit is at the lower end of the market as assessed by Council's consultant valuer.

It is proposed that around 50% of the proceeds of the sale of this unit will be used to meet the cost of purchase and construction of a laneway at the rear of this complex should the recommendation as outlined in a separate agenda item to this Council meeting be adopted.

Planning and Providing Our Infrastructure

Attachments

1. Property Valuation - 7/23 Burrawan Street, Port Macquarie (Confidential)

Planning and Providing Our Infrastructure

Item: 12.03

Subject: ACQUISITION OF LAND REAR 23 BURRAWAN STREET, PORT MACQUARIE (PIN 37709)

Presented by: Corporate & Business Services, Craig Swift-McNair

Alignment with Delivery Program

3.2.3 Develop, manage and maintain Council's property including property sales, acquisitions, road closures, land development, management of community and commercial leases, management of Flynn's Beach Caravan Park.

RECOMMENDATION

That Council:

- 1. Offer to purchase an area of vacant common land contained within SP 12938 and situated at the rear of 23 Burrawan Street, Port Macquarie.**
- 2. Set a purchase price based on valuation advice at \$320m² for an area of approximately 130m² (subject to final survey) and meet the additional acquisition costs as outlined in this report.**
- 3. Affix the Common Seal of Council for signing and sealing the necessary documents associated with the Contract, Transfer and subdivision documents in relation to the purchase of land at rear of 23 Burrawan Street, Port Macquarie.**
- 4. In accordance with the provisions of the Local Government Act 1993 classify the land being purchased as "operational" land.**

Executive Summary

To consider the acquisition of a small section of vacant land at the rear of 23 Burrawan Street, Port Macquarie to enable access from Council's car park at the rear of the Administration Headquarters through to Grant Street at the rear of the Port Macquarie Library.

Discussion

For several years Council has given consideration to improving the traffic movement of vehicles entering and exiting the Council staff and public carpark at the rear of the Council's Administration Headquarters in Burrawan Street, Port Macquarie. This time limited public car park services the needs of Council's staff, nearby commercial offices, library, swimming pool and Players Theatre.

The opportunity has now arisen to improve traffic flow by purchasing approximately 130m² of vacant common land contained within Strata Plan 12938 situated at the rear of strata units at 23 Burrawan Street. This land separates Council's car park and

Planning and Providing Our Infrastructure

a Right of Way situated at the rear of the Port Macquarie Library. Council's swimming pool land adjoins the northern boundary.

Following the purchase of this land, vehicular access can then be created from Council's car park out onto Grant Street. This access will enhance traffic movement in and out of the car park particularly if in the longer term Council resolved to close and develop the roadway off Lord Street running past the Players Theatre.

The aerial view below indicates the approximate location of the land to be purchased identified in white hatching in relation to the car park and right of way.

Initially Council expressed a desire to acquire a larger section of this vacant land, however the Body Corporate would only agree to allow the sale of 130m².



To determine a market value of the land, independent valuation advice was obtained by both Council and the Strata Manager (on behalf of the Body Corporate). The value of the 130m² of land has been assessed and agreed by both parties at \$320m² or a total figure of \$41,600 (subject to final survey). A copy of Council's consultant valuer's report is attached as a confidential document.

Please refer to the confidential attachment titled "Property Consultancy for Port Macquarie-Hastings Council" which contains information that 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).

Council has agreed to meet all costs associated with this acquisition including subdivision, survey and legal fees along with relocating the rear boundary fence and part of a clothes line.

Options

Planning and Providing Our Infrastructure

Council's option is not to proceed with the recommendation.

Community Engagement & Internal Consultation

Consultation has occurred with the following:-

Director of Infrastructure

Director of Corporate and Business Services

Group Manager of Business Services

Building Services Coordinator

Property Development and Leasing Coordinator

Council's consultant valuer

Planning & Policy Implications

There are no implications

Financial & Economic Implications

It is proposed to fund the purchase and development of this land by using part of the proceeds of the sale of unit No 7 owned by Council within this complex. The sale of this unit is the subject of a separate report to Council.

Attachments

1. Property Consultancy for Port Macquarie-Hastings Council - rear 23 Burrawan Street, Port Macquarie (Confidential)

Planning and Providing Our Infrastructure

Item: 12.04

Subject: STINGRAY CREEK BRIDGE - OCEAN DRIVE NORTH HAVEN

Presented by: Infrastructure Services, Jeffery Sharp

Alignment with Delivery Program

5.1.1 Plan, investigate and design for the delivery of road and transport assets.

RECOMMENDATION

That Council:

- 1. Support in principle major repairs of Stingray Creek bridge as the preferred approach to the management of the asset until Council is in a position to support and fund the replacement of the bridge and;**
- 2. Seek approval of the Minister for Roads and Ports for the use of the current special grant to fund the repair option.**
- 3. Adopt the repair option generally in accordance the preferred option discussed in this report (ie to provide a 20 year design life and 30 tonne load capacity)**
- 4. Exhibit for community comment the repair option. The exhibition period is to include a community information session.**

Executive Summary

Replacement of Stingray Creek bridge has been the subject of detailed engineering investigations, route option and environmental assessments in consultation with the community since 1995.

There have been several reports to Council since 1995 with Council ultimately resolving during 2007 to proceed with a development application for the bridge replacement. Development consent for the bridge replacement was issued during June 2010 following detailed environmental assessments and consultations. Council engaged during 2011 specialist bridge design consultants OPUS International to prepare detailed engineering designs and contract documentation for the bridge replacement.

Replacement of the bridge is currently listed in Councils infrastructure delivery programme with an expected invitation for construction tenders during 2013, subject to finalisation of funding arrangements.

Council committed in the 2011/12 operational plan funds to develop a maintenance plan for the existing bridge, including a fresh assessment on the condition of the existing bridge. The fresh condition assessments have highlighted the engineering and financial feasibility of revisiting a "repair option".

Planning and Providing Our Infrastructure

This report recommends Council support in principle repair of the existing bridge as the preferred approach for the management of the asset and consult the proposal further with the community and the NSW Government through the Roads & Maritime Services (RMS) as the key funding partner.

Discussion

Stingray Creek bridge was constructed during 1961 to replace the original timber bridge, believed to be constructed in 1931. The existing 100m long bridge structure consists of 8 simply supported spans of pre-stressed girders with a composite reinforced deck.

An initial investigation into the repair of the bridge was undertaken by Remedial Engineering Group (REG) in 1995. The tests by REG showed the reinforcement in the headstocks and piles was corroding and REG recommended the installation of a Cathodic Protection System which was subsequently installed on the worst affected piers in 1995. Additional repair work involving new bridge bearings and supporting galvanised beams as recommended by the former RTA was undertaken during 1999 and Council imposed the current 18 tonne load limit during the same year.

Council resolved in 2000 to proceed with a repair option recommended by the RTA. Subsequent investigations revealed a number of constraints associated with the repair option and Council resolved during 2002 to proceed with a feasibility study of bridge replacement options. The study was undertaken by GHD Pty Ltd and Council resolved late 2002 to proceed with replacement of the bridge on an alignment immediately downstream of the existing bridge and commence with an environmental assessment for this replacement option. GHD prepared an EIS and submitted on Council's behalf during October 2005 a development application for the bridge replacement. The EIS was exhibited with some 275 submissions objecting to the proposed location.

Council resolved during March 2006 to defer the current development application primarily on the grounds of the extent of community objection and the considered inadequacy of the EIS with respect to the evaluation of the options.

A fresh investigation of route options for the bridge replacement commenced during 2006 involving more extensive community and agency consultations. The investigations were undertaken on Council's behalf by AECOM Pty Ltd. The route options investigations confirmed the replacement of the bridge immediately upstream of the existing bridge as the best option. Council endorsed this option during December 2007 and AECOM proceeded with the preparation of a fresh EIS and development application which was approved by the Joint Regional Review Panel (JRRP) during June 2010. A copy of the concept design for the approved replacement option is attached.

A tender for detailed engineering designs for the new replacement bridge was awarded to OPUS International during July 2011. The designs are now ready to progress to the construction tender phase of the project.

Council committed in the 2011/12 operational plan funds to develop a maintenance plan for the existing bridge, including a fresh assessment on the condition of the existing bridge. Two (2) specialist reports have been provided, both highlighting the engineering and financial feasibility of revisiting a "repair option" for the bridge.

Planning and Providing Our Infrastructure

Further discussion on the bridge replacement and repair options identified in the consultants reports is provided in the following options section of this report.

Should Council support the repair option the following outlines a logical sequence of key outcomes to be achieved;

- Obtain State Government approval for the use of existing grant funds for the repair option;
- Community and agency consultations
- Report to Council on outcomes of community and agency consultations, budget implications and decision to proceed
- Detailed design and environmental approvals
- Tender procurement
- Construction

Options

Replacement Options

The fresh investigations by AECOM (2006) investigated six (6) route options for the replacement of the bridge. It is to be noted that these options were essentially in the same location as investigated in the GHD reports (2002). The replacement route options are shown on the attached map and are summarised in the table below.

Option	Description	Estimated (2013) Cost
1	On the existing alignment	\$17m
2	Immediately downstream (south) of the existing bridge	\$14.5m
3	Immediately upstream (north) of the existing bridge	\$13m
3A	Immediately upstream (north) existing bridge on curved alignment	\$16M
4	North Haven bypass that connects with Ocean Dr south of North Haven public school and approx 100m upstream of existing bridge	\$32m
4A	North Haven bypass that connects with Ocean Dr west of North Haven public school and approx 100m upstream of existing bridge	\$35M
5	Laurieton and North Haven bypass that connects Ocean Drive south of North Haven school, with bridge approx 600m upstream of existing bridge	\$48M
5A	Laurieton and North Haven bypass that connects Ocean Drive west of North Haven school, with bridge substantially upstream of existing bridge	\$51M
6	North Haven Laurieton Link with bridge approx 700m downstream (south) of existing bridge.	\$56.5M

Council endorsed Option 3A during December 2007 as this option when compared with all other options was considered to provide the best outcome in terms of benefit/costs.

Planning and Providing Our Infrastructure

Repair Options

Various repair options have been considered since the initial remedial works undertaken during 1995. The repair options considered to date are summarised in the table below. Copies of the 2012 reports by Integrity and Opus are attached for information.

Investigations	Description	Estimated (2013) Costs
RTA - 1999		
Option 1	Strengthening to 32 tonne capacity	\$430K
Option 2	Strengthening to 42 tonne capacity	\$550K
Option 3	Widening and strengthening to 42 tonne capacity	\$800K
Option 4	Widening (extra row of girders) and strengthening to 42 tonne capacity	\$1.6M
Boral Road Services-2002	Increase load limit to 27 tonne by reducing carriageway width and special traffic controls	\$1M
Integrity - 2012		
Option 1	Do nothing except install new guard rails, maintain existing 18 tonne capacity for 3 to 5 years	\$100K
Option 2	Repairs to piers, seal deck and install new guardrails, maintain existing 18 tonne capacity for 5 to 10 years	\$265K
Option 3	Repairs to piers and girders, strengthening and widening deck to 7.1m and new footpath to provide 30 tonne capacity for 20 years	\$1.18M
Option 4	Repairs to piers and girders, provide new row of piles and girders, strengthening and widening deck to 9.0m and new footpath to provide unrestricted load capacity for 30 + years	\$2.2M
OPUS - 2012		
Option 1	Repairs to all sub structures, parapet modifications, bolt replacements, footway widening to maintain existing 18 tonne capacity for 10 years	\$670K
Option 2	Repairs to piers and girders, extend cathodic protection to all piers, new footpath and guardrails to provide 30 tonne capacity for 20 years	\$2.7M
Option 3	Repairs to piers and girders, extend cathodic protection to all piers, new cast in situ beam diaphragm, new footpath and guardrails to provide unrestricted capacity for 30 years	\$4.9M
Option 4	Repairs to piers and girders, extend cathodic protection to all piers, new cast in situ beam diaphragm, widening of deck to 7.1m, new footpath and guardrails to provide unrestricted capacity for 30 years	\$5.5M

Council resolved during December 2000 to proceed with the RTA recommended repair option 3 which involved extending new cross girders on the downstream side of the bridge sufficiently to provide support for a new footway and bikeway without the need for additional sub-structure. The old footpath on the upstream side could be

Planning and Providing Our Infrastructure

removed and allow a slightly wider deck area for traffic. New footpaths would be required on both approaches to the bridge. It is to be noted at the time of this report a replacement bridge was estimated to cost \$3.3M and the adopted repair option 3, estimated to cost \$800K.

Council resolved in March 2002 to proceed with a feasibility study of the replacement options. The report to Council indicated on the basis of discussions with RTA specialist bridge engineers the repair option 3 more likely to cost in the vicinity of \$1.7M mainly due to construction techniques and delays required to keep the bridge open to road users. It was also reported the disruptions may not be accepted by the community. Whilst not reported at the time the cost differences between the revised repair option estimate (\$1.7M) and the replacement option estimate (\$3.3M) may have also influenced Councils decision to proceed with the replacement option.

The repair option 3 recommended by the RTA (1999) is very similar in terms of proposed repair and strengthening works to the repair option 4 recommended in the Integrity report (2012). The 2012 reports by Integrity and Opus both recommend a range of repair options for Council to consider.

Replacement Versus Repair Options

Council endorsed during 2007 replacement of Stingray Creek bridge immediately upstream of the existing bridge as this option was reported to;

- Minimise impacts on residential properties
- Minimise environmental impacts
- Maintains the role of Ocean Drive a regional/tourist road
- Maintains good linkages between Laurieton and North haven
- Minimises impacts on local businesses
- Improves the existing road alignment
- Offers convenient public transport and emergency vehicle access
- Provides a potentially aesthetically solution and;
- Is cost effective when compared to other replacement options
- 100 year design life with unrestricted load capacity

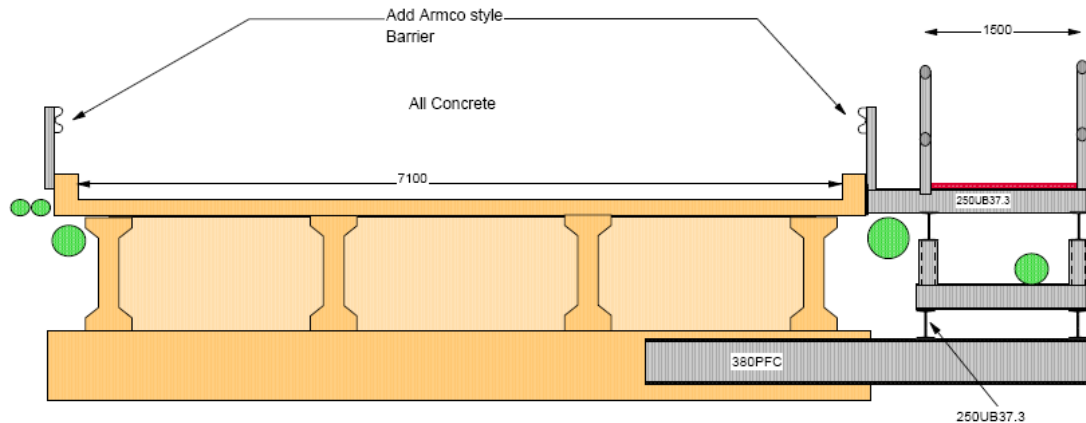
Whilst Council had considered at the time (2007) this option would provide the best outcome in terms of benefit versus costs it should be noted the bridge replacement was estimated at the time to cost \$8.9M. The current design work for the replacement of bridge estimates a replacement cost in the vicinity of \$16M. This estimate is based on actual costs for like projects, however this estimate may rise or fall subject to market conditions to be tested through Tender procurement, should Council determine to proceed with the replacement option.

