



Ordinary Council

Business Paper

date of meeting: Wednesday 15 October 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, 15 October 2014

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**PORT MACQUARIE
HASTINGS**

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

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

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

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

Item: 03**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 17 September 2014 be confirmed.

PRESENT**Members:**

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

Other Attendees:

General Manager (Craig Swift-McNair)
Director of Infrastructure & Asset Management (Jeffery Sharp)
Acting Director of Commercial Services & Industry Engagement (Rebecca Olsen)
Director of Development & Environment (Matt Rogers)
Acting Director of Community & Organisational Development (Juliet van Oirschot)
Group Manager Governance & Executive Services (Stewart Todd)
Communications Co-ordinator (Stuart Carless)
Governance Support Officer (Bronwyn Lyon)

The meeting opened at 5.30pm.

01 WELCOME TO COUNTRY

The Mayor opened the Meeting, welcomed all in attendance and invited Mr Guy Jones, Chief Executive Officer of the Bunyah Local Aboriginal Land Council, to deliver the Welcome to Country.

Mr Jones delivered the Welcome to Country.

02 LOCAL GOVERNMENT PRAYER

Reverend Nathan Killick representing the Camden Haven Anglican Church delivered the Local Government Prayer.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Turner/Sargeant

That the Minutes of the Ordinary Council Meeting held on 20 August 2014 be confirmed.

CARRIED: 9/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Cusato declared a Non-Pecuniary, Significant Interest in Item 11.02 - Port Macquarie Airport - Airport Advisory Group Charter, the reason being that Councillor Cusato owns a hanger at the Airport.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.02 - DA 2011 - 0615 - Modification To Building As Part Of Previous Approved Stage 2 Alterations And Additions To Educational Establishment (St Pauls High School) Including Clause 4.6 Variation To Clause 4.3 (Height Of Buildings) Of Port Macquarie - Hastings Local Environmental Plan 2011, the reason being that Councillor Levido is a partner in Donovan Oates Hannaford lawyers who acts for the owner of the subject property.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 13.18 - Draft Planning Proposal Pursuant To Section 55 Of The Environmental Planning And Assessment Act To Amend Land Zone And Floor Space Ratio Maps Applying To Park Street Frontages Of Lot 638 DP257052 (Sails Resort) And Lot 639 DP257052 (Port Marina), the reason being that Councillor Levido is a partner in Donovan Oates Hannaford lawyers who acts for the one of the property holders (as lessee) to the subject properties.

Councillor Griffiths declared a Non-Pecuniary, Less Than Significant Interest in Item 13.05 - Wauchope Traffic Management Strategy the reason being that Councillor Griffiths is a business and property owner in the Wauchope CBD.

Councillor Roberts declared a Pecuniary Interest in 13.11 - Recommended Item from Local Traffic Committee - Tastings on Hastings 2014, the reason being that Councillor Roberts' food business Yankee Deli is likely to be a stall holder at the event should it go ahead.

Councillor Sargeant declared a Non-Pecuniary, Significant Interest in Item 13.07 - Lake Road Blackspot Funding, the reason being that Councillor Sargeant facilitates a business group, two members of which operate businesses nearby Lake Road.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Besseling

That the Mayoral Discretionary Fund allocations for the period 7 August to 3 September 2014 be noted.

CARRIED: 9/0

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

AGAINST: Nil

06.02 GENERAL MANAGER PERFORMANCE REVIEW PANEL

RESOLVED: Besseling

That Council:

1. Determine the composition of the General Manager's Performance Review Panel for the 2014-2015 period to consist of the Mayor, Deputy Mayor, one (1) Councillor nominated by Council and one (1) Councillor nominated by the General Manager.
2. Appoint Councillor Intemann as the Councillor nominated by the Council to the General Manager's Performance Review Panel for the 2014-2015 period.
3. In the event that Councillor Intemann is elected Deputy Mayor, Councillor Griffiths be appointed as the Councillor nominated by the Council to the General Manager's Performance Review Panel for the 2014-2015 period.
4. Note that Councillor Levido is the General Manager's nominated Councillor on the General Manager's Performance Review Panel for the 2014-2015 period.
5. In the event that Councillor Levido is elected Deputy Mayor, Councillor Hawkins be appointed as the Councillor nominated by the General Manager to the General Manager's Performance Review Panel for the 2014-2015 period.
6. Delegate to the General Manager's Performance Review Panel:
 - a) The whole process of performance management, including discussions about performance and performance reviews for the 2014-2015 period.
 - b) The reporting to Council of findings and recommendations of reviews for the 2014-2015 period and any actions that should be taken.
 - c) The determination of any new performance agreement for the period 2015-2016.

