



# Ordinary Council

## Business Paper

**date of meeting:** Wednesday, 19 February 2014

**location:** Council Chambers  
17 Burrawan Street  
Port Macquarie

**time:** 5.30pm

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



**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.
- 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 Group Manager Governance & Executive Services prior to the commencement of the meeting.
- Where speakers wish to make an audio visual presentation, a copy is to be provided to the Group Manager Governance & Executive Services by 4.30pm on the day prior to the Council Meeting.
- Council will permit only two (2) speakers "Supporting" and two (2) speakers "Opposing" the *Recommendation* contained in the Business Paper. If there are more than two speakers supporting and opposing, the Mayor will request the speakers to determine who will address Council.

### Addressing Council in the Public Forum:

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

- Completing the *Request to Speak in the Public Forum at Ordinary Council Meeting*, which can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.
- On-line at <http://www.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, 19 February 2014

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**PORT MACQUARIE  
HASTINGS**

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

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"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."

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

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

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**Item: 03****Subject: APOLOGIES**

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 18 December 2013 be confirmed.

That the Minutes of the Extra-Ordinary Council Meeting held on 10 February 2014 be confirmed.

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**PRESENT****Members:**

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

**Other Attendees:**

General Manager (Tony Hayward)  
Director of Infrastructure & Asset Management (Jeffery Sharp)  
Acting Director of Commercial Services & Industry Engagement (Rebecca Olsen)  
Director of Development & Environment (Matt Rogers)  
Director of Community & Organisational Development (Lesley Atkinson)  
Group Manager Governance & Executive Services (Stewart Todd)  
Communications Officer (Media/PR) (Stuart Carless)  
Governance Support Officer (Bronwyn Lyon)

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The meeting opened at 5.30pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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

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**02 LOCAL GOVERNMENT PRAYER**

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Pastor Carl Moses delivered the Local Government Prayer.

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**03 APOLOGIES**

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Nil.

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**04 CONFIRMATION OF MINUTES**

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*RESOLVED: Levido/Hawkins*

That the Minutes of the Ordinary Council Meeting held on 20 November 2013 be confirmed.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**05 DISCLOSURES OF INTEREST**

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Councillor Cusato declared a Pecuniary Interest in Item 10.01 - Port Macquarie Airport Master Plan 2010 Addendum Report - Consultation Report, the reason being that Councillor Cusato's company owns a hangar at the Airport.

Councillor Cusato declared a Non-Pecuniary, Insignificant Interest in Item 10.03 - 18 John Oxley Drive, Port Macquarie - Business Rezoning, the reason being that Councillor Cusato is a retailer in the Port Macquarie Greater CBD.

Councillor Roberts declared a Pecuniary Interest in Item 10.03 - 18 John Oxley Drive, Port Macquarie - Business Rezoning, the reason being that Councillor Roberts has a close family member who owns a nearby bulky goods property and may be financially impacted by any decision on this item.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.14 - Planning Options - Incentives for Redevelopment of Flood Affected Short Street Properties, the reason being that Councillor Levido is a partner of Port Macquarie Law Firm, Donovan Oates Hannaford Lawyers which acts for a landowner who owns commercial premises in the relevant section of Short Street which is severely affected by the stormwater flooding issue.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.15 - Rainbow Beach Central Corridor Planning Agreement Deed of Variation, the reason being that Councillor Levido partner of Port Macquarie Law Firm, Donovan Oates Hannaford Lawyers which acts for a related party of the landowner the subject of the planning agreement.

Councillor Griffiths declared a Pecuniary Interest in Item 10.03 - 18 John Oxley Drive, Port Macquarie - Business Rezoning, the reason being that the proponent discussed in the report would be a direct competitor of Councillor Griffiths' business.

Councillor Griffiths declared a Non-Pecuniary, Insignificant Interest in Item 12.11 - Tender T-13-35 Provision of Civil Construction Services, the reason being that a tenderer is a customer of Councillor Griffiths' business.

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Councillor Griffiths declared a Pecuniary Interest in Item 12.12 - Tender T-13-32 Supply & Delivery of Chemicals, the reason being that Councillor Griffiths is a Director of her company (business) which receives supplies from tendering companies.

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#### **06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS**

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*MOVED: Besseling/*

That the Mayoral Discretionary Fund allocations for the period 8 November to 5 December 2013 be noted.

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

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#### **06.02 ROCKS FERRY RESERVE, WAUCHOPE**

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*MOVED: Besseling/*

That Council note the current proposed action to return Rocks Ferry Reserve at Wauchope to its former state.

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

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#### **06.03 PORT MACQUARIE INDOOR STADIUM**

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*MOVED: Besseling/*

That Council be provided with an update report, including project plan, to the February Council Meeting.

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

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**SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Besseling/Roberts*

That Standing Orders be suspended to allow 08.01 to be brought forward and considered next.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**08.01 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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*RESOLVED: Intemann/Sargeant*

That Council determine that the attachments to Item numbers 08.10, 11.03, 11.04, 12.07, 12.09, 12.10, 12.11 and 12.12 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, Roberts, Sargeant and Turner*

*AGAINST: Nil*

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**07 PUBLIC FORUM**

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

1. Mr Patrick McEntee regarding signage for Hastings Farmers' Market.
2. Mr Mark Pilgrim regarding ARRB review of maintenance and construction practices. The Mayor further advised that Mr Pilgrim has withdrawn his application to address.

*RESOLVED: Besseling/Roberts*

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

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**07.01 SIGNAGE FOR HASTINGS FARMERS' MARKET**

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Mr Patrick McEntee, representing the Hastings Farmers' Market, addressed Council in regard to signage for the Hastings Farmers' Market and answered questions from Councillors.

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**REQUESTS TO SPEAK ON AN AGENDA ITEM**

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

Item 09.05 - Mr Aaron Patton in support of the recommendation  
Item 10.03 - Mr Tony Thorne in support of the recommendation.  
Item 12.02 - Mr Craig Carroll in support of the recommendation.  
Item 12.05 - Mr John Fulton in support of the recommendation.  
Item 12.06 - Mr Andrew Meldrum in support of the recommendation.  
Item 12.06 - Mr Terrance Stafford in opposition of the recommendation.  
Item 12.11 - Ms Peta Pinson in opposition of the recommendation.  
Item 12.13 - Mrs Priscilla Flemming in opposition of the recommendation.  
Item 12.16 - Ms Judith Plunkett in support of the recommendation.

*RESOLVED: Levido/Cusato*

That the requests to speak on an agenda item be acceded to, save and except the request from Ms Peta Pinson due to tender T-13-35 not yet having been determined by Council and advice received from Council's solicitors.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Roberts/Griffiths*

That Standing Orders be suspended to allow Items 09.05, 10.03, 12.02, 12.05, 12.06, 12.11, 12.13 and 12.16 to be brought forward and considered next.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**09.05 HASTINGS YOUTH ADVISORY COUNCIL END OF YEAR REPORT**

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Mr Aaron Patton, representing the Port Macquarie-Hastings Youth Advisory Council, addressed Council in support of the recommendation, displayed a presentation and answered questions from Councillors. The Mayor congratulated Mr Patton the Port Macquarie-Hastings Youth Advisory Council achievements for 2013.

*RESOLVED: Turner/Roberts*

That Council note:

1. 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 2013.
2. The Port Macquarie-Hastings Youth Advisory Council was a finalist in all three categories of New South Wales State Local Government Awards for the 2013 Youth Week Program.
3. The Port Macquarie-Hastings Youth Advisory Council won the Best Local Youth Week Program in the New South Wales State Local Government Awards for the 2013 Youth Week Program.
4. The Port Macquarie- Hastings Youth Advisory Council has updated the Hastings Youth Services Directory turning it into a free smart phone App to assist young people, parents, teachers, and community members to support young people.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**10.03 18 JOHN OXLEY DRIVE, PORT MACQUARIE - BUSINESS REZONING (PP2011-7.2)(PIN 48392)**

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Councillor Cusato declared a Non-Pecuniary, Insignificant Interest in this matter and remained in the room during the Council's consideration.

Councillor Roberts declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 06:07pm.

Councillor Griffiths declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 06:08pm.

Mr Tony Thorne, representing King and Campbell Pty Ltd and on behalf of Port Macquarie Investments Pty Ltd, addressed Council in support of the recommendation and answered questions from Councillors.

*RESOLVED: Intemann/Turner*

That Council:

1. Defer a decision on whether to proceed with the planning proposal (LEP amendments, DCP amendments and planning agreement) for 18 John Oxley Drive, Port Macquarie, pending the resolution of traffic matters as described in this report.
2. Consider the outcomes of the further investigations and consultations in a further report in early 2014.

*CARRIED: 7/0*

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

*AGAINST: Nil*

Councillor Roberts returned to the meeting, the time being 06:31pm.

Councillor Griffiths returned to the meeting, the time being 06:31pm.

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## **12.02 PAUL SHELDON OVAL NAMING PROPOSAL**

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Mr Craig Carroll, representing the Port Macquarie Magpies AFL Club, addressed Council in support of the recommendation.

*RESOLVED: Sargeant/Levido*

That Council:

1. Make application to the Geographical Names Board to formally adopt the name "Wayne Richards Park" as a sportsground.
2. Apply the name "Paul Sheldon Oval" to the new AFL/cricket field situated within Wayne Richards Park and that suitable sign(s) be placed at, or near to, the oval.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## 12.05 GAOL POINT/LIONS LOOKOUT DRAFT CONCEPT PLAN

---

Mr John Fulton, representing the Port Macquarie Lions Club Inc., addressed Council in support of the recommendation and answered questions from Councillors.

*RESOLVED: Turner/Intemann*

That Council engage with the three Lions Clubs in Port Macquarie to further develop a draft concept plan for Gaol Point/Lions Lookout that can be brought back to Council to be placed on public exhibition early in 2014.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## 12.06 PORT MACQUARIE SPORTSFIELD MASTERPLANS

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Mr Andrew Meldrum, representing Port Macquarie-Hastings Hockey Association, addressed Council in support of the recommendation and answered questions from Councillors.

Mr Terrance Stafford, representing the Port Macquarie Football Club, addressed Council in opposition to the recommendation. (spoke in relation to Tuffins Lane) answered questions from Councillors.

*RESOLVED: Griffiths/Turner*

That Council:

1. Adopt the Port Macquarie Sportsfield Masterplans as presented.
2. Recognise the constraints within the existing funding agreement and explore with the Federal Government a modification to the existing funding agreement for Wayne Richards Park Stage 3 to allow for delivery of a new multi-use synthetic turf field at Wayne Richards Park.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**12.11 TENDER T-13-35 PROVISION OF CIVIL CONSTRUCTION SERVICES**

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Councillor Griffiths declared a Non-Pecuniary, Insignificant Interest in this matter and remained in the room during the Council's consideration.

**MOTION**

*MOVED: Griffiths/Turner*

That Council:

1. Accept tenders from the following suppliers to be appointed to a panel of suppliers for the Provision of Civil Construction Services for the period 1 January 2014 to 31 December 2014 with a further twelve (12) month option available (at Council's sole discretion):
  - a) Ditchfield Contracting Pty Ltd;
  - b) Deklax Pty Ltd (Bridle Group)
  - c) C & C Baker
2. Affix the Council seal to the necessary documents.

*RESOLVED: Besseling/Roberts*

That that this item be deferred to allow consideration of this item in Confidential Council.

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

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**12.13 EXTENSION OF THE COASTAL WALKWAY THROUGH JOHNATHON DICKSON RESERVE (PIN 43834)**

---

Mrs Priscilla Flemming, representing the Lake Cathie Landcare Group Inc., addressed Council in opposition to the recommendation and answered questions from Councillors.

**MOTION**

*MOVED: Sargeant/Roberts*

That Council:

1. Seek the necessary formal approvals for the construction of a walkway through the southern end of Jonathon Dickson Reserve and involve the local Landcare Group in the development and management of the walkway.
2. List for consideration in the 2014 - 2015 Budget.



**FORESHADOWED MOTION**

*MOVED: Levido/Hawkins*

That this matter be deferred to enable Council's Director of Development & Environment to bring a report back to Council at its March 2014 Council Meeting addressing in particular the matters raised by the representative of the Lake Cathie Landcare Group Inc. and include a workable option as to the extension of the walking track through the Jonathon Dickson Reserve.

*RESOLVED: Sargeant/Roberts*

That Council:

1. Seek the necessary formal approvals for the construction of a walkway through the southern end of Jonathon Dickson Reserve and involve the local Landcare Group in the development and management of the walkway.
2. List for consideration in the 2014 - 2015 Budget.

*CARRIED: 7/2*

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

*AGAINST: Hawkins and Levido*

*THE FORESHADOWED MOTION WAS NOT DEALT WITH FURTHER*

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**12.16 URBAN REGENERATION PROJECT: URBAN DESIGN REPORT**

---

Ms Judith Plunkett addressed Council in support of the recommendation.

*RESOLVED: Roberts/Cusato*

That Council:

1. Note the recommended changes to Council's Local Environmental Plan and Development Control Plan described in the Urban Design Report.
2. Publicly exhibit the Urban Design Report for a period of 28 days in accordance with the attached community engagement plan.
3. Thank the members of the Community Reference Group for their enthusiastic participation and valuable advice.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**08.02 STATUS OF OUTSTANDING REPORTS TO COUNCIL - DECEMBER 2013**

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Councillor Hawkins left the meeting, the time being 07:37pm.

*RESOLVED: Intemann/Sargeant*

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

*CARRIED: 8/0*

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

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**08.03 RECOMMENDED ITEM FROM AUDIT COMMITTEE - AUDIT COMMITTEE CHARTER**

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*RESOLVED: Levido/Cusato*

That Council:

1. Adopt the revised Audit Committee Charter, as attached.
2. Appoint Councillor Griffiths to the Audit Committee, as Council's second Councillor Representative.

*CARRIED: 8/0*

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

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**08.04 DISCLOSURE OF INTEREST RETURN**

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Councillor Hawkins returned to the meeting, the time being 07:39pm.

*RESOLVED: Intemann/Griffiths*

That the Disclosure of Interest return for Development Assessment Planner be noted.

*CARRIED: 9/0*

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

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**08.05 MONTHLY REVIEW OF FINANCIAL POSITION - NOVEMBER 2013**

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*RESOLVED: Intemann/Cusato*

That Council adopt the adjustments included in the "Financial & Economic Implications" section of the Monthly Review of Financial Position report for November 2013.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**08.06 INVESTMENTS - NOVEMBER 2013**

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*RESOLVED: Sargeant/Hawkins*

That Council receive and note the Investment Report for the month of November 2013.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**08.07 ESTABLISHMENT OF A BUDGETARY GAINS HOLDING ACCOUNT**

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*RESOLVED: Hawkins/Turner*

That Council:

1. Review the Monthly Financial Position Report, incorporating:
  - a) Consultation with the Finance and Governance Portfolio.
  - b) Analysis of the process, methodology and display format with a view to providing greater detail and transparency.
  - c) The report being presented to the May 2014 Ordinary Meeting of Council.
2. Review and report, to the February 2015 Ordinary Meeting of Council, on the establishment of a transition or holding account, noting that the new monthly budgeting system will have been in operation for six (6) months.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**08.08 LOCAL GOVERNMENT GRANTS COMMISSION**

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*RESOLVED: Griffiths/Hawkins*

That Council note the 2013-2014 Grant calculations provided by the Local Government Grants Commission for Port Macquarie-Hastings Council.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**08.09 ORGANISATIONAL SUPPORT FOR THE PROCUREMENT STRATEGY**

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*RESOLVED: Hawkins/Turner*

That Council:

1. Note the information contained in this report relating to how organisational support for the Procurement Strategy will be implemented and managed.
2. Include in the General Manager's performance management plan for the remainder of 2013-2014 and for financial year 2014-2015 the following measures relating to the Procurement Strategy:
  - Ensure that all employees are aware of and comply with Council's procurement policy and procedures.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**08.10 GLASSHOUSE SUB-COMMITTEE**

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*RESOLVED: Roberts/Hawkins*

That Council:

1. Note the amendments made to the Glasshouse Sub-Committee Charter and adopt the revised Charter.
2. Appoint the following people as independent members of the Glasshouse Sub-Committee for a twenty-four (24) month term commencing from the first meeting date of the Glasshouse Sub-Committee:
  - Mr Adam Button
  - Ms Moira Magrath
  - Mr William Grubb
  - Dr Jennifer Hutchison
3. In writing, formally advise all persons who submitted an expression of interest to join the Glasshouse Sub-Committee of the outcome.
4. Disband the Regional Gallery Advisory Board.

- 
5. That Councillor Adam Roberts be appointed as the Chair of the Glasshouse Sub-Committee and Councillor Rob Turner as the second Councillor on the Sub-Committee.

CARRIED: 9/0

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

AGAINST: Nil

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#### 08.11 2013 - 2014 OPERATIONAL PLAN QUARTERLY PROGRESS REPORT

---

RESOLVED: Roberts/Cusato

That Council note the attached 2013 - 2014 Operational Plan Performance Report for the July - September quarter.

CARRIED: 9/0

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

AGAINST: Nil

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#### 08.12 2013 - 2014 OPERATIONAL PLAN MODIFICATIONS

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RESOLVED: Levido/Turner

That Council adopt changes to the 2013 - 2014 Operational Plan actions as detailed in this report.

CARRIED: 9/0

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

AGAINST: Nil

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#### 09.01 DONATIONS TOWARDS BUILDING AND DEVELOPMENT APPLICATIONS FEES FOR CHARITABLE AND NON-PROFIT ORGANISATIONS

---

RESOLVED: Roberts/Hawkins

That Council:

1. Approve the donations for reimbursement of Development Application fees as detailed in the report.
2. Delegate to the General Manager the authority to approve reimbursements to charitable and non-profit organisations in line with Council's Policy.

CARRIED: 9/0

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

AGAINST: Nil

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**09.02 ABORIGINAL AWARENESS AND UNDERSTANDING STRATEGY 2013 - 2017**

---

**MOTION**

*MOVED: Levido/Intemann*

That Council:

1. Place on public exhibition the draft Aboriginal Awareness and Understanding Strategy 2013-2017 in late January 2014 for twenty-eight days.
2. Consider the inclusion of an additional \$14,599.00 in the 2014-2015 operating budget to implement the first year of the strategy.

**FORESHADOWED MOTION**

*MOVED: Sargeant/*

That the General Manager provide a further report by March 2014 as to how the additional awareness requirements as outlined in report 09.02 can be incorporated into existing programs.

**AMENDMENT**

*MOVED: Intemann/*

That Council:

1. Place on public exhibition the draft Aboriginal Awareness and Understanding Strategy 2013-2017 in late January 2014 for twenty-eight days.
2. Consider the inclusion of an additional \$14,599.00 in the 2014-2015 operating budget to implement the first year of the strategy.
3. Following exhibition a report be brought to the February 2014 meeting .

WITHDRAWN

*RESOLVED: Levido/Intemann*

That Council:

1. Place on public exhibition the draft Aboriginal Awareness and Understanding Strategy 2013-2017 in late January 2014 for twenty-eight days.
2. Consider the inclusion of an additional \$14,599.00 in the 2014-2015 operating budget to implement the first year of the strategy.

*CARRIED: 7/2*

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

*AGAINST: Griffiths and Sargeant*

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**09.03 PORT MACQUARIE-HASTINGS ACCESS SUB-COMMITTEE MEMBERS APPOINTMENT**

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*RESOLVED: Turner/Hawkins*

That Council:

1. Accept the Expressions of Interest for Membership to the Port Macquarie-Hastings Access Sub-Committee received from Ms Elizabeth Rose and Ms Elizabeth Conroy.
2. Advise Ms Elizabeth Rose and Ms Elizabeth Conroy, in writing, of their appointment as a Community Representative to the Port Macquarie-Hastings Access Sub-Committee.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**09.04 DISABILITY DISCRIMINATION ACT (1992) ACTION PLAN 2009-2018 ANNUAL REPORT**

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*RESOLVED: Turner/Hawkins*

That Council:

1. Note the Annual Report.
2. Give consideration to the attached DDA Action Plan Budget report and the identified funding gaps.
3. Proceed with developing a Disability Strategy with achievable actions for the next three years.
4. Consider the provision of additional funds in 2014 - 2015 and subsequent budgets to meet priorities in the Strategy.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**09.06 RECOMMENDATIONS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE MEETING HELD ON MONDAY 18 NOVEMBER 2013**

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*RESOLVED: Besseling/Intemann*

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

1. Mr Sam Edmonds in the amount of \$159.00 (ex GST) to assist with the expenses he would have incurred competing at the PSSA National Athletics Carnival held in Brisbane from 22 November to 29 November 2013 inclusive.



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

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#### 10.01 PORT MACQUARIE AIRPORT MASTER PLAN 2010 ADDENDUM REPORT - CONSULTATION REPORT

---

Councillor Cusato declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 08:25pm.

The Mayor tabled the replacement report for this item.

*RESOLVED: Levido/Roberts*

That Council:

1. Note the submissions and feedback received during the exhibition of the draft Port Macquarie Airport Master Plan 2010 Addendum Report;
2. Adopt the Port Macquarie Airport Master Plan 2010 Addendum Report with Option 1 as the preferred short-term / interim development option and Option 2 as the preferred long-term development option, subject to the availability of funding;
3. Continue to liaise with key stakeholders regarding the future development of Port Macquarie Airport as outlined in the Addendum Report; and
4. Proceed with further detailed planning, feasibility and environmental investigations in relation to:
  - widening the runway strip and associated obstacle limitation surfaces in accordance with CASA Code 4C aerodrome standards;
  - development of the proposed Airport Precinct business park; and
  - the provision of flood-free road access via a future North-South (Outer) Link Road.

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

Councillor Cusato returned to the meeting, the time being 08:36pm.

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**10.02 DRAFT GREATER PORT MACQUARIE DESTINATION MANAGEMENT PLAN**

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*RESOLVED: Turner/Griffiths*

That Council:

1. Place the draft Destination Management Plan on public exhibition for the period 19 December 2013 to 15 February 2014.
2. Request that the General Manager prepare a report for the March 2014 meeting of Council detailing information contained in submissions received during the exhibition period for further consideration by Council.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**11.01 GRANT OFFER FROM THE NORTHERN RIVERS CATCHMENT MANAGEMENT AUTHORITY**

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*RESOLVED: Sargeant/Intemann*

That Council accept the grant offer of \$60,000 from the Northern Rivers Catchment Management Authority and amend the 2013-14 Budget to include this project.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**11.02 FREE CAMPING IN THE PORT MACQUARIE-HASTINGS LOCAL GOVERNMENT AREA**

---

Councillor Hawkins left the meeting, the time being 08:39pm.

Councillor Hawkins returned to the meeting, the time being 08:41pm.

*RESOLVED: Hawkins/Griffiths*

That Council:

1. Note the issues relating to the management of free camping and the options available to control the activity.
  2. Request the General Manager present a further report on controlling free camping activities including a zero tolerance option following consideration of this issue as part of the broader 'RV friendly town' matter that is being dealt with through the development of the draft Destination Management Plan.
  3. Continue to prioritise compliance action during the 2013-2014 summer in relation to free camping in public car parks and reserves.
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CARRIED: 9/0

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

AGAINST: Nil

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### 11.03 TENDER FOR WASTE SERVICES (T13-21)

#### PART A: WASTE COLLECTION SERVICES

#### PART B: ORGANICS RECEIVAL & PROCESSING SERVICES

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RESOLVED: Roberts/Levido

That Council:

1. Award the Tender for Waste Services Part A: Waste Collection Services to JR & EG Richards Pty Ltd (T/A JR Richards and Sons) for \$48.543M (Ex GST) for the 10 year term commencing on 1 September 2014 with options to extend for a further two (2) one (1) year periods (at Council's discretion).
2. Endorse the following waste collection service options;
  - (a) Fortnightly mixed solid waste (MSW) collections (i.e. red bin) and supply bins in accordance with Scenario 2 detailed in this report (noting that Scenario 2 includes a weekly red bin collection service as a 'premium' option).
  - (b) Bulky Kerbside Clean Up services in accordance with Option 2 as detailed in this report.
3. Endorse the development of a Cairncross Transport Depot site for \$2,396,450 (Ex GST) over the 10 year term of the contract.
4. Award the Tender for Waste Services Part B: Organics Receival & Processing Services to Remondis Australia Pty Ltd for \$27.100M (Ex GST) for the 10 year term commencing on 1 September 2014 with options to extend for a further two (2) one (1) year periods (at Council's discretion).
5. Note that a report establishing Fees and Charges for waste services based on new contract rates be presented to Council in early 2014.
6. Affix the Council's seal to the necessary documents.
7. Consider a report in early 2014 on a comprehensive community education and awareness program that will be implemented before the commencement of the fortnightly mixed solid waste (MSW) collection (i.e. Red Bin) service.

CARRIED: 9/0

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

AGAINST: Nil

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**11.04 TENDER FOR COLLECTION, SORTING AND REMOVAL OF FERROUS AND NON-FERROUS SCRAP METAL AND USED LEAD ACID BATTERIES (ULAB)**

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*RESOLVED: Intemann/Turner*

That Council:

1. Accept the Tender from Sims Metal for the Collection, Sorting and Removal of Ferrous and Non-Ferrous Scrap Metal and Used Lead Acid Batteries (ULAB).
2. Affix Council's seal to the necessary documents.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**12.01 QUESTION ON NOTICE - SAFETY OF BEND EAST OF INTERSECTION OF REDBANK ROAD AND STONEY CREEK ROAD**

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*RESOLVED: Griffiths/Turner*

That this matter be deferred to the February 2014 Council Meeting to permit a further report on the bend east of and closest to the Redbank and Stoney Creek Road intersection.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**12.03 RESERVE NAMING - ALF 'SMACKA' RESERVE, RIVER STREET, WAUCHOPE**

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*RESOLVED: Sargeant/Griffiths*

That Council:

1. Make application to the Geographical Names Board to name the public reserve incorporating the Rex Clark Memorial Tennis Complex as the Alf 'Smacka' Trotter Reserve with the extent of the Reserve being that as shown in the attachment to this report entitled "Footprint of Reserve Proposed to be Named".
2. Place suitable signage at the Reserve.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**12.04 FORMATION OF THE VILLAGE SEWERAGE SCHEME STEERING GROUP**

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*RESOLVED: Levido/Turner*

That Council:

1. Form the Village Sewerage Scheme Steering Group as detailed in this report for the duration of the project.
2. Appoint Councillor Levido to the Steering Group.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**12.07 STINGRAY CREEK BRIDGE PROJECT UPDATE**

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*RESOLVED: Sargeant/Cusato*

That Council:

1. Note this status report (including the attached Detailed Project Plan) for the Stingray Creek Bridge Replacement Project.
2. Form the Stingray Creek Bridge Replacement Project Steering Group for the duration of the project with a Steering Group Charter as attached to this report.
3. Accept the upper limit fee proposal of \$846,753.00 and engage NSW Public Works for the project management and construction supervision of the Stingray Creek Bridge Replacement Project as detailed in this report.
4. Note the responses to the EOI - 13 - 04 for "The Replacement of Stingray Creek Bridge, North Haven" and proceed to a selective tender process forthwith with McConnell Dowell Constructors (Aust) Pty Ltd, Leed Engineering and Construction Pty Ltd, Smithbridge Australia Pty Ltd, BMD Constructions Pty Ltd, Abergeldie Contractors Pty Ltd, Civilbuild Pty Ltd, Arenco (NSW) Pty Ltd and Ditchfield Contracting Pty Ltd.
5. Note the estimated total project cost of \$19.1million as shown in the Detailed Project Plan, with a more accurate estimate of costs to be confirmed and reported back to Council during the finalisation of the selective construction tender process.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## 12.08 LANEWAY CLOSURE NANGARA PLACE PORT MACQUARIE

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Notify pursuant to Section 116 of the Roads Act 1993 No. 33 of the intention to close the public laneway in Nangara Place, Port Macquarie to vehicle access.
2. Prepare an application for the proposal and submit to the Roads & Maritime Services following the public notice.
3. Invite comment directly from the adjoining property owners within the specified timeframes in accordance with S116 Roads Act 1993 No33.
4. Forward submissions received on the proposal to the Roads & Maritime Services for their determination.
5. Receive a further report following receipt of Roads & Maritime Services' determination.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## 12.09 TENDER T-13-43 PURCHASE OF ONE (1) SMALL COMPACT SWEEPING MACHINE

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*RESOLVED: Intemann/Roberts*

That Council:

1. Accept the tender for \$170,002.00 (Excl GST) received from MacDonald Johnston Pty Ltd for the Supply & Delivery of one (1) CN201 Small Compact Sweeping Machine.
2. Affix the seal of Council to the necessary documents.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**12.10 TENDER T-13-42 PURCHASE OF ONE (1) 12 TONNE TIPPING TRUCK**

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*RESOLVED: Levido/Sargeant*

That Council:

1. Accept the tender for \$197,542.00 (Excl GST) received from Midcoast Trucks Pty Ltd for the Supply & Delivery of one (1) 12t Tonne Tipping Truck (Isuzu Giga CXY455 model) including options of load sensing indicators.
2. Affix the seal of Council to the necessary documents

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**12.12 TENDER T-13-32 SUPPLY & DELIVERY OF CHEMICALS**

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Councillor Griffiths declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 09:12pm.

*RESOLVED: Levido/Sargeant*

That Council:

1. Accept tenders from the following suppliers to be appointed to a panel of suppliers for the Supply & Delivery of Chemicals as listed below for the period 1 January 2014 to 31 December 2014 with a further twelve (12) month option available (at Council's sole discretion):
  - a) Omega Chemicals for supply of Liquid Aluminium;
  - b) Orica Chemicals for the supply of Sodium Hypochlorite, Hydrated Lime, Hydrofluorosilicic Acid;
  - c) Air Liquide Australia for the supply of Carbon Dioxide.
2. Affix the Council seal to the necessary documents.