The 2012 reports by Integrity and OPUS have identified feasible options for repairs to the existing bridge for a range of load capacities and design life. Infrastructure Services design and construction management staff have examined the options and consider a repair option that extends the design life of the bridge in the vicinity of 20 years and the load capacity in the vicinity of 30 tonnes is the most cost effective option, assuming Council is in a position to fund a replacement options around 2034.

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Option 3 identified by Integrity (\$1.18M) is assessed to provide an extended 20 year design life and a 30 tonne load capacity. This Option is illustrated below and essentially involves;

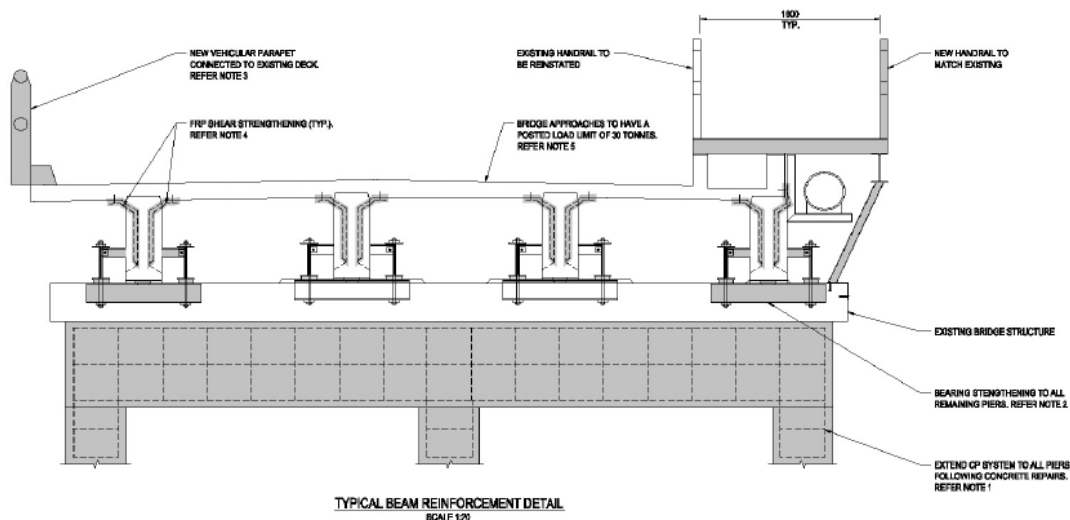
- Strengthening and widening of the deck
- Repair of piers and girders
- Replacement of footpath
- New traffic barriers



Option 2 identified by Opus (\$2.7M) is also assessed to provide an extended 20 year design life and a 30 tonne load capacity. This option is illustrated below and essentially involves;

- Repairs to piers and girders
- Extend cathodic protection to all piers
- New footpath and guardrails

It is to be noted this option retains the existing carriage way width, however, proposes more extensive structural repair.



It is apparent from both the Integrity and Opus reports there is a range of repair options, the structural aspects of which are very complex and will need to be further refined through detailed expert analysis and design. The final design may include a combination of the repair options identified by Integrity and Opus.

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The key issue for Council at this stage is to consider which option represents the best value for money and achieves the fundamental service objectives in terms of design life and load capacity. A repair option that provides a 20 year design life and a 30 tonne load capacity is estimated to cost in the range of \$2M to \$3M. It is also important to note Ocean Drive is a classified (regional) road requiring the concurrence of the Roads and Maritime Services (RMS) for road improvement proposals. Preliminary discussions with RMS has highlighted further assessment of the appropriate design life and load capacity in terms of the function of Ocean Drive may be required. Should it be determined through the necessary RMS consultations a greater than 20 year design life and 30 tonne load capacity is required, repair options identified by Integrity (option 4) and Opus (options 3 or 4) may need to be provided, at this stage estimated to cost in the range of \$2.2m to \$5.5M. The range of costs is attributed to the different extent of structural repairs identified. Opus's investigations have identified more extensive structural repairs and higher costs associated with the deck widening when compared with Integrity's options. Again a preferred design solution and costs is proposed to be further reported to Council following detailed design and consultations with RMS.

The table below provides a comparison of expected service outcomes between the bridge replacement and repair option (20 year design life/30 tonne load capacity).

Service	Replacement Option (\$16M)	Repair Option (\$2M to \$3M)
Capital Costs	\$16M	\$2M to \$3M
Ongoing maintenance cost	\$160K p.a. (100 years)*	\$50K p.a. (20 years)**
Design Life	100 years	20 years
Design load capacity	50 tonne (unrestricted)	30 tonne
Load limited	No	Yes
Impact on properties	Minor	Nil
Impact on businesses	Nil	Minor
Community disruption	Minor	Moderate
Environmental Impacts	Moderate	Minor
Regional road function	Maintained	Maintained
Local accessibility	Maintained	Maintained
Pedestrian and cyclists	Improved	Improved
Road alignment	Improved	Maintained
Public transport	Maintained	Maintained
Emergency access	Maintained	Maintained
Visual quality	Improved	Maintained
Energy/resources consumption	Moderate	Light

* 1% of capital cost over design life of works

** 2% of capital cost over design life of works to allow for expected additional maintenance of existing structures.

The repair option has the potential for initial capital cost savings for Council, although the repair option will require higher initial maintenance costs on the existing structures. The replacement option provides an asset that will be relatively free of maintenance costs during the initial operational years.

Planning and Providing Our Infrastructure

The initial capital costs savings also realises a positive “opportunity cost” , providing the opportunity for the capital cost savings to be allocated to other capital works on the regional road network. It is important to note, however, the repair option has a limited design life (20 years) and Council will need to revisit towards the end of this period options for ongoing management of the bridge. This may require further repair work or a bridge replacement. Further discussion on costs and budget implications is provided under the Financial Implications section of this report.

The repair option has the potential community disruption brought about by the need for partial bridge closures and possible load limit reductions during the repair works at this stage estimated to take 4 to 6 months. Although Council has the option to close Ocean Drive and detour traffic via the Pacific Highway this should only be used where absolutely necessary.

The repair option has the least environmental impacts and demand on natural resources for construction materials including fuels. The repair option will not provide the visual and pedestrian/cycleway improvements envisaged by the replacement option. The replacement option requires removal of the existing bridge, whilst the repair option obviously retains the existing bridge. Removal of the existing bridge has been allowed for in the current \$16M cost estimate.

On the basis of the fresh information provided through the Integrity and OPUS reports and the significant cost estimate increases since Council’s adoption of the replacement option in 2007, it is considered the repair option is now feasible and is recommended to proceed to detailed design, including community and relevant agency consultations. It is also recommended that Council pursue in consultation with RMS a repair option that provides as a minimum an extended 20 year design life and 30 tonne load capacity.

Community Engagement & Internal Consultation

Council’s management of Stingray Creek bridge has involved extensive consultations with the community and relevant government agencies since 1999. The most extensive consultations occurred during 2005 to 2007 as part of Councils investigations into the bridge replacement and Ocean Drive route options. It is evident from the consultations the community has been divided in its preferences between repair of the existing bridge, replacement of the bridge in close proximity to the existing bridge and replacement of the bridge involving a road bypass of North Haven.

Whilst the bridge repair option has previously been consulted with the community it is recommended further consultations be held to ensure the appropriate level of engagement and distribution of information to the community.

The repair options and associated recommendations of this report have been consulted with Councils Executive, Manager Technical Services , Manager Infrastructure Operations and Infrastructure Services design staff. Consultations have also been held with the authors of the Integrity and OPUS reports.

Initial consultations have been held with RMS, in regard to the current funding arrangements and technical merits of the preferred repair option. No objections to the proposed initiative has been raised by RMS at this stage, however, recognising State

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Government review of the grant conditions and further detailed analysis and design will be required.

Planning & Policy Implications

The proposed recommendations of this report aligns with Councils planning and policy for the provision of infrastructure assets. The proposed repair option maintains Ocean Drive as a regional road providing an opportunity for improved access for a wider range of vehicle types and road users than currently available due to the 18 tonne load limit.

Financial & Economic Implications

The estimated \$16M replacement cost for Stingray Creek bridge has significant financial implications for Council. Council has budgeted for the replacement of Stingray Creek bridge in its 2012/13 Operational Plan as follows;

Year	Budget	Grant	Loan
2012/13	\$6,962,500	\$2,662,500	\$4,300,000
2013/14	\$6,962,500	\$2,662,500	\$4,300,000
Totals	\$13,925,000	\$5,325,000	\$8,600,000

Based on the current design estimate \$16M, the current budgets will result in a \$2,075,000 shortfall to be made up from other funding sources.

To date, RMS has provided Council with special grants to the amount of \$6M as 50% of the project cost.

Total expenditure since 2001 on the project amounts to \$1,255,781 (including investigations, design and maintenance) with funding source expenditures as follows;

State Government Special Grant	\$ 705,000
Roads to Recovery grants	\$ 279,436
Council Revenue	\$ 147,413
Section 94 Contributions	\$ 69,001
FAG Grant	\$ 54,931
	<u>\$1,255,781</u>

The NSW Division of Local Government has issued under the Local Infrastructure Renewal Scheme Council approval to a 4% interest subsidy on a Council \$8.6M loan proposed at this stage to fund the bridge replacement.

Should Council resolve to proceed with the bridge repair option recommended in this report there may be an opportunity to retain the existing NSW Government special grant to fund the necessary works. Costs for the repair option are estimated at this stage are estimated in the range of \$2M to \$5M (subject to RMS concurrences on design life and load capacity). Cost estimates will be further refined as part of the preconstruction activities.

Should Council support the repair option, it is recommended Council seek the Minister for Roads and Ports approval for the retention of the NSW Government special grant for the purposes of funding the repair option.

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Attachments

1. Stingray Creek Bridge Replacement concept design
2. Stingray Creek Bridge route options
3. Stingray Creek Bridge Investigation Integrity 2012
4. Stingray Creek Bridge Repair Strategy Integrity 2012
5. Stingray Creek Bridge Investigations and Repair Strategy Opus 2012

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Item: 12.05

**Subject: ROADS AND TRANSPORT ASSETS 2012/2013 WORKS PROGRAM
DELIVERY STATUS**

Presented by: Infrastructure Services, Jeffery Sharp

Alignment with Delivery Program

5.1.1 Plan, investigate and design for the delivery of road and transport assets.

RECOMMENDATION

That Council acknowledge the status of the progress of the Roads and Transport Assets 2012/2013 Works Program.

Executive Summary

The adopted 2012/2013 Operational Plan includes the projects comprising the Roads and Transport Assets Capital Works Program for 2012/2013. The capital works projects are specifically contained within the Focus Area of "Planning and Providing our Infrastructure" and are individually listed within the Four Year Delivery Program objective 5.1.2 "Construct road and transport assets".

Council's Infrastructure Operations Section are responsible for the delivery of the program, reliant upon the survey and design support services of the Technical Services Section.

The 2012/13 Projects within this Operational Plan actions are:

1. Comboyne Road - replace wire barrier
2. Pavement rejuvenation program
3. High Traffic Road Resurfacing - including Pacific Drive, Kennedy Drive, Cameron St, Bago Road and Bold Street Road
4. Upgrade to Traffic Signals - Intersection Of Hastings River Drive & Boundary Street
5. Streetscape, parking, road and intersection upgrades in industrial and commercial areas detailed in the S94A Levy Plan
6. Ocean Drive - pavement upgrade including cycle lanes and shoulder widening
7. Ocean Drive - preconstruction upgrade including cycle lanes Fairwinds to Brotherglen
8. Stingray Creek Bridge, North Haven
9. Ocean Drive - upgrade to four lanes between Matthew Flinders Drive and Greenmeadows Drive
10. Ocean Drive - pavement upgrades Pembroke Road - preconstruction activities - replacement of Loggy's Creek Bridge

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11. Pembroke Road - replacement of bridge over Saltwater Creek
12. Rehabilitation Roadwork's - Wauchope
13. Sarahs Crescent Kings Creek - reconstruction Stage 1
14. Woodlands Road - reconstruction of timber bridge

This report provides a status and update on the delivery of these projects as at 31 December 2012.

Discussion

1. Comboyne Road - replace wire barrier

Status as at 31 December 2012

The detailed design and confirmation of location for the wire barrier is outstanding for this project. The available budget for 2012/13 will not allow the replacement of the all wire barrier on Comboyne mountain. Consultants have completed initial audits and provided a staging plan for minor works within available 2012/13 budget. The large scale barrier works will need to be staged due to the budget limitations. The detailed design for Stage 1 barrier works is in progress and details regarding the signposting/linemarking component of the work has been provided to the centralised construction section for implementation. Delivery of minor works including signposting/linemarking is expected during early 2013. The upgrading of the advisory signage is considered an appropriate safety improvement which will be delivered in the 2012/13 Financial Year.

2. Pavement rejuvenation program

Status as at December 2012

Works have not commenced on this project but are proposed for the 4th Quarter of the 2012/13 financial year following the sealed road resurfacing program. The network road condition data captured during the road survey during 2012 has been analysed to determine the rejuvenation treatment locations. Works will be limited to the available budget and are due to commence in April 2013.

3. High Traffic Road Resurfacing -including Pacific Drive, Kennedy Drive, Cameron St, Bago Road and Bold Street Road

Status as at December 2012

This project forms part of the adopted 2012/13 sealed road resurfacing program. The preparatory works for the this project commenced in October 2012 on sections of Pacific Drive and will continue through to February 2013 where bitumen resurfacing is programmed. Sealing works have been completed on Randall Street in Wauchope as part of the project and further works in Cameron Street Wauchope, Panorama Drive and Beach Street Bonny Hills, Gordon Street Port Macquarie and Ocean Drive

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South of Lake Cathie will also be undertaken in February 2013. This project is on track for completion within the available budget.

4. Upgrade to Traffic Signals - Intersection Of Hastings River Drive & Boundary Street

Status as at December 2012

This project has not commenced construction. The detailed design is near completion (95%). Traffic signal designs approvals have delayed the project significantly but have recently been confirmed as complete.