*CARRIED: 5/3*

*FOR: Besseling, Hawkins, Levido, Sargeant and Turner*

*AGAINST: Cusato, Intemann and Roberts*

Councillor Griffiths returned to the meeting, the time being 09:19pm.



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**12.14 PLANNING OPTIONS - INCENTIVES FOR REDEVELOPMENT OF FLOOD AFFECTED SHORT STREET PROPERTIES**

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Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 09:20pm.

*RESOLVED: Hawkins/Cusato*

That Council note the scope for extensive redevelopment of properties in Short Street within existing planning controls and that potential incentives related to onsite parking be considered as part of the proposed review of parking provisions in Development Control Plan 2013 and Parking Developer Contributions provisions in 2014-2015.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.15 RAINBOW BEACH CENTRAL CORRIDOR PLANNING AGREEMENT DEED OF VARIATION**

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Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and remained out of the room and was out of sight during the Council's consideration.

*RESOLVED: Intemann/Sargeant*

That Council:

1. Prepare a Deed of Variation to the Rainbow Beach Central Corridor Planning Agreement and undertake Public Notification of the Deed as described in the report.
2. Delegate authority to the General Manager to consider submissions received in relation to the Deed of Variation to the Rainbow Beach Central Corridor Planning Agreement and to enter into and execute the Deed of Variation relating to land off Ocean Drive at Lake Cathie being Lot 1232 DP 1142133, Lot 5 DP 25886 and Lots 1-4 DP 1150758, provided that no significant issues have arisen as a result of the public notification of the Deed of Variation.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.17 RECOMMENDED ITEM FROM TOWN CENTRE MASTER PLAN SUB-COMMITTEE - TOWN CENTRE MASTER PLAN REVIEW**

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Councillor Levido returned to the meeting, the time being 09:21pm.

*RESOLVED: Hawkins/Roberts*

That Council:

1. Endorse the Tract "PMTC Master Plan Review" as the "PMTC Master Plan 2013" noting updates and revisions to the original Master Plan adopted in 1992, and that it be read as an addendum to the original Master Plan.
2. Place the "PMTC Master Plan 2013" on exhibition from the 19 December 2013 until 3 February 2014 (via Council's web site and by having copies available for viewing at Council Offices and Libraries) and invite comment from the community on the Masterplan on all facets of the plan excluding the proposals for the Port Macquarie Town Green.
3. Noting the significant changes proposed in the "PMTC Master Plan 2013" to the Town Green, and recognising the previously adopted foreshore plan in this area, undertake separate and significant engagement on the Town Green components of the Master Plan early in 2014 following the completion of a fully developed engagement plan.
4. Seek from the Town Centre Master Plan Sub-Committee a staging plan to deliver works identified in the Master Plan Review for consideration as part of the annual Operational Budget process to be presented to the March 2014 Ordinary Council Meeting.
5. During the initial exhibition, directly engage with the Crown on the items which are specifically identified as having an impact on the crown reserves within and adjacent to the "PMTC Master Plan 2013".

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**13 QUESTIONS FOR NEXT MEETING**

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**13.01 QUESTION FOR NEXT MEETING - ENERGY CONSUMPTION**

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**Question from Councillor Griffiths:**

Could the General Manager provide a report to the March Ordinary Council Meeting outlining:

1. The achievements to date in reviewing the Council's energy consumption.
2. The plan in moving forward to ensure that Council is efficient and effective in energy consumption into the future.

**Comments by Councillor (if provided):**

Nil.

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**13.02 QUESTION FOR NEXT MEETING - SHOP ADJACENT TO  
COACH TERMINAL**

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**Question from Councillor Sargeant:**

Could the General Manager provide a status report on the unlet shop front adjacent to the coach terminal in Gordon Street, Port Macquarie.

**Comments by Councillor (if provided):**

Nil.

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**CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Besseling/Turner*

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 Ironman 70.3: 2014-2015

This item is considered confidential under Sect 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 12.11 Tender T-13-35 Provision of Civil Construction Services

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

3. That the resolutions made by the Council in Confidential Committee of the Whole (Closed Session) be made public as soon as practicable after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.

*CARRIED: 9/0*

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

*AGAINST: Nil*

**ADJOURN MEETING**

The Ordinary Council Meeting adjourned at 9.31pm.

**RESUME MEETING**

The Ordinary Council Meeting resumed at 9.46pm.

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

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*RESOLVED: Besseling/Turner*

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

**Item 12.11**

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

That Council:

1. Accept tenders from the following suppliers to be appointed to a panel of suppliers for the Provision of Civil Construction Services for the period 1 January 2014 to 31 December 2014 with a further twelve (12) month option available (at Council's sole discretion):
  - a) Ditchfield Contracting Pty Ltd;
  - b) Deklax Pty Ltd (Bridle Group)
  - c) C & C Baker
2. Affix the Council seal to the necessary documents.

**Item 14.01 Ironman 70.3: 2014-2015**

*This item is considered confidential under Sect 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.*

That Council delegate authority to the General Manager and Mayor to sign a Letter of Commitment between Council and Destination NSW for hosting rights of the IRONMAN 70.3 Event to Port Macquarie for the next two years on financial terms as noted in the body of the report.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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The meeting closed at 9.49pm.

.....  
Peter Besseling  
Mayor

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**PRESENT****Members:**

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

**Other Attendees:**

Group Manager Governance & Executive Services (Stewart Todd)  
Group Manager Employee Engagement (Juliet van Oirschot)  
Governance Support Officer (Bronwyn Lyon)

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The meeting opened at 4.31pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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

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**02 APOLOGIES**

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Nil.

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**03 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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**MATTER OF URGENCY - GENERAL MANAGER'S CONTRACT**

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The Mayor declared the General Manager's Contract as a Matter of Urgency.

*RESOLVED: Roberts/Turner*

That the Matter of Urgency in relation to the General Manager's Contract be dealt with at this Meeting.

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

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**CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Roberts/Hawkins*

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

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

Item 09.01 General Manager's Contract

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).

5. That the resolutions made by the Council in Closed Session be made public as soon as practicable after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.

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

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**ADJOURN MEETING**

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The Ordinary Council Meeting adjourned at 4.34pm.

The Group Manager Governance & Executive Services (Stewart Todd) and Governance Support Officer (Bronwyn Lyon) left the meeting at 4.34pm.



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**RESUME MEETING**

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The Ordinary Council Meeting resumed at 5.32pm.

Group Manager Employee Engagement (Juliet van Oirschot) left the meeting at 5.32pm.

The Group Manager Governance & Executive Services (Stewart Todd) and Governance Support Officer (Bronwyn Lyon) returned to the meeting at 5.32pm.

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

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*RESOLVED: Roberts/Griffiths*

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

Item 09.01 General Manager's Contract

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

**RECOMMENDATION**

6. That Council terminate the General Manager's contract of employment (the "Contract") in accordance with clause 10.3.5 of the Contract, with effect on and from 5:00pm Monday, 10 February 2014.
7. As soon as practicable the Mayor shall inform the General Manager of the above decision and shall instruct the relevant officer(s) of Council to process any termination payments to which the General Manager is entitled under his Contract.
8. That Council commence the recruitment process for a new General Manager as soon as possible.
9. That Council appoint Craig Swift-McNair as the Council's Acting General Manager pursuant to sections 336 and 351 of the *Local Government Act 1993*, with such person to remain as the Council's Acting General Manager until the Council appoints a new General Manager.
10. That while Craig Swift-McNair is acting as General Manager he has all the functions, delegations, and sub-delegations given to the General Manager by the Council.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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The meeting closed at 5.35.

.....  
Peter Besseling  
Mayor

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Item: 05  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

Name of Meeting: .....

Meeting Date: .....

Item Number: .....

Subject: .....  
.....

I, ..... declare the following interest:

☐

**Pecuniary:**

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

☐

**Non-Pecuniary - Significant Interest:**

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

☐

**Non-Pecuniary - Less than Significant Interest:**

May participate in consideration and voting.

For the reason that: .....

.....

Signed: ..... Date: .....

*(Further explanation is provided on the next page)*

**Further Explanation**

(Local Government Act and Code of Conduct)

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

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

**Pecuniary Interest**

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

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

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

**Non-Pecuniary**

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

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

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

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

***Non Pecuniary – Significant Interest***

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

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

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

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

***Non Pecuniary – Less than Significant Interest***

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

## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of land in which councillor or an associated person, company or body has a proprietary interest ( <i>the <b>identified land</b></i> ) <sup>i</sup>	
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.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST</b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP ( <i>the <b>subject land</b></i> ) <sup>iii</sup> [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.

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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<sup>iv</sup> 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.

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**Item: 06.01****Subject: MAYORAL MINUTE - MAYORAL DISCRETIONARY FUND  
ALLOCATIONS****Mayor, Peter Besseling**

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**RECOMMENDATION**

**That the Mayoral Discretionary Fund allocations for the period 6 December 2013 to 5 February 2014 be noted.**

**Discussion**Mayoral Discretionary Fund Allocations

The total commitment from the Mayoral Discretionary Fund from 6 December 2013 to 5 February 2014 was \$367.70.

This included the following:

Donation to Lorne Recreation Centre Committee - Christmas Function	\$250.00
Donation to Friends of Kooloonbung Creek Nature Park	\$117.70
	<u>\$367.70</u>

**Attachments**

Nil

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Item: 07

Subject: CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL  
MEETING

Presented by: General Manager, Anthony Hayward

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

That Council determine that the attachments to Item numbers 11.02, 12.03, 13.01, 13.02, 13.03 and 13.04 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.:** 11.02  
**Subject:** Tastings on Hastings Event  
**Attachment Description:** Tastings on Hastings Financial Analysis  
**Confidential Reason:** Relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).

**Item No.:** 12.03  
**Subject:** Tender T-13-29 Mulching of Greenwaste and Woodwaste  
**Attachment Description:** T 13 29 Evaluation and Pricing Analysis and T 13 29 Evaluation non price criteria  
**Confidential Reason:** Relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).

**Item No.:** 13.01  
**Subject:** Tender T-13-24 Construction of Sancrox Reservoir  
**Attachment Description:** Tender Recommendation - Construction Sancrox Reservoir  
**Confidential Reason:** Relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).



## AGENDA

## ORDINARY COUNCIL 19/02/2014

- Item No.:** 13.02  
**Subject:** Tender T-13-31 Houston Mitchell Drive Tenders for Design and Environmental Assessment  
**Attachment Description:** Tender assessment\_T-13-31\_Houston Mitchell Drive  
**Confidential Reason:** Relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).
- Item No.:** 13.03  
**Subject:** Update on Council's Ferry Operations  
**Attachment Description:** Ferry Contract Extension Cost Comparison  
**Confidential Reason:** Relates to information that would, if disclosed, prejudice the commercial position of the person who supplied it (Local Government Act, Section 10A(2)(d)(i)).
- Item No.:** 13.04  
**Subject:** Port Macquarie Indoor Stadium Expansion - Project Update  
**Attachment Description:** Port Macquarie Indoor Stadium Financials  
**Confidential Reason:** Relates to the project estimates of cost that if released, could prevent Council from getting highly competitive construction rates during the upcoming tender process. (Local Government Act 1993 - Section 10A(2)(c)).

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**Item: 08****Subject: PUBLIC FORUM**

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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](http://www.pmhc.nsw.gov.au).

## Ensuring Good Governance

### What are we trying to achieve?

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

### What will the result be?

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

### How do we get there?

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

## Ensuring Good Governance

**Item: 09.01**

**Subject: DISCLOSURE OF INTEREST RETURNS**

**Presented by: General Manager, Craig Swift-McNair**

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### Alignment with Delivery Program

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

### RECOMMENDATION

**That the Disclosure of Interest returns for the Group Manager Financial Services and the Building Surveyor Compliance be noted.**

### Executive Summary

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

### Discussion

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

The positions of Group Manager Financial Services and Building Surveyor Compliance are designated person under the Local Government Act.

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

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

The Return for the positions of the Group Manager Financial Services and the Building Surveyor Compliance will be tabled at this meeting.

### Options

Nil. Lodgement of a Return by a designated person is a requirement under section 445 of the Local Government Act.

### Community Engagement & Internal Consultation

## **Ensuring Good Governance**

### Internal Consultation

- Group Manager Governance & Executive Services.
- Group Manager Financial Services.
- Building Surveyor Compliance.

### **Planning & Policy Implications**

Nil.

### **Financial & Economic Implications**

Nil.

### **Attachments**

Nil

## Ensuring Good Governance

**Item: 09.02**

**Subject: STATUS OF OUTSTANDING REPORTS TO COUNCIL - FEBRUARY 2014**

**Presented by: General Manager, Craig Swift-McNair**

### Alignment with Delivery Program

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

### RECOMMENDATION

**That the information in the February 2014 Status of Outstanding Reports to Council be noted.**

### Discussion

Report	Status	Reporting Officer	Current Anticipated Date for Report
North Shelly Beach Pedestrian Access (Item 12.01 - ORD 17/07/13)	The final design, REF and estimated project costings have not yet been finalised by the consultant	DIAM	<del>Dec 2013</del> Feb 2014 April 2014
Glasshouse Quarterly Financial Report		DCSIE	Feb 2014
Economic Development Strategy - report detailing how actions in outcome 1 of the Economic Development Strategy, being a whole-of-organisation approach to economic development, will be implemented. (Item 10.03 - ORD 20/11/13)	Discussions are still being undertaken internally to finalise the whole-of-organisation approach to economic development, which will be reported to the March meeting of Council.	DCSIE	<del>Feb 2014</del> Mar 2014
Camden Haven River And Lake System Flood Study - report on status of the Camden Haven Floodplain Management Plan (2004) and the mitigations proposals therein. (Item 11.03 - ORD 20/11/13)		DDE	Feb 2014
11. 13.01 Building A New Local Government Performance Measurement Framework - report on the two key questions posed by the DLG, viz: 12. 1. What do councils and their community need		GM	Feb 2014

## Ensuring Good Governance

Report	Status	Reporting Officer	Current Anticipated Date for Report
<p>to know to determine if they are performing well and achieving their goals?</p> <p>13. 2. How well does your council (PMHC) currently measure performance and how useful is your council's current performance measurement system?</p> <p>(Item 13.01 - ORD 20/11/13)</p>			
<p>Port Macquarie Library - Solar Generating Power Installation - report on the effectiveness of the solar power generating installation on the library building in Port Macquarie and specifically advise the:</p> <ol style="list-style-type: none"> <li>1. Savings of usage in kilowatts</li> <li>2. Percentage and dollars saved over the past year</li> <li>3. Expected life of the installation</li> <li>4. Break even year calculating to the year before replacement or maintenance would need to occur</li> <li>5. What is the calculated savings expected before maintenance or replacement is required</li> </ol> <p>(Item 13.02 - ORD 20/11/13)</p>		DDE	Feb 2014
<p>New Development- Illaroo Road, Lake Cathie - report on relationship between the hazard identified in the vicinity of Illaroo Road, Lake Cathie and limits to new development, including like for like replacement of existing structures known to be affected by asbestos.</p> <p>If possible could the report also cover changes to the valuation of affected properties since the development limits were impose.</p> <p>(Item 13.04 - ORD 20/11/13)</p>		DDE	Feb 2014
<p>Tastings on Hastings 2013 - report on total cost of running the event and the source and application of those funds provided by Council.</p> <p>(Item 010.01 - ORD 20/11/3)</p>		DCSIE	Feb 2014



## Ensuring Good Governance

Report	Status	Reporting Officer	Current Anticipated Date for Report
Heritage & Cultural Sub-Committee - report outlining the feedback and a proposed Charter. (Item 08.13 - ORD 20/11/13)		DCOD	Feb 2014
Port Macquarie Indoor Stadium - update report, including project plan (Item 06.03 - ORD 18/12/13)		DIAM	Feb 2014
Safety of the bend east of and closest to the intersection of Redbank Road and Stoney Creek Road (Item 12.01 - ORD 18/12/13)		DIAM	Feb 2014
Pacific Highway Destination and Tourism Signage - LEP Options		DDE	Mar 2014
Impact of Road Openings and Closures on Private Property (Item 12.03 - ORD 18/09/13)		DIAM	Mar 2014
Benefits and future options for engagement of community volunteers (Item 10.02 - ORD 21/08/13)	Report after three months of operation of volunteer arrangement	DIAM	Mar 2014
Wauchope Traffic Management Strategy - Exhibition Feedback and Progress Actions (Item 12.05 - ORD 16/10/13)		DIAM	Mar 2014
Australian Roads Research Board Group Inc (ARRB) Roads Review Report - respond to recommendations, reference to the cost implications of their implementation or otherwise (Item 06.03 - ORD 20/11/13)		DIAM	Mar 2014
Exhibition Of Koala Habitat And Vegetation Mapping - report addressing concerns raised about methodologies used in determining vegetation communities (including Endangered Ecological Communities) and koala activity for the purposes of the Biolink Koala Habitat & Vegetation Mapping datasets. (Item 11.05 - ORD 20/11/13)		DDE	Mar 2014
Council Owned Land In William Street, Port Macquarie - report on expressions of interest. (Item 10.02 - ORD 20/11/13)		DCSIE	Mar 2014
Draft Greater Port Macquarie Destination Management Plan (Item 10.02 - ORD 18/12/13)		CSIE	Mar 2014



## Ensuring Good Governance

Report	Status	Reporting Officer	Current Anticipated Date for Report
Free Camping Activities (Item 11.02 - ORD 18/12/13)		DDE	Mar 2014
Laneway Closure Nangarra Place - report following receipt of Roads & Maritime Services' determination (Item 12.08 - ORD 18/12/13)		CSIE	Mar 2014
Glasshouse Quarterly Financial Report		DCSIE	Apr 2014
Tender for the Management & Operation of Council Owned Swimming Pools (Item 12.03 - ORD 19/06/13)		DIAM	Apr 2014
Procurement Strategy - progress on action plan including savings and efficiencies (Item 08.10 - ORD 18/09/13)	Quarterly	DCSIE	Apr 2014
Economic Development Strategy - report on progress against actions. (Item 10.03 - ORD 20/11/13)	Biannually	DCSIE	Jun 2014
Glasshouse Quarterly Financial Report		DCSIE	Jul 2014
MIDROC Strategic Plan 2013-2017 Outcomes (Item 08.03 - ORD 21/08/13)	Annually	GM	Jul 2014
Procurement Strategy - progress on action plan including savings and efficiencies (Item 08.10 - ORD 18/09/13)	Quarterly	DCSIE	Jul 2014
Procurement Strategy - progress on action plan including savings and efficiencies (Item 08.10 - ORD 18/09/13)	Quarterly	DCSIE	Oct 2014
Deferral of Payment of Development Contributions - Progress of Expanded Provisions (Item 10.01 - ORD 16/10/13)		DDE	Oct 2014
18 John Oxley Drive, Port Macquarie - Business Rezoning (Item 10.03 - ORD 18/12/13)		DDE	2014
Review of the transition or holding account (Item 08.07 - ORD 18/12/13)		CSIE	Feb 2015
Waste Services: 1. Fees and Charges for waste services. 2. Education and awareness campaign (Item 11.03 - ORD 18/12/13)		DDE	Early 2014
Use of McInherney Park Western Man-Made Beach (Item 12.04 - ORD 16/10/13)	Report within 1 month of adoption of PMH Recreation Plan	DIAM	TBA

**Ensuring Good Governance**

Report	Status	Reporting Officer	Current Anticipated Date for Report
Stingray Creek Bridge - accurate estimate of costs to be confirmed during the finalisation of the selective construction tender process (Item 12.07 - ORD 18/12/13)		DIAM	TBA

**Attachments**

Nil

## Ensuring Good Governance

**Item: 09.03**

**Subject: GLASSHOUSE FINANCIAL QUARTERLY REPORTING DECEMBER 2013**

**Presented by: Commercial Services & Industry Engagement, Rebecca Olsen**

### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council note the information provided in the report.**

### Executive Summary

At the February 2013 Ordinary Meeting of Council a report was provided on the status of Glasshouse finances. The following resolution, in part, was made:

*That Council request a detailed quarterly Glasshouse financial report to be tabled at relevant Council meetings commencing from the fourth quarter reporting period of the 2012/2013 financial year i.e. the first quarterly report to be tabled in July 2013. The report should be sufficiently detailed to provide a break down across the key reporting categories for the Glasshouse i.e. Commercial, Community, Cultural, Front of House, Back of House and Glasshouse Management.*

The first detailed quarterly Glasshouse financial report was tabled at the October 2013 Ordinary Meeting of Council, and this report provides financial information in respect of the December 2013 quarter, representing the half way point of the financial year period.

Ongoing management is occurring to ensure that income opportunities are maximised, and expenditure is managed appropriately. Whilst management continue to review Glasshouse financial data on an ongoing basis, the aim is to have an increased commercial focus and to reduce the Glasshouse budget deficit. Consequently, it is proposed to reduce the current year budget by \$200,000.

### Discussion

The annual adopted budget / cost to Council and the community of the Glasshouse (excluding loans and transfers to reserves) is \$2,930,911. The result to 31 December 2013 is \$1,358,721 (half way through the financial year reporting period). This represents a saving of \$106,735.

## Ensuring Good Governance

A review of forecasted costs and comparisons to prior year revenue and expenditure has resulted in a proposal to reduce the current adopted budget by \$200,000. Whilst some budgets are required to be increased due to unexpected and/or increased expenditure (such as Electricity and Fire Protection), other budgets have been reviewed and can be reduced in order to cover these costs.

Predominantly, the savings have been derived from the Venue Manager role being vacant for 5 months of the current financial year, with the balance derived from Performing Arts and Education & Public Programs. This does not mean that programming has been cut. It should also be noted that the Performing Arts activity presents an element of entrepreneurial risk - in that ultimately ticket sales to performing arts product can often not be predicted with certainty.

For information, in December 2012, Council resolved to implement a tiered pricing structure to provide a 40% discount to eligible not for profit community based groups, following a period of public exhibition from 22<sup>nd</sup> October to 19<sup>th</sup> November 2012. Over the past 6 months, the Glasshouse has provided \$31,478 of support to eligible groups for a range of purposes including school and university functions, the Dance Eisteddfod, the provision of support for the Luminosity Youth Summit; and various other community functions.

The proposed budget adjustments are operational adjustments for the current financial year, noting that the newly appointed Glasshouse Sub-Committee will develop and recommend a Strategic Business Plan and strategic actions for the Glasshouse over the coming months for the future. The first meeting of the Sub-Committee was held on 4 February 2014.

Further adjustments may be required following the March 2014 quarter.

The following financial reports are attached for information:

Glasshouse 2013\_2014 Annual Budget by Functional Area ;  
Glasshouse 2013\_2014 Actuals to End December by Functional Area;  
Glasshouse Financial Report by Function - December Quarter 2013;  
Glasshouse Consolidated Profit and Loss Report - 31 December 2013;  
Glasshouse Budget Adjustments for the 31 December 2013 quarter.

### Options

This report is for information only.

### Community Engagement & Internal Consultation

Not applicable.

### Planning & Policy Implications

There are no direct planning and / or policy implications from this report.

### Financial & Economic Implications

The adopted budget for the Glasshouse for 2013/2014 is \$5,748,059. This includes loan interest and principle repayments in addition to transfers to reserves. The

## Ensuring Good Governance

original adopted budget for the Glasshouse for the 2012/2013 financial year was \$6,243,534. The current budget represents a reduction of \$495,475 over the 2012/2013 budget.

In line with the adopted strategic direction of the Glasshouse, management are attempting to reduce the costs of the Glasshouse further over time. The budget for 2013/2014 excluding loans and transfers to reserves is \$2,930,911. As at 31 December 2013, net actual revenue and expenditure are tracking well within budget. It is considered that the current year budget can be reduced by a further \$200,000 resulting in a proposed amended annual budget of \$2,730,911.

The amendments to the Glasshouse budget are provided in an attachment, however the effect of the reduction on the consolidated Council budget will be presented to Council in a separate report, titled Monthly Review of Financial Position - January 2014.

### Attachments

1. Glasshouse 2013\_2014 Annual Budget by Functional Area
2. Glasshouse 2013\_2014 Actuals to End December by Functional Area
3. Glasshouse Financial Report by Function - December Quarter 2013
4. Glasshouse Consolidated Profit and Loss Report - 31 December 2013
5. Glasshouse Budget Adjustments for the 31 December 2013 quarter



## Ensuring Good Governance

Item: 09.04

Subject: QUESTION ON NOTICE - PORT MACQUARIE LIBRARY SOLAR

Presented by: Infrastructure & Asset Management, Jeffery Sharp

### Alignment with Delivery Program

1.5.3 Ensure ratepayer value for money through continuous improvement in quality, effectiveness and efficiency of delivery of Council services.

### RECOMMENDATION

**That Council note the information contained in this report.**

### Executive Summary

The purpose of this report is to provide information to Councillors associated with the effectiveness of the solar power generating installation on the Port Macquarie Library building.

### Discussion

This report has been prepared in response to a Councillor request as outlined below:

*Could the General Manager provide a report to the February 2014 Council Meeting on the effectiveness of the solar power generating installation on the library building in Port Macquarie and specifically advise the:*

- 1. Savings of usage in kilowatts*
- 2. Percentage and dollars saved over the past year*
- 3. Expected life of the installation*
- 4. Break even year calculating to the year before replacement or maintenance would need to occur*
- 5. What is the calculated savings expected before maintenance or replacement is required*

As background the solar power (photovoltaic) system is a 98.980 kilowatt plant which was commissioned on 23 July 2012.

The system installed at the library includes a portal which allows staff to monitor the effectiveness of the solar generators. The portal can be viewed at:

<http://www.sunnyportal.com/Templates/PublicPageOverview.aspx?page=2350a935-45b2-44f7-bc5d-d18dbaca4e33&plant=5480e455-1cae-4cb5-b5a2-39f76e9f0410&splang=en-US>

The portal provides information required to be able to adequately respond to the questions outlined above.

## Ensuring Good Governance

### Savings of usage in kilowatts?

The portal indicates that 154,120 kilowatt hours were generated by this system between 1 January and 31 December 2013.

### Percentage and dollars saved over the past year?

The portal indicates that 154.12 megawatt hours were generated by this system. Independent consultants have estimated that the saving to Council is approximately \$0.20 per kilowatt hour. On this basis the saving to Council for 2013 is \$30,824.

Further to this energy billing records for Port Macquarie Library show that electricity costs for 2010/11 financial year was \$64,805, 2011/12 financial year was \$77,407 and 2023/13 financial year was \$46,526.

This equates to a saving of \$30,881 in 2012/13 compared to the previous financial year, and a percentage saving of 39.9%. It should be noted that this has not taken into consideration any increases in energy costs between 2011/12 and 2012/13.

### Expected life of the installation?

Supplier advice indicates that the panels used are a Tier 1 product with a 12 year unconditional warranty, and a rated 25 year energy output. It is estimated that the system would have an effective life of up to 40 years.

### Breakeven year calculating to the year before replacement or maintenance would need to occur?

The cost associated with installation of this system at Port Macquarie Library was \$224,602.73. Based on actual savings identified above the breakeven period would occur at 7.27 years.

It should be noted that funding for provision and installation of the system was through the Federal Government Waste and Sustainability Improvement Payment Programme (WaSIP). On this basis, there is no break even (or payback) period for Council as costs associated with the project was provided by others.

### What is the calculated savings expended before maintenance or replacement is required?

Using the abovementioned figures without Consumer Price Indexation or energy cost predictions calculated savings before maintenance is estimated at (25 years x \$30,881) \$772,025.

In addition to the information requested the portal advises that since commissioning on 23 July 2012 the system has generated a total energy yield of 252,238.91kWh, has avoided CO2 generation totalling 176,567.24 kilograms, and has saved Council an estimated \$50,447.78 through reduced reliance on electricity supply from the grid.

### **Options**

That Council note the information contained in this report.

### **Community Engagement & Internal Consultation**

There has been no community engagement required in developing this report.

There has been internal consultation with Council's Facilities Officers in the development of this report.

## Ensuring Good Governance

### Planning & Policy Implications

Nil

### Financial & Economic Implications

The body of the report identifies that this project has a positive economic outcome for the organisation.

### Attachments

Nil



## Ensuring Good Governance

**Item: 09.05**

**Subject: QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2013  
AND MONTHLY FINANCIAL REVIEW FOR DECEMBER 2013 AND  
JANUARY 2014**

**Presented by: Commercial Services & Industry Engagement, Rebecca Olsen**

### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council:**

- 1. Note the Quarterly Budget Review Statement for the December Quarter.**
- 2. Adopt the adjustments in the "Financial Implications" section of the report for December 2013/January 2014.**

### Summary of the Report

This report will detail:

1. The monthly budget adjustments as at 30 January 2014; and
2. Presents the Quarterly Budget Review Statement (QBRs) for the end of the second quarter for the 2013/14 financial year (October 2013 to December 2013).

### At a glance

- There have been several adjustments resulting in an improvement of \$337,689 to the current yearly forecasted deficit
- The current adjusted 2013/14 deficit has now improved from \$806,143 to \$529,460
- It is hoped that the budget will be balanced by 30 June 2014.

### 1. MONTHLY BUDGET ADJUSTMENTS AS AT 30 JANUARY 2014

Each month, Council's budgets are reviewed by Managers and Directors and any required adjustments are reported. The purpose of this report is to provide Council with an up to date view of the current actual financial position in comparison to the adopted 2013/14 budget along with proposed movement of funds to accommodate any changes.

### Summary

## Ensuring Good Governance

<b>Original Budget as at 1 July 2013</b>	<b>Deficit</b>	<b>(\$806,143)</b>
Plus adjustments:		
July Review	Surplus	31,477
August Review	Deficit	(\$10,613)
September Review	Deficit	(\$81,870)
October Review	Balanced	\$0
November Review	Balanced	\$0
January Review	Surplus	\$337,689
<b>Forecast budget position for 30 June 2014</b>	<b>Deficit</b>	<b>(\$529,460)</b>

### January Adjustments

The following adjustments reflect the additional unbudgeted items included in this report that will impact Council's deficit position.

<b>Adjustments</b>	<b>Surplus/ Deficit</b>	<b>Amount \$</b>	<b>Comment</b>
The Glasshouse	Surplus	200,000	Refer to Glasshouse report tabled at this Council meeting.
Procurement	Deficit	(57,600)	In line with Procurement Strategy to Sept 2013 meeting.
Grants Operating - D&E	Surplus	2,500	Employment/ Training Grant
Operating Contribution - Street Lighting	Surplus	2,529	Contribution towards street lighting.
Insurance Income	Surplus	62,306	Insurance Rebate
Grants Operating - Fire Control	Surplus	44,808	The operating grants for fire control were received in December 2013. This adjustment reflects the actual grants received.
Rural Fire Service Contribution	Surplus	62,357	The Ministry for Police & Emergency Services have announced Council's contributions
State Emergency Services	Deficit	(837)	
NSW Fire Brigade Contributions	Surplus	21,626	
	<b>Surplus</b>	<b>337,689</b>	<b>Applied to deficit</b>

In addition, the following adjustments reflect grant and contribution receipts, transfers between accounts and reserve movements.

**It should be noted that these adjustments have no impact on the deficit position (for example grant receipts have an associated expenditure budget).**

<b>Description</b>	<b>Funding Source</b>	<b>Amount</b>
Grant Expenditure	Grants	\$75,863
Contribution Expenditure	Contributions	\$264,075
Transfer to reserve for additional income received	Revenue	\$1,550,000

## Ensuring Good Governance

Transfers between projects	Revenue	\$320,286
Overspends in month	Reserve	\$3,500
Additional works funded by income generated by project	Revenue	\$139,400
Additional unbudgeted works (Woolworths case)	Reserve	79,700
Deferred projects	S94 and Reserve	(\$70,000)

With reference to the December and January adjustments, the following is noted:

1. Surpluses were achieved in a number of sections due in part to greater than expected emergency services operational grants. This surplus has been applied to the deficit.
2. The Group Manager of Corporate and Business Services has undertaken a strategic review of the Glasshouse budgets and found significant savings of \$200,000. This has also been applied to the deficit. The details of these savings have been included in a report to this Council meeting on the Glasshouse.
3. Adjustments have been made to the Tastings on Hastings income and expenditure to reflect finalised costings.
4. The installation of solar power at the Glasshouse has been included this month and funded by Waste Management WASIP funds.
5. Following Council's adoption of a procurement strategy at the September 2013 meeting, the associated budget adjustments from this implementation are now included.

It should also be noted that:

- All overspends greater than 2% of budget and over \$50,000 (along with proposed funding source) have been reviewed and approved by the Executive Group, being their function to oversee operational activities and approve operational actions.
- There has been a significant improvement to the current deficit levels. This will continue to be monitored closely.
- Any gains in interest income have not been taken into consideration into these calculations.

### 2. QUARTERLY BUDGET REVIEW STATEMENT (QBRS)

The QBRS is a statutory report prepared in accordance with the Local Government (General) Regulations, Sections 202 & 203.

The QBRS presents a summary of council's financial position at the end of each quarter. It is a mechanism whereby the councillors and the community are informed of council's progress against the Operational Plan (original budget) and the last revised budget, 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;

## Ensuring Good Governance

- 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 2013 quarter for Council's information.

### Options

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

### Planning & Policy Implications

Nil.

### Financial & Economic Implications

Attached to the report for information is each individual budget adjustment by Division and Section. The net budget movements for the month reduce the current deficit position by \$337,689.

### Responsible Accounting Officer Statement

The approved budget deficit for 2013/14 following the November monthly financial review was \$867,149. The adjustments included in this report will improve this deficit to \$529,460. The deficit position is considered an un-satisfactory result for the year and as such budgets will continue to be monitored closely during the year so that any further savings can be applied to this deficit.

### Attachments

1. January 2014 Budget Review
2. December 2013 QBRS

## Ensuring Good Governance

**Item: 09.06**

**Subject: INVESTMENTS - DECEMBER 2013**

**Presented by: Commercial Services & Industry Engagement, Rebecca Olsen**

### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council receive and note the Investment Report for the month of December 2013.**

### Summary of Report

- Total restricted funds invested as at 31 December 2013 equals \$140,014,900
- Year to date investment income of \$3,303,320 has reached 79.41% of total annual budget
- In line with Council's Investment Policy, the total Portfolio is performing above benchmark levels

### Discussion

This report provides details of all funds that Council has invested under Section 625 of the Local Government Act, as at 31 December 2013. All investments were made in accordance with the Act, Regulations and Council's Investment Policy.

As at 31 December 2013, the investments held by Council totalled \$140,014,900 and is attributed to the following funds:

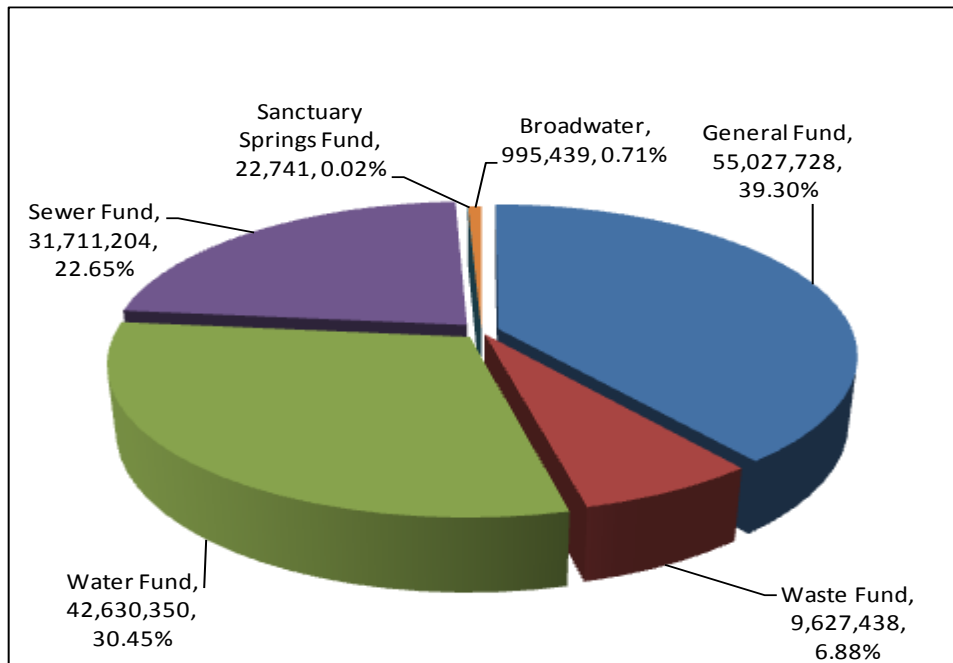
General Fund	55,027,728
Waste Fund	9,627,438
Water Fund	42,630,350
Sewer Fund	31,711,204
Sanctuary Springs Fund	22,741
Broadwater	995,439
	<b><u>140,014,900</u></b>

These are all restricted funds from loans, s94 contributions and other avenues which are committed for future works. The total quantum of unrestricted funds cannot be accurately determined until year end.



## Ensuring Good Governance

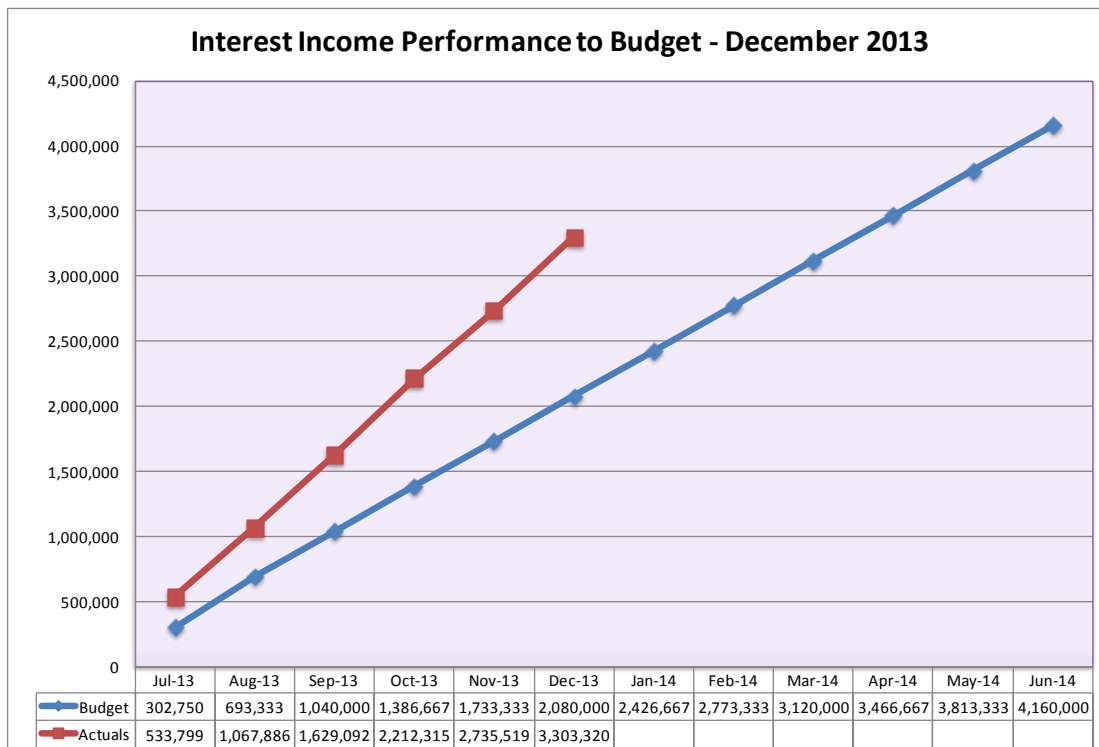
### Investments by Fund - as at December 2013



### Portfolio Performance

- Council's total investment portfolio performance for December 2013 was 2.22% above the benchmark (4.86% against 2.64%).
- The year-to-date investment income of \$3,303,320 has reached 79.41% of the total annual budget of \$4,160,000

14.

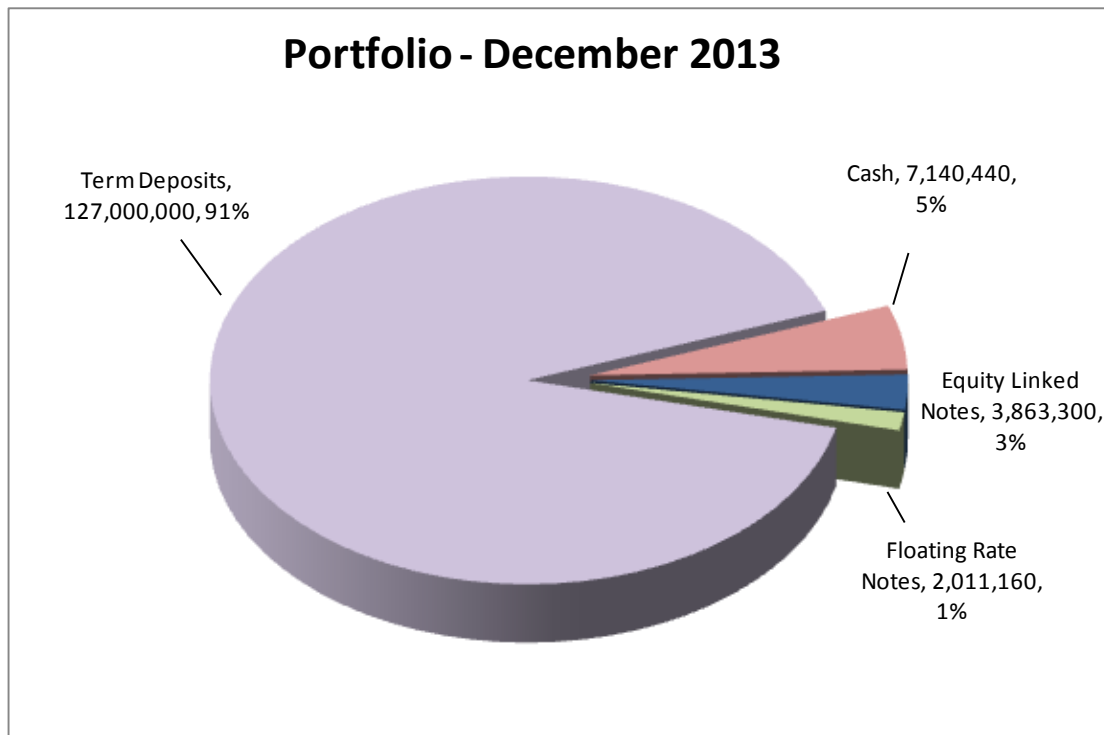


## Ensuring Good Governance

### Investment Portfolio Mix

Council's current portfolio is represented by term deposits, two Capital Protected Equity Linked notes and a floating rate note. Total term deposits represent 91% of the total investment portfolio.

As at December month end the total portfolio investment was \$140,014,900, down from \$143,223,046 at the end of November.



### Term Deposits

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

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

#### Table 1 - Term to Maturity

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

## Ensuring Good Governance

Term to Maturity	Balance \$	% Held	Policy Min	Policy Max
0 - 12 months	\$69,000,000	54.34%	40.00%	100.00%
1 - 3 years	\$52,000,000	40.94%	0.00%	60.00%
3 - 5 years	\$6,000,000	4.72%	0.00%	30.00%
5+ years		0.00%	0.00%	15.00%
<b>Grand Total</b>	<b>\$127,000,000</b>	<b>100.00%</b>		

Table 2 - Overall Portfolio Credit Framework

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

Rating Framework	Total	% Held	Maximum % Policy	Variance	Comments
A	45,000,000	35.43%	60.00%	24.57%	OK
AA	76,000,000	59.84%	80.00%	20.16%	OK
BBB	6,000,000	4.72%	20.00%	15.28%	OK
Below BBB					
<b>Grand Total</b>	<b>127,000,000</b>	<b>100.00%</b>			

These tables show the total amount held for Council's term deposits and do not include the equity linked or floating rate notes.

### Capital Protected Equity Linked notes - Emu & Longreach

Council currently holds two capital protected products (or CPPI) notes, Emu and Longreach, with a total face value of \$4m. These are due to mature in November 2014 and October 2015.

Whilst originally these products had the potential to be risky investments, with the correction in the financial markets during the GFC these deals experienced a 100% shift out of any risky asset to a less risky situation to protect the Investor's principal.

At this stage we have been advised by Denison, our financial advisors that these funds on deposit will be growing at a rate that will return 100 cents in the dollar of the original funds invested.

### Floating Rate Note

A floating rate note (FRN) is normally a medium term investment (1-3 years) that pays interest at a rate which varies with the overall level of interest rates in the economy. FRN's differ from fixed term deposits as these pay a fixed return on investment either periodically but usually at maturity.

Council currently holds one FRN with a face value of \$2,000,000 which is due to mature in March 2014.



## Ensuring Good Governance

### Cash - Westpac Business Cash Reserve Account

This is not available unrestricted cash.

This is a maxi account which the Council uses as a cash flowing tool only. Funds are transferred in and out of this account daily prior to investment, given its higher rate of interest than the general payment account. Levels in this account vary dependent on the time of month and rate payer/creditor payment cycle.

### Investment Portfolio by Maturity Date

The investment portfolio as at 31 December 2013, sorted by maturity date, is as follows:

## Ensuring Good Governance

Inv Name	Type	Purchase Date	Maturity Date	Current Yield	Face Value	Valuation	\$ Value
Royal Bank of Scotland	FRN	10-Mar-11	10-Mar-14	4.5517%	\$2,000,000	100.558	\$2,011,160
Total FRN's					\$2,000,000		\$2,011,160
Inv Name	Type	Purchase Date	Maturity Date	Yield	Face Value		
National Australia Bank	TD	30-Jan-13	30-Jan-14	4.4200%	\$5,000,000		
St George Bank	TD	27-Aug-13	23-Feb-14	4.0000%	\$3,000,000		
Westpac Term Deposit	TD	26-Jun-13	26-Feb-14	4.3100%	\$4,000,000		
St George Bank	TD	19-Sep-12	13-Mar-14	4.8800%	\$4,000,000		
Rural Bank	TD	27-Jun-13	24-Mar-14	4.3200%	\$2,000,000		
St George Bank	TD	18-Oct-13	18-Apr-14	3.8000%	\$1,000,000		
Credit Union Australia	TD	25-Nov-13	26-May-14	3.8500%	\$2,000,000		
Bank of Queensland	TD	6-Sep-13	6-Jun-14	3.9000%	\$4,000,000		
AMP Bank Ltd	TD	11-Dec-13	11-Jun-14	3.9000%	\$2,000,000		
National Australia Bank	TD	12-Dec-12	12-Jun-14	4.5700%	\$3,000,000		
Westpac Term Deposit	TD	20-Jun-13	22-Jun-14	4.3000%	\$3,000,000		
AMP Bank Ltd	TD	23-Dec-13	23-Jun-14	3.9000%	\$2,000,000		
ING Bank (Australia) Ltd	TD	26-Nov-13	24-Jul-14	3.8500%	\$3,000,000		
National Australia Bank	TD	29-Aug-13	29-Aug-14	3.9500%	\$6,000,000		
National Australia Bank	TD	6-Sep-13	6-Sep-14	3.9700%	\$4,000,000		
Rabobank	TD	9-Sep-13	9-Sep-14	3.9500%	\$2,000,000		
Bank of Queensland	TD	10-Oct-13	10-Oct-14	3.8500%	\$5,000,000		
St George Bank	TD	10-Oct-13	10-Oct-14	3.9200%	\$5,000,000		
Westpac Term Deposit	TD	11-Nov-11	11-Nov-14	5.9200%	\$3,000,000		
ING Bank (Australia) Ltd	TD	26-Nov-13	26-Nov-14	3.8500%	\$4,000,000		
Bendigo Bank	TD	11-Dec-13	11-Dec-14	3.9000%	\$3,000,000		
Commonwealth Bank	TD	20-Dec-11	18-Dec-14	5.7600%	\$2,000,000		
National Australia Bank	TD	20-Dec-11	20-Dec-14	5.7500%	\$5,000,000		
Bendigo Bank	TD	6-Sep-13	6-Mar-15	4.0500%	\$4,000,000		
National Australia Bank	TD	6-Sep-13	6-Mar-15	4.0400%	\$4,000,000		
Holiday Coast Credit Union	TD	10-Oct-13	10-Apr-15	4.1500%	\$2,000,000		
Bank of Queensland	TD	6-Sep-13	6-Sep-15	4.2000%	\$4,000,000		
Investec Bank (Australia) Ltd	TD	13-Sep-13	14-Sep-15	4.2900%	\$4,000,000		
ANZ Bank	TD	13-Nov-12	13-Nov-15	4.7000%	\$2,000,000		
Commonwealth Bank	TD	10-May-13	9-May-16	4.5000%	\$1,000,000		
Commonwealth Bank	TD	13-May-13	13-May-16	4.5000%	\$1,000,000		
Commonwealth Bank	TD	27-May-13	27-May-16	4.5500%	\$1,000,000		
Westpac Term Deposit	TD	20-Jun-13	20-Jun-16	4.5100%	\$3,000,000		
Bank of Queensland	TD	13-Sep-13	13-Sep-16	4.5500%	\$3,000,000		
Westpac Term Deposit	TD	14-Sep-11	14-Sep-16	6.0500%	\$7,000,000		
Rabobank	TD	11-Nov-11	11-Nov-16	6.3000%	\$2,000,000		
Westpac Term Deposit	TD	11-Nov-11	11-Nov-16	6.2200%	\$3,000,000		
ING Bank (Australia) Ltd	TD	20-Dec-11	20-Dec-16	6.1600%	\$3,000,000		
ANZ Bank	TD	13-Nov-12	13-Nov-17	4.8700%	\$2,000,000		
Bank of Queensland	TD	20-Jun-13	20-Jun-18	5.0000%	\$4,000,000		
Total TD's					\$127,000,000		
Cash Fund							
Westpac Business Cash Reserve Account							
	CASH			3.20%	\$7,140,440		
Capital Protected Equity Linked Notes	Rating	Purchase Date	Maturity Date	Valuation	Face Value	\$ Value	Comment / Protection
Emu Note	A-	26-Oct-05	30-Oct-15	94.640	\$1,000,000	\$946,400	Commerzbank
L'reach S32 Partnership	A+	30-Nov-07	23-Nov-14	97.230	\$3,000,000	\$2,916,900	Delevered - UBS
Total Cap Protected Notes					\$4,000,000	\$3,863,300	
Total Portfolio					\$140,140,440	\$140,014,900	

## Ensuring Good Governance

### Notes:

- The amount within "\$ value" in the table above is the estimate of current realisable value for the investment as provided by Denison Advisory Services and is not necessarily the amount that is to be received upon maturity.

### Denison Advisory

Denison Advisory currently provides Council with independent advice for all investment decisions.

Below is their update regarding the Council's current investment portfolio performance.

*The pricing for the Floating Rate Note (FRN) was up (100.558 in Dec from 100.265 in Nov) whilst the Capital Protected Notes were improved from 94.140 (Emu) & 96.550 (Longreach) to 94.64 & 97.23 respectively. The portfolio continues to retain a high level of overall liquidity. The cash component totals \$7.1mm (down from \$12.4mm last month) and both the FRNs and Capital Protected investments can be liquidated – the term deposit portfolio has a spread of maturities providing the portfolio additional liquidity if required.*

### Market News - Interest Rates

*The RBA left the cash rate at 2.50% following on from no change in November.*

*Bank bill yields were slightly higher in holiday affected markets again largely unchanged (fourth consecutive month of the status quo) on a month-on-month basis remaining around 2.60% - the market expectations for rates as expressed by the futures curve rose marginally over the month.*

*The average yield for the 12 bank bill futures contracts (a 3yr period) is currently at 3.33% a small rise from November's end of month level of 3.31%. It is higher than the level of last year at 3.18% but below the 3.91% seen back in 2011.*

*Forward expectations for short term rates in Australia were roughly similar to the previous month with slightly lower expectations in years 2 and 3. The market view is that rates will rise very slowly in 2014 before rising less aggressively than previously priced in.*

### The Australian Dollar

*The Australian dollar was again weaker both against the USD and on the trade weighted index basis. The Australian dollar dropped by in excess of 1% during December on a trade weighted basis and more than 2% against the USD.*

*The US currency was stronger relatively on a narrowing of interest rate differentials and locally the RBA again did a good job of continuing of talking the currency down into the high 80s against the USD.*

## Ensuring Good Governance

### Options

This is an information report.

### Community Engagement & Internal Consultation

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 2013 was 2.22% above the benchmark (4.86% against 2.64%) and year-to-date investment income has reached 79.41% of the total annual budget.

### Attachments

Nil

## Ensuring Good Governance

**Item: 09.07**

**Subject: INVESTMENTS - JANUARY 2014**

**Presented by: Commercial Services & Industry Engagement, Rebecca Olsen**

### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council receive and note the Investment Report for the month of January 2014.**

### Summary of Report

- Total restricted funds invested as at 31 January 2014 equals \$136,558,656
- Year to date investment income of \$3,856,513 has reached 92.70% of total annual budget
- In line with Council's Investment Policy, the total portfolio is performing above benchmark levels

### Discussion

This report provides details of all funds that Council has invested under Section 625 of the Local Government Act, as at 31 January 2014. All investments were made in accordance with the Act, Regulations and Council's Investment Policy.

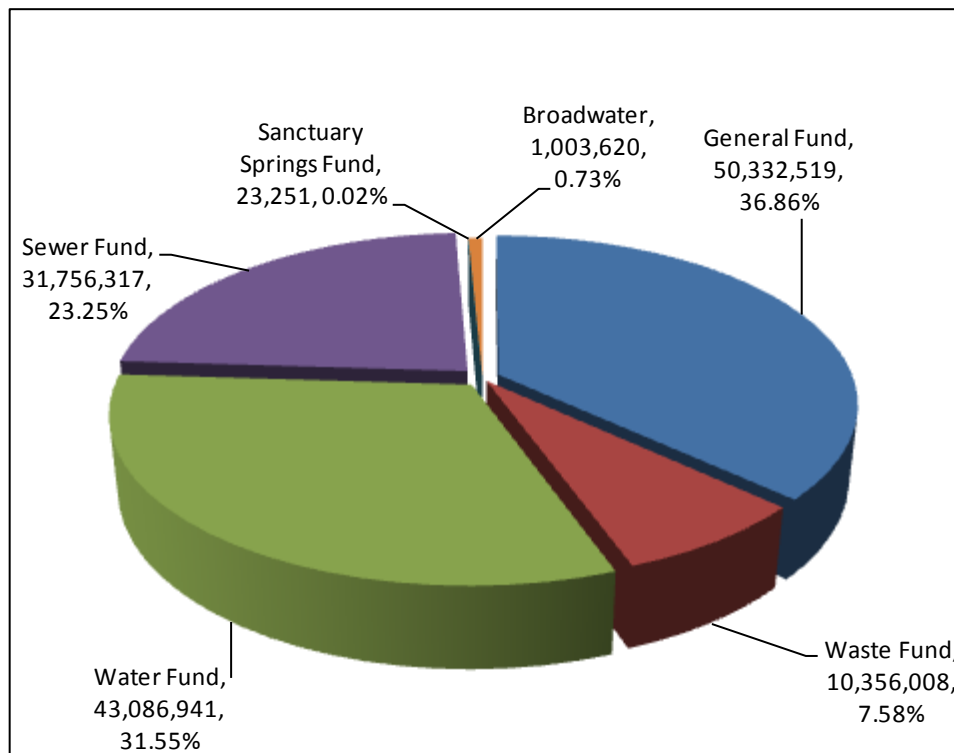
As at 31 January 2014, the investments held by Council totalled \$136,558,656 and is attributed to the following funds:

General Fund	50,332,519
Waste Fund	10,356,008
Water Fund	43,086,941
Sewer Fund	31,756,317
Sanctuary Springs Fund	23,251
Broadwater	1,003,620
	<b><u>136,558,656</u></b>

These are all restricted funds from loans, s94 contributions and other avenues which are committed for future works. The total quantum of unrestricted funds cannot be accurately determined until year end.

## Ensuring Good Governance

### Investments by Fund - as at January 2014

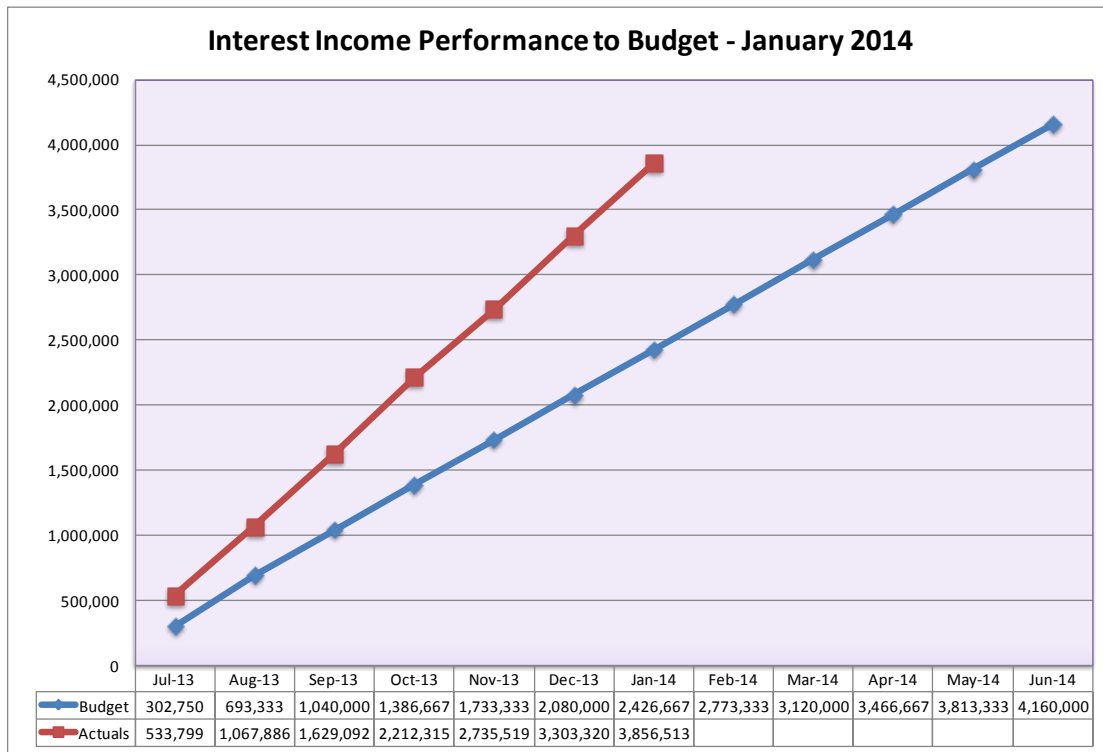


### Portfolio Performance

- Council's total investment portfolio performance for January 2014 was 2.19% above the benchmark (4.86% against 2.67%).
- The total year to date investment income of \$3,856,513 has reached 92.70% of the total annual budget of \$4,160,000



## Ensuring Good Governance



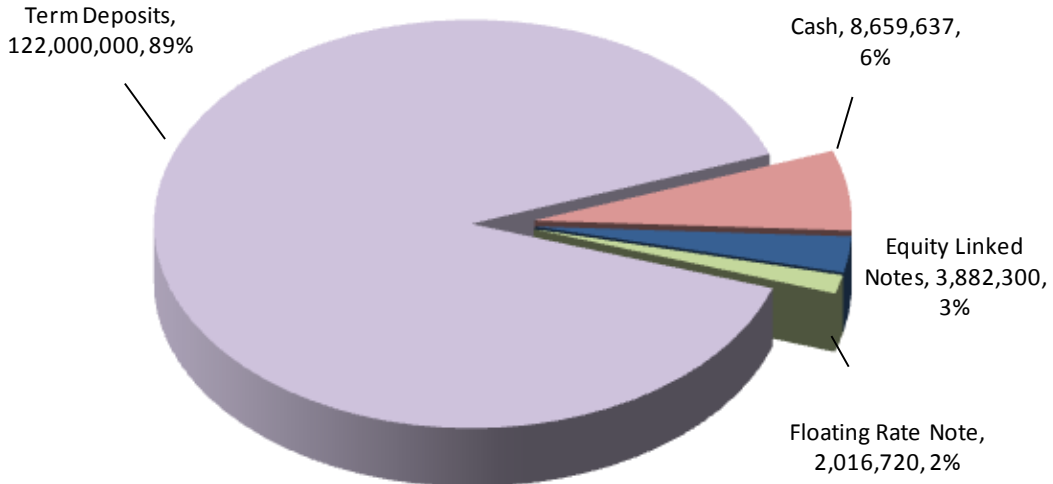
### Investment Portfolio Mix

Council's current portfolio is represented by term deposits, two Capital Protected Equity Linked notes and a floating rate note. Total term deposits represent 89% of the total investment portfolio.