A detailed resource estimate has not been completed for this project due to the design delays, however the preliminary unit rate estimate for the project based on the current design status indicates a significant budget shortfall of \$750,000, proposed to be funded as part of Councils 2013/14 Operational Plan.

This project is at risk of not being totally delivered in the current financial year based on the current design status. Investigations are currently taking place into options for the staging of construction over the 2012/13-2013/14 financial years.

5. Streetscape, parking, road and intersection upgrades in industrial and commercial areas detailed in the S94A Levy Plan

Status as at December 2012

This project is complete.

The scope of works included the asphalt resurfacing of Small Road in the Port Macquarie Industrial Area in accordance with the adopted Industrial Area resurfacing program. The project footprint was extended to include the full length of Small Road and additional funds were utilised from Operational Roads resurfacing budgets to supplement the project budget.

6. Ocean Drive - pavement upgrade including cycle lanes and shoulder widening

Status as at December 2012

This project, which was commenced in early 2012, is near completion and is expected to be open to unrestricted traffic flow during late February 2013. The project was significantly impacted by wet weather in the early part of 2012 but with relatively drier conditions in late 2012, made good progress.

The replacement of 6 large concrete box culverts in conjunction with the project has impacted on the overall project cost. The Southern Arm Water trunk main has also been installed in conjunction with this project.

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7. Ocean Drive - preconstruction upgrade including cycle lanes Fairwinds to Brotherglen

Status as at December 2012

The preconstruction activities involving detailed designs, environmental assessments and construction cost estimates have commenced. Geotechnical investigations are complete and detailed designs are 60% complete with expected completion in May 2013.

8. Stingray Creek Bridge, North Haven

Status as at December 2012

Detailed designs suitable for construction tender have been completed. This project is subject of a detailed separate report to this Council meeting.

9. Ocean Drive - upgrade to four lanes between Matthew Flinders Drive and Greenmeadows Drive

Status as at December 2012

Tenders have been invited for preconstruction activities involving concept designs, environmental assessments and construction cost estimates. Council has been offered a \$10 million untied grant towards the upgrades of this section of Ocean Drive at this stage estimated to cost in the vicinity of \$25 million. The preconstruction works will provide Council with more reliable costs estimates and recommend a construction staging plan to align with forecasted budgets. The preconstruction activities are expected to be completed by June 2013, subject to the awarded tender.

10. Ocean Drive - pavement upgrades Pembroke Road - Preconstruction activities - replacement of Loggy's Creek Bridge

Status as at December 2012

A tender for the design of the bridge replacement and supply of the bridge components has been awarded to CC Pines Pty Ltd. Negotiations over the selection of the bridge components are in progress and have delayed the design works by two months. The preconstruction activities are expected to be completed by May 2013.

11. Pembroke Road - replacement of bridge over Saltwater Creek

Status as at December 2012

This project is programmed to commence on 14 January 2013 with the full road closure and demolition of the existing Saltwater Creek Timber bridge. The reconstruction of this bridge with precast concrete components is expected to take approximately 3 months and Pembroke Road is programmed to be reopened to traffic in early April 2013. The detailed resource estimate for the reconstruction of this bridge has identified a project budget shortfall and a detailed report has been prepared for Council's executive to consider the financial treatment and additional funding sources available.

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12. Rehabilitation Roadwork's - Wauchope

Status as at December 2012

This project supports rehabilitation roadwork's within the Wauchope area and will be delivered in parallel with the adopted 2012/13 sealed road resurfacing program and other capital works projects within the current financial year. The Saltwater Creek Bridge replacement project may support the associated construction of rehabilitation roadworks. This project will be completed by the end of the financial year.

13. Sarahs Crescent Kings Creek - reconstruction Stage 1

Status as at December 2012

Following Council resolution this project budget was reallocated to extend the previously rehabilitated stages of King Creek Road to join with the Oxley Highway in lieu of Sarah's Crescent.

The revised scope of works was commenced in September 2012 and was brought to completion in late December 2012 and now delivers a fully rehabilitated link between Narran Close and the Oxley Highway. Council's secure supply of pavement gravels was an emergent issue for this project and further to the extensive additional traffic control arrangements required when working in close proximity to the State (Oxley) Highway impacted on the overall project cost.

14. Woodlands Road - reconstruction of timber bridge

Status as at December 2012

This project was commenced in June 2012 and was completed and reopened to traffic in August 2012. This project was undertaken by Council's internal bridgeworks crews and delivered a fully reconstructed timber bridge on the existing bridge alignment at a significant saving to the project budget. The uncommitted project budget has been identified as a funding source to support the anticipated budget shortfall in the construction of the Saltwater Creek Bridge.

A detailed and independent condition report on the reconstructed bridge has been recently commissioned by Council staff which has confirmed the bridge to be in 'as new' condition. The capacity and experience of Council's bridgeworks crews in the reconstruction of this bridge is of particular regard in that very few Council's would have the internal capacity and experience to undertake a timber bridge reconstruction of this nature.

Discussion

As evidenced above the resourcing of design work in advance of construction scheduling continues to be a challenge and action remains underway to address this problem. Design delays are also in part attributed to changing works programs, however it is expected this problem should be significantly removed in the future with Council commitment to deliver works as planned in the new approach provided through Community Strategic Plan 2030 - Operational Plans and delivery programs.

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Based on the current program status, and in part due to the delay in some designs, constraints associated with delivery of components and funding constraints, it is confirmed that the following projects are expected to be incomplete at the end of June 2013. These projects will require their budgets adjusted in the current financial year to reflect the works undertaken and completed within the 2012/2013 financial year, or budget shortfalls adjusted within the 2013/2014 Operational Plans.

- The Traffic signals intersection Hastings River Dr and Boundary Street,
- Replacement of Stingray Creek Bridge North Haven

Options

Council has the option to endorse the report as presented or resolve an alternative action/s.

Consultation

Consultation has taken place with relevant staff on this matter including the Director - Infrastructure Services and the Group Manager Technical Services.

Planning & Policy Implications

There are no policy impacts from this report.

Financial & Economic Implications

The specific financial implications of each project are discussed as required throughout the body of this report.

Attachments

Nil

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Item: 12.06

Subject: WAUCHOPE TOWN CENTRE ROAD BYPASS

Presented by: Infrastructure Services, Jeffery Sharp

Alignment with Delivery Program

5.1.1 Plan, investigate and design for the delivery of road and transport assets.

RECOMMENDATION

That Council:

- 1. Defer the proposed new link road component of the Wauchope town centre road bypass strategy and;**
- 2. Commence in consultation with Roads and Maritime Services, detailed investigations and design of traffic signals at the intersection of Cameron and High Streets and;**
- 3. Consult further with the Community and the Wauchope Chamber of Commerce on the traffic signal option and;**
- 4. Request a further report outlining the outcomes of the design investigations and community consultations at a future meeting.**

Executive Summary

The concept of a road bypass for the Wauchope town centre was initially identified in the Wauchope Traffic Study 1996 as an action to provide an alternative route for traffic passing through the High Street section of the town centre.

The proposal has been the subject of many community forums, particularly as part of the Wauchope Master Plan 2005 and the Wauchope Urban Town Centre Framework 2009. The proposal was examined in detail during 2008 by traffic consultants TTM Pty Ltd. The TTM report supported the proposal on traffic grounds. Detailed designs and environmental assessments for the preferred option proposing a new road link between the North Coast railway crossing and Cameron Street were completed during 2010.

The road bypass strategy involves the construction of a new link road between the north coast railway crossing and Cameron Street and upgrades of the Blackbutt Drive intersections with High and Cameron Streets. A copy of the bypass strategy plan is attached for information.

The project has been deferred as part of Councils overall Transport Infrastructure delivery programming, primarily due to funding limitations and ongoing consultations with the Roads and Maritime Services.

Key issues to be addressed are;

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- The recent assessment of the proposal by independent traffic consultants AECOM Pty Ltd on behalf of the Roads and Maritime Services (RMS)
- Scheduling of the works and funding implications
- Community and stakeholder expectations

This report discusses the current key issues relating to the bypass proposal and recommends further investigations and community consultations on the RMS proposal for traffic signals at the intersection of Cameron and High Streets.

Discussion

Background

Council engaged during 1995 Mitchell McCotter (traffic consultants) to study traffic conditions in Wauchope and recommend improvements to the road network. Several recommendations were made and have since been implemented, excepting the recommendation for a road bypass of the town centre.

The need for the bypass was given little attention up until 2003 when Council commenced work on the development of the Wauchope Master Plan, ultimately completed and adopted in 2005. Council resolved as part of the adoption of the master plan as follows;

3. That a funding strategy and works program for the following prioritised projects be prepared as part of the preparation of Council's 2006/07 Management Plan involving:

** Stage 1 - Upgrade of southern optional deviation (Cameron/Blackbutt route) including the incorporation of a roundabout within the continuous connection between Oxley Highway (east) and Cameron Street (Railway Link);*

Preliminary design work was undertaken during 2006 and a budget for the works provided as part of the 2007/08 transport capital works programme. Design options were prepared during late 2007 and exhibited for community comment during March 2008.

The progress of the proposal was reported to Council during August 2008. Council resolved;

That the Wauchope CBD road bypass be further consulted with the community on the basis of information discussed in this report.

The report highlighted the recommendations of an independent traffic assessment of the proposal by TTM Consulting Pty Ltd and are summarised as follows;

- *Future development and background traffic growth alone will induce demand along the Cameron St - Blackbutt Drive Route, as well as the potential to introduce undesirable levels of "rat running" throughout the local CBD streets. The effect will happen regardless of any official designation of an alternative route to bypass High Street and/or the CBD,*
- *The proposed deviation provides an opportunity to improve the amenity and function of the CBD (High St) by means of migrating traffic to an alternative*

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through route. In turn this route will provide a higher level of service and shorter travel time for through traffic.

- *The proposed deviation will introduce a range of transport planning benefits to the state controlled road network, particularly in the forms of reduced congestion and travel times associated with intra-regional traffic demand.*

The TTM traffic report identified the need to upgrade the Blackbutt Drive intersections with Cameron and High Streets in addition to providing the new road bypass link. This added approximately \$2M to the overall costs estimated to complete the ultimate bypass strategy works.

Further consultations involving a full day community and stakeholder workshop was held during November 2008. A key design issue was the best option for the intersection of the new link road with High Street immediately west of the railway crossings. The following options were considered;

- Tee intersection with through traffic priority on the new link road. Not supported by RMS due to the Oxley Highway status and queuing problems in High Street. Businesses in High Street between Cameron and Railway Crossing also raised concerns to potential loss of trade.
- Roundabout. Not supported due to potential queuing over railway crossing and limited road reserve area to locate the roundabout
- Slip lane intersection. Current Council proposal involving priority for through traffic in High Street with a left slip lane for westbound traffic to access the new link road. Eastbound traffic lane in new link road intersects with High Street at a tee junction with giveway to High Street through traffic.

The proposal was further reported to Council in July 2010 and Council resolved;

1. *That the detailed designs and environmental assessments for the Wauchope CBD optional road bypass be adopted in principal and finalised for construction;*
2. *Scheduling of the construction works be reviewed as part of Councils 2011/12 Corporate Planning - Transport Works Program and;*
3. *The \$176,237 revenue and section 94 funding component of the 2009/10 budget be carried over to 2010/11 to complete the pre-construction activities.*

Concept designs were forwarded to Australian Rail Track Corporation (ARTC) for their concurrence in May 2010. ARTC required a detailed risk assessment of the existing railway crossing under both current traffic and forecasted traffic conditions with the bypass proposal in place. The risk assessments were completed and ARTC issued concurrence to the proposal in August 2010.

Detailed designs and environmental assessments were completed during mid 2011 and forwarded to Roads and Maritime Services (RMS) for their concurrence. RMS raised initial concerns to the suitability of the intersection of High Street and the new link road proposed immediately west of the railway crossing. A copy of a plan showing the new link road and intersection proposed is attached for information.

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RMS commissioned in early 2012 traffic consultants AECOM Pty Ltd to undertake an independent traffic study to identify traffic improvements across the road network and review Councils current bypass proposal.

Whilst there has been lengthy consultations since 2010, Council has deferred the bypass works primarily due to other transport infrastructure priorities. Funding priority since 2010 has been given to rehabilitation, repair and maintenance of road works over new works such as the Wauchope road bypass.

RMS confirmed with Council by letter 31st January 2013 advice on Council's proposed road bypass.

AECOM Traffic Study 2012

AECOM completed in accordance with an RMS commission an independent traffic study of the Wauchope road network in September 2012. A copy of the study is attached for information.

The purpose of the study was to;

- *Assess the feasibility of a heavy vehicle bypass of the Wauchope CBD using a Council identified alternate route (including the Oxley Highway / Cameron Street intersection). This was identified as a key Council objective for improved amenity of the town centre;*
- *Upgrade of the existing Oxley Highway / Cameron Street roundabout to signal control to facilitate the alternate heavy vehicle route; and*
- *Assess what other, if any, infrastructure solutions may be required to accommodate the traffic demands from the new urban release areas on key routes in the wider Wauchope road network.*

The study involved an initial assessment of Council's intersection design and found;

Under the future 2028 traffic demands, AECOM found the intersection failed, the priority controlled configuration does not provide sufficient capacity to accommodate the forecast increase in traffic volumes. The forecast one way traffic flows of 1232 and 1559 vehicles per hour in the AM and PM peaks respectively are approaching the maximum practical capacity for a single lane road. As a result of high traffic volumes on the Oxley Highway, right turning traffic is unable to exit the link road under the proposed priority controlled configuration.(pp3)

The study examined an alternative treatment allowing one way west bound flows only on the bypass link road between the Railway Crossing and Cameron Street. The study found;

This new configuration resolved the capacity issues at this intersection. Whilst the one-way, westbound operation allowed the intersection to operate within capacity, it fails to remove the eastbound traffic from High Street. As a result, modelling predicted the Cameron Street / Oxley Highway roundabout will fail under the 2028 forecast traffic demands. As such, this link road configuration would not meet Councils objective of reducing traffic flows on High Street.(pp3)

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An alternative strategy was investigated involving traffic signals at the intersection of Cameron and High Streets and longer term upgrades of other key intersections. The study recommends the traffic signals as an alternative to the road bypass link. The assessment of the traffic signal option included a high level concept design to demonstrate the suitability of the traffic signals, particularly in relation to the intersections capacity to cater for heavy vehicle turning movements. The study concludes the traffic signals;

will be able to cater for articulated truck movements and will therefore allow Port Macquarie Hastings Council to introduce an alternate route for heavy vehicles via the Cameron Street & Blackbutt Drive;

To further understand the implications of the proposed signalisation of Cameron Street / Oxley Highway the study recommends the proposal progress to detailed design.