As at January month end the total portfolio investment was \$136,558,656, down from \$140,014,900 at the end of December 2013.

## Ensuring Good Governance

### Portfolio - January 2014



#### Term Deposits

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

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

Table 1 - Term to Maturity

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


Term to Maturity 	Balance \$	% Held	Policy Min	Policy Max
0 - 12 months	\$64,000,000	52.46%	40.00%	100.00%
1 - 3 years	\$52,000,000	42.62%	0.00%	60.00%
3 - 5 years	\$6,000,000	4.92%	0.00%	30.00%
5+ years		0.00%	0.00%	15.00%
<b>Grand Total</b>	<b>\$122,000,000</b>	<b>100.00%</b>		

Table 2 - Overall Portfolio Credit Framework

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



## Ensuring Good Governance

Rating Framework	Total	% Held	Maximum % Policy	Variance	Comments
A	45,000,000	36.89%	60.00%	23.11%	OK
AA	71,000,000	58.20%	80.00%	21.80%	OK
BBB	6,000,000	4.92%	20.00%	15.08%	OK
Below BBB					
<b>Grand Total</b>	<b>122,000,000</b>	<b>100.00%</b>			

These tables show the total amount held for Council's term deposits and do not include the equity linked or floating rate notes.

### Capital Protected Equity Linked Notes - Emu & Longreach

Council currently holds two capital protected products (or CPPI) notes, Emu and Longreach, with a total face value of \$4m. These are due to mature in November 2014 and October 2015.

Whilst originally these products had the potential to be risky investments, with the correction in the financial markets during the GFC these deals experienced a 100% shift out of any risky asset to a less risky situation to protect the Investor's principal.

At this stage we have been advised by Denison, (Council's financial advisors) that these funds on deposit will be growing at a rate that should return 100 cents in the dollar of the original funds invested.

### Floating Rate Note - Royal Bank of Scotland

A floating rate note (FRN) is normally a medium term investment (1-3 years) that pays interest at a rate which varies with the overall level of interest rates in the economy. FRN's differ from fixed term deposits as these pay a fixed return on investment either periodically but usually at maturity.

Council currently holds one FRN with a face value of \$2m which is due to mature in March 2014.

### Cash - Westpac Business Cash Reserve Account

This is not available unrestricted cash.

This is a maxi account which the Council uses as a cash flowing tool only. Funds are transferred in and out of this account daily prior to investment, given its higher rate of interest than the general payment account. Levels in this account vary dependent on the time of month and rate payer/creditor cycle.

### Investment Portfolio by Maturity Date

The investment portfolio as at 31 January 2014, sorted by maturity date, is as follows:

## Ensuring Good Governance

Inv Name	Type	Purchase Date	Maturity Date	Current Yield	Face Value	Valuation	\$ Value
Royal Bank of Scotland	FRN	10-Mar-11	10-Mar-14	4.5517%	\$2,000,000	100.836	\$2,016,720
Total FRN's					\$2,000,000		\$2,016,720
Inv Name	Type	Purchase Date	Maturity Date	Yield	Face Value		
St George Bank	TD	27-Aug-13	23-Feb-14	4.0000%	\$3,000,000		
Westpac Term Deposit	TD	26-Jun-13	26-Feb-14	4.3100%	\$4,000,000		
St George Bank	TD	19-Sep-12	13-Mar-14	4.8800%	\$4,000,000		
Rural Bank	TD	27-Jun-13	24-Mar-14	4.3200%	\$2,000,000		
St George Bank	TD	18-Oct-13	18-Apr-14	3.8000%	\$1,000,000		
Credit Union Australia	TD	25-Nov-13	26-May-14	3.8500%	\$2,000,000		
Bank of Queensland	TD	6-Sep-13	6-Jun-14	3.9000%	\$4,000,000		
AMP Bank Ltd	TD	11-Dec-13	11-Jun-14	3.9000%	\$2,000,000		
National Australia Bank	TD	12-Dec-12	12-Jun-14	4.5700%	\$3,000,000		
Westpac Term Deposit	TD	20-Jun-13	22-Jun-14	4.3000%	\$3,000,000		
AMP Bank Ltd	TD	23-Dec-13	23-Jun-14	3.9000%	\$2,000,000		
ING Bank (Australia) Ltd	TD	26-Nov-13	24-Jul-14	3.8500%	\$3,000,000		
National Australia Bank	TD	29-Aug-13	29-Aug-14	3.9500%	\$6,000,000		
National Australia Bank	TD	6-Sep-13	6-Sep-14	3.9700%	\$4,000,000		
Rabobank	TD	9-Sep-13	9-Sep-14	3.9500%	\$2,000,000		
Bank of Queensland	TD	10-Oct-13	10-Oct-14	3.8500%	\$5,000,000		
St George Bank	TD	10-Oct-13	10-Oct-14	3.9200%	\$5,000,000		
Westpac Term Deposit	TD	11-Nov-11	11-Nov-14	5.9200%	\$3,000,000		
ING Bank (Australia) Ltd	TD	26-Nov-13	26-Nov-14	3.8500%	\$4,000,000		
Bendigo Bank	TD	11-Dec-13	11-Dec-14	3.9000%	\$3,000,000		
Commonwealth Bank	TD	20-Dec-11	18-Dec-14	5.7600%	\$2,000,000		
National Australia Bank	TD	20-Dec-11	20-Dec-14	5.7500%	\$5,000,000		
Bendigo Bank	TD	6-Sep-13	6-Mar-15	4.0500%	\$4,000,000		
National Australia Bank	TD	6-Sep-13	6-Mar-15	4.0400%	\$4,000,000		
Holiday Coast Credit Union	TD	10-Oct-13	10-Apr-15	4.1500%	\$2,000,000		
Bank of Queensland	TD	6-Sep-13	6-Sep-15	4.2000%	\$4,000,000		
Investec Bank (Australia) Ltd	TD	13-Sep-13	14-Sep-15	4.2900%	\$4,000,000		
ANZ Bank	TD	13-Nov-12	13-Nov-15	4.7000%	\$2,000,000		
Commonwealth Bank	TD	10-May-13	9-May-16	4.5000%	\$1,000,000		
Commonwealth Bank	TD	13-May-13	13-May-16	4.5000%	\$1,000,000		
Commonwealth Bank	TD	27-May-13	27-May-16	4.5500%	\$1,000,000		
Westpac Term Deposit	TD	20-Jun-13	20-Jun-16	4.5100%	\$3,000,000		
Bank of Queensland	TD	13-Sep-13	13-Sep-16	4.5500%	\$3,000,000		
Westpac Term Deposit	TD	14-Sep-11	14-Sep-16	6.0500%	\$7,000,000		
Rabobank	TD	11-Nov-11	11-Nov-16	6.3000%	\$2,000,000		
Westpac Term Deposit	TD	11-Nov-11	11-Nov-16	6.2200%	\$3,000,000		
ING Bank (Australia) Ltd	TD	20-Dec-11	20-Dec-16	6.1600%	\$3,000,000		
ANZ Bank	TD	13-Nov-12	13-Nov-17	4.8700%	\$2,000,000		
Bank of Queensland	TD	20-Jun-13	20-Jun-18	5.0000%	\$4,000,000		
Total TD's					\$122,000,000		
Cash Fund							
Westpac Business Cash							
Reserve Account	CASH			3.20%	\$8,659,637		
Capital Protected Equity Linked Notes	Rating	Purchase Date	Maturity Date	Valuation	Face Value	\$ Value	Comment / Protection
Emu Note	A-	26-Oct-05	30-Oct-15	95.070	\$1,000,000	\$950,700	Commerzbank
L'reach S32 Partnership	A+	30-Nov-07	23-Nov-14	97.720	\$3,000,000	\$2,931,600	Delevered - UBS
Total Cap Protected Notes					\$4,000,000	\$3,882,300	
Total Portfolio					\$136,659,637	\$136,558,657	

Notes:

## Ensuring Good Governance

- The amount within "\$ value" in the table above is the estimate of current realisable value for the investment as provided by Denison Advisory Services and is not necessarily the amount that is to be received upon maturity.

### Denison Advisory

Denison Advisory currently provides Council with independent advice for all investment decisions.

Below is their update regarding the Council's current investment portfolio performance.

*The pricing for the Floating Rate Note was up again (100.836 in Jan from 100.558 in Dec) whilst the Capital Protected Notes were improved from 94.64 (Emu) and 97.23 (Longreach) to 95.07 and 97.72 respectively. The portfolio continues to retain a high level of overall liquidity. The cash component totals \$8.7mm (up from \$7.1mm 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 RBA left the cash rate at 2.50% in early February after not having a meeting in the January holiday period.*

*Bank bill yields were slightly lower in holiday affected markets. The markets continue to price in the probability of a further easing in monetary policy by the RBA whilst expecting rate rises into 2015.*

*The average yield for the 12 bank bill futures contracts (a 3yr period) is currently at 3.15% a reasonable drop from December's end of month level of 3.33%. It is also lower than the level of last year at 3.22% but below the 3.90% seen back in early 2012.*

*Forward expectations for short term rates in Australia were similar to the previous month with slightly lower expectations in years 2 and 3. The market view is that rates rise very slowly in late before rising less aggressively than previously priced in.*

### The Australian Dollar

*The Australian dollar was again weaker both against the USD and on the trade weighted index basis. The Australian dollar dropped by in excess of 1.7% during December on a trade weighted basis and nearly 2% against the USD.*

*The relative AUD currency weakness was due in part to the RBA again talking the currency down into the high to mid-80s against the USD combined with weak local data and slightly weaker Chinese data.*

### **Options**

This is an information report.

## Ensuring Good Governance

### Community Engagement & Internal Consultation

Council uses the services of Denison Financial Advisory in relation to the investment portfolio, including the 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 2014 was 2.19% above the benchmark (4.86% against 2.67%) and year-to-date investment income has reached 92.70% of the total annual budget.

### Attachments

Nil

## Ensuring Good Governance

**Item: 09.08**

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

**Presented by: Development & Environment, Matt Rogers**

### Alignment with Delivery Program

1.5.3 Ensure ratepayer value for money through continuous improvement in quality, effectiveness and efficiency of delivery of Council services.

### RECOMMENDATION

**That Council note the Development Activity and Assessment System Performance Report for the second quarter of 2013-2014.**

### Executive Summary

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

### Discussion

The table overleaf provides data on the volume of applications received and determined over the quarter relative to the year-to-date average and the monthly average of the preceding 2 years.

Consistent with the first quarter of 13/14, the number of Development Applications (DAs), Construction Certificates (CCs) and Complying Development Certificates (CDCs) received/determined is up on the previous year's monthly average. An additional 20 DAs, 20 CCs and 10 CDCs are received/determined each month compared to the 11/12 and 12/13 monthly average. This supports anecdotal evidence of increased activity in the development sector.

In response to receiving the Development Activity and Assessment System performance report for the first quarter in 2013/14, Council resolved the following:

*'That the Director of Development and Environment investigate whether or not it is possible to include an additional column in the table that shows construction certificates commenced.'*

From staff experience the vast majority of CCs issued are acted upon within 3-6 months of issue. CCs require a greater level of investment from proponents compared to DAs given the need to prepare engineering drawings and in some



## Ensuring Good Governance

cases payment of developer contributions. Following interrogation of the relevant application data in Authority however, it has proven difficult to obtain information on the commencement of CCs in an automated fashion.

To investigate the commencement of CCs further, those applications determined during the month of October 2013 were manually checked to determine whether they had commenced. Of the 55 applications determined by Council (note: private certifiers accounted for an additional 22), 33 had commenced by the end of January 2014.

To assist further with understanding the levels of building activity, an additional row has been inserted in the table outlining monthly building inspections undertaken by Council officers (i.e. excluding private certifiers). Compared to 11/12 and 12/13 data, monthly inspections for 13/14 have increased considerably. This further reinforces increased confidence in the construction industry.

Application Type	2011 - 12 Monthly Average	2012 - 2013 Monthly Average	Oct-13	Nov-13	Dec-13	2013 - 2014 Average to date
DAs Received	53	52	74	66	71	72
DAs Determined		53	82	42	58	64
DA Modifications Received		11	9	8	11	10
DA Modifications Determined	11	11	11	4	6	10
Complying Development Certificates Received by Council		10	27	22	14	19
Complying Development Certificates Determined (inc private certifiers)	25	20	30	30	27	21
Construction Certificates (Building Work) Received by Council		35	67	44	53	55
Construction Certificates (Building Work) Determined (inc private certifiers)	49	45	77	46	50	58
S68 Water & Sewer Applications Determined		42	62	45	49	53
Building Construction Inspections Undertaken	241	286	352	370	342	374

The following table outlines the estimated value of works per development type approved for the quarter. Not surprisingly, residential related development continues to be the dominate development type.

Applications of interest determined during the quarter include:

- DA2013/329 - 18 lot residential subdivision, Ocean Dr, Bonny Hills.
- DA2013/216 - 23 lot residential subdivision, Pacific Dr, Port Macquarie.
- DA2013/446 - Additions to retirement village, River Park Rd, Port Macquarie.

## Ensuring Good Governance

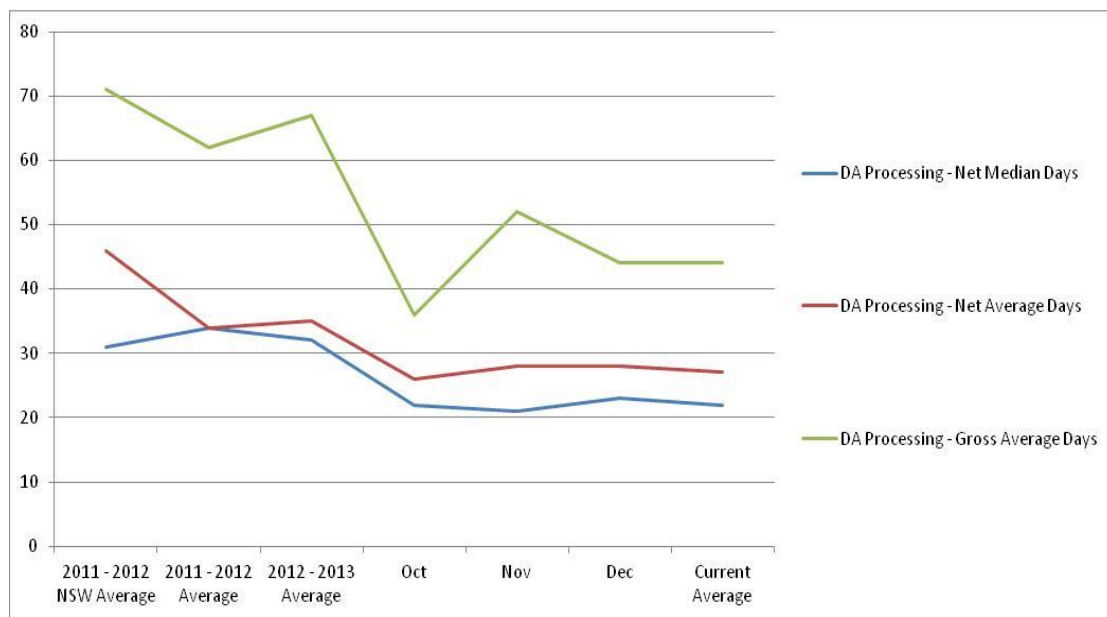
### Estimated Value of Works

Development Category	Oct-13	Nov-13	Dec-13
Ancillary Development	\$567,801	\$737,180	\$850,516
Residential	\$8,908,767	\$10,565,802	\$8,616,054
Commercial	\$138,001	\$102,500	\$30,500
Industrial	\$1,200,000	\$0	\$225,660
Rural	\$1,160,001	\$911,391	\$525,280
Community	\$0	\$0	\$15,920

The following table and graph provides data and trends on monthly application processing times.

PMHC Application Processing Performance							
2013-2014	2011 - 2012 NSW Average	2011 - 2012 Average	2012 - 2013 Average	Oct 2013 Average	Nov 2013 Average	Dec 2013 Average	Current Average
DA Processing - Net Median Days	31	34	32	22	21	23	22
DA Processing - Net Average Days	46	34	35	26	28	28	27
DA Processing - Gross Average Days	71	62	67	36	52	44	44
Complying Development Processing- Net Average Days	18	6	5	4	4	3	4
Building Construction Certificate Processing - Net Average Days		16	13	6	4	2	4

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Processing times for all application types are tracking well and are down on previous year's monthly averages. Early data for the January quarter is indicating however that average processing times are likely to rise over the following quarter given the Christmas/New Year break and increased development activity generally.

With specific regard to CDCs it should be noted that amendments are being made to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The changes are to come into effect at the end of the month. Specific exclusions have been included for the Port Macquarie- Hastings LGA in relation to more relaxed building setbacks (consistent with the Development Control Plan) to assist with a greater number of residential developments being considered as complying development. Whilst this is positive and will hopefully see an increased uptake in Complying Development, the amendments unfortunately also include a requirement for many CDCs to be notified to neighbours for 14 days upon receipt of the application and a further 7 days notice being provided to neighbours prior to construction commencing. This is considered to be a poor outcome as it will slow the processing of CDCs considerably (the CDC will not be able to be issued until after the 14 day notice period), require additional administrative effort and will result in a situation where CDCs will be notified to neighbours but no submissions are able to be lodged/considered in the process. Processing times are likely to trend upwards from 4 days to 15-20 days following this amendment. Planning staff will continue to raise these concerns with the Department and the Minister.

### Options

This is an information report

### Community Engagement & Internal Consultation

Development assessment statistics are discussed internally as the key indicator of system performance. The statistics are provided to and discussed at quarterly Hastings Construction Industry Liaison meetings.



## Ensuring Good Governance

### Planning & Policy Implications

Nil

### Financial & Economic Implications

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

### Attachments

Nil

## Ensuring Good Governance

**Item: 09.09**

**Subject: QUESTION ON NOTICE - BUILDING A NEW LOCAL GOVERNMENT PERFORMANCE MEASUREMENT FRAMEWORK**

**Presented by: Community & Organisational Development, Lesley Atkinson**

### RECOMMENDATION

**That Council note:**

- 1. The answers to the questions posed by Cr Hawkins.**
- 2. The response sent to the Division of Local Government.**

### Question from Councillor Hawkins

With reference to a circular received today from the NSW Department of Local Government with the title "Building a new local government performance measurement framework", could the General Manager provide a report to the February 2014 Council Meeting responding directly to the two key questions posed by the DLG, viz: 1. What do councils and their community need to know to determine if they are performing well and achieving their goals? 2. How well does your council (PMHC) currently measure performance and how useful is your council's current performance measurement system?

### Comments by Councillor (if provided)

Nil

### Response

Following the Destinations 2036 meeting with all councils in 2011, the Division of Local Government has been working on a number of initiatives as a result of this meeting. Improving performance measurement of local government is one of the key focus areas identified through this process.

A discussion paper was circulated in November 2013 titled "Strengthening councils and communities: Building a new framework for measuring performance in local government" and all councils were invited to provide feedback. Additionally, councils were invited to participate in a survey on "Performance Measurement and Community Satisfaction Surveys".

This information was circulated to all councillors and a copy of the proposed response was provided seeking feedback. All feedback was incorporated into the final response to the Division of Local Government which was sent on the 24 January 2014. The on line survey was also completed and a copy of both of these responses are attached to this report.

## Ensuring Good Governance

In essence, the first question raised by Cr Hawkins is the key issue that the Division of Local Government is exploring with local government through this engagement process. Currently, performance measurement is partially addressed by the integrated planning and reporting framework and the obligations addressed therein. However it is clear that this is an area for improvement for all councils, including Port Macquarie-Hastings Council as well as for the Division of Local Government. The PMHC response to the Division of Local Government is very supportive of what the performance measurement framework is seeking to achieve and flags some areas where a whole of government approach would benefit both communities, local government and the NSW Government. It also highlights the value of standardising and harmonising measurement noting that consistency will be important to ensure that the State Government is comparing “apples with apples”.

It is pleasing to note that Port Macquarie-Hastings Council has staff members participating in two of the working parties, namely Governance and Community Satisfaction, associated with the development of the performance measurement framework.

It is anticipated that the results of the work on improving performance measurement in local government will be the foundation of measurement for all councils. This should ensure that the NSW system is robust and transparent and provides relevant performance information to its communities, elected councils and the state government. Currently this is a gap.

In relation to the second question, Port Macquarie- Hastings Council currently meets its performance reporting responsibilities, and in some instances exceeds its legislative requirements, by providing:

- an Operational Plan quarterly report to Council - detailing performance against the operational plan performance measures;
- a six monthly progress report on implementing the activities of the Delivery Program to Council - detailing progress against delivery program objectives;
- a Monthly Budget Review to Council - detailing the financial position of Council on a monthly basis;
- an Annual Report - to the Division of Local Government - detailing the achievements against the operational plan activities, the annual financial position together with other statutory reporting requirements such as the GIPA return;
- an Annual Report to Council on Compliments and Complaints - detailing all compliments and complaints together with trend analysis;
- a Biennial Community Satisfaction Survey (reported to Council and the community) - outlining the community's feedback regarding satisfaction with service delivery by PMHC;
- a Quarterly Community Connect newsletter - detailing and highlighting achievements and major projects during the year. This is send with the rates notices (both electronically and by mail); and
- an Annual Community Report Card - an executive summary for the community of achievements during the year against the operational plan (most recent copy attached).

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Council utilises a Performance Manager software package to collect this information and each month an exception report is provided to the General Manager on gaps in delivery against the Operational Plan. Financial information is collected in the Authority system and compliments and complaints are collected in the CRM software system. All of these systems are widely used in local government.

Performance measurement and reporting continues to be an area for improvement for PMHC. While inroads have been made in the development of the planning process required under the Integrated Planning and Reporting (IPR) framework in the Local Government Act (1993), there is a need to increase Council focus on measurement of performance against the Community Strategic Plan and the Delivery Program End of Term Report given this is the formal report back to the community.

Through the Business Improvement Office and other departmental reviews better measures are being identified. This is an ongoing process.

### Attachments

1. Community Report Card 2012 - 2013
2. Survey submission to the DLG on Performance Measurement and Community Satisfaction January 2014
3. Submission to DLG on Performance Measurement Framework - January 2014

## Ensuring Good Governance

**Item: 09.10**

**Subject: 2013 - 2014 OPERATIONAL PLAN MODIFICATIONS**

**Presented by: Community & Organisational Development, Lesley Atkinson**

### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council:**

- 1. Adopt changes to the 2013 - 2014 Operational Plan actions as detailed in this report.**
- 2. Note the highlighted capital works projects at risk of not being completed as programmed.**

### Executive Summary

The purpose of this report is to seek Council's endorsement to modify the 2013 - 2014 Operational Plan in a number of areas.

1. Action items that require modification are summarised below:
  - a. There is a need to update the second success measure target allocated to the action item 1.5.2.3 to reflect the transitional movement from paper based files to an electronic records management system.
  - b. Action item 3.5.2.1 is to be deleted until such time as the outcomes from the environmental strategy, which Council has recently advertised an Expression of Interest, has been undertaken and analysed.
2. A series of updates linked to the capital works program are to be included within the 2013 - 2014 Operational Plan as follows:
  - a. There is a need to update the current 2013 - 2014 Operational Plan to include capital work projects that have been carried over from 2012 - 2013 financial year to reflect the resolution from the Council meeting held on the 21<sup>st</sup> August 2013.
    - 1.
  - b. Capital works projects that have been completed that were not previously programmed are to be included in the 2013 - 2014 Operational Plan to reflect the work carried.



## Ensuring Good Governance

3. An update on capital work projects, detailed below, that are at risk of being carried over into the 2014 - 2015 Operational Plan.

### Discussion

1. Action items that require modification

#### a. Success Measure target modification

With the introduction of the TRIM records management system the need to request paper based files has reduced considerably. The modification of the second target to 250 file requests per quarter, as detailed below, reflects the movement of record storage from paper based files to electronic files.

#### Current wording in the 2013 - 2014 Operational Plan action item

OP Ref	Action description	Lead responsibility	Success measure	Target
1.5.2.3	Capture, manage, retain and dispose of corporate information	ICT	<ol style="list-style-type: none"> <li>1. Percentage of file requests actioned within 24 hours</li> <li>2. Number of unique file requests</li> </ol>	<ol style="list-style-type: none"> <li>1. &gt;75%</li> <li>2. &gt;500 per quarter</li> </ol>

#### Proposed wording to be inserted

OP Ref	Action description	Lead responsibility	Success measure	Target
1.5.2.3	Description remain the same as above	ICT	Remain the same as above	<ol style="list-style-type: none"> <li>1. &gt;75%</li> <li>2. &gt; 250 per quarter</li> </ol>

#### b. Action item to be removed

Council has recently advertised an Expression of Interest in regard to Environmental Assessments and Environment Strategy at Port Macquarie Airport to enable the ongoing operation and future development of essential infrastructure associated with Port Macquarie Airport. The infrastructure works to be assessed include (but are not limited to); the ongoing establishment and maintenance of airside surfaces in accordance with Civil Aviation Safety Authority (CASA) standards; potential future Airport development/extension and/or relocation of critical aviation related infrastructure; and facilities and establishment of an Airport Precinct Business Park.

The environmental strategy is a key milestone for the development of the Airport and it is considered that any options paper for future management/ownership of the Airport should be considered only following the resolution of a number of critical uncertainties including those relating to environmental strategies.

## Ensuring Good Governance

This direction was endorsed by the Airport Project Advisory Group at their meeting on 3 February 2014 and it is therefore recommended that this action item be removed from the 2013 - 2014 Operational Plan.

### Current wording of the 2013 - 2014 Operational Plan action item

OP Ref	Action description	Lead responsibility	Success measure	Target
3.5.2.1	Develop an options paper for the future management and/or ownership of the Port Macquarie Airport for consideration by Council	Commercial and Business Services	1. Completion of the options paper 2. Report considered by Council	1. by 28 February 2014 2. by 30 April 2014

### 2. 2013 - 2014 Operational Plan Capital Works Modifications

#### a. Carry-over Capital works projects to be included:

A report to Council detailing capital projects to be carried over from the 2012 - 2013 into the current year was presented on the 21 August 2013 (08.12). Within this report reference was made to amendments which will need to be made to the current Operational Plan and that this would form the basis of another report to Council.

Details of the projects to be inserted into the 2013 - 2014 Operational Plan into the relevant works program section are detailed below.