RMS Advice

Development of the road bypass from the initial options analysis through to the detailed design has involved considerable consultations with RMS. RMS supported the initial concept designs for the road bypass link, however, more recent assessment of the detailed designs has resulted in RMS commissioning the independent traffic study by AECOM. The study was commissioned primarily due to RMS concerns to the long term performance of the proposed bypass link and its capacity to redirect High Street traffic from the town centre.

RMS's letter 31st January 2013 (copy attached for information) advises on the basis of the AECOM traffic study findings RMS oppose the proposed link road component of the proposed road bypass strategy. RMS also support the study recommendations for traffic signals at the intersection of High and Cameron Streets as an alternative to the link road component of the strategy.

Options

Consideration of available options should have regard to the road bypass key objectives. The key objectives documented in the initial phases of the project are;

- Remove heavy vehicle movements from the main street with resultant amenity improvements;
- Removing through traffic from the town centre and increasing the capacity of town centre streets for associated vehicle movements.
- Reduce traffic impacts on planned Wauchope Masterplan Works

RMS's recent advice reminds Council to consider wider road network improvements to be gained through bypass strategy as well as the above objectives. The following options available to Council are therefore considered worthy for further discussion;

Option 1 – Continue with current link road proposal

RMS recent advice opposes the link road component of the bypass strategy. This advice is reliant upon an independent traffic study which raises a concern to the long term capacity of the road link, particularly its intersection with High Street (Oxley

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Highway). The findings of the traffic study have been examined by Council traffic staff and are not refuted at this stage. The technical merits of Council's traffic studies and the AECOM study could be argued indefinitely. Nevertheless Council must obtain the concurrence of RMS on any proposed work within High Street (Oxley Highway) as a classified State road. Continuation of the link road option is likely to be opposed by RMS.

This option is estimated to cost in the vicinity of \$3.75 million , including the ultimate upgrades of the intersections of Cameron and High Streets with Blackbutt Drive. This option can be staged initially commencing with construction of the link road estimated to cost in the vicinity of \$ 1.5 million.

Option 2 – Further investigate traffic signals at Cameron and High Street intersection

RMS support this proposal as an alternative component of the of the bypass strategy. The traffic signals will improve the safety and efficiency of traffic movements between Cameron Street and the railway crossing through the signal phasing. The signal phasing can be set to manage peak hour traffic movements and intersection queuing. The traffic signals also provide for safer pedestrian crossings at this intersection as well as allowing for safer mid block crossings in High and Cameron Streets due to the resultant traffic gaps provided by the signal phasing. The traffic signals may not perform as well as the link road in terms of redirecting through traffic to Cameron St and Blackbutt Drive, however, the traffic signal combined with a directional sign strategy and upgrades of the Blackbutt Drive intersections has merit.

This option is also estimated to cost in the vicinity of \$3.75 million , including the ultimate upgrades of the intersections of Cameron and High Streets with Blackbutt Drive. This option can be staged initially commencing with construction of the traffic signals estimated to cost in the vicinity of \$ 1.5 million.

It should be noted the costs of this option could be offset by sale of the land previously purchased by Council for the link road. Councils property staff have provided a preliminary \$850,000 valuation on this land based on current zonings and recent land sales in the Wauchope town centre. Obviously sale of the land would lock out any future Bypass option in this area and this needs to be considered carefully.

There may also be an opportunity for this option to be part funded by State and Federal Governments through a grant applications under Traffic Facilities and/or Federal Blackspot Programmes.

Option 3 – Defer the proposal until town centre streetscape works commence

The existing town centre road network has limited capacity to cater for forecasted traffic growth identified by previous TTM Consulting traffic studies and the current AECOM traffic study. Peak morning traffic movements at the intersection of High and Cameron Streets as well as the railway crossing have been observed to be operating at a very low service level. Traffic queue lengths are marginal in terms of delays and gaps for entering traffic. Deferral of the proposal should only be pursued if Council is prepared to accept a low level of service and associated safety risks for both vehicular and pedestrian traffic at the intersection of High and Cameron Streets; the railway crossing and to a lesser extent High Street through the town centre.

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Deferral of the proposed bypass has obvious cash flow benefits for Council, by deferring capital expenditure on this project providing funding opportunities for other transport infrastructure improvements in Wauchope or other localities within the LGA.

It is recommended Council in consultation with RMS and the community further investigate the option of modifying the current road bypass strategy by replacing the link road component with traffic signals at the intersection of Cameron and High Streets. The financial implications of this option are discussed further under the Financial and Economic Implications section of this report.

Community Engagement & Internal Consultation

Development of the Wauchope town centre road bypass strategy and detailed designs has involved considerable consultations with the community, key stakeholders including the Wauchope Chamber of Commerce and government agencies, particularly RMS and ARTC.

It has been difficult to gauge the level of the wider community support for the road bypass through the consultations held to date. The Chamber and some residents have consistently supported the proposal often voicing concerns to Council's deferrals and delays in progressing the works. Community participation to date has been disappointing in terms of the number attendances and written submissions despite concerted efforts through media and other techniques to engage with the community. Attendances at public meetings and workshops have been in the range of 20 to 30 residents and stakeholders. A number of residents residing on the route of the proposed bypass have objected to the proposal primarily on the grounds of loss of amenity and noise impacts. These impacts have been assessed in the environmental reviews and determined to have no significant impact with some minor mitigation measures in place.

Consultations with RMS have recently confirmed RMS's opposition to the road link component of the bypass strategy. The option of traffic signals at the intersection of High and Cameron Streets has been consulted with Director Infrastructure Services and traffic staff. The proposal is supported in principle to proceed to detailed design and community consultation.

Should Council support the recommendations of this report it will provide an opportunity to further test the community's expectations for the road bypass, including the level of community support for the traffic signals versus the new link road.

Planning & Policy Implications

The road bypass is an integral part of Council's major roads improvement strategy aimed to implement road network safety and efficiency improvements. The road bypass proposal has potential to impact on the plans for the future development of the Wauchope CBD. Also as recently highlighted by the AECOM traffic study the proposal has implications for the regional and state road network emphasising the importance of delivering an outcome that best addresses the project objectives.

Council adopted during October 2009 the Wauchope Town Centre Urban Design Framework. This framework acknowledges the benefits of the road bypass in terms

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of improved amenity, pedestrian safety and reduced traffic congestion within the town centre section of High Street.

Financial & Economic Implications

The proposed road bypass has significant financial implications for Council. The project is currently unfunded. Council had previously planned to fund the project from Council property land sales within the Wauchope area, however, Council has committed this funding for the Wauchope pool improvements, considered to have priority over the road bypass proposal.

The proposed road bypass in combination with the works planned as part of the Wauchope Town Centre Urban Framework has potential to create positive economic benefits for the Wauchope business community, as demonstrated through implementation of the Port Macquarie town centre master plan works.

The overall road bypass strategy endorsed by Council is planned to be staged as follows;

Stage 1	Construction of the new link road	\$1,500,000
	Interim intersection improvements at Blackbutt Drive intersections with Cameron and High Streets	\$ 750,000
Stage 2	Ultimate intersection improvements at Blackbutt Drive intersections with Cameron and High Streets	\$1,500,000
	Total	\$3,750,000

A road bypass strategy including traffic signals at the intersection of High and Cameron Streets also could be staged as follows;

Stage 1	Construction of the traffic signals	\$1,500,000
	Interim intersection improvements at Blackbutt Drive intersections with Cameron and High Streets	\$ 750,000
Stage 2	Ultimate intersection improvements at Blackbutt Drive intersections with Cameron and High Streets	\$1,500,000
	Total	\$3,750,000

Costs for this option may be offset by sale of the land previously purchased by Council for the link road. Councils property staff have provided a preliminary \$850,000 valuation on this land based on current zonings and recent land sales in the town centre. There may also be an opportunity for this option to be part funded by State and Federal Governments through a grant applications under Traffic Facilities and/or Federal Blackspot Programmes.

Preconstruction design costs for the traffic signals at the High and Cameron Street intersection are estimated to be in the vicinity of \$100,000, currently unfunded. RMS may subsidise these costs up to 50% through a grant application.

Council has the option to consider funding of the road bypass as part of its determination of the 2013/14 Operational Plan, having regard to Councils overall transport infrastructure planned works.

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Attachments

1. Wauchope town centre road bypass strategy map
2. Wauchope town centre road bypass - new link road plan
3. Wauchope Traffic Study by AECOM 2012
4. Wauchope town centre road bypass RMS response

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Item: 12.07

**Subject: COMMUNITY ENGAGEMENT OUTCOMES FOR TOWN BEACH
TOILET, KIOSK & GYM EQUIPMENT (PIN 42042)**

Presented by: Infrastructure Services, Jeffery Sharp

Alignment with Delivery Program

1.1.1 Use a variety of tools to engage with the community in a manner that is representative, transparent and reflected in decision making.

RECOMMENDATION

That Council:

- 1. Adopt the short and long term plans for the Town Beach toilets, kiosk and gym equipment as exhibited with the Community and amend the Town Beach Master Plan (northern) as detailed in this report.**
- 2. Invite tenders for the construction of the Town Beach toilets and kiosk.**
- 3. Commence the installation of the gym equipment on the Town Beach reserve.**

Executive Summary

This report has been generated from a recommendation by Council from the Ordinary meeting of Council on 28 November 2012 (Item 08.02) Draft Town Beach Concept Plan (attached). The resolution from that meeting was as follows:

That Council:

- 1. Endorse the draft Town Beach Concept Plan for exhibition purposes.*
- 2. Place the draft plans on public exhibition from 7 December 2012 to 25 January 2013.*
- 3. Receive a report at the February Ordinary Council meeting regarding community feedback received during the public exhibition period.*

The following information contained in this report is the feedback from that community consultation process.

The Study Area

The study area of the Town Beach Master Plan is bounded by the southern breakwall to the Hastings River to the north, the Sundowner Caravan Park to the west, Town Beach to the east and the natural headland below Stewart Street to the south.

The Purpose of the Town Beach Master Plan

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- The main purpose of the Town Beach Master Plan is to make provision for a broad range of future community facilities on this valuable piece of open space;
- The Master Plan proposals have given careful consideration to and are consistent with the adopted Port Macquarie Foreshore Master Plan (MacroPlan, January 2009);
- The careful design and arrangement of the full range of future facilities identified through the Master Planning process is required, so as to ensure that as facilities are funded and constructed, they do not compromise the potential for future facilities to be accommodated;
- Short term and longer term proposals have been illustrated on two (2) separate plans (attached). It is possible the short term proposals could be able to be implemented in the next 1 to 3 years, depending on Council funding. Long term proposals will be implemented in future years as funds become available and as per the recommendation.

Existing Facilities and Features to be Retained

The following existing facilities and features within the study area are to be retained and in some cases enhanced as and when funds permit:

- The breakwall and breakwall pathway;
 - Beach erosion control along the northernmost section of the beach;
 - The headland and lookout along the southern edge of the study area;
 - The newly constructed skate park;
 - The existing playground;
 - The drainage swale and associated vegetation along the western side of the study area;
- 1.

Proposed New Facilities

The following new facilities are proposed on the Master Plans;

Short Term

- Kiosk and toilet facilities in a new building, centrally located within the study area;
- A new 3.5-4m wide path section aligned in the same location as the existing path;
- Picnic shelters and randomly spaced shade tree planting on high ground overlooking active play areas;
- Path access and seating to back of existing revetment wall;
- Bicycle parking facilities adjacent to the new skate park;
- Installation of exercise equipment in two locations;
- Line marking of existing car parking area.

Long Term

In addition to the above short term facilities, the following long term facilities are proposed, but yet to be funded;

- Defined open grassed spaces including an open grassed kick-around space and a central grassed space for active play and occasional events;
- Extension to the 3.5-4m wide path;

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- New picnic facilities including a large picnic shelter and a series of smaller picnic shelters and BBQ facilities;
- A new carpark wrapping around the base of the headland. This carpark will increase the number of car spaces from approx. 54 to 80;
- New facilities for mobility impaired people, including disabled carpark spaces and access paths to the kiosk and amenities block;
- New boardwalk access to beach and beach shower;
- Areas designated for future potential extension of existing active play facilities, including the playground and skate park;
- Dune stabilisation;
- Path connection to Sundowner Caravan Park;
- New lighting along footpaths;
- Bicycle parking area;
- Vegetation regeneration areas along the existing swale on western side of study area.

Discussion

Fixed Exercise Equipment - Community Engagement Feedback

Council has received \$45,000 to install fixed exercise equipment at the Town Beach Reserve through the Australian Government Healthy Communities Initiative funding for Council's Move, Eat, Live Well program.

Through the Town Beach Master Plan community engagement process, draft concept plans were placed on exhibition together with a survey that asked the community what types of exercise people would like to be able to do; whether they would prefer the equipment scattered in stations (a more expensive installation option) or whether they would prefer the equipment in one 'hub'; and what was their preferred location for the equipment within the Master Plan.

A total of 46 people completed the survey on-line; 26 completed hardcopies and 16 completed a 'sticky dot exercise' at the Town Beach site meeting.

The community engagement results are as follows:

Types of exercise - types of equipment

55.6%	Sit ups
57.8%	Chin ups
62.2%	Push Ups
82.2%	Balance and stability
46.7%	Running/Walking
55.6%	Cycling
64.4%	Rowing
77.8%	Flexibility and stretches

Community respondents were also very interested in activities that could potentially be funded through the Foreshore funding (separate to Healthy Communities Grant) including: distance markers along the walking track, table tennis, half basketball court, rubberised or firm surface for yoga/tai chi and Pilates.

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Likelihood of being used

82.6% of respondents replied that they would be either very likely or likely to use the equipment.

Single Hub or Exercise Stations, amenities and location

Out of these options the response was:

Hub

- 56% would like it placed in a single hub to maximise use and increase social connection
- The majority wanted Council to place the equipment in a hub within the proximity of the playground, amenities and drinking water facilities.
- Respondents also wanted to be able to supervise children at the playground and the skate park.

Stations

- 44% wanted the equipment in separate stations
- Equipment in stations was requested to be along the walk and overlooking the water through to the Southern end of Town Beach.

Either option

- Equipment should have a pathway provided for access
- Respondents would like to be able to access facilities and not feel like they are 'on display' therefore strategic landscape design would assist in providing some screening
- There was some concern about the equipment being overrun with fitness businesses and boot camps. The Group Manager, Recreation & Buildings is currently developing a policy and procedure regarding the use of public spaces such as these and this feedback will be incorporated into the policy for future discussion and report to Council.

Location

There were two preferred locations including:

- Between the playground and the skate park near the Western edge where there is some existing shade.
- At the North East end of the Breakwall overlooking the beach.

Based on the feedback and future opportunities it is proposed to recommend a central hub of equipment in the area contained in the original concept plan, whilst looking to future opportunities for spaced equipment as a longer term enhancement.

Amenities & Kiosk - Community Engagement Feedback

Council has allocated \$220,000 in the Operational Plan budget for this financial year for the provision of the public amenities facility within Town Beach Reserve.

The community were asked to identify their preferred site location for the new amenities and kiosk facility from three locations identified on the master plan. The following outcome of that question is provided below.

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Question - Which of the proposed locations for the kiosk / amenities building do you prefer?

- Alongside the path as shown in concept plan 66.7%
- Where the temporary toilet facilities are currently located 17.2%
- Back towards the caravan park boundary, on the southern side of the access path 16.1%

Therefore, as the results show it is recommended that the amenities and kiosk be constructed alongside the path as shown on the concept plan prepared by King & Campbell.

Short Term and Long Term Master Plans - Community Engagement Feedback

Short Term Plan

Council has secured \$400,000 from the Federal Government for the provision of recreational infrastructure within Town Beach Reserve. This funding must be expended by August 2013 and it is proposed to commence the reserve improvements on a priority basis as identified by the community. The following information is provided by priority.

- Picnic shelters and randomly spaced shade trees
- Bicycle parking facilities near the skate park
- *Fixed exercise equipment installed (funded by grant)*
- A new 3.5-4 metre path aligned in the same location as the existing path
- Path access and seating on the reserve side of the existing revetment wall
- Line marking of existing parking area

Works will progress in priority order up to the value of the funds provided by the Federal Government.

Long Term Plan

Council also sought from the community, in order of importance their longer term plan priority, these are identified below but as yet to be funded

- New picnic facilities including shelters and BBQ facilities
- Defined open grassed spaces including 'kick-around' and central grassed space
- New facilities for mobility impaired people, including disabled car spaces and access paths
- A new car park wrapping around the base of the headland increasing car spaces from 54 to 80
- Extension to the 3.5-4m path
- Areas designated for future potential extension of existing active play areas, including the playground and skate park
- New boardwalk access to beach and beach shower
- New lighting along footpaths
- Vegetation regeneration areas along existing drainage culvert on western side
- Bicycle parking area
- Path connecting to Sundowner Caravan Park
- Amphitheatre staging and seating

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Council staff consider that the community engagement and sentiment clearly show that the community is seeking more areas of shade and picnic areas, inclusive of path network linkages.

Options

Council can accept the report recommendations as submitted or vary the program of works, recommendations and or budgets.

Community Engagement & Internal Consultation

A snapshot of the data overall shows that;

- There were 725 unique visitors to the engagement hub - making it one of the most popular that Council has run as to date
- 250 of those visitors downloaded documents from the library
- 995 documents in total were downloaded
- Average time on the engagement hub was 3.5 minutes
- 187 people completed the Amenities and Facilities survey
- 46 people completed the Fixed Exercise equipment survey
- 23 submissions were made to Council

The reporting documents attached include;

- Overall Activity - shows total visitors to the site, downloads, time spent and summary data
- Amenities Survey Summary - summarising the results of the survey on the facilities, shows percentages of voting and preferences
- Fixed Exercise Equipment Survey Summary Report - summarising the results of the survey on the fixed exercise equipment, shows percentages of voting and preferences
- Submissions to Council data - data collected when people filled in the make a submission tab

Reporting documents are provided as a separate attachment to this report

Council has also consulted within inter-departmental areas and sections of Council and utility asset owners.

Planning & Policy Implications

There are no significant planning or policy implications with the proposed projects. The new toilet and kiosk will require a development application to be lodged with Council to enable it to be statutory assessed due to the nature of the activities relating to the kiosk. The reserve improvements and fixed exercise equipment can be installed and these are exempt and permissible under SEPP Infrastructure 2007. This exercise equipment will be installed during the course of the reserve improvement works.

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Financial & Economic Implications

Funds of \$220,000 are available in the 2012/2013 financial year Operational Plan budget program to construct the new kiosk and amenities, however due to the engagement process it is likely that this project will extend into the new 2013/2014 financial year which will require a partial carryover of funds into that year. The fixed exercise equipment is funded via a grant, and funds are secured and available to commence purchase and placement this financial year 2012/2013.

Council has also secured \$400,000 from the Federal Government for the provision of recreational infrastructure within Town Beach Reserve. This funding must be expended by August 2013. This funding will permit "priority" works identified by the community to commence which are also exempt under SEPP Infrastructure 2007.

Attachments

1. Town Beach Reserve Site Analysis
2. Town Beach Fixed Exercise Equipment Survey Summary
3. Town Beach Reserve Short Term Plan
4. Town Beach Reserve Long Term Plan
5. Town Beach Amenities Survey Summary
6. Town Beach Reserve Community Engagement Overall Activity
7. Town Beach Reserve Community Engagement - Submissions to Council

Planning and Providing Our Infrastructure

Item: 12.08

Subject: TOWN BEACH PUBLIC FACILITIES (SOUTHERN) SITE OPTIONS

Presented by: Infrastructure Services, Jeffery Sharp

Alignment with Delivery Program

5.3.2 Construct new and upgrade existing open spaces and recreational facilities.

RECOMMENDATION

That Council determine and endorse one of the four site options contained in this report for Town Beach Southern End, giving consideration to a funding model strategy and timeframe to exercise the site option chosen.

Executive Summary

The following information is provided with regards to the asset known as "Town Beach Kiosk (TBK)". The facility also houses NSW Marine Rescue Local Control Tower as well as public toilet and change facilities.

The purpose of this report is to provide Council with the historical background information and to seek to make a determination from site options detailed below to minimize Council's risk in the future from this "end of life" community facility.

The facility has generated negative media attention for numerous years on its condition and visual impact on the landscape at Council's premier beach - Town Beach.

This report will provide the community with Council vision and future direction for the site.

Discussion

Town Beach - History & Current Status

History

In 2004 the then Sea Rescue – Town Beach, now NSW Marine Rescue - Port Macquarie (MR) approached Council with a request to expand their asset on top of the Town Beach Kiosk (TBK) to meet their operational needs. Recreation & Buildings (R&B) were requested by the then Director of Infrastructure (Mr. G Freeman) to investigate the suitability of the expansion on top of the current TBK site. A subsequent inspection occurred at the TBK with regards to the suitability of the expansion. The inspection identified serious defects and concrete cancer with the current asset and therefore, it was agreed to look at alternative solutions

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Councils contract Architect (David Boram & Associates) was requested to prepare two options for a new development. The site options to be considered were the current site and also “gaol point” directly above Town Beach.

Two design options were presented and after careful consideration by all parties the existing site was chosen as the preferred site.

The proposed development was submitted to Council to undergo its statutory assessment process, however after investigation the development was found to be not permissible under the current zoning. The development also generated objections from nearby residents with regards to noise, view impacts and other matters relating to a development of this size and nature.

Therefore, as the development was not permissible in the current zoning, it was agreed to lodge an application to have the current site rezoned to make the development permissible – This rezoning application was included in the statutory consultation phase and lodged as part of the 2010/11 LEP submission which was subsequently adopted on 14 February 2011.

Current Status

As previously stated, the current TBK is in serious dilapidation. The asset is now at a point where the asset is no longer viable and could represent a major risk to Council.

Under the Administration of Mr N Porter, Recreation & Buildings were requested to review the development drawings to meet current BCA requirements, inclusive of all user needs and then to proceed to re-lodge a new Development Application inclusive of section 68 documentation and Construction Certificate documentation to make the development “investment ready” This request to bring all documentation and approvals up to date for this project and others was initiated in the event that we Council could pursue funding via the recent Regional Development Fund Australia (RDFA) round 4.

During the update of the drawings and supporting information for the new DA process it was identified by Mr Tony Blue (a consultant undertaking the planning report) that the reworked concept was unable to fit within the newly rezoned RE2 area at Town Beach. On advising the architect of this issue, the plans were subsequently modified through further consultation with MR and other stakeholders, with the proposed asset now within the planning zone.

During the redesign phase, Council staff investigated options to reduce the overall development footprint based on comments received by the Director of D&E and the Senior Planner of Council. Staff also took into account objections received from the previous development when originally lodged back in 2005 and modified the design to take where possible these into account.

Information on spatial requirements for the local marine rescue operations were also sought from NSW Marine Rescue in Sydney before progressing the design. This information was provided to the Architect, with only minor modifications still being required by the local MR.

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All of the above amendments continued to be reviewed prior to Council identifying which projects were to be progressed for the RDFA rounds 3 & 4. As Council is aware, ultimate determination was made to submit the Wauchope Memorial Pool as the preferred project under the Funding scheme as the pool project had development approval. Subsequently the Town Beach redevelopment project was placed on hold due to lack of funding. The project to date has not progressed any further.

Marine Rescue commenced operation of the Kiosk in late 2008, with a view to the building being replaced in 2009/10. Due to the permissibility issues and the lack of redevelopment, Marine Rescue have continued to operate the kiosk since that time without a formal lease and free of utility costs, with staff understanding that any profits raised from the Kiosk be maintained in a reserve to assist with future fit out of an upgraded building.

Marine Rescue over and above the kiosk operation is also responsible for their own maintenance of their Control Tower.

Options

It is now considered prudent that council choose a future direction for this site. The following four options are provided for consideration. Staff believe there remains a need for public amenities to be housed at the southern end of Town Beach as minimum and therefore the demolition and total removal without some building replacement has not been included as an option.

Option 1 Undertake a total facility upgrade and refurbishment of the current site and asset in its current form to resolve structural and appearance issues.(refer to dilapidation and structural report attached) This will extend the life of the asset by approximately another 10 to 15 years

Estimated Cost would be in the region of \$280,000.

This option allows for no expansion of the local radio room, one of the original drivers in 2004 of any proposed upgraded Marine Rescue facility.

Option 2 Demolish the current asset and construct a purpose built new asset which will house Marine Rescue, Restaurant/refreshment room, public amenities, first aid room, and surf life saving storage. This new asset with the inclusion of the restaurant will generate income in excess of \$100,000 per annum (based on a previous Expression of Interest) which will offset/nullify maintenance expenditure to reduce the burden on ratepayer funds. This new asset would have a life expectancy of 30 to 40+ years.

Drawings for this option are provided as a separate attachment to this report

Estimated Cost would be in the region of \$1,850,000.

Option 3 Demolish the current asset and construct a purpose built new asset which will house Restaurant/refreshment room, public amenities, first aid room, and surf life saving storage. Income from this option will still generate the same as option 2, inclusive of same life expectancy.

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This option removes Marine Rescue from the development, reduces the overall visual impact and height impact of the development on Town Beach for neighbouring properties and visitors to the beach and improves views to the surrounding area from the reduced development.

Marine Rescue would be required to relocate to their current operational radio/boat base in Buller Street - Port Macquarie. Options for collocation have also been prepared at this site - refer to attachment, although preliminary estimates have not been undertaken on such modifications at present.

This collocation has support from Marine Rescue NSW Sydney Office and is also in line with the Crown Lands Authority to consolidate/rationalise its Marine Rescue properties on Crown lands (Refer to letter from Crown Lands dated 16 September 2011 attachment)

Estimated Cost would be in the region of \$1,200,000 excluding modifications to the Buller Street facility.

Option 4 Demolish the current asset and construct a purpose built new asset which will house Café/Kiosk, public amenities, first aid room, and surf life saving storage. Income generated from this option will be reduced, due to the removal of the restaurant component of the development to around \$20,000 to \$30,000 lease income generation from the café; however, due to the size of the development maintenance costs should be commensurate. This option still requires relocation of Marine Rescue from the site as per option 3, but also reduces considerably the visual impact of the development on Town Beach to something reflecting the current size of development, but now meeting current modern design practices to compliment the surrounding areas. Life expectancy for asset - same as option 2

Estimated Cost would be in the region of \$650,000 excluding modifications to the Buller Street facility.

General

The following notes are provided:

- Full community consultation is required for any options adopted.
- Full statutory approvals are required for any options adopted.
- Full project design is required for any options adopted.
- No funding is currently available for any options presented.
- The option costs provided are estimated costs - cost plans with the exception of Option 2 are required to be undertaken once detailed information is at hand.
- Marine Rescue NSW (Head Office) have advised that observation of the "Hastings River Bar" can be undertaken remotely (CCTV) if required - there is no requirement to have a visual line of sight. Camden Haven MR is an example of this.

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Community Engagement & Internal Consultation

Marine Rescue – Port Macquarie

Marine Rescue NSW

Crown Lands Authority

Council Departments and Sections

Councils Executive

Planning & Policy Implications

Works and options are in align with Councils Community Strategic Plan - Focus Areas , 2, 3, 4 and 5

All options are permissible.

Financial & Economic Implications

No funds are identified for any of the options provided. Council can consider various funding options

- Council can consider seeking grant funding opportunities
- Council can choose to obtain a loan based on returns from the development
- Council can call for expressions of interest for a PPP (Public Private Partnership) funding model.
- Council can nominate the project within its Capital Works Program and secure funds from revenue and Section 94 contributions.

A cost plan has been prepared for the development in option 2, and this order of cost is in the region of \$1.85 million to construct the development.

Modification of Buller Street Marine Rescue facility has not been included in any estimated cost provided in the options. Council can decide to financially assist in the relocation of MR if that option is adopted or Council can accept that the income generated from the free operations of the TBK over the past years shall be Councils contribution towards the relocation.

Attachments

1. Delapidation report - Current Facility
2. Marine Rescue Options - Buller Street
3. Marine Rescue 2 - Buller Street
4. Marine Rescue 3 - Buller Street
5. Marine Rescue 4 - Buller Street
6. Crown Lands letter
7. Marine Rescue Restaurant Redevelopment Plans

Planning and Providing Our Infrastructure

Item: 12.09

Subject: 40 KMH PEDESTRIAN ZONE LAKE ROAD PORT MACQUARIE

Presented by: Infrastructure Services, Jeffery Sharp

Alignment with Delivery Program

5.1.1 Plan, investigate and design for the delivery of road and transport assets.

RECOMMENDATION

That Council implement the Lake Road 40 KMH high pedestrian zone in accordance with the approved designs.

Executive Summary

The proposed Lake Road 40 KMH pedestrian zone was reported to Council 12 December 2012 and was supported in principle subject to further community consultation. The proposal was exhibited up until 13 February 2013.

It is now proposed to proceed with implementation of the works in accordance with the approved designs.

Discussion

Council resolved at its meeting 12 December 2012 as follows;

That Council:

1. *Endorse the implementation of the Lake Road 40kmh High Pedestrian Activity Area.*
2. *Place the proposal on exhibition for community information and comment prior to implementation of the works for a period of sixty days,*
3. *Report to Council following closure of the exhibition period.*

A copy of the report to Council's December 2012 meeting is attached for information.

The works proposed to create the 40kmh zone essentially involve in addition to the existing works significant pavement markings and signage to reinforce to approaching traffic the speed zone.

Community comments have been received and are discussed under the Community Engagement & Internal Consultation section of this report.