Project description	Detailed description	Carried forward budget \$	Source of funding			
			Grants and contributions	Loans	Transfers from reserves	Funding from operating budget
			\$	\$	\$	\$
Purchase of Land	Pt Lot 1 DP 881120 Orara Dr Kendall	145,144			145,144	
Aerial Photography	Purchase of Aerial Photography for Urban areas and whole LG area for use in GIS system	136,715	91,143		45,572	
Project description	Detailed description	Carried forward budget \$	Source of funding			
			Grants and contributions	Loans	Transfers from reserves	Funding from operating budget
			\$	\$	\$	\$
Masterplanning ECC Project	Development of a DA following consultation with the community	54,364			54,364	
Mobile Library Service	Contribution to a three year project	12,056	12,056			
Project description	Detailed description	Carried forward Budget \$	Source of funding			
			Grants and contributions	Loans	Transfers from reserves	Funding from operating budget
			\$	\$	\$	\$
Airport - Carpark Detailed Design		49,940			49,940	
Port Macquarie Airport Upgrade		6,559,290	4,823,545	1,735,745		
Asset Revaluations	Buildings revaluation	17,003			17,003	

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Project description	Detailed description	Carried forward budget \$	Grants and contributions \$	Source of funding		
				Loans \$	Transfers from reserves \$	Funding from operating budget \$
Bago Road Industrial Subdivision		49,632	49,632			
Floodplain Management Plan Implementation	Dunbogan Flood Access Stage 2	1,290,656	1,290,656			
Port Macquarie Transfer Station	Facility Upgrade	114,217			114,217	
Cairncross Waste Depot	Access Road Upgrade	475,922			475,922	
Kew Transfer Station	Design & DA	86,712			86,712	



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Project description	Detailed description	Carried forward budget \$	Grants and contributions \$	Source of funding		
				Loans \$	Transfers from reserves \$	Funding from operating budget \$
Port Macquarie Pool	Design	500,000	166,650			333,350
Ocean Drive	Stingray Creek Bridge, North Haven	37,025	37,025			
Loggy Creek Bridge Replacement - Pre-construction		43,915				43,915
New Works Depot		183,956				183,956
Port Macquarie Indoor Stadium	Expansion	2,650,242	2,650,242			
Emergency Services Facility Maintenance	Maintenance requirements for Emergency Services buildings	87,565			87,565	
Town Beach Public Amenities	Supply and installation of public toilets - Town beach (Breakwall)	208,022			208,022	
2011/12 CPTIGS - PMQ Accessible Bus Shelters		3,077	3,077			
2012/13 CPTIGS - Accessable Bus Shelters		78,000	78,000			
Cycleway Construction	Provision of cycleway construction program in accordance with adopted bike plans	179,559	179,559			
Shelly Beach Reserve	Reserve Improvements	42,633				42,633
PM Cycle Club Criterium Track		36,809	30,587			6,222
Bruce Porter Reserve	Reserve Improvements	21,394				21,394
Port Macquarie Historic Cemetery	Upgrade Stage 1	118,936	23,912			95,024
Tacking Point Lighthouse Maintenance Works		15,112	15,112			
Camden Haven Sporting Complex		29,007	14,200			14,807
Shelly Beach Reserve	Upgrade of Seawall retaining	60,000	11,160			48,840
Westport Reserve	Playground Upgrade	134,104	134,104			
Kendall Tennis Club Upgrade		2,060				2,060
Westport Reserve	Reserve Improvements	13,765	13,765			
Jack Dwyer Reserve	Installation of Exercise Station	15,000				15,000
John Dick Reserve	Playground Upgrade	13,946	2,594			11,352
Local Park - 1 - Innes Peninsula	Embellishment	99,485	99,485			
Sandhurst Reserve	Playground Upgrade	20,884	3,885			16,999
Town Green	Implement Master Plan	415,382	335,823			79,559
Tuffins Lane Sporting Facilities	Upgrade	9,728				9,728
Wayne Richards Park Development	Stage 3	1,486,444	1,486,444			
Kooloonbung Creek Nature Park Shared Walkway		25,000	25,000			
Buller Street	Buller Street Bridge pedestrian walkway widening per TCMP	100,780			100,780	
Buller St/Hollingworth St Traffic Signals		50,945			50,945	
William Street	Hay to Murray Streets	44,613			44,613	
Murray St	Upgrade per TCMP Design - Eastern side near courthouse - Clarence to William Streets	5,529			5,529	
Precon William Street	Short to Buller Street Bridge	76,790			76,790	

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Project description	Detailed description	Carried forward budget \$	Source of funding			
			Grants and contributions \$	Loans \$	Transfers from reserves \$	Funding from operating budget \$
Amira Drive Drainage Remediation		95,590			95,590	
Milton Circuit Stormwater Drainage		26,938			26,938	
Wauchope Aerator Replacement		627,059			627,059	
Camden Haven Sewerage Scheme Upgrades		252,864	252,864			
Camden Haven STP Augmentation		706,203	706,203			
Septic Receiving Station		76,841			76,841	
Stormwater Remediation - Belah Road , Port Macquarie - Stage 3	Construction of stormwater channel and overland flowpath	251,804		200,000	51,804	
Hastings River Drive	Traffic signals at intersection of Hastings River Drive and Boundary Street	1,966,657	1,598,507		147,717	220,433
Commence Pavement Rejuvenation Treatments	Including Sections of Ocean Drive (North Haven), Lake Road (Industrial Area), Hastings River Drive (Bellbowrie to John Oxley Motors)	195,357				195,357
Continuation of High Traffic Road Resurfacing	Including Pacific Drive, Kennedy Drive, Cameron St/Bago Road and Bold Street	222,482				222,482
Comboyne Road	Replacement of existing wire barrier through mountain section	157,498		157,498		

**b. Capital works projects to be included:**

To ensure the 2013 - 2014 Operational Plan is reflective of the work undertaken by Council during this period the projects listed below are proposed to be included into the 2013 - 2014 Operational Plan. These projects have been undertaken during the year as funding has become available. They were not previously programmed due to this uncertainty and/or various other reasons.

Project	Budget
Preconstruction and design for Airport - rental car and staff car park, Tuffins Lane	\$25,082
Finalisation of Preconstruction and Design for Hastings River Dr - Park to Aston Streets Reconstruction	\$10,077
Finalisation of Preconstruction and Design for Hastings River Dr - Newport Island Road intersection Reconstruction	\$74,000
Preconstruction and Design for interim works - Lake Road Blackspot - Central Rd to Blackbutt Drive	\$5,000
Castle Street Kerb and Gutter and drainage improvement works (Laurieton Cenotaph)	\$186,000
Construction of Rossglenn Level Railway Crossing Upgrade works	\$97,616

**3. Update on Capital work projects**

A number of programmed 2013 - 2014 projects have also been identified as projects that may not be fully expended or even commenced during 2013 - 2014. These projects have been delayed due to a number of factors. It is the intention of this

## Ensuring Good Governance

report to highlight these projects and the circumstances which have caused a delay in delivery. These projects will remain in the current 2013 - 2014 Operational Plan but may be the subject of the annual carry-over report to be completed later in the year.

Project	Description	Budget	Reason for delay
Waste Management Climate Change Strategies	Carbon Offset Program	\$600,000	Waiting on Regulator who is assessing carbon offset approvals.
North Haven Community Hall	Restoration of Community Hall (Structural and Maintenance issues)	\$320,000	Construction tender still to be undertaken. Confirmation of project start date dependant on tender responses.
Town Beach Amenities/Kiosk/Marine Rescue Building	Upgrade	\$300,000	Additional community engagement undertaken. Finalisation of project start date dependant on detailed design finalisation and approvals.
TCMP Gordon Street	Gateway Upgrades - Horton to Kooloonbung Creek Bridge	\$50,000	Under review with Town Centre Masterplan.
Stingray Creek Bridge	Construction	\$8,600,000	Project start date and program to be confirmed once detailed design is completed.
Southern Arm Trunkmain	Construction DN750 southern arm trunkmain from Cowarra Dam to Bonny Hills along Houston Mitchell Drive	\$3,000,000	Finalisation of project start date dependant on detailed design finalisation.
Boatramps Wharves/Jetties	Replacement of Revetment wall and boatramp repair, Dunbogan Reserve	\$106,250	Project budget allocation will not allow full scope of works to be implemented. Scope of works to be limited to match available funds. Start date and program dependent on agreed scope of works.
Flynn's Beach	Upgrading of sea wall	\$972,325	Detailed Design delayed by the need for additional Geotechnical investigations. Finalisation of project construction start date and total costs dependant on detailed design finalisation.
Town Beach Public Amenities	Supply and installation of public toilets - Town beach (Breakwall)	\$208,022	Detailed design and statutory approvals under review, with further risk analysis underway.
Town Green	Implement Master Plan	\$415,382	Awaiting agreed concept designs and staging plan post public exhibition.
Tip Road Dunbogan	Relocation of	\$160,000	Environment approvals

## Ensuring Good Governance

200mm watermain	200mm watermain		received 2014. Project not expected to commence until April & will be work in progress at the end of June.
Dunbogan Tip Road - rising main	Construct new 450mm rising main	\$500,000	Environment approvals received 2014. Project not expected to commence until April & will be work in progress at the end of June

### Options

To not adopt these changes would result in key actions not being tracked or reported against accurately in the regular reporting schedule for the 2013 - 2014 Operational Plan.

### Community Engagement & Internal Consultation

Internal consultation has been undertaken with the General Manager, Directors and project owners.

### Planning & Policy Implications

The proposed 2013 - 2014 Operational Plan modifications will provide additional information and transparency to the community on the activities of Council and ultimately in the reports presented to the community.

### Financial & Economic Implications

There are no financial implications with the proposed changes as financial adjustments have been made as detailed in previous report to Council (21 August 2013).

### Attachments

Nil

## Ensuring Good Governance

Item: 09.11

Subject: 2013 - 2014 COMMUNITY GRANTS ROUND TWO ASSESSMENT AND  
PROCESS FOR 2014-2015 COMMUNITY GRANTS PROGRAM

Presented by: Community & Organisational Development, Lesley Atkinson

### Alignment with Delivery Program

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

### RECOMMENDATION

#### 1. That Council:

Pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the round two Community Grants 2013-2014 to:

Organisation	Project	Funding
Pappinbarra Progress Association Inc.	An evening of bush dancing to engage with their neighbours. Target group: residents of the Pappinbarra Valley	\$1,000
Port Macquarie Neighbourhood Centre Inc.	Connecting the immediate neighbours, including older and younger generations. Monthly lunches or morning teas at Centre for residents in streets immediately adjacent to Neighbourhood Centre (Muston/Dodds/Douglas/Oxide & Allman Streets, PM)	\$5,200
Rollands Plains Recreation Reserve Trust	Engaging elderly residents in compiling local history + facilitate interaction between this age and the community. Interaction with students at Rollands Plains Upper PS through visits and exchange of information.	\$2,280
Port Macquarie Historical Society Inc.	Hosting a neighbourhood day at Museum which brings together people in Clarence Street - including permanent residents, visitors, and community groups.	\$2,000
Communities of the Three Brothers	The development of telephone tree/personal contact networks during emergencies, a "buddy" in their street. An area of villages includes Johns River, Hannam Vale, Ross Glen and Herons Creek.	\$1,000
Honour, An Australian Christian Church	Billy Cart Derby Innes Lake - bringing together by building and entering a cart. Offer billy cart making workshops. Overcome barriers of participation within single parent families, the elderly.	\$4,345



## Ensuring Good Governance

TOTAL		\$15,825
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2. Approve the balance of funds be allocated to the development of a short 10 minute You Tube Video that complements the Information Sessions in providing support to prospective grant applicants (\$3,000) and trial one or two small “place making” projects (\$28,267).
3. Note the process for Round 1 of the 2014-2015 Community Grants Program.

### Executive Summary

Applications opened on 18 November 2013 and closed on 13 December 2013. A total of ten applications were received. The value of funding sought from all applications was \$75,127. Of these ten, the six above were endorsed by the Assessment Panel as being successful.

### Discussion

#### 2013-2014 Community Grants

In September 2013 Council approved a second grant round from the balance of funds (\$56,392) from the first round of the 2013-2014 Community Grants Program (General Grants).

The objectives of the second grant round are to:

1. Facilitate the establishment and implementation of innovative neighbourhood projects or programs that foster the development of caring communities by linking up people who live in the same street or nearby. Particular target groups are seniors, frail aged, people with a disability, and newly arrived residents.
2. Facilitate the development of innovative community projects, in line with the *Towards 2030 Community Strategic Plan* and Focus Area 2 of the *2013-2017 Port Macquarie Hastings Delivery Program*.
3. Facilitate the equitable distribution of community resources throughout the Port Macquarie-Hastings Local Government Area (LGA).

In November 2013 Council approved a total of \$9,300 to Grace Church and Port Macquarie City Church towards Christmas Events in Port Macquarie. A balance of \$47,092 is now available for 2013-2014 Community Grants round two.

The Community Development Officer (Grants) completed a preliminary assessment for Stages 1 and 2. Stage 1 was a check against eligibility criteria, restrictions and supplementary information. Stage 2 was an assessment of projects against the criteria outlined in the Guidelines. The Guidelines stipulated that any applications not meeting the requirements of Stage 1 would not proceed to Stage 2. The assessment Panel considered applications on the 20 January 2014.

## Ensuring Good Governance

Of the ten applications, four did not meet all the eligibility criteria:

- Parkrun Australia Inc. did not provide financial statements (across the two years), nor did they meet the first grant objective as they sought funds for a free run for all community members.
- Comboyne Community Association did not attend the mandatory information session or meet the first grant objective as they sought funding for the Hello Koala Project (no breakdown for which was provided);
- Port Macquarie U3A did not meet the first grant objective as they sought funds for equipment purchases associated with their core business (courses).
- Port Macquarie Arts Society did not meet the first grant objective as they sought funds for building works.

A fourth application from Rollands Plains Reserve Trust met all eligibility criteria however they had attached the same year's financial statements twice rather than one for each of the last two financial years.

Including Rollands Plains Reserve Trust, six applications partially or fully met the assessment criteria and on 20 January 2014 were approved by the Assessment Panel for funding (Recommendation 1). In the case of Rollands Plain Reserve Trust it was proposed that, as a one off, they be provided an opportunity to submit the correct financial statement as part of the Terms and Conditions of the Offer of Grant.

For the balance of funds the Assessment Panel has endorsed allocation as follows:

1. Develop a short 10 minute You Tube Video that complements the Information Sessions in providing support to prospective applicants (\$3,000).
2. To trial one or two small "place making" projects (\$28,267). This will be the subject of a separate briefing.

Following Council's decision letters will be forwarded to successful and unsuccessful applicants.

### Process for Community Grants 2014-2015

The following process is proposed for the 2014-2015 Community Grants Program which incorporates the categories of general, non-Council halls, Christmas and New Year's Eve events and environmental grants.

Two rounds will be run for each category except for environmental as these projects take a year to complete. Round one will open in early May and close mid June 2014. The assessment and approval process will be completed to enable Council consideration of successful applications at the August 2014 Ordinary Council meeting. Round two will open in October 2014 with a view to getting approvals and funds to successful applicants by mid December 2014.

In line with a previous decision by Council (September 2013) attendance at an information session will be mandatory for organizations applying.

Information sessions have been scheduled as follows:



## Ensuring Good Governance

### Port Macquarie (Council Function Room)

24 March 2014	11:00am - 1:00 pm
2 April 2014	11:00am - 1:00pm
8 April 2014	5:00pm - 7:00pm

### Laurieton (Council Library)

27 March 2014	11:00am - 1:00pm
10 April 2014	5:00pm - 7:00pm

### Wauchope (Senior Citizens Centre)

25 March 2015	11:00am - 1:00pm
1 April 2014	5:00pm - 7:00pm

These will be advertised across a range of mediums including print and radio media.

Information sessions for round two will be scheduled and advertised later in the year and unless the grant objectives and criteria change significantly it is proposed that potential applicants will only need to attend once in any one grant year.

### **Options**

That Council request further information.

### **Community Engagement & Internal Consultation**

#### Community Engagement

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

#### Internal Consultation

Assessment Panel members:

- Mayor Peter Besseling;
- Mr Tony Hayward General Manager;
- Ms Lesley Atkinson, Director Community and Organisational Development; and
- Mr Craig Swift-McNair, Director Corporate and Business Services.

Two apologies were received due to annual leave:

- Mr Matt Rogers, Director, Development and Environment; and
- Mr Jeff Sharp, Director Infrastructure Services).

### **Planning & Policy Implications**

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

### **Financial & Economic Implications**

A summary of funding outcomes is provided in Table 1.

## Ensuring Good Governance

Table 1 Funding Outcomes

<b>Funds Available</b>	<b>\$47,092</b>
<b>Fund Allocations</b>	
Round two grant projects	\$15,825
You Tube video	\$3,000
Place making projects	\$28,267
<b>TOTAL</b>	<b>\$47,092</b>

### Attachments

Nil

## Looking After Our People

### What are we trying to achieve?

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

### What will the result be?

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

### How do we get there?

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

## Looking After Our People

**Item: 10.01**

**Subject: SALE OF PART LOT17 DP244821 AT 9 COOPERABUNG DRIVE,  
TELEGRAPH POINT (PIN19819)**

**Presented by: Commercial Services & Industry Engagement, Rebecca Olsen**

### Alignment with Delivery Program

3.2.4 Appropriately develop, manage and maintain Council's property including property sales, acquisitions, road closures, land development and management of community and commercial leases.

### RECOMMENDATION

**That Council:**

- 1. Sell that part of Lot 17 Deposited Plan 244821 as depicted in the plan attached to this report in the amount of \$1,700 (GST Exclusive).**
- 2. Affix the Common Seal to the linen plan of subdivision (boundary adjustment) of Lots 7 and 17 Deposited Plan 244821.**
- 3. Pursuant to Section 377 of the Local Government Act 1993 delegate to the General Manager authority to sign the Contract for the sale of the land.**

### Executive Summary

A report to consider the sale of part of a Council owned drainage reserve situated at 9 Cooperabung Drive, Telegraph Point.

### Discussion

Council is the owner of a drainage reserve (Lot 17 Deposited Plan 244821) situated at 9 Cooperabung Drive, Telegraph Point. An enquiry has been received from the owner of the adjoining 11 Cooperabung Drive (Lot 7 Deposited Plan 244821) expressing an interest in purchasing part of the drainage reserve for addition to his property so as to allow for better access to his backyard. The land sought for purchase is depicted in the plan attached to this report - the land being generally a 5 metre wide strip that comprises approximately 282m<sup>2</sup> of the 907.8m<sup>2</sup> of Lot 17 DP244821.

### Options

There is the option to:

1. Sell the land
2. Not sell the land

## Looking After Our People

### Community Engagement & Internal Consultation

There has been consultation with Council's Drainage Engineer who has advised that as the section of the drainage reserve requested to be purchased is not part of the main drainage channel, the land can be considered for sale as there will be no detrimental impact on water flow should the land pass into private ownership.

### Planning & Policy Implications

There are no planning & policy implications.

### Financial & Economic Implications

Council's consulting valuer has assessed the value of land at \$1,700 (GST Exclusive). Subject to the formal approval of Council, an offer in this amount has been made to the owner of Lot 7 DP244821 (11 Cooperabung Drive). There has been written acceptance to the offer and accordingly the proposed sale is now presented to Council for consideration.

### Attachments

1. Aerial photo depicting land proposed to be sold

## Looking After Our People

**Item: 10.02**

**Subject: NEW ARTS, CULTURE AND HERITAGE SUB-COMMITTEE**

**Presented by: Community & Organisational Development, Lesley Atkinson**

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### Alignment with Delivery Program

2.5.2 Facilitate, support and/or advocate for cultural and heritage education within the community.

### RECOMMENDATION

#### That Council:

1. **Create a new Arts, Culture & Heritage Sub-Committee.**
2. **Adopt the draft Arts, Culture & Heritage Sub-Committee Charter.**
3. **Seek expressions of interest from community members to fill the five positions on the Arts, Culture & Heritage Sub-Committee.**
4. **Nominate two Councillors to fill the Chairperson and Alternate Chairperson roles.**
5. **Advise members of the Heritage & Museums Sub-Committee and the Arts & Cultural Development Committee that both Sub-Committees will be disbanded and thank them for their commitment and time.**

### Executive Summary

In November 2013, Council resolved to seek further feedback from the community regarding a proposed new Sub-Committee of Council to deal with cultural and heritage matters and to provide advice to Council, as well as the development of a Charter to guide the Sub-Committee.

### Discussion

During 2013, a number of meetings and discussions were held with a variety of stakeholders, regarding the possibility of the development of a new Sub-Committee of Council, to advise Council on a range of cultural and heritage policy/issues. A report to Council in November 2013 recommended the development of a new Sub-Committee, and after due consideration, Council resolved to seek further feedback with another report to be presented to the February 2014 Council meeting.

Between 29 November 2013 and 30 January 2014, all members of the Arts and Cultural Development Committee and the Museums and Heritage Sub-Committee (as well as the wider community) were invited to make a submission regarding the proposal, either as an individual or as a representative of their group/committee. This report summarises the submissions received, provides commentary regarding the points raised and also provides a draft Charter for consideration by Council.



## Looking After Our People

There were ten submissions received and all are listed in the Community Engagement & Internal Consultation section of this report, it is clear that some members of the community do not believe the Sub-Committee is a workable proposal, whilst others do. There is a clear request in three of the submissions that, rather than one sub-committee there be two sub-committees of Council. One focussed on Arts, Culture and Heritage, and the other focussing on technical matters related to Development Applications on Heritage listed buildings. Consultation with the Planning Section of Council and Council's contracted Heritage Advisor resulted in agreement that there was no need to develop another sub-committee to look at Development Application issues which staff and the Heritage Advisor currently deal with, inviting further comment from specialist areas such as Archaeologists.

There were some excellent suggestions made to improve the clarity around naming of the Sub-Committee, objectives, membership and frequency and locations of meetings, which have been acknowledged in the commentary component of the table below.

### Options

Council could determine to continue with the Sub-Committees as they are currently, disband the two existing Sub-Committees and/or create a new Arts, Culture and Heritage Sub-Committee of Council.

### Community Engagement & Internal Consultation

The proposal was made available for comment on pmhc listening on Council's website, hard copies were available at Council's offices and libraries.

Submission		Issue
1.	<b>Mitch Mackay - Heritage Consultant</b>	This submission clearly outlines the roles and responsibilities of the proposed Sub-Committee and working groups/existing groups in the community. It highlights that community groups/volunteers and individuals should not take the place of Council staff, but will need to have some expertise to be involved in the desired outcome which is to progress heritage and cultural planning matters within the Greater Port Macquarie area.
	<b>Response/Comment:</b>	<p>It is acknowledged that the Sub-Committee members will need to have a variety of skills, which will be articulated in the EOI process.</p> <p>It is acknowledged that the roles and responsibilities of the Sub-Committee versus the existing groups in the community need to be clearly delineated, so this submission is very useful.</p>



## Looking After Our People

Submission		Issue
2.	<b>Sandra Haswell, Kendall Heritage Society</b>	<p>a. Not supportive of the proposal for the following reasons:</p> <p>a. Does not see that there would be time during the meeting for all present to have their say on behalf of their group in the new expanded group.</p> <p>b. It would be better to keep arts and culture separate from heritage as the two groups have no interest in each other. Arts and culture should be taken up by the Glasshouse, heritage should be kept separate so that it keeps a profile. Combining everything together is easy for Council but frustrating for the community.</p> <p>c. Please consider moving forward having meetings of this group in areas of our LGA other than Port Macquarie, it would be much appreciated by those who have to travel.</p>
	<b>Response/Comment:</b>	<p>The comments regarding the size of the Sub-Committee have been taken on board and a cap of 5 community members will be sought through an EOI process.</p> <p>The suggestion of the Committee moving around the LGA is an excellent one, and will be considered at the inaugural meeting.</p>
Submission		Issue
3.	<b>Hastings Museums and Heritage group</b>	<p>a. Support the establishment for a new Sub-Committee</p> <p>b. Recommend it be named Arts and Culture Sub-Committee and be a Committee of Council, noting that culture incorporates all aspects of cultural life including history and heritage</p> <p>c. Rework the Charter to remove the reviewing of Heritage planning and Policy documents as this would be the responsibility of Council's Section 377 Heritage Committee.</p> <p>d. Does not believe that Council is adequately or responsibly addressing its community and statutory responsibility and therefore should form a Heritage Committee under the Section 377 of the LGA 1993. This</p>

## Looking After Our People

		<p>committee would advise Council on how to conserve and protect heritage assets</p> <p>Thus, there would be two Sub-Committees, an Arts and Cultural Committee which would develop a Cultural Plan for the LGA, which is specific and achievable.</p> <p>The second Sub-Committee would be the Heritage Sub-Committee, which would be responsible for advising Council on how to conserve and protect heritage assets - items, places and areas owned by or controlled by Council on behalf of the community. Its responsibilities would encompass Aboriginal, built moveable and natural heritage.</p>
	<p><b>Response/Comment:</b></p>	<p>1. Agree with points a, b and c</p> <p>2. With respect to point d:</p> <p>The outcome of discussions with Council's contracted Heritage Advisor and Planning staff is that Council is meeting its obligations under the Local Government Act and does not need to create another sub-committee to deal with built heritage and associated Development Applications. It is acknowledged that some councils, with significant built heritage, do indeed have a Heritage Sub-Committee of Council which the applicant has referenced in their submission. However, the Heritage Act and the Local Government Act do not require councils to establish a Heritage Sub-committee. It is a choice of each council to determine, not a statutory obligation to create.</p> <p>It is Council officers' belief that Council is meeting its obligations under both Acts and does not need to create another Sub-Committee to deal with built heritage and Development Applications.</p>

Submission		Issue
3a	<b>Martin Parish, Herons Creek District Heritage Community Chapel</b>	Fully supports the submission made by Hastings Museums and Heritage Group.
	<b>Response/Comment:</b>	Noted
Submission		Issue

## Looking After Our People

3b	<b>Betty Boyd, Kendall Heritage Society</b>	Fully supports the submission made by Hastings Museums and Heritage Group.
	<i>Response/ Comment:</i>	Noted
Submission		Issue
4	<b>David Martin, Community Member</b>	Supportive of the proposal and seeking to be involved, moving forward.
	<i>Response/ Comment:</i>	Noted
Submission		Issue
5	<b>Ray Cooper</b>	<p>Not supportive of the proposal for the following reasons:</p> <ul style="list-style-type: none"> <li>a. Concerned that Council is not listening to community wishes, which will have broad implications for Council. Volunteers who have provided many hours in this sector will suffer a loss of confidence in Council and walk away from their good work.</li> <li>b. The idea of a broad range of people being involved in the proposed new Sub-Committee will not work because they won't have contact with day to day operations and therefore will not be up to date with what's happening in the sector, resulting in a disconnected Sub-Committee from the community.</li> <li>c. The guidelines for appointment to the Sub-Committee are too narrow and will exclude many individuals who are interested in being involved</li> </ul> <p>Applicant would prefer a more focused Sub-Committee be established which scrutinises Development Applications to ensure legal conditions are met and our history is safe and protected for the future. Heritage should not be combined</p>

## Looking After Our People

		with other areas of Council, a Heritage Sub-Committee is a vital part of Council's operation, it should be a standalone operation with qualified and experienced people appointed to it.
	<b>Response/ Comment:</b>	<p>It is acknowledged that it will be extremely important to bring the community members of this sector along with Council on the journey with this proposed new Sub-Committee. There is much valuable knowledge in the community regarding the arts, cultural and heritage sector, and it will be from this group that EOI's will be invited. One of the criteria for appointment to the new Sub-Committee will be that the applicant will need to demonstrate clear connections with the community of interest, and the ability to advocate on their behalf.</p> <p>The suggestion regarding a focussed sub-committee on Heritage DA's has been commented on in Response to submission 3.</p>
Submission		Issue
6	<b>Port Macquarie Historical Society Inc</b>	<p>Is a signatory to the response put forward by the Hastings Museum and Heritage Group.</p> <p>Is supportive of a new Arts and Cultural Sub-Committee but has concerns regarding how it will develop. Whatever approach Council takes, the applicant acknowledges that it will need to be well resourced and well led, with a whole of Council approach.</p> <p>A brief outline of Council's history/background on Heritage has been provided, to correct some inaccuracies in a previous report.</p>
	<b>Response/ Comment:</b>	Noted
Submission		Issue
7	<b>Arts Mid North Coast</b>	<p>Supports Council's initiative to integrate and focus on enhancing the quality of people's lives through creative expression. A number of comments have been made to clarify the proposal:</p> <p>a. Clarify whether the Sub-Committee</p>

## Looking After Our People

		<p>is a Committee of Council or an Advisory committee and name it so that it reflects the role, such as Arts and Culture Advisory Committee.</p> <p>b. Aim for a smaller number of committee members, and co opt suitable skilled persons in an Advisory capacity for a specified purpose and time frame.</p> <p>c. Clarify the number of meetings to be held each year.</p> <p>d. Clearly define the tasks which are noted in the role of the Sub-Committee and those in the Charter. Perhaps the following headings would assist: Vision, Role and Terms of Reference. (these have been provided)</p> <p>e. Arts Mid North Coast is keen to work with Council on a number of proposed Terms of Reference.</p> <p>f. It will be important to take a whole of Council approach to the cultural sector. Accordingly, there needs to be some clarification regarding the relationship between the new Glasshouse Sub-Committee and the proposed new Culture and Heritage Sub-Committee.</p>
	<b>Response/ Comment:</b>	The points in this submission are supportive of the proposal and provide some valuable points which have assisted in finalising the Charter and the objectives of the new Sub-Committee, as well as the name of the Sub-Committee to clarify the purpose.
Submission		Issue
8	<b>Members of the Arts and Cultural Development Committee</b> <b>b. ( Jo Davidson, Jenny Hutchison, Krissa Wilkinson, Jenny Hooper, Heather Rawson )</b>	<p>A number of questions are posed regarding the new Sub-Committee, namely what will the relationship be between the new Glasshouse Sub-Committee and the new Heritage and Culture Sub Committee? Will the three community events (AquaSculpture, FreshArt and PlayRites) continue to be funded and occur?</p> <p>And also some general commentary regarding the need to establish a Cultural Plan, a realistic Charter which does not have onerous roles for community</p>



## Looking After Our People

		volunteers, and endorsement of the need to have Sub-Committee members with suitable expertise in the cultural sector.
	<b>Response/ Comment:</b>	The relationship between the new Glasshouse Sub-Committee and this Sub-Committee will be explored once the new Sub-Committee is established. By this time there will have been a number of meetings of the new Glasshouse Sub-Committee which it is expected will assist in the clarification. The new Arts, Culture & Heritage Sub-Committee will need to consider these events in amongst all the other issues (including the development of a succinct Cultural Plan) to be considered during the early research stage of the Sub-Committee.
Submission		Issue
9	<b>Phil Bowman, Camden Haven Historical Society</b>	<p>c. After stating a strong concern that Council is confused with language, purpose, lack of understanding of the relevant Acts and hidden agendas of Council staff in this proposal, the submission goes on to support the cessation of the existing Museums &amp; Heritage Sub-Committee, to be replaced by an Arts and Cultural Committee of Council and a Heritage technical Committee of Council.</p> <p>d.</p> <p>e. Reasons provided are as follows:</p> <p>f.</p> <p>a) Even before 2008 (at which time redundancies of the Heritage officer occurred) the sub-committee had not been achieving anything, had a large membership, failed to gain a quorum repeatedly, and has been more focussed on Council officer's agendas rather than the community's.</p> <p>b) Whilst supporting the establishment of a Arts and Cultural Sub-Committee of Council, it is not clear whether this will achieve anything, unless it can demonstrate that Council supports the concept that Port Macquarie is a convict town, and Council manages project/grants appropriately.</p> <p>c) A heritage Technical Committee of Council should be established under section 337 of the Local Government Act and the Heritage Act 1977. The actions and scope of which is stated in The Local Government Heritage</p>

## Looking After Our People

		Guidelines.
	<b>Response/ Comment:</b>	g. The issue of a separate technical sub-committee has been considered and responded to in submission 3. The Sub-Committee size has been addressed in submission 1. With regard to the previous meetings being focussed on Council officer's agendas, members of the Museums & Heritage Sub-Committee were regularly asked if they had agenda items, and Council's contracted Heritage Adviser regularly asked if any of the groups involved would like him to attend their meetings, which was taken up in a very limited capacity.
	<b>Submission</b>	<b>Issue</b>
10	<b>Judith Hansen</b>	Submission notes the importance of preserving and promoting Port's Heritage and Culture, and that there is a very active group of volunteers working in this area who all deserve the support of Council.
	<b>Response/ Comment:</b>	Noted.