Options

Council has the option to support the proposal, defer implementation or reject the proposal. It is recommended Council proceed with the proposal.

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Community Engagement & Internal Consultation

The proposal was exhibited from 20 December 2012 up until 13 February 2013 with four (4) written submissions received at the time of writing this report. Copies of the submissions are attached.

Submission 40 KMH Lake Road Speed Zone		Issue
1.	John Bishop	Should have been left as 60 kmh, if proceeds should be under restricted hours.
	Response/ Comment:	Restricted hours for 40kmh high pedestrian zones is not permitted under RMS Guidelines.
2.	Justin Hills	Keep the existing 50kmh, frustrating having to drive at 40kmh late at night.
	Response/ Comment:	40 kmh zone is proposed for added safety of pedestrian movements in the locality , forecasted to grow with development of the medical precinct and associated activities. Restricted hours for 40kmh high pedestrian zones is not permitted under RMS Guidelines.
3.	Kevin Piddick	Will create further congestion by drivers being pre occupied watching the speed limit. Claims very little pedestrian movements.
	Response/ Comment:	40 kmh zone is proposed for added safety of pedestrian movements in the locality , forecasted to grow with development of the medical precinct and associated activities.
4.	Dr Nick Confos	Supports the proposal , would like to see a marked crossing.
	Response/ Comment:	Marked crossing not proposed in place of refuges at this stage. Propose to monitor activity after implementation to determine need for any changes.

Planning & Policy Implications

The proposed works have no negative Planning & Policy Implications for Council. The proposal aligns with Councils objectives for improved road safety and access.

Financial & Economic Implications

The works are estimated to cost \$144,269 and are proposed to be funded \$104,269 NSW Government and \$40,000 Council 2012/13 Infrastructure Operational budgets.

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Roads & Maritime Services are responsible for administration of the grant, now two (2) months overdue for a construction commitment due to the community consultation required.

Attachments

1. Submission J Bishop
2. Submission K Piddick
3. Submission J Hills
4. Submission Dr J Confos
5. Council report December 2012

Planning and Providing Our Infrastructure

Item: 12.10

**Subject: DRAFT LEP 2011 (AMENDMENT NO 16) - PUBLIC SUBMISSIONS
[PP2011-0012] (PIN 42731)**

Presented by: Development & Environmental Services, Matt Rogers

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Submit the draft LEP 2011 (Amendment No 16) as exhibited for approval by the Minister.**
- 2. Thank, in writing, all those who made submission for their contribution and provide information on Council's decision on the matter.**

Executive Summary

Council has completed a series of administrative amendments to Local Environmental Plan 2011, which was prepared in line with the Standard Template requirements of the State Government. This report is in relation to the latest planning proposal to amend LEP 2011, which includes 15 corrections and refinements that could be made to the LEP.

Two submissions were received in response to the public exhibition of these proposed changes. One in particular requires judgement of whether to allow construction of dwellings on eight lots under complying development procedures, or under slower development application procedures which can allow for assessment of measures to mitigate traffic noise.

Discussion

Port Macquarie-Hastings Local Environmental Plan 2011 (LEP 2001) was prepared in accordance with State Government requirements, particularly around a LEP Standard Template. This template has been revised several times, including extensive changes just after the commencement of LEP 2011. Potential improvements to the LEP have been identified, particularly arising from:

- Details missed in the overall complexity of preparation of the LEP,
- Anomalies arising from the changes to the LEP template, and
- Recognition of areas for simplification or flexibility in the LEP.

The current batch of refinements covered by this report are described in the Planning Proposal (refer *Attachment 1*), and in summary relate to:

- 1 Land Use Table: Airstrips

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- 2 Land Use Table: Helipads
- 3 Land Use Table: Home-based child care
- 4 Land Use Table: Home industries
- 5 Land Use Table: Horticulture
- 6 Land Use Table: Roadside stall
- 7 Land Use Table: Vehicle repair station
- 8 Clause 5.6 Architectural roof features
- 9 Schedule 2 Exempt Development: farm dams
- 10 47 Cowarral Circ, Wauchope
- 11 Tennis complex, Orara St, Kendall
- 12 Port Macquarie Airport expansion: LEP update
- 13 Sunset Parade, Port Macquarie
- 14 2394 Oxley Highway, Wauchope
- 15 Floor Space Ratio Map anomalies, Port Macquarie

These items will not be discussed here except in relation to those for which submissions were received.

Item 11 - tennis courts at Kendall

Council is purchasing land from State Rail Authority for the provision of community tennis courts at Kendall. The R1 General Residential land use zone used over most of Kendall does not permit tennis courts ("recreation facilities (outdoor)"), and the proposed change is to zone RE1 Public Recreation. Details of the submission (which does not oppose the rezoning) are below.

Item 14 - 2394 Oxley Highway, Wauchope

This property was rezoned from Rural to Residential (8.6 ha) and Environment (1.2 ha) in May 2010, under *Hastings LEP 2001*. At that time it was recognised that the part of the property was adversely affected by road traffic noise, but there were no applicable provisions in LEP 2001.

LEP 2011 includes the following clause:

7.9 Development subject to acoustic controls

- (1) The objective of this clause is to ensure that development for residential or tourist purposes, or for any other purpose involving regular human occupation, on land subject to significant exposure to noise (including road traffic noise or extractive industry crushing plant operation noise) incorporates appropriate mitigation measures.
- (2) This clause applies to the land identified as "Subject to acoustic controls" on the Acoustic Controls Map.
- (3) Before granting development consent to development on land to which this clause applies, the consent authority must:
 - (a) consider the location of the development in relation to the relevant criteria set out in:
 - (i) *Environmental Criteria for Road Traffic Noise* published by the NSW Environment Protection Authority in May 1999, and
 - (ii) *NSW Industrial Noise Policy* published by the NSW Environment Protection Authority in January 2000, and

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- (b) be satisfied that the occupants of the development will not be subject to excessive noise, and
- (c) be satisfied that appropriate noise mitigation measures will be incorporated into the development to reduce noise to an acceptable level.

The timing of exhibition of the draft LEP 2011 precluded identification of the affected land as “Subject to acoustic controls” on the Acoustic Controls Map prior to finalisation of the LEP.

Such identification operates:

- a) to preclude complying development, as this does not involve any merit assessments that the clause requires, and
- b) requires the consent authority (usually Council) to address the requirements of subclause (3).

Consent was granted on 29 June 2010 for a 102 lot residential subdivision under the LEP 2001 controls. (DA2008-0019, with most recent modification approved on 27 October 2010). The development application included a *Road Traffic Noise Assessment* (November 2009) by Heggies Pty Ltd.

The noise assessment identified that without mitigation 20 proposed lots would be adversely affected by traffic noise from the Oxley Highway. With a 1.8 m high noise barrier the number of affected lots drops to eight, and only in relation to any second storeys. *Attachment 2* is a map of the approved subdivision identifying these 8 lots.

The consent conditions include:

E – PRIOR TO THE ISSUE OF OCCUPATION OR SUBDIVISION CERTIFICATE

- (26) (DE197) Pursuant to Section 88B of the Conveyancing Act 1919, a positive covenant shall be created to:
 - Require the proprietors of the land burdened (i.e. proposed lots fronting the Oxley Highway as identified in the Heggies Noise Report dated 23 November 2009) to maintain the noise fencing fronting Oxley Highway.
 - Advise the proprietors of the land burdened (i.e. lots affected by road noise as per Heggies Noise Report dated 23 November 2009) that specific construction measures may be required to ensure any second storey to a proposed residence maintains suitable noise protection within the structure.
- (27) (DE198) Prior to the release of the Subdivision Certificate for Stage 6, the approved noise fence is to be in place onsite as per the Heggies Noise Report dated 23 November 2009.

The draft LEP proposes to identify the affected land (i.e. the 8 lots) as “Subject to acoustic controls” on the LEP 2011 Acoustic Controls Map. The property is outlined in red on the map following.

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The road noise affected area is shown hatched and is near the Oxley Highway.

Having regard to the consent conditions, the advantages of the draft LEP are:

- Ensures that appropriate acoustic measures are incorporated for any second storey, for the benefit of future occupants, irrespective of what the initial builder might otherwise do. In part this is because a dwelling cannot be erected as complying development.

The disadvantage is:

- A single storey dwelling will require a development application, even though the noise fence could enable this to proceed as complying development.

The submission detailed below relates to these points.

Community Engagement & Internal Consultation

In line with Dept of Planning policies for community consultation, the Gateway Determination required a 14 day public exhibition period for this draft LEP. (Some draft LEPs require 28 days.) Having regard to the staggered dates that Council notices appear in local newspapers, the Planning Proposal (containing the draft LEP) was exhibited from Friday 26 October to Monday 12 November 2012.

Two submissions were received.

Submission	Issue
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Submission		Issue
1.	Tracy Carpenter <i>Attachment 3</i>	<u>Item 11 - tennis courts at Kendall</u> <ol style="list-style-type: none"> 1. Support the proposed rezoning and development of the tennis courts. 2. Concerned about impact on amenity of residents of Orara St - nightly use, lighting and car parking.
	Response/ Comment:	<ol style="list-style-type: none"> 1. It is noted that the submission supports this item within the draft LEP. 2. The concerns relate to aspects of the design and operation that will be considered and addressed in any development consent.
2.	Hopkins Consultants (Geraldine Haigh) on behalf of Tebran Pty Ltd <i>Attachment 4</i>	<u>Item 14 - 2394 Oxley Highway, Wauchope</u> <ol style="list-style-type: none"> 1. Single storey dwellings should not be captured by the proposed LEP amendment and could reasonably proceed under the Complying development provisions. 2. Section 5.3 of the Heggies Road Traffic Noise Assessment (Nov 2009) identifies that the second storey noise attenuation can be achieved simply by closing doors and windows facing the noise source. This means that special acoustic building treatments are not necessarily required for the second storey element to achieve the recommended Internal Noise Goals. 3. Whilst the resultant lots are subject to some road traffic noise exposure in the context of achieving Internal Noise Goals for the second storey, it is not considered "significant exposure" as referred to in the LEP clause. 4. The S88B instrument and physical presence of the noise fence would ensure that any purchaser of the allotments adjacent the Oxley Highway west of Wauchope is aware of the second storey considerations. 5. We note that the vast majority of homes in the Timbertown Estate are single storey and would suggest that inclusion of the land in the LEP Acoustic controls map may be overly limiting in the circumstances of the case.
	Response/ Comment:	<ol style="list-style-type: none"> 1. Agreed, however there is no simple means to distinguish the controls based on number of storeys. 2. These simple noise attenuation measures could then also require additional measures for ventilation and thermal comfort that could be missed in complying development. 3. Heggies' <i>Road Traffic Noise Assessment</i> indicates that there will be noise problems that need to be addressed. It is unlikely that all future residents would agree that there is no "significant exposure" to noise.

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Submission	Issue
	<p>4. The Section 88B instrument and physical presence of the noise fence could be misinterpreted as meaning that the problem has been addressed, or could be ignored by the initial buyer, to the detriment of future purchasers or occupants.</p> <p>5. The proposed controls will apply to 8 lots out of 102, as a safeguard for future residents. This is not overly limiting, merely additional assessment involving a temporary delay in gaining approval.</p>

Options

Excluding some cumbersome alternatives, Council has to choose between:

- Ensuring that complying development process is available for the erection of one and two storey dwellings upon the eight proposed lots thereby leaving the mitigation of noise impact largely to chance, or
- Ensuring that there is proper consideration and mitigation of potential noise in the design and construction of the future dwellings upon the eight lots, for the long term benefit of the future residents.

It should be noted that the difference in complying development and development application processing times for typical residential development is not significant (say 2 weeks) in the context of a dwelling construction timeline and ultimately the ongoing period of occupation of that dwelling (many decades).

Planning & Policy Implications

Overall, the 15 issues being addressed in the draft LEP amendments will facilitate appropriate development, and in some cases prohibit inappropriate development.

In relation to the proposed changes for 2394 Oxley Highway, Wauchope, it is considered that on balance that application of the acoustic controls in the LEP provides the best outcome for future residents and the community.

Financial & Economic Implications

For several of the proposed amendments action now avoids future delays for relevant development, along with avoiding the associated costs for Council and the community in making urgent LEP amendments at that time.

Attachments

1. Planning Proposal for draft LEP 2011 Am 16 (excl maps)
2. Lot Layout showing 8 noise affected lots if noise wall used
3. Submission regarding Kendall tennis courts
4. Submission regarding 2394 Oxley Hwy, Wauchope

Planning and Providing Our Infrastructure

Item: 12.11

**Subject: REZONING REQUEST - MAJOR INNES ROAD, PORT MACQUARIE
[PP2011-0014] (PIN 49105)**

Presented by: Development & Environmental Services, Matt Rogers

Alignment with Delivery Program

5.4.2 Undertake planning for a series of prioritised residential land releases including urban consolidation initiatives in major centres.

RECOMMENDATION

That Council:

1. Prepare a draft planning proposal, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979 for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to Lots 6-8 DP 1094444 and Lots 101 and 102 DP 1134660 and adjoining roads, Major Innes Road, Port Macquarie, as described in this report.
2. Forward the draft planning proposal to the Department of Planning and Infrastructure for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56 - 58 of the Environmental Planning and Assessment Act, 1979.
3. Request that the Director General of the Department of Planning & Infrastructure issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 59 of the Act in respect of the planning proposal.

Executive Summary

On the eastern side of Major Innes Road, Port Macquarie are several parcels of land zoned RU1 Primary Production. The State Government's *Mid North Coast Regional Strategy 2006 -2031* identifies this land as "Proposed Future Urban Release Area", though subject to "Indicative areas of high level constraints".

The purpose of this report is to commence the planning process to amend Port Macquarie-Hastings Local Environmental Plan 2011 to facilitate development on the subject land, which is a key urban consolidation site adjoining the Major Innes Shopping Centre and other land zoned for urban development.

A submission has been received from the applicant in relation to the rezoning of the land and has been subject to assessment by Council staff. Having regard to this assessment, it is recommended that a planning proposal be referred to Local Planning Panel of the NSW Department of Planning & Infrastructure.

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Based on evaluation of the delegation criteria from the Department of Planning and Infrastructure, it is proposed to request delegation of the power to finalise the plan, as referred to in Point 2 of the recommendation.

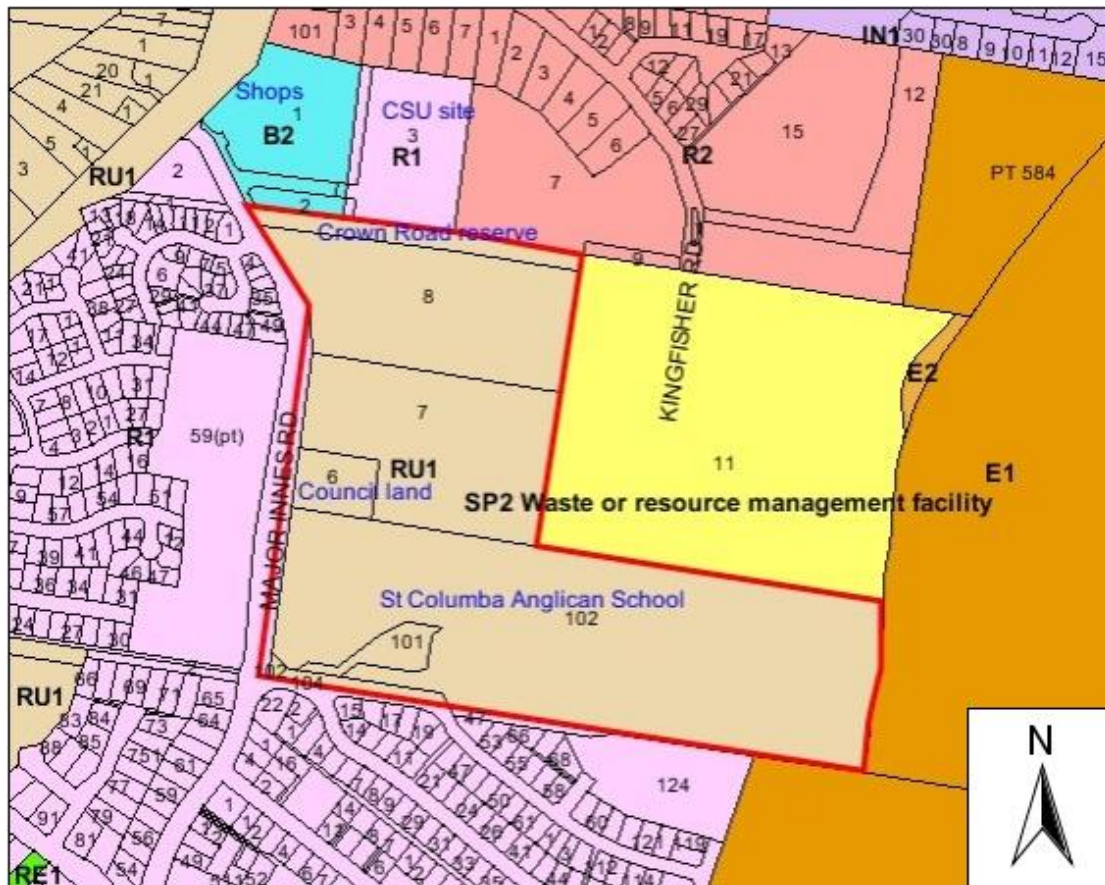
Discussion

The urban expansion of Port Macquarie to the south west has bypassed land on the eastern side of Major Innes Road for several reasons, particularly:

- proximity to an active waste disposal facility,
- partially flood liable,
- uncertainty as to whether the land might be affected by roads associated with a proposed additional crossing of Kooloonbung Creek.

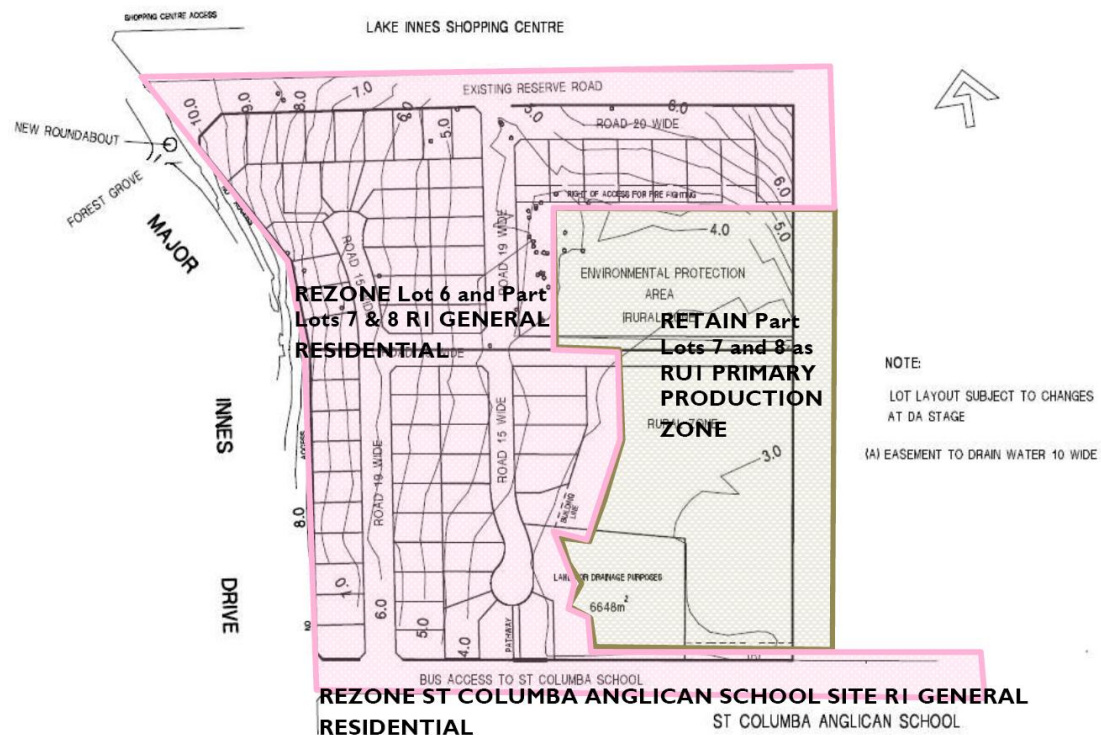
This land is outlined red on the map following. Note that it includes:

1. St Columba Anglican School. Although previously it was developed under a rural zoning, further school expansion or alterations are complicated under the current (State and LEP) planning controls.
2. Part of Major Innes Road - any LEP amendment would involve amendment to several mapping layers, some of which would be left with anomalies unless the amendments extend over part of the road.
3. Lot 6 - owned by Council to serve as a drainage reserve in conjunction with development of land to the west. Development following rezoning would require relocation of this drainage reserve further to the east.



In addition, in recent years State Government policies have required that any urban rezoning must be in accordance with approved urban land release strategies, with limited exceptions. In recognition of the character of this land, the State Government's *Mid North Coast Regional Strategy 2006 -2031* identified this land as "Proposed Future Urban Release Area", though subject to "Indicative areas of high level constraints".

The rezoning proposal was submitted by All About Planning, acting on behalf of the landowners for Lots 7 and 8, but also incorporating the rezoning of the St Columba Anglican Schools, who wish to have the school rezoned also. It is a practical and efficient outcome to deal with this on this basis. The rezoning proposal submitted is summarised in the figure below:



1. The Crown road reserve at the northern end - contains koala food trees and Endangered Ecological Community (EEC) trees that would require additional investigations and assessments if they are proposed to be removed.
2. The northern area shown to be retained as RU1 contains EEC and should be zoned E2 Environmental Conservation. In addition, there should be protective buffers (eg E3 zoning) around it to protect its environmental integrity, in accordance with Council policy.

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3. The north-eastern corner proposed to be zoned residential is subject to bushfire risk from 3 sides, and appropriate subdivision seems impractical. In addition to EEC buffer requirements, there is no provision for adequate visual screening or noise mitigation from the existing waste management or resource management facility to the east.
4. The eastern and some of the northern portion of the St Columba Anglican School site is flood liable and should not be zoned for urban purposes.
5. In relation to residue land within urban areas, an RU1 Primary Production zone is inappropriate, given the range of permissible uses more suited to rural areas.



Map note: Flood Planning Area shown in blue fill. Additional extent of Probable Maximum Flood is shown with blue hatching - this is only relevant to particular developments.

Part of the land is also subject to identification of acid sulfate soils, though the only area for potential development that this affects is filled land within St Columba Anglican School. This should not cause any significant issues for that land - only relevant if works disturb the natural ground surface.

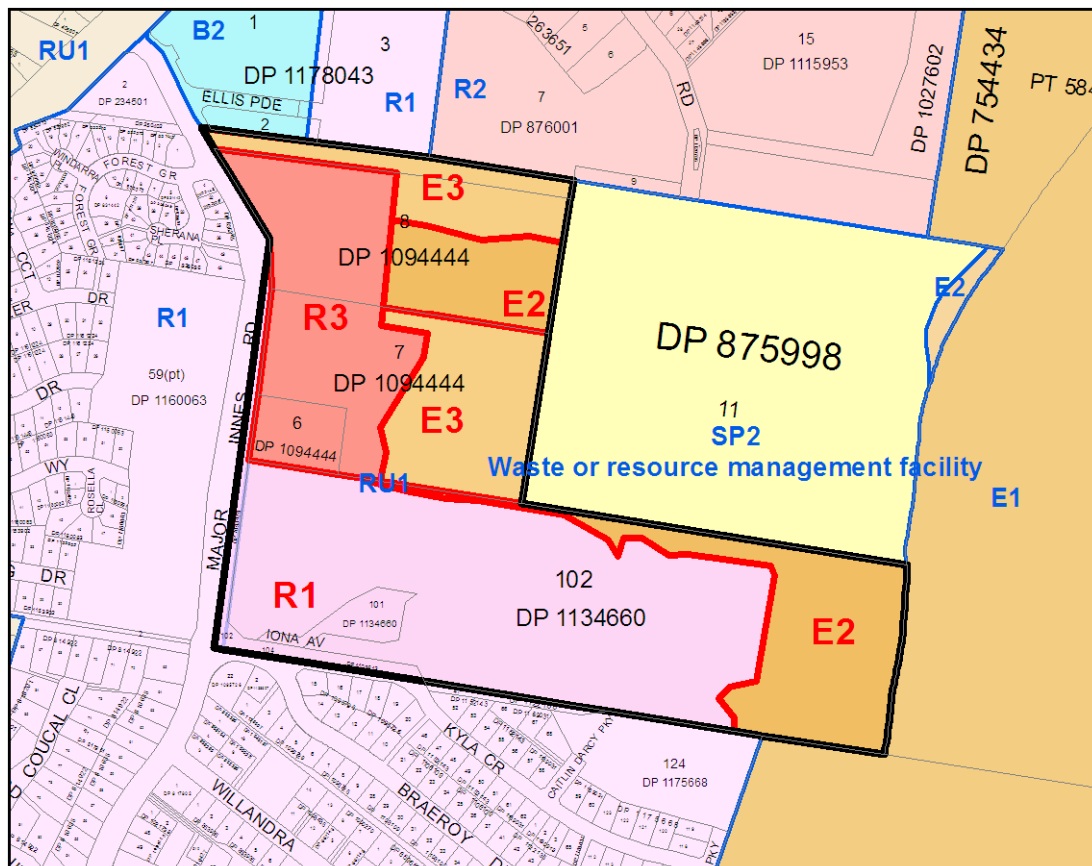
To proceed in line with the proposal as submitted would require, prior to finalisation of the LEP:

- More detailed bushfire assessment and management proposals,
- Koala Plan of Management,
- Environmental assessment and vegetation management plan for the EEC land,
- Consideration of visual and acoustic measures for the northeast corner.

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In addition, given the proximity to the Lake Innes Shopping Centre, it would be appropriate to facilitate medium density development with a R3 Medium Density Residential zone. This would also be desirable having regard to the proposed Charles Sturt University campus adjoining those shops. Accordingly, the recommended changes to the LEP are as follows.

Land Use Zoning Map



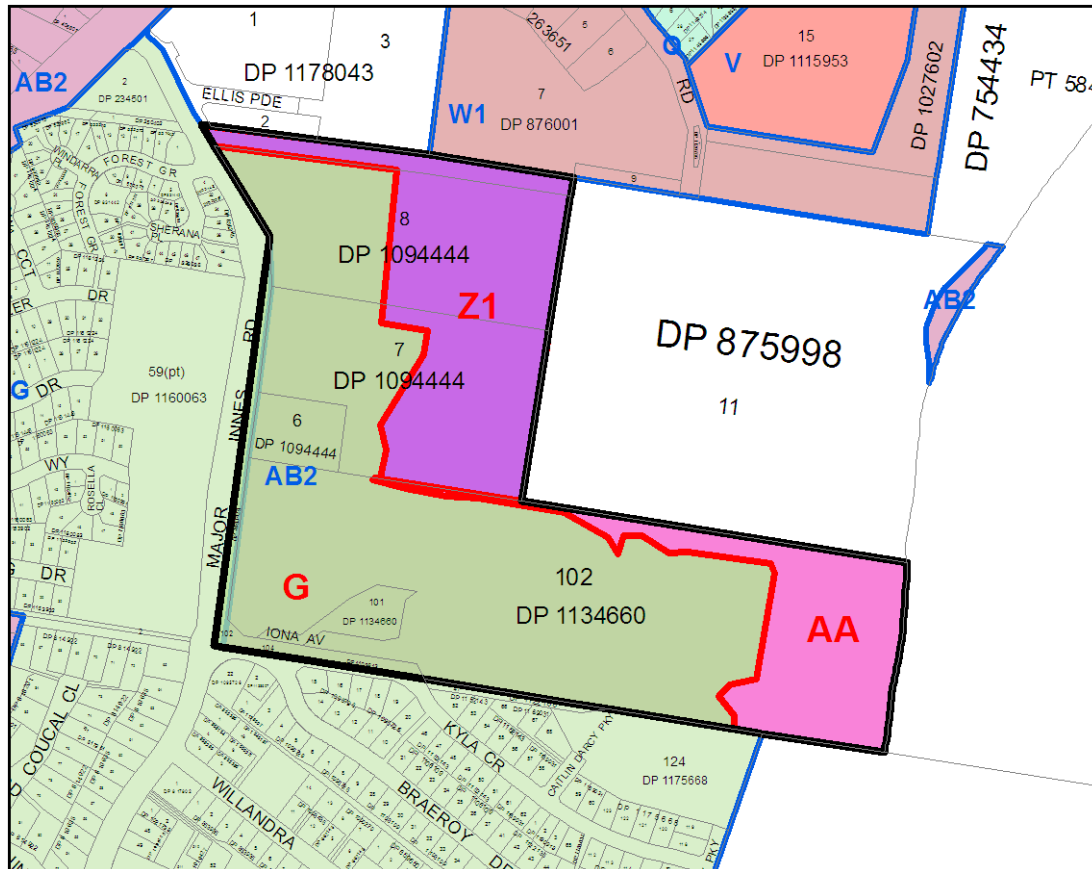
Blue lines and lettering - current provisions; Red lines and lettering - proposed provisions.

The proposed zone labels, shown in red above, represent:

- B2 Local Centre
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management - *this can permit dwelling houses, but minimum lot size requirements will be applied to control this.*
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- SP2 Infrastructure (with a specific purpose designated).