**Planning & Policy Implications**

Nil.

**Financial & Economic Implications**

Nil.

**Attachments**

1. Copy of submissions received.
2. Draft Arts, Culture & Heritage Sub-Committee Charter



## 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

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**Item:** 11.01

**Subject:** QUESTION ON NOTICE - SHOP ADJACENT TO COACH TERMINAL (PIN62740)

**Presented by:** Commercial Services & Industry Engagement, Rebecca Olsen

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### RECOMMENDATION

**That Council seek to obtain through an Expression of Interest process, a commercial return from the vacant office premises adjoining the Coach Terminal in Gordon Street, Port Macquarie.**

### Question from Councillor Sargeant

Could the General Manager provide a status report on the unlet shop front adjacent to the coach terminal in Gordon Street, Port Macquarie.

### Comments by Councillor (if provided)

Nil.

### Response

#### Background

In March 2010 Council sold to Coles a large parcel of vacant land fronting Gordon and Hayward Streets Port Macquarie. At the time, situated on this land fronting Hayward Street, was a building containing a coach terminal, small office (leased by a Coach company) and public amenities.

A condition of the sale to Coles was that they provide a similar type of coach terminal, office and amenities building in their new complex, with the title of this facility to be retained by Council. The outcome is now a new building providing these facilities fronting Gordon Street.

#### Office Building

Upon completion of this building the office section was offered to the Coach company who occupied the old Hayward Street office, however this offer was declined.

The new office has an area of 42m<sup>2</sup> consisting of concrete floor, basic light fittings, and a water supply connection. There is no air conditioning or power points (only a power board) with any fit out being the responsibility of the tenant.

## Helping Our Community Prosper

In 2010 Expressions of Interest were called to attract a commercial tenant for this office. Little interest was shown. In mid 2011 discussions were then developed with a local tour operator, however due to unexpected flooding events in late 2011, structural building issues became a concern with the premises remaining vacant.

In early 2012, Council's Building Services supervisor approached the Council Community Development Officer to determine if a community benefit could be obtained from the premises. Following a report to Council's Executive in July 2012 a recommendation was made to invite Expressions of Interest to secure a not-for-profit lead agency to occupy the site; however this process was never finalised, largely due to the flooding and structural issues with the facility.

Indications are that building concerns relating to the 2011 flooding events are now completely resolved and that the office is fit for occupation.



*Gordon Street façade of the property.*

### Options

The premises could also be used for the following should a commercial return on the space not be desired:

- Use the premises for an as yet unidentified Council purpose, or
- Offer the premises for a Community activity receiving only nominal rental.

### **Attachments**

Nil

## Helping Our Community Prosper

Item: 11.02

Subject: TASTINGS ON HASTINGS EVENT

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

### Alignment with Delivery Program

3.3.1 Maximise, support, facilitate and advocate for major events and conferences to ensure ongoing positive economic and tourism growth.

### RECOMMENDATION

That Council:

1. Note the information presented regarding the 2013 Tastings on Hastings event.
2. Note the results of recent event visitor surveys which indicated Tastings on Hastings is a valued community event which creates a sense of pride in our place.
3. Continue to support Tastings on Hastings in 2014 with the event management contracted to a third party (Option 1 below) who will work with Council's Economic Development team to maximise value for event investment.
4. Conduct a full review of the long term sustainability of Tastings on Hastings during 2014-15 and consider opportunities to further activate the Port Macquarie CBD via other major events.

### Executive Summary

At the Ordinary Council Meeting on the 20<sup>th</sup> November 2013, Councillor Sargeant put forward a Notice of Motion regarding the 2013 Tastings on Hastings event. The Council resolution was as follows:

*RESOLVED: Sargeant/Turner*

*That Council:*

1. Formally congratulate contractors, staff and volunteers on the success of the 2013 Tastings on Hastings.
2. Request the General Manager report to the February 2014 Council Meeting on the total cost of running the event and the source and application of those funds provided by Council.

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

The purpose of this report is to respond to the request at item 2 above, and provide further information to Council regarding recent feedback on and analysis of the event, and proposed future event management.



## Helping Our Community Prosper

### Discussion

Tastings on Hastings is without doubt a much loved fixture in the local event calendar. The 2013 Tastings on Hastings main event (Sunday 27<sup>th</sup> October 2013) featured 109 stallholders, cooking demonstrations and a variety of music and entertainment, which attracted approximately 15,000 people. It was held under the umbrella of a month long program of events featuring local food, wine, produce and associated businesses.

Feedback from event attendees and exhibitors in recent years indicate the event is seen as a great mechanism to bring our community together and engender a sense of pride in the place we live - there is a love of the food, entertainment, atmosphere, and opportunity for social engagement. The analysis contained within this report also shows however, that the cost of the event to Council has increased significantly since its expansion and relocation to the Port Macquarie CBD. While community sponsorship, exhibitor fees and patron entrance fees help to off-set event costs, there is still a significant cash and staff-resource cost to Council in running the event. Cash sponsorship has been hard to come by and while exhibitors and patrons are willing to pay to participate or attend, feedback indicates that a further fee increase would be unpalatable.

### Background

Over its eleven year history, Tastings on Hastings has grown to be a signature food and wine event for the Greater Port Macquarie region. Initiated by Port Macquarie Hastings Council in 2003, 'Tastings' has been managed by the Good Company Group for seven of its 11 years (Council managed the event directly from 2005-2008). In recent years, the 'main' Tastings event has been expanded to be part of a month long program of events which showcase local food, wine, restaurants and producers - with the entire program coordination and marketing the responsibility of a contracted Event Coordinator under the management of and in collaboration with Council's Economic Development team.

The 'main' Tastings event outgrew the Port Macquarie Racecourse with around 8000 attendees in 2011 and in 2012 moved to the Port Macquarie CBD and Town Green. The rationale for this move was two-fold; for the event to continue to grow and also to activate the Port Macquarie's CBD and entertainment precinct. The move came with a raft of logistical requirements and costs in terms of event management but was generally received positively by event exhibitors and our community. These additional costs and requirements included traffic control, road closures, stakeholder management (residents and businesses), waste management, event access, marquee hire, DA approval and installation of electricity infrastructure.

### 2013 Event Stakeholder Analysis

Since the 2013 event, Council has conducted a detailed review of the event considering feedback and reporting from our Event Coordinator (Good Company Group), exhibitors, other stakeholders and data collected from over 1000 event patron surveys. The feedback indicates an overwhelming satisfaction with the event and desire for it to continue in future years. The majority of feedback received has been constructive and relates to logistical/layout elements associated with the use of the Port Macquarie CBD and Town Green. This is not unexpected, noting the event has only been held in this location for two years and further refinement will be necessary to get it right. A summary of this feedback is included at the attachment titled '*Tastings on Hastings 2013 Stakeholder Analysis*'.

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### 2013 Event - Cost to Council

Whilst the event feedback has been overwhelmingly positive, there is a recognition that the value of the event to our community and Council needs to be balanced against the real cost. This has increased considerably in recent years, as demonstrated in Table 1 below.

This table includes a summary of the cash income and expenditure associated with the event. On this basis the event has gone from a net cost to Council of \$20,449 in 2011, to \$85,601 in 2013. Also relevant to consideration of the event cost is the Council staff time allocated to the event and the significant in-kind support provided by members of the community and local business.

In 2013 the in-kind contributions secured by our Event Coordinator was valued at approximately \$115,000 - this included both goods and services from local professionals, business and media partners. Council staff costs were estimated at approximately 366 hours for the 2013 event (some \$18,000). This included administration, event applications processing and approvals, sponsorship administration, vendor administration, marketing and general planning support.

*Table 1: Tastings on Hastings Financial Analysis (cash position) 2011-2013*

<b>Income</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Cash Sponsorship	\$20,500	\$58,150	\$36,810
Entry and exhibitor fees	\$21,398	\$33,433	\$58,810
<b>Total</b>	<b>\$41,898</b>	<b>\$91,583</b>	<b>\$95,620</b>
<b>Expenditure</b>			
Event management and set-up	\$46,212	\$101,119	\$138,218
Advertising	\$13,485	\$10,128	\$11,768
Tourism marketing	\$0	\$16,750	\$22,804
Entertainment	\$2,700	\$5,000	\$8,432
<b>Total</b>	<b>\$62,397</b>	<b>\$132,997</b>	<b>\$181,221</b>
<b>Profit/(Loss)</b>	<b>(\$20,499)</b>	<b>(\$41,414)</b>	<b>(\$85,601)</b>

A more detailed breakdown on event costs is included in a confidential attachment titled 'Tasting on Hastings Financial Analysis'. Please note that this attachment is classified confidential as it includes information that would confer a commercial advantage on a person with whom Council is or intends to do business with (Local Government Act 1993 Section 10A (2) C).

### Future Management of Tastings on Hastings

The analysis of Tastings on Hastings' contribution to the community and cost to Council has highlighted the need to reassess the event scope and objective.

In particular, the recent event performance and feedback has highlighted the following concerns:

## Helping Our Community Prosper

- Increasing cost of event coordination, set-up and infrastructure;
- Scarce local sponsorship dollars;
- Lack of community recognition that the event represents a significant investment by Council in our community;
- Lack of recognition that the event provides partnership opportunities for local community groups (these groups benefit financially and from the community exposure in general);
- Lack of return on investment for event related destination marketing;
- While the event is fantastic in its community engagement and participation, it has limited traction as a driver of visitation to our region which would bring further benefits to our economy.

Even with these concerns, Council Officers are firmly of the view that the event provides great value to our community and should continue in its current form with some modifications to address the issues listed above.

Specifically, future Tastings on Hastings planning should:

1. Recognise the event is largely about pride in 'place' and for locals;
2. Recognise that there is not a unique offering that will draw high levels of outside visitation, such as that held by the Parkes Elvis Festival or the Denny Ute Muster. There is however, the capacity to continue investigating a more 'unique' element or increase the emphasis on other popular local 'tastes' eg: artists, music etc.
3. Decrease the month long programme of events and increase focus on a weekend of events to drive visitation and encourage promotion to and participation of visiting friends and relatives.
4. Cease tourism marketing investment for the event and focus on leveraging through editorial and public relations channels which generally provided positive return on investment.
5. Further investigate ways to reduce event set-up costs.
6. Ensure more wide spread recognition of Council support for the event, noting that this may bring challenges in terms of the willingness of locals to provide in-kind or financial support if it is 'owned' by Council. Provide sponsorship buy-in options at locally affordable levels - possibly tied to specific areas of the event.
7. Increase the focus on the event as a tool for place-making and community involvement/engagement.
8. Council further review and amend the management of the event to streamline processes, reduce costs and maximise value for investment.

### Options

#### *Consideration of Event Management Structure Options*

Noting the proposed modifications listed above, consideration has been given to event management structure options, and which will provide the best value for money and outcomes for Council and our community.



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Three options have been considered:

*Option 1 - Status Quo - Contracted Event Coordinator (managed by Council Economic Development)*

The event has been run successfully for many years under this model - albeit with on-going adjustments focused on the continuous improvement of the event management and exhibitor and patron experiences. Stakeholders are familiar with this model, relationships are well established and value can be built on existing knowledge of the event. Further, noting 2014 is only the third year in which the event has been held in the town centre, consistency in management is seen as being beneficial to 'bed down' the new format. Existing contractual arrangements provide the option for the continuation of current event management on this basis in 2014.

*Option 2 - Event managed by Council staff within Council Economic Development team.*

There is scope to retain tighter control over the event via direct management by Council staff. This would require additional human resourcing and would become a competing priority with the implementation of the 2013-2016 Economic Development Strategy and the Destination Management Plan. Further, it is anticipated that from a cost perspective, this option would simply transpose the current event management contract cost to a staff resource cost - likely at a similar or higher level.

*Option 3 - Tastings Local Organising Committee model comprised of Council, Business & Community representatives.*

The final option is to modify the event management to a more partnered approach with the community. Whilst this model may promote greater ownership of the event by our local community, previous experience suggests that such a model can be difficult to manage noting coordination requirements, skills of those involved and the fact that there is still a high burden on Council resourcing.

### Community Engagement & Internal Consultation

The report has been prepared following extensive analysis of information and feedback from the Event Organiser, key stakeholders (such as event exhibitors and volunteers) and event patrons. The Group Manager Community Development has been consulted and provided input on community engagement and place aspects of the event.

### Planning & Policy Implications

Nil

### Financial & Economic Implications

*Financial Implications*

As noted, the cost of Tastings on Hastings to Council has increased significantly in the past three years reaching \$85,601 for the 2013. Of this figure, \$60,000 (being the Event Coordinator fee) was funded from the organisational wide consultancy budget, with the remainder funded from the Economic Development Reserve in 2013. It is anticipated that the actions proposed in this report will reduce these costs

## Helping Our Community Prosper

for the 2014 event. In particular, the cessation of tourism marketing associated with the event will result in a savings of \$22,804. Ultimately, the cost of the 2014 event will be dependent on close control of event related costs and cash sponsorship income levels (which cannot be predicted at this point). It is proposed that the 2015 event will once again be funded from the 2014/15 Economic Development budget and the 2014/15 Consultancy budget. Analysis to date has not revealed any potential for this to be a cost neutral event in the near future.

### *Economic Implications*

Based on the 2013 event analysis, visitation to our region for Tastings on Hastings brings approximately \$500,000 to our local economy. Community participation and expenditure has a similar economic impact, so overall the economic impact of the event is approximately \$1million. Whilst a small portion of this impact will flow to neighbouring regions, the majority is of benefit to our local businesses and community. Using the CBD/Town Green location, there is scope for the event and its economic impact to grow.

### **Attachments**

1. Tastings on Hastings Stakeholder Analysis
2. Tastings on Hastings Financial Analysis (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

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**Item:** 12.01

**Subject:** QUESTION ON NOTICE - NEW DEVELOPMENT - ILLAROO ROAD, LAKE CATHIE

**Presented by:** Development & Environment, Matt Rogers

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### RECOMMENDATION

That the report be noted.

### Question from Councillor Intemann

Could a report be provided to the February 2014 Council meeting on the relationship between the hazard identified in the vicinity of Illaroo Road, Lake Cathie and limits to new development, including like for like replacement of existing structures known to be affected by asbestos.

If possible could the report also cover changes to the valuation of affected properties since the development limits were imposed.

### Comments by Councillor (if provided)

Nil.

### Response

#### Limits to Development

In 2007 Council commenced the Lake Cathie Coastal Zone Management Plan process. In addition to adopting the *Lake Cathie Hazard Study* in October 2008, Council also resolved not to accept any development applications for properties forward (seaward) of the 2050 limit of the ZSA until long term coastal erosion management options are determined as part of the CZMP. This 'moratorium' was lifted in July 2012 when interim development controls were adopted at the time of adopting the *Lake Cathie Coastline Management Study - Stage 2 (2012) Report* on 25 July 2012.

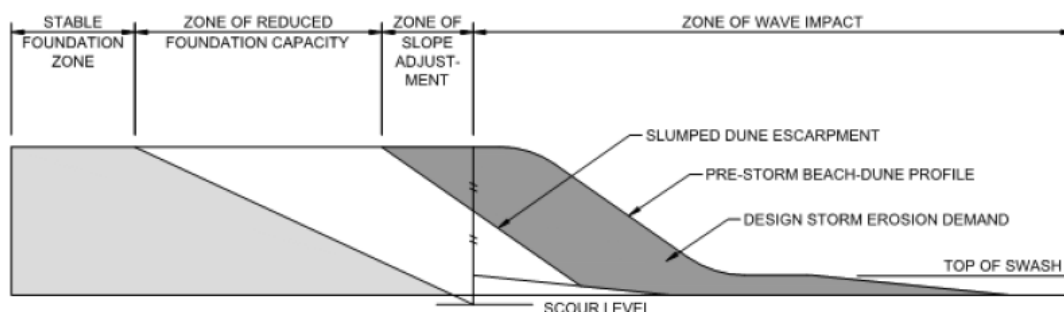
The Interim Controls adopted by Council are:

- i. *For properties forward (seaward) of the 2050 zone of slope adjustment the following interim controls apply for this area pending the adoption of the Lake Cathie Coastline Management Plan and construction of the revetment.*
  - a) *Additions to existing dwellings (excluding detached garages and outbuildings) be limited to a maximum 10% increase in floor area.*

## Looking After Our Environment

- 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.
- ii. For properties behind the (landward) 2050 zone of 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.

The *Lake Cathie Hazard Study (revised 2010)* identifies areas of risk using different hazard lines. The first set of lines are the *zone of slope adjustment (ZSA)*. These lines are used to identify the extent of potential erosion during an immediate major ocean storm event and in 2050 and 2100. A major ocean storm event is defined as a storm generating an offshore significant wave height of 7.5m and lasting for a duration of 12 hours. The second set of lines are the *zone of reduced foundation capacity (ZRFC)* an area where there is potential for impact on the foundations of buildings behind the ZSA.



From the Hazard Study mapping the following assets have been identified as being at risk for the various planning periods. This includes assets at risk due to wave impact and/ or coastal erosion during a major ocean storm event and, assets that may be at risk due to reduced foundation capacity.

Immediate Risk	2050	2100
<p>Illaroo Road</p> <p>Due to the above, vehicle access and services to 14 dwellings is at risk.</p> <p>Along Illaroo Road, 17 dwellings (including the eastern most lot in Bundella Avenue) may be at risk of structural damage due to reduced foundation capacity.</p>	<p>17 dwellings along Illaroo Road and services to these dwellings.</p> <p>An additional dwelling on Bundella Avenue may be at risk of structural damage due to reduced foundation capacity.</p>	<p>Around Illaroo Road including the eastern end of Bundella Avenue and additional 15 dwellings may be at risk.</p> <p>Along the northern part of Chepana Street around 40 dwellings may be at risk.</p> <p>The reminder of dwellings along Chepana Street (Eastern side) may be at risk of structural damage due to reduced foundation capacity</p>



## Looking After Our Environment

Until the revetment wall is constructed there remains a coastal hazard for development and re-development adjacent to Illaroo Road. It is not appropriate to allow large-scale re-development of those affected properties given the current knowledge of risk exposure and uncertainty associated with funding.

Some residents have commented that relocatable structures are problematic and residents should be able to replace 'like for like' of existing structures known to be affected by asbestos. It is acknowledged asbestos clad buildings have the potential to cause serious health problems and these structures should be removed over time, however this should not be used as a reason to reduce the development controls given the identified current high risk for properties forward (seaward) of the 2050 ZSA. Modern relocatable structures (homes) can be designed with high architectural features and can be modern, functional and aesthetically pleasing.

### Changes to Property Values

An analysis of rating land values from 2006 (Average \$394,882) to the most recent valuation in 2012 (Average \$363,823) shows that land values in Illaroo Road decreased on average by 7.9%. 2006 land values were used as the starting date to reflect pre-development restrictions (i.e. land values not impacted by the identification of coastal hazards).

A combination of development controls and the coastal hazard risk itself have likely impacted land values. It is difficult to quantify the full amount without undertaking detailed property valuations. It is important to note the Global Financial Crisis (GFC) commenced in 2008 and significantly impacted the state of the property markets generally. In this regard it is noted that rating land values for properties in Chepana Street north of Kywong and outside the coastal impact area have remained the same since 2006.

### **Attachments**

Nil



## Looking After Our Environment

**Item: 12.02**

**Subject: LAKE CATHIE REVETMENT WALL INVESTIGATION & DESIGN**

**Presented by: Development & Environment, Matt Rogers**

### Alignment with Delivery Program

4.8.1 Carry out relevant studies to determine the likely extent of natural events and the impact of climate change, develop relevant mitigation strategies.

### RECOMMENDATION

**That the Lake Cathie Revetment Wall Options Assessment & Preliminary Design Report be publicly exhibited for four (4) weeks in March 2014.**

### Executive Summary

The purpose of this report is to inform Council of the recently completed *Lake Cathie Revetment Wall Preliminary Design Report* for the design of the proposed 400m revetment wall at Illaroo Road, Lake Cathie, as adopted within *the Lake Cathie Coastal Zone Management Plan (2013)*.

### Discussion

Aurecon Australia Pty Ltd were contracted in July 2013 to undertake the Lake Cathie Revetment Wall Investigation & Design project. The aim of the project is to undertake the detailed investigation, design and documentation for the proposed 400m revetment wall at Illaroo Road, Lake Cathie.

An initial task of the project was to determine a suitable revetment style (ie. material type), which will fulfil the specific engineering and environmental requirements at Lake Cathie. The following range of available revetment technologies were assessed:

- Rock armoured revetment (*Option 1*);
- Geo-container revetment (*Option 2*);
- Grouted rock seawall (*Option 3*);
- Irregular concrete blocks (*Option 4*);
- Regular concrete blocks (*Option 5*);
- Seabees coastal pavements (*Option 6*);
- Reinforced concrete seawall (*Option 7*);
- Masonry seawall (*Option 8*);
- Terraced sandstone/concrete block seawall (*Option 9*);
- AuSSea Wall concrete blocks (*Option 10*);
- Gravity stone pitched wall (*Option 11*);
- Timber retaining seawall (*Option 12*);
- Steel sheetpile retaining wall (*Option 13*);

## Looking After Our Environment

- Gabion seawall (*Option 14*); and,
- Concrete panel retaining seawall (*Option 15*).

### Preliminary Multi Criteria Analysis

To undertake the assessment a Multi Criteria Analysis (MCA) protocol was formulated to objectively and consistently evaluate each of the proposed revetment technologies in order to create a shortlist of the most suitable revetment types. The MCA included broad categories for general engineering requirements and principles, community expectations, environmental impacts and economics.

The following categories and sub-criteria were used in the MCA.

#### **1. Environmental Impact**

- a. Marine Biodiversity.
- b. Beach/Dune Biodiversity.
- c. Environmental Impacts beyond Lake Cathie Beach.

#### **2. Effectiveness**

- a. Longevity of design.
- b. Addresses incident wave problem.
- c. Failure consequence.
- d. Technology challenges.
- e. Adapts to short term cyclic variations.

#### **3. Social Value/Community Expectations**

- a. Visual amenity.
- b. Beach safety.
- c. Sense of place.
- d. Suitability of materials.
- e. Construction timing.
- f. Non-beach users.

#### **4. Economics**

- a. Capital cost.
- b. Maintenance cost.
- c. Lifecycle cost.
- d. Intergenerational equity.

The weighting/scoring approach for the MCA is based on a Red, Yellow and Green “card” system. A Red card associated with a particular sub-criteria is less desirable (ie. significant impact, less appropriate) than a Green card. A Yellow card may be assigned to a sub-criteria if it is marginally appropriate or impacts are moderate.

The number of each ‘card’ colour is added to determine the most appropriate solutions for Lake Cathie and hence a shortlist of revetment type for further consideration.

The four revetment types shortlisted for further consideration are as follows;

1. Rock armoured revetment.
2. Irregular concrete blocks.
3. Seabees & coastal pavements.
4. Terraced sandstone/concrete block seawall.

### Detailed Multi Criteria Analysis

The four (4) shortlisted options were further scrutinised through a condensed MCA process to determine the final proposed revetment type. The initial sub-criteria were

## Looking After Our Environment

reviewed and modified slightly to reflect sub-criteria more suited to a detailed analysis.

A **rock armoured revetment** scored the highest of the shortlisted options. Final scoring is given below at Table 1.

Option Score			
Rock Armoured Revetment	Irregular Concrete Blocks	Seebees Coastal Pavements	Terraced concrete block seawall
3.93	3.59	3.16	3.02

Table 1 - Summary of Scoring for Final Assessment

Prior to proceeding with the detailed design for a rock armoured revetment it is proposed to publicly exhibit the options assessment.

### Options

Council may choose to proceed with the detailed design without public exhibition.

### Community Engagement & Internal Consultation

The revetment wall is the preferred protection measure within the *Lake Cathie Coastal Zone Management Plan (2013)*, which underwent extensive consultation.

The *Lake Cathie Revetment Wall Preliminary Design Report* is proposed to be publicly exhibited for a four (4) week period. The exhibition period will allow the public to view the Preliminary Design Report and to make comment on the preferred design option.

The following internal consultations have occurred to date:

- Director, Development and Environment,
- Group Manager, Environmental Services,
- Waste and Environmental Engineer.

### Planning & Policy Implications

Design & construction of the revetment wall is an Action from the Lake Cathie Coastal Zone Management Plan adopted by Council on 20 November 2013.

### Financial & Economic Implications

Design of the revetment wall is funded on a 50:50 basis between Council and the Coastal Management Grants Program via the Office of Environment & Heritage.

It should be noted that funding for the construction of the revetment wall has not been committed. Five (5) funding scenarios for capital and maintenance costs have been proposed in the *Lake Cathie Coastal Zone Management Plan (2013)*, however further discussion between the various levels of Government will be necessary to secure funding for the construction of the wall.

## Looking After Our Environment

The detailed design and documentation process will continue following the public exhibition period so that the revetment design will be ready for construction once funding arrangements have been determined.

### Attachments

1. Lake Cathie Revetment Wall Preliminary Design Report

## Looking After Our Environment

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**Item: 12.03**

**Subject: TENDER T-13-29 MULCHING OF GREENWASTE AND WOODWASTE**

**Presented by: Development & Environment, Matt Rogers**

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### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. **Accept the Tender from Davis Earthmoving and Quarrying Pty Ltd, for the Mulching of Greenwaste and Woodwaste including cartage.**
2. **Affix the seal of Council to the necessary documents.**

### Executive Summary

The purpose of this report is to advise Council of the results of the recent tender for Mulching of Greenwaste and Woodwaste, and to recommend Davis Earthmoving and Quarrying Pty Ltd as the successful tenderer to be engaged by Council for the term of the contract.

### Discussion

The current contract to mulch greenwaste and woodwaste expires on the 31 March 2014. The new contract covers the mulching of greenwaste and woodwaste at all waste facilities including transport of the mulched material from Kingfisher Road in Port Macquarie and Wauchope Transfer Stations to the Cairncross Waste Management Facility.

The Term of this Contract will be for 24 months. Following the 24 month term of the Contract, Council has the right to extend the Contract under the existing Conditions of Contract for a further 12 months with a CPI increase applied to prices. This 12 month extension may occur on two (2) successive occasions.

The Tender was advertised on 5 November 2013, and closed on Thursday 5 December 2013. During the tender period seventeen (17) individual organisations downloaded the tender documents from the Council's tendering website.

At the time of closing, six (6) tender submissions were received from the following organisations (listed in alphabetical order):

- Australian Native Landscapes (ANL)



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- Brisbane Tree Services
- Davis Earthmoving and Quarrying
- Ozmulching Pty Ltd
- Remondis Pty Ltd
- Riverbend Quarry Pty Ltd

A Tender Evaluation Panel was formed consisting of:

- Waste Strategies & Education Officer;
- Waste & Environmental Engineer; and
- Waste Coordinator

All Panel members signed tender confidentiality and conflict of interest declarations.

The first evaluation meeting was held on 15 January 2014 and an initial compliance check was conducted.

Following this preliminary assessment, one tender was found to be non conforming and was removed from further analysis. This submission was subject to the tenderer being awarded the recent organics processing contract.

During the first assessment it was discovered that the transport of mulch to the Cairncross Waste Management Facility had been omitted from the original tender. As such a request to provide a unit rate for transport was requested on 15 January 2014, to all five (5) conforming tenderers. A further clarification was issued on 17 January 2014.

At the close of this request for transport costs at 5pm, 22 January 2014, all tenderers had provided information. At this point, a second tender was considered to be non-conforming as an alternative pricing structure and a methodology unacceptable to Council was proposed.

On the basis of the tenders received, the qualitative criteria assessment was carried out by the Evaluation Panel Members with Panel Members scoring the tenders in accordance with the assessment criteria.

The criteria against which tender submissions were evaluated are;

- Conformity with the tender documents.
- Rates tendered.
- Environmental, WH&S, QA aspects of the Contract.
- Past experience and performance in carrying out the specified or similar works.
- References from other Councils.
- Plant and equipment.

The weighting of the above criteria was not disclosed to any tenderer.

*Please refer to the confidential spreadsheet titled "T-13-29 Evaluation & Pricing Analysis" which details the final evaluation scores for the tenders as determined by the Evaluation Panel and lists the tender prices offered by each of the tenderers. This analysis contains information that would, if disclosed, confer a commercial advantage*



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*on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2)(c).*

After the initial meeting several clarifications were also sought from the tenderers. After receiving clarifications, a second evaluation meeting was held on 27 January 2014. At this meeting a final ranking was determined for priced and non-priced criteria.

Based on this process, the Panel determined that the tender received from Davis Earthmoving and Quarrying Pty Ltd represented the most advantageous for Council in consideration of the assessment criteria above. In particular the Panel noted that the submission from Davis Earthmoving and Quarrying provided:

- All requested information and the contract conditions were accepted with no qualifications;
- A thorough understanding of the brief;
- Sufficient personnel and equipment to carry out the service with a comprehensive list of machinery and equipment included;
- Highly experienced personnel with significant experience;
- No establishment fee and no minimum amount of unprocessed material required for a site visit;
- A high quality of reporting and documentation necessary to measure processed material;
- Site safety plans and environmental management systems; and
- Excellent references as the incumbent contractor from PMHC staff and for similar work from other Councils.

### Options

Council has the option of accepting the tender submitted by Davis Earthmoving and Quarrying Pty Ltd, or not accepting same, in which case Council would be required to re-tender for this work.

The tender has been conducted in accordance with Section 55 of the *Local Government Act 1993* and Part 7 of the *Local Government (General) Regulation 2005*

### Planning & Policy Implications

Mulching of Greenwaste and Woodwaste, is a necessary part of the organic waste management process and is consistent with the objectives of Council's *2011-2015 Waste and Resource Management Strategy (2011)*, through improving services for the community and recovering high value resources.

## Looking After Our Environment

### Financial & Economic Implications

This contract is estimated to cost \$200,000 - \$230,000 per annum, and has been allocated in current and future budgets.

### Attachments

1. T 13 29 Evaluation and Pricing Analysis (Confidential)
2. T 13 29 Evaluation non price criteria (Confidential)

## Looking After Our Environment

**Item:** 12.04

**Subject:** STATUS UPDATE ON THE CAMDEN HAVEN FLOODPLAIN RISK MANAGEMENT PLAN

**Presented by:** Development & Environment, Matt Rogers

### Alignment with Delivery Program

4.8.1 Carry out relevant studies to determine the likely extent of natural events and the impact of climate change, develop relevant mitigation strategies.

### RECOMMENDATION

**That the Status Update on the Camden Haven Floodplain Risk Management Plan be noted.**

### Executive Summary

At the November 2013 Ordinary Council Meeting, Council resolved to:

1. Adopt the *Camden Haven River and Lakes System Flood Study (2013)*.
2. Request the General Manager present a report to the February 2014 Council Meeting on the status of the Camden Haven Floodplain (Risk) Management Plan (2004) and the mitigations proposals therein.

This report provides a summary of the flood mitigation actions within the *Camden Haven Floodplain Risk Management Plan (2004)*.

Since the adoption of the *Camden Haven Floodplain Risk Management Plan*, Council has been progressively working to action the recommended measures. The majority of the measures are completed or underway.

### Discussion

Council staff have undertaken a review of the actions proposed within the *Camden Haven Floodplain Risk Management Plan (2004)* and the works undertaken to date.

Council commissioned a Floodplain Risk Management Plan for the Camden Haven Catchment in 1999 and the *Camden Haven Floodplain Risk Management Study & Plan* was adopted by Council on 21 March 2004.

The *Camden Haven Floodplain Risk Management Plan* has established a variety of flood mitigation measures that act to minimize the effects of flooding to infrastructure and the general community.

The measures comprise predominantly 'non-structural' measures, however limited

## Looking After Our Environment

'structural' measures were also proposed. Measures include those that seek to modify property in order to minimize flood damage (eg. controls on new development and house raising), and those that seek to improve the community's response to flooding (eg. flood awareness, improved flood warning, and evacuation procedures).

Since the adoption of the *Camden Haven Floodplain Risk Management Plan* in 2004, Council has been progressively working to action the measures. The majority of the measures are completed or underway.

The attached *Camden Haven Floodplain Mitigation Measures Summary* shows the status of works complete and those items yet to be completed.

### Options

NA

### Community Engagement & Internal Consultation

Extensive consultation occurred during the development of the *Camden Haven Floodplain Risk Management Plan*.

### Planning & Policy Implications

The *Camden Haven Floodplain Risk Management Plan* is consistent with the NSW Government's *Flood Prone Land Policy* and NSW Government's *'Floodplain Development Manual' (2005)*.

The Actions support new policy and a planning for managing flood affected areas.

### Financial & Economic Implications

Actions are eligible for funding through the NSW Floodplain Management grant program.

### Attachments

1. Camden Haven Floodplain Mitigation Measures Summary

## 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

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**Item: 13.01**

**Subject: TENDER T-13-24 CONSTRUCTION OF SANCROX RESERVOIR**

**Presented by: Infrastructure & Asset Management, Jeffery Sharp**

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### Alignment with Delivery Program

5.5.1 Plan, investigate, design and construct water supply assets.

### RECOMMENDATION

**That Council:**

- 1. Accept the tender for \$4,011,090.91 (Excl GST) received from Hornick Constructions Pty Ltd for the construction of the 20 Megalitre Sancrox Reservoir.**
- 2. 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 construction of the 20 Megalitre Sancrox Reservoir and to recommend a successful tenderer to be appointed for this project.

The new 20ML Sancrox Reservoir will be the dedicated town water reservoir servicing the Thrumster Urban Growth Area, the Sancrox Employment Precinct and, in the longer term, the Greater Sancrox Investigation Area.

NSW Public Works, a division of the Department of Finance and Services, has been engaged by Port Macquarie-Hastings Council (PMHC) to project manage the procurement process and construction of the new 20ML Sancrox Reservoir.

Eight (8) tenders were assessed by a Tender Evaluation Panel, using pre-determined criteria and an agreed weighting formula.

The attached confidential evaluation spreadsheet demonstrates that the tender of Hornick Constructions Pty Ltd for the lump sum fee of \$4,011,090.91 (excluding GST) was ranked most favourably when the priced and non-priced criteria were combined.

The \$9m in funds to undertake this project have been allocated in Council's water fund capital works programs for the next 3 years. Funding assistance consisting of a \$2m grant has been provided by Federal Building Better Regional Communities scheme and by a \$3m grant from the NSW Housing Acceleration Fund.



## Planning and Providing Our Infrastructure

### Discussion

The new 20ML Sancrox Reservoir will be the dedicated town water reservoir servicing the Thrumster Urban Growth Area, the Sancrox Employment Precinct and, in the longer term, the Greater Sancrox Investigation Area.

NSW Public Works, a division of the Department of Finance and Services, has been engaged by Port Macquarie-Hastings Council (PMHC) to project manage the procurement process and construction of the new 20ML Sancrox Reservoir.

This tender was first advertised on 17 September 2013 and originally listed to close on 31 October 2013. A decision was made by Council, in accordance with *Local Government (General) Regulations 2005 Part 7 172*, to extend the closing date to 7 November 2013. The deadline was extended due to the complexity of the tender and to allow more time for meaningful tenders to be submitted.

Each tenderer was required to submit a lump sum quotation and schedule of rates as listed in the tender documents.

During the tender period, some fifty five (55) individual organisations downloaded the tender documents from Council's tendering website.

A mandatory pre-tender meeting was held on at the site off Burrawan Forest Dr on 9 October 2013. All contractors who submitted tenders had representation at this meeting.

At the time of closing, eight (8) submissions were received from the following organisations, shown in no particular order:

Zinfra Pty Ltd  
Stirloch Constructions Pty Ltd  
Lucas Engineering & Construction Pty Ltd  
Leed Engineering & Construction Pty Ltd  
Hornick Constructions Pty Ltd  
Fernandes Constructions Pty Ltd  
Entracon Civil Pty Ltd  
Australian Prestressing Structures Pty Ltd

A Tender Evaluation Panel (TEP) was formed which included the following staff:

- NSW Public Works Project Manager;
- PMHC Water & Sewer Planning Manager;
- PMHC Water & Sewer Investigations Engineer;
- PMHC Infrastructure Delivery Works Engineer (Observer) ;
- NSW Public Works Project Officer (Observer)

An initial compliance check was conducted during the week following the closing of the tender to identify submissions that were non-conforming with the immediate requirements of the Request for Tender (RFT). This included compliance with contractual requirements and provision of requested information.

All tenderers had completed all schedules and addressed the specified criteria and were therefore considered conforming and further evaluated.

## Planning and Providing Our Infrastructure

The qualitative criteria assessment was carried out individually by the Evaluation Panel Members in the days following the closing of the tender with Panel Members scoring the tenders in accordance with the Tender Evaluation Plan. An evaluation meeting was held on 21 November 2013. At this meeting the individual scores were combined and summarised to demonstrate a ranking for priced and non-priced criteria. Each submission was then discussed in detail.

### Consideration Of Alternative Tenders

Alternative Tenders, based on alternative design components were received from Australian Prestressing Structures, Hornick and Stirloch. These could be considered in accordance with the Conditions of Tendering.

Hornick Construction submitted an alternative tender offer mainly based on an alternative floor/wall component. It also included alternative designs for sixteen other minor components. Upon request Hornick submitted individual price savings for each of the components. The alternative offer required an extra 10 weeks for the contract period.

Australian Prestress Structures submitted their alternative tender with limited information on the alternative design. They were requested to submit individual price saving for the alternative design components. They failed to provide the information requested.

Stirloch Construction submitted their alternative tender based mainly on an alternative floor and wall design. They submitted individual price savings for each of the components.

The Panel resolved to consider all the above alternative tenders in full and carry out a detailed review of the acceptability of individual components should any alternative tender become the most advantageous. In doing so, the Panel also resolved to check that tender relativity was not affected.

All tenderers provided strong submissions however Hornick Constructions Pty Ltd were identified to be the most advantageous tenderer to Council based on the adopted tender assessment criteria (see attached). Hornick Constructions Pty Ltd scored strongly in both the price criteria and non priced criteria including having demonstrated experience in completing similar works and the capacity to undertake the project. Overall they were ranked ahead of all other tenderers by the tender assessment panel.

*Please refer to the confidential report titled "Tender Recommendation - Construction of Sancrox Reservoir, Appendix B" which details the final evaluation scores for the tenders as determined by the Evaluation Panel and lists the tender prices offered by each of the tenderers. 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)).*

### **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 services.

## Planning and Providing Our Infrastructure

### **Community Engagement & Internal Consultation**

This project has been identified for some time and has had significant consultation within Council and the local development industry.

More recently this tender has been discussed and consulted with the following parties.

- NSW Public Works Design;
- NSW Public Works Project Management;
- Water & Sewer Investigations Engineer;
- Water & Sewer Planning Manager;
- Group Manager Water & Sewer;
- Procurement Coordinator (Probity Advisor);
- Director Infrastructure Services;

### **Planning & Policy Implications**

The new 20ML Sancrox Reservoir will be the dedicated town water reservoir servicing the Thrumster Urban Growth Area, the Sancrox Employment Precinct and, in the longer term, the Greater Sancrox Investigation Area.

The delivery of the Sancrox Reservoir will allow the continued development of lands in the Sancrox area including the Sancrox employment precinct and Thrumster residential release.

A review of environmental factors been completed and determined for the project in line with standard procedures. It concluded that the project would have negligible environmental impacts during its construction and operation.

### **Financial & Economic Implications**

The \$9m in funds to undertake this project have been allocated in Council's water fund capital works programs for the next 3 years. Funding assistance consisting of a \$2m grant has been provided by Federal Building Better Regional Communities scheme and by a \$3m grant from the NSW Housing Acceleration Fund. These grants have timeframes which may be in jeopardy if delays in accepting tenders are experienced.

### **Attachments**

1. Tender Recommendation - Construction Sancrox Reservoir (Confidential)

## Planning and Providing Our Infrastructure

**Item: 13.02**

**Subject: TENDER T-13-31 HOUSTON MITCHELL DRIVE TENDERS FOR DESIGN AND ENVIRONMENTAL ASSESSMENT**

**Presented by: Infrastructure & Asset Management, Jeffery Sharp**

### Alignment with Delivery Program

5.1.1 Plan, investigate, design and construct road and transport assets which include pedestrian, cyclist and vehicular needs.

### RECOMMENDATION

**That Council:**

- 1. Accept the lump sum tender \$114,845 (excluding GST) from SMEC Australia Pty Ltd for the Design and Environmental Assessment for Houston Mitchell Drive.**
- 2. Affix the seal of Council to the necessary documents**
- 3. Reallocate \$97,000 from this project to GL 41387 Lighthouse Road West Preconstruction and Design Project, Pacific Dr to Matthew Flinders Drive, as detailed in the Financial and Economic Implications Section of this report.**
- 4. Reallocate \$71,000 from this project to GL 41167 Lighthouse Road East Preconstruction and Design Project, Matthew Flinders Drive to the Lighthouse as detailed in the Financial and Economic Implications Section of this report.**

### Executive Summary

The purpose of this report is to advise Council on the assessment of tenders received for the Design and Environmental Assessment for Houston Mitchell Drive.

The work under this tender includes the preconstruction activities for the upgrade of Houston Mitchell Drive between the Pacific Highway and Ocean Drive, with the exception of a section in the middle which has been previously upgraded.

The outcome will be the completion of the necessary environmental assessments and the provision of detailed construction drawings and specifications, which will position Council to be “construction ready” when the priority for these works is endorsed by Council.

Thirteen (13) tenders were assessed by a Tender Evaluation Panel, using pre-determined criteria and an agreed weighting formula.



## Planning and Providing Our Infrastructure

The attached confidential evaluation spreadsheet demonstrates that the tender of SMEC Australia Pty Ltd for the lump sum fee of \$114,845 (excluding GST) was ranked most favourably when the priced and non-priced criteria were combined.

Preconstruction is to be completed in 2013/14 - Budget Item 116020 Asset Design - Houston Mitchell Drive Preconstruction Corridor Plan and REF \$500,000.

### Discussion

An upgrade of Houston Mitchell Drive from Pacific Highway to Ocean Drive is proposed to address road safety, traffic efficiency and environmental issues. Houston Mitchell Drive provides a link from the Pacific Highway to Lake Cathie and Bonny Hills which is presently the fastest growth area for residential development within the Port Macquarie LGA. Area 14 at Bonny Hills has been selected by the NSW Government as the site for a new education precinct near the eastern end of Houston Mitchell Drive, with a new school planned to open in 2014.

Houston Mitchell Drive is currently a two lane rural road with a poor horizontal and vertical alignment, and poor pavement condition. The road is a popular route for cyclists and has previously been part of the route for the Australian Ironman event.

Houston Mitchell Drive forms part of Council's major road network in need of upgrades to cater for traffic growth projected to be 8000 vehicles per day (vpd) by 2030.

Upgrading to service the projected traffic volumes includes as a minimum 2 lane rural road with an on road cycleway/shoulder widening and clear zones. Vertical and horizontal realignment in some locations is also proposed.

Some work has already been done on the development of a corridor plan of Houston Mitchell Drive incorporating easements for power, telecommunications, and a new water trunk main (the proposed Southern Arm Trunk Main), and some design work and construction work has already been done on two-thirds of the road:

- Stage 1 (Middle section, 1.4km long) - this section was designed in July 2002 and subsequently constructed. It is not proposed to re-design and or re-construct this section.
- Stage 2 (Eastern section 2.7km long) - this section was designed to preliminary final standard in March 2003, but has not been constructed. It is expected that the March 2003 preliminary final design will be sufficient as a concept design, but may require review and updating for the purposes of the final detailed design. Tenderers were required to price two provisional items relating to the updating of the old design and geotechnical investigations for this section if necessary.
- Stage 3 (Western section 1.9km long) has not yet been designed.

Future work includes proposed upgrading of the intersection of Houston Mitchell Drive and Ocean Drive. A traffic study recently completed and forwarded to RMS in May 2013 for comment, recommends a 30 metre radius two-lane roundabout with slip lanes. However it should be noted that the intersection is outside the scope of this project.

## Planning and Providing Our Infrastructure

The intersection of the Pacific Highway and Houston Mitchell Drive has been recently upgraded by RMS and is also outside the scope of this project.

The scope of work under this Tender is for the completion of a corridor plan, including a concept design and environmental approvals pursuant to Part V of the Environmental Planning and Assessment Act 1979, plus detailed design of the western section from Pacific Highway to Long point Road, including construction drawings and specifications.

This tender was advertised on 29 October 2013 and closed on 21 November 2013. During the tender period, some sixty nine (69) individual organisations downloaded the tender documents from Council's tendering website.

Thirteen (13) submissions were received and assessed from the following organisations, shown in no particular order:

- Hopkins Consultants Pty Ltd;
- King & Campbell Pty Ltd;
- SMEC Australia Pty Ltd;
- Sinclair Knight Metz Pty Ltd;
- Opus International Pty Ltd;
- MWH Australia Pty Ltd
- Mitchel Hanlon Consulting Pty Ltd
- Littoria Pty Ltd
- J Wyndham Prince Pty Ltd
- GHD Pty Ltd;
- GeoLINK Pty Ltd;
- Cardno Pty Ltd;
- ATL & Associates Pty Ltd;
- Local Government Engineering Services

A Tender Evaluation Panel (TEP) was formed which included the following staff:

- Group Manager – Transport and Stormwater Network;
- Principal design Engineer;
- Outsourced designs Engineer.

An initial compliance check was conducted during the week 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 (RFT). This included compliance with contractual requirements and provision of requested information.

Prior to the tender evaluation process, Local Government Engineering Services formally advised Council that they would like to withdraw their submission,

All tenderers had completed all schedules and addressed the specified criteria and were therefore considered conforming and further evaluated.

The qualitative criteria assessment was carried out individually by the Evaluation Panel Members with Panel Members scoring the tenders in accordance with the Tender Evaluation Management Plan. An evaluation meeting was held on 23 January 2014. At this meeting the individual scores were combined and summarised to demonstrate a ranking for priced and non-priced criteria. Each submission was



## Planning and Providing Our Infrastructure

then discussed in detail. The criteria against which tenders were evaluated were as follows:

- Lump Sum Price;
- Proposed methodology and demonstrated understanding of the project and services to be provided;
- Demonstrated capacity, experience and performance on similar projects, including provision of reference projects and referees;
- Demonstrated qualifications, experience and competency of the personnel to be appointed to the project;
- Delivery times for the project tasks as proposed on a Gantt chart to be included with the tender.

*Please refer to the confidential spreadsheet titled "Tender assessment\_T-13-31\_Houston Mitchell Drive" which details the final evaluation scores for the tenders as determined by the Evaluation Panel and lists the tender prices offered by each of the tenderers. 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)).*

The provisional items were included in the price formula for evaluation.

Tenderers were also required to provide rates for additional work (eg specialist environmental reports) if required.

A review was conducted of each submission to gain a clear understanding of each proposal and ensure there were no compliance issues or inconsistencies between the scores from the TEP. The evaluation spreadsheet demonstrates that SMEC Australia Pty Ltd was ranked most favourably when the priced and non-priced criteria were combined.

### Options

Council has the option of accepting the recommendation or not accepting the same, in which case council would be required to re-tender for these goods and services.

### Community Engagement & Internal Consultation

- Group Manager – Transport and Stormwater Network;
- Principal design Engineer;
- Outsourced designs Engineer;
- Procurement Operations Coordinator (Probity Advisor);
- Group Manager Governance and Executive Services;
- General Manager

### Planning & Policy Implications

There are no planning or policy implications anticipated as a result of this tender. This tender has been considered in accordance with the NSW Local Government Act (1993) and related Regulations and Council's own Procurement Policy.

## Planning and Providing Our Infrastructure

### Financial & Economic Implications

This project was identified within Council's recent Road Network Laser Survey as a high priority for repair or reconstruction and is scheduled in Council's Draft Transport Capital Works Program for construction in the 2014/15 Operational Plan.

Preconstruction is to be completed 2013/14 under budget Item 116020 Asset Design - Houston Mitchell Drive Preconstruction Corridor Plan and REF \$500,000

Completion of the preconstruction project, which is the subject of this Tender, will better position Council to be "shovel ready" when the priority for these works is endorsed by Council.

The project budget in excess of the aforementioned tender amount is expected to be in the order of \$385,000. The reallocation of some of the project budget is a further recommendation of this report.

-\$97,000 is proposed to be reallocated to GL 41387 to facilitate the finalisation of the **Lighthouse Road West - Design and Preconstruction Project** between Pacific and Matthew Flinders Drives. This project was commenced in 2012/13 and was in progress at the end of June 2013, it has progressed to finalisation recently, however a carry over budget was not included in the 2013/14 capital works program.

- \$71,000 is proposed to be reallocated to GL 41167 to fund the further development and finalisation of the **Lighthouse Road East - Design and Preconstruction Project** between Matthew Flinders Drive and the Lighthouse. This project has been underway as part of the 2013/14 Operational Plan Capital Works Program and draws from, and is aligned with the Tacking Point Lighthouse Reserve Masterplan and previously completed works at the Lighthouse undertaken by Sunrise Rotary. The proposed funding reallocation will allow this section of Lighthouse Road to be progressed to full detailed designs (shovel ready) in the current financial year.

### Attachments

1. Tender assessment\_T-13-31\_Houston Mitchell Drive (Confidential)

## Planning and Providing Our Infrastructure

**Item: 13.03**

**Subject: UPDATE ON COUNCIL'S FERRY OPERATIONS**

**Presented by: Infrastructure & Asset Management, Jeffery Sharp**

### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council:**

- 1. Note the information contained in the report relating to the current review of ferry services.**
- 2. Endorse the actions of the General Manager in authorising the assignment of the ferry contract from Ferrymen Pty Ltd to Ferrymen (Port Macquarie) Pty Ltd.**

### Executive Summary

The contract for the operation of Council's ferry services was due to lapse on 31 January 2014. Following on from the briefing note sent to Councillors in January 2014, the current contract for the operation of Council's ferry services has been extended until 30 June 2014.

The extension of the contract was required to ensure continuous operation of the ferry services until a new tender for the operation of the services can be undertaken and assessed, following which a new contract will commence as of 01 July 2014.

In addition to this extension the current contract, in accordance with the conditions of the contract, has been assigned to another company Ferrymen (Port Macquarie) Pty Ltd for the period 01 February 2014 to 30 June 2014 at the request of the contractor Ferrymen Pty Ltd.

### Discussion

As part of the ongoing review of all Council services, a community engagement process was undertaken in July/August 2013 to enable a review of the ferry services and to give consideration to the future delivery of such services.

The users who participated in the engagement process have provided a diverse range of comments on how the end user of the service perceives the operation of the ferries as well as providing a diverse range of issues and potential solutions. Following on from the community engagement process Council staff have been

## Planning and Providing Our Infrastructure

reviewing the ferry service in terms of the day to day operations to ensure the ferry service is delivered in the most optimal way.

Assessing the most appropriate delivery option(s) for the service requires the combination of outcomes from the community engagement (end user requirements) with the internal review of operations. This process has unfortunately taken longer than initially foreseen and additional time is required to enable this process to be completed in an appropriate manner, including undertaking a formal tendering process for a new contract for the services to be entered into. The contractual arrangements that existed with the service provider were due to expire on 31 January 2014, and this end date did not provide the necessary time to allow for the process to be completed as stated above.

Therefore to ensure the continuity of service, the operator was requested to consider a variation to the existing contract, to extend the term of the contract until 30 June 2014. In considering the extension of the contract term the provider requested a variation to the contract payments be made to accommodate the operator's requirement to now pay all ferry operators under the Ports, Harbours and Enclosed Water Vessels Award 2010. It should be noted that this has resulted in an increase in cost to Council.

In assessing the operations of the ferry services, Council staff had already undertaken an assessment of costs based on the payment of staff under the above-mentioned award and the proposal by the operator was compared against this assessment and the previous contract payment terms. This assessment confirmed that the requested increase in contract payment was indeed to cover the increased cost in paying under the above mentioned award. *Attachment 1 - Ferry Contract Extension Cost Comparison, details this assessment. Attachment 1 is considered confidential as it relates to information that would, if disclosed, prejudice the commercial position of the person who supplied it (Local Government Act, Section 10A(2)(d)(i)).*

A further request by the operator at this time was that the contract be assigned to another company. The current operators company has been known as Ferrymen Pty Ltd, and they had requested the contract be assigned to Ferrymen (Port Macquarie) Pty Ltd. Legal advice was sought by Council staff on whether the contract could be assigned. The advice received was that the current contract did specifically allow for the assignment of the contract and it was considered that under that particular contractual clause, Council had no right to reasonably withhold the assignment of the ferry contract from Ferrymen Pty Ltd to Ferrymen (Port Macquarie) Pty Ltd. As such a deed of assignment of the contract was drafted and reviewed by Council's legal representatives to include specific conditions for the assignment.

The extent of variation to the contractual payments is within the delegations of the General Manager as is the signing of the deed of agreement as the authorised officer. As such, to ensure the continuity of the operation of the ferry services from 01 February 2014 to 30 June 2014, the General Manager executed the deed of agreement to assign the contract and to also vary the payments of contract.

The review and determination of the operation of the ferry service and the tendering of the operations must now be completed prior to 30 June 2014 to ensure that a new contract will be in place as of 01 July 2014.



## Planning and Providing Our Infrastructure

Further to this, in discussions between Council staff the president of the North Side Progress Association Incorporated, copies of the Ferry Services Review Consultation Outcomes Report, prepared by the community engagement consult, will be made available in hard copy and placed in electronic form on Council's website. Both the hard copies and electronic form will be available by the end of February.

### **Options**

It is considered there are no options with regard to this report as the deed of agreement in relation to the assignment of the ferry operators contract, plus approval for the increased contract payments has already been executed under delegation by the General Manager

### **Community Engagement & Internal Consultation**

This report notes the previous community engagement undertaken as part of the ferry services review. Internal consultation has occurred with the General Manager, Director Infrastructure & Asset Management, Director Commercial Services & Industry Engagement, Group Manager Transport & Stormwater Network.

### **Planning & Policy Implications**

There are no planning or policy implications as a result of this report

### **Financial & Economic Implications**

There will be an increase in expenditure for the period 01 February 2014 to 30 June 2014 to allow for the migration of contract payments to be in line with the Ports, Harbours and Enclosed Waters Vessels Award 2010.

The ferry services are a critical link in Council's road network that ensures unfettered vehicular and pedestrian access to the north shore. Extended disruption to the ferry service would have an adverse impact on the economic situation of the local north shore community, thus the extension of the contract was necessary to ensure continuity of service.

### **Attachments**

1. Ferry Contract Extension Cost Comparison (Confidential)

## Planning and Providing Our Infrastructure

**Item: 13.04**

**Subject: PORT MACQUARIE INDOOR STADIUM EXPANSION - PROJECT UPDATE (PIN56563)**

**Presented by: Infrastructure & Asset Management, Jeffery Sharp**

### Alignment with Delivery Program

5.3.1 Plan, investigate, design and construct open spaces and recreational facilities.

### RECOMMENDATION

**That Council:**

- 1. Note this status report (including the attached Detailed Project Plan) for the Port Macquarie Indoor Stadium Expansion Project.**
- 2. Form the Port Macquarie Indoor Stadium Expansion Project Steering Group for the duration of the project with a Steering Group Charter as attached to this report.**

### Executive Summary

This project was last comprehensively reported to Council in March 2013 where final concept plans for the expansion of Port Macquarie Indoor Stadium were adopted. There has been significant progression of this project since then and this report will provide Council with an update regarding project status and will inform of next steps to be undertaken toward realising the expansion of the stadium to include a PCYC facility and additional sports courts to meet current and future community needs.

### Discussion

Port Macquarie-Hastings Council has been successful in obtaining \$5.3 million in State and Federal grant funding to expand the Port Macquarie indoor stadium, comprising \$2.5 million for the incorporation of PCYC facilities and a further \$2.8 million Federal Government grant through the Community Infrastructure Grants Program (CIG) to provide for two additional indoor multi-purpose sports courts.

The previous report considered at the Ordinary Council Meeting of 20 March 2013 identified that funding committed for the Port Macquarie Indoor Stadium expansion under the CIG program is only available until 30 June 2014. This funding is contingent on development application plans being prepared for the project and provision of project costings to the satisfaction of the Department of Regional Australia, Local Government, Arts & Sport before a formal funding agreement is entered into. Once the agreement is finalised funding will be formally made available for the stadium expansion.

As required, development application plans were developed for the project and independent project costings were prepared and provided to the department on 4



## Planning and Providing Our Infrastructure

July 2013 so a funding agreement could be prepared. Unfortunately, the Government went into caretaker mode in the lead up to the 2013 Federal Election before a funding agreement could be finalised.

The Coalition Parties formed government as a result of the election and funding associated with the CIG and other grant programs was placed on hold to allow for a comprehensive review of these programs.

In early December 2013 the Federal Government announced that the \$2.8 million allocation for the stadium expansion would be honoured and that a formal funding agreement would be prepared. At this point in time staff are awaiting further advice from the department regarding the procedural and contractual aspects of this matter.

The PCYC funding allocation of \$2.5 million also has time constraints, such as project being completed within the current term of state government. Staff met with the NSW PCYC CEO, Mr Chris Gardiner on 05 February 2014 to progress their fit out and usage requirements for the facility to ensure that there are no delays in relation to release of this funding allocation to council as development of the stadium expansion occurs.

### Required statutory approvals

A Development Application, DA2013/0452 was lodged by Facility Design Group (acting on behalf of Council) with Council in October 2013. A report regarding the project was prepared by Council's Development Assessment Planner for consideration at the Joint Regional Planning Panel held on 11 December 2013. Approval with some minor modifications was granted at this panel meeting.

One of the additional conditions placed by the JRPP is that 'a Facility Management Plan is to be developed for the expanded indoor stadium including PCYC. The plan shall include procedures for dealing with antisocial behaviour for patrons of the development, managing noise from the facility including the existing building and liaison with neighbours and the community to address any issues that arise. The facility management plan is to be submitted to and approved by Council with or prior to the application for Occupation Certificate.'

At this point in time Construction Certificate and Section 68 & 138 approvals are still required for this project.

Due to the value of the project it is a requirement for the Construction Certificate to be assessed by Private Certifier external to Council. Council had engaged Kempsey Shire Council in January 2014 to undertake this assessment. Unfortunately staff movements at Kempsey Shire Council prevented this from eventuating and staff approached other regional councils in an effort to find another Private Certifier who could manage the assessment in accordance with councils project timelines.