It is anticipated that a perimeter road will be located on the western side of the northern E2 area and that compensatory planting will be located in the proposed E3 zone to the north of the proposed E2 zone.

Lot Size Map



INFRASTRUCTURE



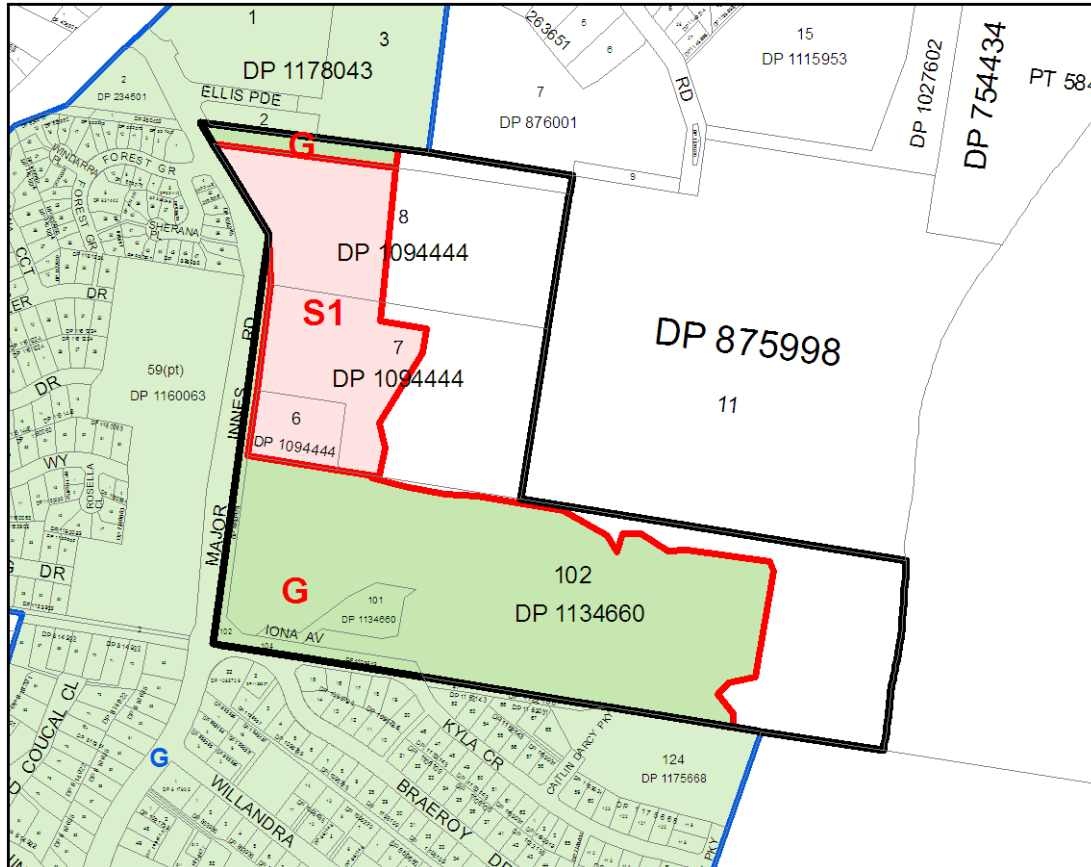
PORT MACQUARIE
HASTINGS

- G - 450 sq m,
- Q - 700 sq m,
- V - 2000 sq m,
- W1 - 3000 sq m,
- Z1 - 2 Ha,
- AA - 6 Ha, and
- AB2 - 40 Ha.

The 2 hectare minimum (Code Z1) will allow a dwelling house on the E3 zone on the northern lot, when combined with the E2 land on that lot, and also on the E3 area on the southern lot, even with excision of a 6000 sq m drainage reserve lot.

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Floor Space Ratio Map



Blue lines and lettering - current provisions; Red lines and lettering - proposed provisions.

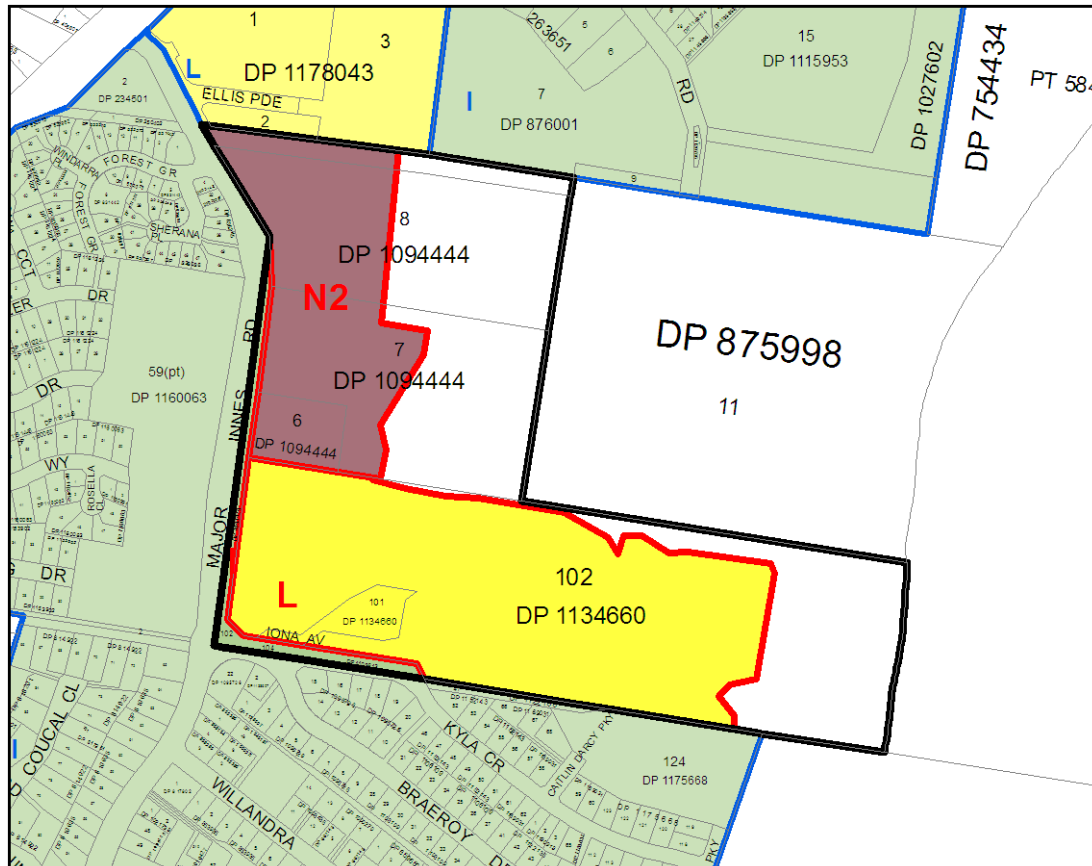
The proposed new codes, shown in red above, refer to maximum floor space ratios as follows:

- G - 0.65 : 1
- S1 - 1.5 : 1.

The 1.5 : 1 FSR is suggested as a means of facilitating medium density development. Only with optimum site characteristics (including relationship with adjoining land) and quality design is it anticipated that this would be achieved. The preceding FSR (N - 1.0 : 1) is considered too restrictive.

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Height of Buildings Map



Blue lines and lettering - current provisions; Red lines and lettering - proposed provisions.

The proposed new codes, shown in red above, refer to maximum building heights (measured to the roof top) of:

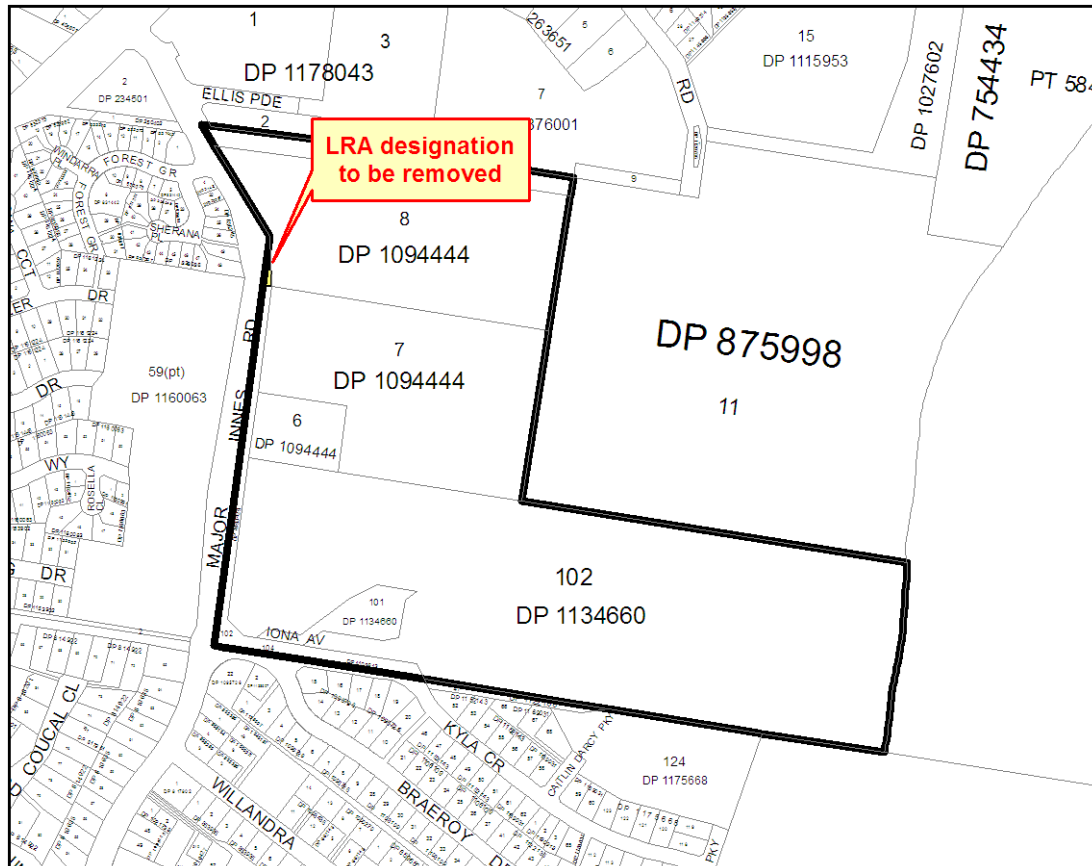
- I - 8.5 m (i.e. 2 storeys for residential development),
- L - 11.5 m (i.e. 3 storeys for residential development),
- N2 - 14.5 m (i.e. 4 storeys for residential development).

The 4 storey limit is suggested as a means of facilitating medium density development. Only with optimum site characteristics (including relationship with adjoining land and space for adequate setbacks) and quality design is it anticipated that this would be achieved.

The equivalent of 3 residential storeys is proposed as the maximum height for St Columba Anglican School.

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Land Reservation Acquisition Map



The Land Reservation Acquisition Map identifies a small area of Major Innes Road as being required for public acquisition for local road. As this has now occurred, it is appropriate to amend the relevant map sheet by removing this feature.

Options

Council could opt to defer the referral of the draft LEP to the Gateway Panel pending further consultation with the applicant in relation to one or more issues, including those canvassed in this report.

Council could also apply DCP provisions that provide specific direction on how the land is to be developed. However, it is considered that the recommended rezoning minimises the need for this.

For the land proposed to be zoned R3 Medium Density Residential a larger minimum lot size could be required, to avoid small lot subdivision that could hinder subsequent medium density development. In seeking to balance achieving medium density development and providing flexibility for any subdivision, it is recommended that flexibility be allowed.

Community Engagement & Internal Consultation

There has been internal consultation relating to the proposed rezoning, and this has guided the revisions submitted for adoption.

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There has been liaison with the proponents in relation to the issues identified, and discussions over how they are resolved.

Subject to Council's resolution on this matter, the proposed rezoning will be referred to the Local Planning Panel of the Department of Planning and Infrastructure for a "Gateway determination". In line with usual practice, it is expected that the proposal will subsequently be placed on public exhibition for 14 - 28 days. If there are any objections or significant changes proposed, a further report will be submitted to Council.

Planning & Policy Implications

The proposal is one of the implementation actions in Urban Growth Management Strategy 2011-2031.

Financial & Economic Implications

The proposal will facilitate infill urban development, which will support economic development with no significant costs to Council.

Council owns Lot 6 DP1094444, which is a drainage reserve created in conjunction with road widening and to service subdivision of land to the west. The proposed rezoning will facilitate residential development and the proponents have proposed relocating the drainage reserve. The proposed outcome is to relocate the drainage reserve to the east, thereby enabling Lot 6 to be developed for residential purposes. It is anticipated that the ownership of Lot 6 would transfer to the owner of Lot 7 and that Council would have title to land containing the new drainage reserve to the east. Details of the cost of transfer of titles have not been determined, however, it is anticipated that there will be no financial gain or loss for Council in this matter.

Attachments

Nil

Planning and Providing Our Infrastructure

Item: 12.12

Subject: CROWN LANDS DIVISION, DEPARTMENT OF PRIMARY INDUSTRIES - ACCEPTANCE OF PUBLIC RESERVES MANAGEMENT FUND PROGRAM GRANTS

Presented by: Community & Cultural Development, Lesley Atkinson

Alignment with Delivery Program

5.3.2 Construct new and upgrade existing open spaces and recreational facilities.

RECOMMENDATION

That Council accept the following grant offers from the Public Reserves Management Fund Program:

- 1. Hamilton Green Reserve \$20,000**
- 2. Lorne Recreation Reserve \$4,000**
- 3. Bain Park \$7,500**

Executive Summary

Correspondence dated 21 January 2013, has been received from The Hon Andrew Stoner, advising Council that it has been successful in obtaining three grants from the Public Reserves Management Fund (PRMFP):

1. Hamilton Green - \$20,000
2. Lorne Recreation Reserve - \$4,000
3. Bain Park Rotary Youth Hall - \$7,500

Discussion

On 25 July 2012, Council submitted 3 grant applications to the (PRMFP). The applications were for:

1. Hamilton Green - seal the two access driveways and various carparking areas on the reserve.
2. Lorne Recreation Reserve - replace rotted flooring sheets within the hall and install mechanical ventilation to ventilate the subfloor area, to prevent further rotting of the floor.
3. Bain Park - replace the deteriorated timber windows of the PMHC owned Rotary Youth Hall with aluminium windows and security screens to improve security of the building and to prevent water entry into the structure.

Options

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Council has the option to accept the grant funds offered from the PRMFP or to decline the grants

Community Engagement & Internal Consultation

The Hamilton Green User Groups, the Lorne Recreation Centre s355 Committee and the Wauchope Rotary Club and Wauchope Rotary Youth Hall s355 Committee were consulted on these grant applications.

Planning & Policy Implications

Nil.

Financial & Economic Implications

If Council chooses to accept the funds offered, the remaining funds needed to complete all three projects will be sourced from external sources or from existing Council budgets.

Attachments

Nil