Coffs Harbour City Council (CHCC) were able to meet councils requirements and an agreed delivery timeline for Construction Certificate assessment is included below:

- Construction Certificate application including a hard copy of plans and specifications to be lodged prior to 12 February 2014.
- CHCC certifier to carry out a complete Building Code of Australia assessment by 19 February 2014.

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- Applicant being advised of any non-compliance or further information required by 20 February 2014.
- Requested information being received by 24 February 2014.
- Construction Certificate issued by 26 February 2014.

The Construction Certificate application was lodged with CHCC prior to 12 February 2014.

Section 68 & 138 applications are to be assessed by Port Macquarie - Hastings Council. The necessary documentation has been lodged for assessment.

These assessments will need to be approved prior to the release of the Construction Certificate. Early indications are that this should be forthcoming.

### Port Macquarie Indoor Stadium Expansion - Project Steering Group

As discussed in the Detailed Project Plan (attached for information) for this project, a 'Project Steering Group' is recommended to be established to oversee and provide governance to the project.

This forum will provide a reporting mechanism to Council that allows the project delivery to proceed expediently as required, whilst keeping the Council informed of progress and fully aware of risks, concerns, financial matters and legislative/regulatory requirements. These updates will be continuous throughout the tendering, construction and completion phases.

A Steering Group Charter has been developed and is included as an Attachment to this report.

The proposed membership of the Port Macquarie Indoor Stadium Expansion - Project Steering Group is:

15.

Name	Title	Role Description
Justin Levido	Councillor, Major Projects Portfolio Chairman	Councillor representative
Jeffery Sharp	Director Infrastructure & Asset Management	Council Executive (Chairperson)
Liam Bulley	Group Manager Recreation & Buildings	Recreation & Buildings representative
TBA	Project Manager (construction)	
Gary Randall	Group Manager Infrastructure Delivery	Project Management Team representative
Lucilla Marshall	Group Manager Community Development	Independent of Project

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### Next steps

- Appointment of project manager to oversee construction phase of this project.
- Finalisation of tender documentation.
- Finalise funding agreement with federal government.
- Development of Facility Management Plan including membership of facility management group.
- Finalisation of the Participation Agreement and the draft lease for the PCYC areas within the expanded stadium facility.

### **Options**

Council has the option to accept/reject or amend the recommendations as proposed, noting that any significant alterations or amendments to the recommendations may result in further delays to the projects delivery.

### **Community Engagement & Internal Consultation**

Councillors are aware of significant previous community engagement undertaken in relation to this project prior to lodgement of the development application.

The Development Application was considered by the Northern Joint Regional Planning Panel on Wednesday 11 December 2013. Four members of the community spoke at this review panel meeting, one representing Port Macquarie Basketball speaking in support of the project, two communicated concern regarding the project on the basis of loss of sports field from Stuart Park, and one person representing the residents of Hibbard Drive who advised the panel of concerns associated with the project primarily associated with noise and traffic impacts.

There has been significant internal consultation with internal stakeholders in the preparation of Development Application, Construction Certificate and Section 68 & 138 applications for this project.

Council staff met with NSW PCYC CEO, Mr Chris Gardiner on 05 February 2014 to progress the Participation Agreement and the draft lease for the PCYC areas within the expanded stadium facility. Further consultation with Mr Gardiner will be required to finalise this documentation.

### **Planning & Policy Implications**

Development Application approval has been granted for this project.

Construction Certificate, Section 68 and Section 138 have been lodged for assessment and approvals are still required before this project can progress to the construction phase.

### **Financial & Economic Implications**

The \$2.5 million grant to NSW PCYC will be made available on 1 July 2014. This funding will be made available to council for provision of a PCYC facility after this time once the Participation Agreement between Council and NSW PCYC has been finalised.

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The \$2.8 million grant from the Federal Government is expected to be released upon execution of the funding agreement.

The total project cost is subject to the finalisation of the construction tender advertisement and subsequent award. A further report will be brought before council regarding the finalised project budget and recommended successful construction company at the completion of the selective tender process.

*Please refer to the confidential attachment titled "Port Macquarie Indoor Stadium Financials (Confidential)" which contains information that relates to the project estimates of cost that if released, could prevent Council from getting highly competitive construction rates during the upcoming tender process. (Local Government Act 1993 - Section 10A(2)(c)).*

### Attachments

1. Port Macquarie Indoor Stadium Expansion Project Steering Group Charter
2. Port Macquarie Indoor Stadium Financials (Confidential)
3. Indoor Stadium Expansion - Project Plan February 2014

## Planning and Providing Our Infrastructure

**Item: 13.05**

**Subject: DRAFT PORT MACQUARIE TOWN CENTRE MASTER PLAN  
EXHIBITION**

**Presented by: Infrastructure & Asset Management, Jeffery Sharp**

### Alignment with Delivery Program

5.3.1 Plan, investigate, design and construct open spaces and recreational facilities.

### RECOMMENDATION

**That Council:**

- 1. Note the submissions received during exhibition for the Port Macquarie Town Centre Master Plan.**
- 2. Request the TCMP Sub-Committee consider the submissions against the draft Master Plan and return a report to the March Ordinary Council meeting with responses to the submissions and a list of priorities as an outcome of the exhibition.**

### Executive Summary

The purpose of this report is to advise Council of the matters raised in submissions received during the recent public exhibition of the draft Port Macquarie Town Centre Master Plan.

Concerns raised by the community have not been addressed to date and it is recommended that Council request the TCMP Sub-Committee consider the submissions against the draft Port Macquarie Town Centre Master Plan and return a report to the March Ordinary Council meeting with responses to the submissions and a list of priorities as an outcome of the exhibition.

### Discussion

On 18 December 2013, Council resolved to put the draft Port Macquarie Town Centre Master Plan on exhibition between 19 December 2013 and 3 February 2014.

The aim of this exhibition was to invite community feedback on all facets of the Port Macquarie Town Centre Master Plan, excluding proposals for the Port Macquarie Town Green, which will contribute to making decisions regarding the Port Macquarie Town Centre. The Port Macquarie Town Green will be subject to a separate engagement exercise.

The objective of the Port Macquarie Town Centre Master Plan is to embrace the vision that “every activity (within the Town Centre) involves a journey from



## Planning and Providing Our Infrastructure

somewhere else. The Master Plan simply aims to make the Town Centre better for people.”

The draft plan was publicly exhibited on Council’s website and in the ‘Council Matters’ advertising page of the following newspapers:

- Port Macquarie News
- Camden Haven Courier
- Wauchope Gazette

Copies of the draft plan were made publicly available through the Customer Service Centres at Port Macquarie, Wauchope and Laurieton and for download from Council’s website.

### Options

Council has the option to accept the recommendation or take an alternate action as desired. It is considered by staff however that after reviewing the submissions below Council request the TCMP Sub-Committee to return a report to the March Ordinary Council meeting advising of the responses to submissions.

### Community Engagement & Internal Consultation

To date the submissions have been acknowledged but have not been responded to until an assessment has been completed.

A total of 32 submissions were received as outlined in the summary below. A full list of submissions can be viewed in the attachment.

Submission		Issue
1.	Mr Greg Laws	1. Woolworths site 2. Kooloonbung Creek Foreshore 3. Amenities 4. The waterway development 5. Pedestrian access 6. Signage 7. Consultation with caravan park operators 8. Glasshouse forecourt
2.	G R Consulting Engineers Pty Ltd	1. Woolworths site 2. Consistency with DCP 3. Waterfront opportunities
3.	Jade Holstein	1. Water park / play areas along the foreshore
4.	Gordon Finlay	1. Landscaping



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5.	Christopher Lloyd	<ol style="list-style-type: none"> <li>1. Landscaping</li> <li>2. Shaded seating, BBQ facilities and interactive play on Town Green</li> </ol>
6.	Tom McAndrews	<ol style="list-style-type: none"> <li>1. Top Tier University</li> <li>2. Renovate the Port Macquarie CBD</li> <li>3. Business recruitment and marketing call centre</li> <li>4. Australian Regional and Rural tax bifurcation</li> </ol>
7.	Port Macquarie Historical Society	<ol style="list-style-type: none"> <li>1. Glasshouse forecourt</li> <li>2. Bob Todd site</li> </ol>
8.	Paul Dirago	<ol style="list-style-type: none"> <li>1. Parking</li> </ol>
9.	Janette Hyde - Port Macquarie Tourism Association	<ol style="list-style-type: none"> <li>1. Visitor awareness of history of Port Macquarie</li> </ol>
10.	William Barlow	<ol style="list-style-type: none"> <li>1. Statue of Governor Lachlan Macquarie</li> </ol>
11.	Margret Meagher - Arts & Health Australia	<ol style="list-style-type: none"> <li>1. Estimated impact of Hello Koala Sculpture trail</li> </ol>
12.	All About Planning - Michelle Chapman	<ol style="list-style-type: none"> <li>1. Landscaping</li> <li>2. Bike racks on Town Green</li> </ol>
13.	Tony Richmond	<ol style="list-style-type: none"> <li>1. Small vessel docking</li> </ol>
14.	Diana Lyons	<ol style="list-style-type: none"> <li>1. Glasshouse Forecourt</li> <li>2. Landscaping</li> <li>3. Pedestrian access</li> <li>4. Town Green</li> </ol>
15.	Miriam Cook	<ol style="list-style-type: none"> <li>1. Parking</li> <li>2. Town Beach</li> <li>3. Traffic lights</li> <li>4. Glasshouse forecourt</li> <li>5. Waste disposal</li> </ol>
16.	Lynda	<ol style="list-style-type: none"> <li>1. Cycle ways</li> </ol>
17.	Jai Cooper	<ol style="list-style-type: none"> <li>1. Cycle ways</li> </ol>
18.	W. Shannon	<ol style="list-style-type: none"> <li>1. Amenities</li> </ol>
19.	Sim	<ol style="list-style-type: none"> <li>1. Noise pollution</li> <li>2. Seating</li> <li>3. Signage</li> <li>4. Waste disposal</li> <li>5. Amenities</li> </ol>
20.	Graham Donald	<ol style="list-style-type: none"> <li>1. Pedestrian crossings</li> <li>2. Breakwall walkway</li> <li>3. Foreshore walkway</li> <li>4. Town Green Cenotaph</li> <li>5. Parking</li> <li>6. McDonalds corner</li> <li>7. Signage</li> <li>8. Kooloonbung Reserve</li> <li>9. Street furnishing</li> </ol>

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		10. Cycle ways 11. Road repairs
21.	Portman	1. Outdoor dining 2. Cycle ways 3. Road repairs
22.	Stuart MacIntosh	1. Visitors Centre 2. Pedestrian crossings 3. Landscaping
23.	Chris Rivers	1. Road repairs
24.	Barry	1. Woolworths site 2. Jets into the airport
25.	Tony Richmond	1. Town Green
26.	Graham Crowther	1. Glasshouse forecourt
27.	Christopher Francis	1. Landscaping
28.	Judith Hansen	1. Glasshouse forecourt
29.	M Luxford	1. Special rate levy
30.	Ken Hunt	1. Pedestrian access 2. Parking 3. Events 4. Cycle ways
31.	David Munro	1. Master Plan area 2. Water systems 3. Co-op on Koolonbung Creek 4. Woolworths site 5. Town Green 6. Breakwall walkway
32.	Chamber of Commerce	1. Landscaping and maintenance 2. Pedestrian access 3. Lighting 4. Street furniture and signage 5. Town Square

### Planning & Policy Implications

The Submissions will be taken into consideration when making decisions regarding the Port Macquarie Town Centre, and may ultimately have an impact in these areas however the content of this report does not have an impact at present.

### Financial & Economic Implications

At this stage there are no financial and economical implications.

### Attachments

1. Draft Port Macquarie Town Centre Master Plan Exhibition Submissions

## Planning and Providing Our Infrastructure

**Item: 13.06**

**Subject: QUESTION ON NOTICE - SAFETY ON BEND ON STONEY CREEK ROAD 450M SOUTH-EAST OF INTERSECTION WITH REDBANK ROAD**

**Presented by: Infrastructure & Asset Management, Jeffery Sharp**

### Alignment with Delivery Program

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

### RECOMMENDATION

#### That Council:

1. Receive and note the Road Safety Investigation - Stoney Creek Road report as detailed below.
2. Install a curve warning sign for south bound traffic in Stoney Creek Road, 450m south-east of Redbank Road, including assessment of the advisory speed environment.
3. Assess the advisory speed sign requirement of the existing curve for north bound traffic in Stoney Creek Road, 450m south-east of Redbank Road.

### Executive Summary

This report is compiled in response to a resolution from Council at the December 2013 Council Meeting to provide a further road safety report of the bend on Stoney Creek Road, approximately 450m south-east of the Redbank Road intersection.

### Discussion

A staff report was prepared following a Question on Notice regarding safety on Stoney Creek Road. The report was presented to the Ordinary Meeting of Council on 18 December 2013 and the following resolution was made:

**12.01 QUESTION ON NOTICE - SAFETY OF BEND EAST OF INTERSECTION OF REDBANK ROAD AND STONEY CREEK ROAD**

**RESOLVED: Griffiths/Turner**

*That this matter be deferred to the February 2014 Council Meeting to permit a further report on the bend east of and closest to the Redbank and Stoney Creek Road intersection.*

**CARRIED: 9/0**

## Planning and Providing Our Infrastructure

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

Council staff have subsequently undertaken a road safety investigation of this location (refer to Attachment 1 for site location) as detailed below.

### Location

The bend in question and the subject of this report is located on Stoney Creek Road, approximately 450m south-east of the Redbank Road intersection (refer to Attachment 1).

The investigation of this site is based on the following road safety aspects:

### Traffic Data

The traffic volume within this section of Stoney Creek Road is 1200 vehicles per day within a 100 kph posted speed limit environment.

### Traffic Crash Data

Over the most recent five year period, 2008-2012, there was one reported road crash in the vicinity of the subject bend in the road (refer to Attachment 2).

### Traffic Conditions

The topography of the site and terrain in approach to the bend under investigation is of a gentle undulating nature, naturally constraining traffic speeds to an estimated average of approximately 80 kph.

The travel lanes are sealed to a typical width of 3m with a 1m gravel shoulder. The delineation provided for the subject section of Stoney Creek Road consists of a marked centreline and reflective guideposts at recommended spacings on both roadside shoulders. There are no crash barriers. Good visibility is maintained with proactive vegetation maintenance works carried out on a regular basis. No street lights exist for the subject site, consistent with rural roadways. There are no intersecting side streets or driveways in the vicinity of the site.

The road surface is in reasonable condition with discreet areas repaired in accordance with Council prioritised maintenance regime.

### Blackspot Review

According to the Roads and Maritime Services guidelines for blackspot classifications, at least 3 reported casualty crashes are required during the most recent 5 years of data to warrant a site being declared a blackspot site for funding consideration. This particular site has had one reported casualty crash and is therefore not a declared blackspot site.

### Traffic Growth

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The subject section of Stoney Creek Road, north of Rocks Ferry Road, is not expected to experience significant traffic growth apart from normal historical growth rates.

### Options

The decision to implement road safety measures on roads is typically a function of the cost of the works versus the anticipated benefits.

The following options are improvements that would enhance the safety conditions of this site:

1. Re-align the road centreline east of the current alignment, including a vertical curve adjustment.
2. Install a curve warning sign for south bound traffic including assessment of the advisory speed environment AND assess the advisory speed sign requirement of the existing curve for north bound traffic.

Option 2 is preferred as a cost-effective solution of warning approaching traffic of this bend, consistent with current warning signs in place for the opposing direction of traffic.

### Community Engagement & Internal Consultation

Consultation for this report and recommendations has been limited to internal discussions within Council's Infrastructure and Assets division. No broader community engagement is considered necessary in this instance.

### Planning & Policy Implications

There are no planning or policy implications with the recommended actions.

### Financial & Economic Implications

The preferred option of providing a curve warning sign is a minor maintenance related cost, funded through Council's Operational allocation for traffic facility installations. More comprehensive improvements in the form of a road realignment or widening would impact significantly on Council's work program priorities.

### Attachments

1. Site Location
2. Reported Traffic Crashes 2008-2012



## Planning and Providing Our Infrastructure

**Item: 13.07**

**Subject: SHORT STREET CAR PARK RESERVE (R87283)  
KOOLOONBUNG CREEK RESERVE (R87617) (PIN27568)  
PROPOSED SALE OF PART RESERVE 87283 AND REVOCATION  
AND ADDITION TO RESERVE TRUST LANDS**

**Presented by: Commercial Services & Industry Engagement, Rebecca Olsen**

### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council in its capacity of Reserve Trust Manager of Reserves R87283 and R87617:**

- 1. Advise Crown lands - Trade and Investment that consideration of their correspondence dated 11 December 2013 be deferred until further details are known regarding the Department's proposal to amend the future use of these Reserves for:**
  - a) Public car parking under a proposed covenant on title**
  - b) Full Development Application details for a proposal to include a commercial activity on the sites currently reserved for public car parking and**
  - c) Development of the Port Macquarie CBD waterfront in the vicinity of the Koolonbung Creek under a yet to be adopted Plan of Management titled Hastings Regional Crown Reserves Precinct prepared by Crown Lands in October 2012**
- 2. Request Crown Lands - Trade & Investment to commit to ensuring that any and all proceeds from the sale of the Lot 701 DP1026899 are spent on agreed improvements to the Port Macquarie foreshore.**
- 3. Write to the relevant Minister to request that the sale of Lot 701 DP1026899 be via public expressions of interest rather than a private treaty sale.**
- 4. Seek full details implemented by Crown Lands - Trade and Investment regarding the public interest test carried out on the disposal of these Reserves as set out in their correspondence dated 11 December 2013 in support of the proposal outlined.**

### Executive Summary

A report to consider a request by Crown Lands - Trade & Investment for Council as Trust Managers to express a viewpoint on the proposed sale of Part Lot 701 DP1026899, the land being part of the Short Street Car Park.



## Planning and Providing Our Infrastructure

### Discussion

Correspondence has been received from Crown Lands - Trade & Investment advising of an in principle sale of Part Lot 701 DP1026899 (Plaza Street Carpark) and seeking the views of Council in its capacity as Trust Manager of the Crown Reserves affected by the proposal. A copy of the correspondence is attached to this report. Also attached are plans from Council's mapping system of the above mentioned site.

### Statutory Background

Pursuant to the provisions of the Crown Lands Act, Council has been appointed as a Corporate Reserve Trust Manager of the the Short Street Carpark Reserve R87283 and the adjoining Kooloonbung Creek Reserve R87617. Reserve 87283 was reserved for carparking purposes on 25 July 1969 whilst Reserve 87617 was reserved for public recreation purposes on 9 January 1970. The adjoining commercial site on the corner of William and Short Streets formerly used as a supermarket is owned by Woolworths Properties Pty Ltd.

The Trust Managers are charged with the day to day operations of the Reserves and are, in effect, the temporary owners of the land. Whilst a Trust has no power to sell the land over which it is appointed as Trust Manager, the Trusts (subject to approval of the Minister administering the Crown Lands Act) can enter into lease and licence agreements. Only the Minister administering the Crown Lands Act may sell Crown land and this may be done having regard to the Principles of Crown Land Management as set forth at Section 11 of the Crown Lands Act 1989 and the conduct of a land assessment as set forth at Sections 30-33 of the Crown Lands Act 1989.

The Crown Lands Act 1989 also provides the basis on which the Minister may appoint Council as a Reserve Trust (Section 92(1) and Section 95(1) (a)) as well as the ability of the Minister to dissolve a Reserve Trust (Section 92(3)).

### Establishing a Viewpoint

In establishing a viewpoint, the Trusts are reminded of the importance of the separation between the roles and responsibilities of Council as a Corporate Reserve Trust Manager, and the role of Council as a Consent Authority under the provisions of the Environmental Planning and Assessment Act 1979. This report is focussed on Council's role as a Reserve Trust Manager and the creation of a viewpoint by the Trusts in response to advice on the proposed sale. The merits of any future use of the land will be governed by the lodging of a Development Application and its consideration having regard to the various planning policies and documents.

Based on the details of the proposed sale of part Lot 701 DP1026899 as shown the correspondence from Crown Lands - Trade & Investment, the Trusts now have the opportunity to discuss the proposed sale and form a viewpoint on the proposal.

### Options

As a guide, the Trusts have the options to:

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1. Agree to the revocation of part Reserve 82713 and to the addition to Reserve 87617
2. Not agree to the revocation of part Reserve 82713 and to the addition to Reserve 87617
3. Make another determination following discussion of the proposed sale.

### **Community Engagement & Internal Consultation**

The letter from Crown Lands - Trade & Investment summarises consultation that has occurred to date.

### **Planning & Policy Implications**

The recommendation seeks to obtain further details of the proposal so as Council may consider this aspect.

### **Financial & Economic Implications**

Not applicable.

### **Attachments**

1. Property Cadastre Plan
2. Aerial Photo
3. Letter from Crown Lands - Trade & Investment

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**Item: 13.08**

**Subject: DRAFT DEVELOPMENT CONTROL GUIDELINES - BIRDON MARINE WEST**

**Presented by: Development & Environment, Matt Rogers**

### Alignment with Delivery Program

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

### RECOMMENDATION

**That Council:**

- 1. Endorse the preparation of the attached draft Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 2) in accordance with Section 74C of the Environmental Planning & Assessment Act 1979.**
- 2. Resolve to exhibit the draft Development Control Plan for a minimum 28 days (commencing in March 2014) in accordance with Clause 18 of the Environmental Planning and Assessment Regulation 2000.**
- 3. Require a report back to Council after the exhibition period has closed that includes a summary of submissions received.**

### Executive Summary

This report seeks Council's approval to prepare and exhibit an amendment to Port Macquarie-Hastings Development Control Plan (PMHDCP) 2013, to provide site specific guidance for future marine-related industrial development as an expansion to existing Birdon Group and commercial wharf activities on the eastern side of the Dennis Bridge, Pacific Highway, Port Macquarie.

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## Discussion

Council is currently preparing a Planning Proposal to facilitate future marine-related industrial development on the western side of the Dennis Bridge as an expansion to existing Birdon Group and commercial wharf activities in accordance with the Department of Planning and Infrastructure's Gateway Determination issued 18 November 2010.

In addition to the Planning Proposal it is considered necessary that suitable site development control provisions be in place to support a rezoning of the land. A Council resolution is required to prepare and exhibit a draft DCP.

The introduction and implementation of development control provisions for future development of the subject land is intended to allow Council to carry out an informed assessment of future development applications (DAs) for the site and ensure that development is appropriately designed and minimises the potential for adverse amenity impacts to adjoining and adjacent residents.

A copy of a draft DCP is attached.

Provisions in the Draft DCP primarily address acoustic and visual amenity issues of relevance to future development of the land and will supplement the General and Development Specific provisions contained in Parts 2 and 3 of PMHDCP 2013.

The following changes are proposed:

- Built form requirements for development fronting or abutting the Hastings River foreshore.
- Landscape planting requirements to screen development fronting or abutting Glen Ewan Road, the Hastings River and the existing and future upgraded Pacific Highway.



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- Specific provision for noise attenuation through building design rather than acoustic fences/noise walls in visually prominent areas of the site.
- Identification of matters to be addressed to ensure adequate noise and lighting impacts to adjoining/adjacent rural-dwellings.
- Specific requirement for vehicular access arrangements to guarantee access to the water from the subject land.

It is anticipated that these proposed changes will create a built form that responds in a positive manner to the unique setting and qualities of the site and minimises the likelihood for potential adverse impacts to adjacent residents. It will also ensure that access to the river is available for working waterfront industry.

In lodging future DAs, developers would be required to provide details to demonstrate consideration to the Birdon Marine West Area Specific provisions, in addition to the General and Development Specific provisions for industrial development contained in PMH2013.

Endorsement of the draft DCP for public exhibition will give our community, the landowner and other interested persons/organisations, the opportunity to review and make comment on the proposed DCP changes. The draft DCP will then be reported back to Council, with a summary of any submissions received.

### Options

1. That Council endorse Draft DCP Amendment No 2 for public exhibition for a minimum of 28 days.
2. That Council not exhibit Draft DCP Amendment No 2.

### Community Engagement & Internal Consultation

The draft DCP will be exhibited in the Port Macquarie News and on Council's website for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000.

In addition, letters will be sent to the proponent, surrounding landowners and relevant State agencies providing an opportunity to inspect and make comment on the draft DCP before a final decision is made.

### Planning & Policy Implications

The subject land has been included for investigation for marine industry in the Port Macquarie Hastings Urban Growth Strategy 2011, owing to the proximity to the existing operations of Birdon Marine. The land is not required as an additional area for general industry as there are large release areas on the Pacific Highway to the south, which are better located for general industrial development.

The proposed planning proposal and draft DCP will be targeted to the provision of land for marine industrial development. The draft DCP will provide specific guidance for new marine-related industrial development on the subject land.

## **Planning and Providing Our Infrastructure**

### **Financial & Economic Implications**

Nil.

### **Attachments**

1. Draft Birdon Marine West DCP chapter



## Planning and Providing Our Infrastructure

**Item: 13.09**

**Subject: WORKS IN KIND APPLICATION - LOCAL PARK AT ASCOT PARK**

**Presented by: Development & Environment, Matt Rogers**

### Alignment with Delivery Program

5.3.1 Plan, investigate, design and construct open spaces and recreational facilities.

### RECOMMENDATION

1. The Works in Kind offer for provision of a local park at Lot 2 DP 1190501 off Phillip Charley Drive, Port Macquarie be accepted subject to the completion of a Works in Kind Agreement, on the basis that the works will provide a material public benefit.
2. The General Manager be granted delegated authority to sign the Works In Kind Agreement on behalf of Council.

### Executive Summary

Council has received an offer from the developers of 'Ascot Park', an approved 298 lot residential estate off Phillip Charley Drive, Port Macquarie, to enter into a Works In Kind (WIK) agreement in relation to provision of a local park in lieu of payment of local open space development contributions. This report considers the total amount of the local open space contributions to be offset and the acceleration of the offset in the early stages of the subdivision.

### Discussion

The developers of an approved 298 lot residential subdivision of land off Phillip Charley Drive, Port Macquarie have proposed a local public park as part of the subdivision of the land. Provision of the park is confirmed by conditions of development consent under DA 2005/0547 as follows:

Condition E(31) *"The nominated public open space area of 5,000m<sup>2</sup> is to be embellished to the satisfaction of Council and dedicated to Council prior to release of the Subdivision Certificate for Stage 2. Council will offset the local component of the Section 94 developer contribution for open space subsequent to the dedication."*

The park would be provided in lieu of payment of local open space contributions required under the Development Consent. The purpose of this report is to determine the total amount of the local open space contributions to be offset and to consider the developer's request to accelerate the contribution offset for the early stages of development by also offsetting regional open space contributions.

## Planning and Providing Our Infrastructure

The developer has submitted preliminary plans and costings for the local park. The final design and verification of costs will be confirmed in consultation with Council's Manager Recreation and Buildings.

Council's current Open Space Contribution Plan does not identify a local park for the subject site. However, the provision of a local park at 'Ascot Park' to serve the local open space needs of residents is considered a good planning outcome and is supported by Council's Manager Recreation and Buildings. The nearest local park is located at Innes Peninsula off the Ruins Way.

The total local open space contributions for the proposed 298 lots under DA 2005/0547 is \$442,828 or \$1,486 per lot based on current contribution rates. Provision of a local park at a cost of \$442,828 including land and embellishment within the at 'Ascot Park' residential estate is considered a reasonable cost were Council to provide the public open space within this precinct. The developer's estimate for the total value of the park is \$580,000. Any costs above \$442,828 would be a the developer's expense.

The developer would not receive the contribution offset until a formal Works in Kind Agreement has been executed and the local park has been completed and dedicated to Council.

The developer has also requested that the contribution offset amount be accelerated by also offsetting the regional open space contribution component (\$4,124 per lot) for early stages of the development. This means that the total offset would be given at the time of development of the 79<sup>th</sup> lot in the subdivision rather than at the end of the development (298 lots). From the 80<sup>th</sup> lot onwards all the open space contributions would be directed to regional open space contributions. This approach would result in a shortfall in regional open space contributions available to Council in the short term. This approach is considered reasonable given the high cost of the provision of the local park. There would be no net effect on the total regional open space contributions to be collected for the development provided that the full development proceeds. Council has allowed similar acceleration of contribution offsets where the developer has provided a high cost piece of infrastructure.

### Options

Council could determine to accept an offset amount of \$442,828 based on the local contribution open space contributions for 298 lots or to accept greater or lesser amount.

Council could determine to accept acceleration of the offset amount by allowing the regional open space contribution to be used to offset contributions in the early stages of the subdivision or could require the developer to pay the regional contribution as the stages of the development progress.

### Community Engagement & Internal Consultation

The Group Manager Recreation and Buildings and the Group Manager Environmental Services have been consulted and support the recommendation.

## Planning and Providing Our Infrastructure

### Planning & Policy Implications

The offer to provide a local park as Works in Kind in lieu of payment of local open space contributions for 298 residential lots at 'Ascot Park' is considered consistent with Council's Works in Kind Policy subject to the execution of a formal Works in Kind Agreement. Offset of regional open space contributions would also be permitted under the Policy because the works are considered material public benefit.

### Financial & Economic Implications

The developer's proposal will allow an important open space facility to be provided in the short term without significant impact on Council's financial position.

Acceleration of the offset by utilising the regional open space contribution component for the early stages of the development would result in an initial shortfall in regional open space contribution funds available to Council but once the total offset amount has been granted, the developer would be required to pay the local and regional contributions for the remaining lots in the development.

### Attachments

Nil