-
7. Determine for the 2015-2016 period that there be 1 formal performance review at the completion of the period and an informal performance review at six months (i.e. mid-term).

CARRIED: 9/0

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

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

Nil.

08 PUBLIC FORUM

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

1. A representative of the Camden Haven Schools to Schools Shared Pathway Inc. regarding the Schools to Schools Shared Pathway.
2. Mr Dave Jackson, representing Schools to Schools, regarding the Schools to Schools Shared Pathway.
3. Mr Rod Martin regarding the Schools to Schools Shared Pathway.
4. Mr Michael Cagney regarding 11 Ringtail Close, Lakewood - Illegal Construction on Footpath.
5. Mr John Nelson, of Tideline Pty Ltd, regarding the Lake Cathie Revetment Wall.

RESOLVED: Roberts/Turner

That the requests 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

08.01 SCHOOLS TO SCHOOLS SHARED PATHWAY

Mr John Cooke, representing the Camden Haven Schools to Schools Shared Pathway Inc., addressed Council in regard to the Schools to Schools Shared Pathway and answered questions from Councillors.

08.02 SCHOOLS TO SCHOOLS SHARED PATHWAY

Mr Jason Koenig, representing Schools to Schools, addressed Council in regard to the Schools to Schools Shared Pathway.

08.03 SCHOOLS TO SCHOOLS SHARED PATHWAY

Mr Rod Martin addressed Council in regard to the Schools to Schools Shared Pathway.

08.04 11 RINGTAIL CLOSE, LAKEWOOD - ILLEGAL CONSTRUCTION ON FOOTPATH

Mr Michael Cagney addressed Council in regard to 11 Ringtail Close, Lakewood, illegal construction on footpath and answered questions from Councillors.

08.05 LAKE CATHIE REVETMENT WALL

Mr John Nelson of Tideline Pty Ltd, addressed Council in regard to the Lake Cathie Revetment Wall and answered questions from Councillors.

REQUEST TO SPEAK ON AN AGENDA ITEM

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

Item 12.06 - Ms Geraldine Haigh in support of the recommendation.

Item 13.18 - Ms Michelle Chapman in opposition of the recommendation.

RESOLVED: Turner/Hawkins

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

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

SUSPENSION OF STANDING ORDERS

RESOLVED: Turner/Griffiths

That Standing Orders be suspended to allow Items 12.06 and 13.18 to be brought forward and considered next.

CARRIED: 9/0

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

AGAINST: Nil

12.06 SECTION 82A REVIEW OF DETERMINATION FOR DA2013 - 575 - SINGLE DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.2A (MINIMUM LOT SIZE STANDARD FOR DWELLING) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011, LOTS 209 AND 2011 DP 754418 LORNE ROAD, KENDALL

Ms Geraldine Haigh of Hopkins Consultants, and representing the applicant, addressed Council in support of the recommendation.

RESOLVED: Roberts/Griffiths

That Council:

1. Determine the request for review pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 of the determination of DA 2013 - 0575 for a single dwelling including a Clause 4.6 variation to Clause 4.2 (minimum lot size standard for dwelling) Port Macquarie Hastings Development Control Plan 2011 at Lot 209 & 211, DP 754418, Lorne Road, Kendall, by granting consent subject to the recommended conditions.
2. Request the General Manager research the number of rural zoned lots, that are within the vicinity of the Kendall Village, on which a dwelling is not permissible under Port Macquarie-Hastings LEP 2011 and provide a report to the next Ordinary Council meeting on the options available to manage development, including any implications for coordinated settlement planning and regional planning policy.
3. Request that the above report include a proposal for undertaking a strategic assessment of other villages in the local government area.

CARRIED: 9/0

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

AGAINST: Nil

13.18 DRAFT PLANNING PROPOSAL PURSUANT TO SECTION 55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT TO AMEND LAND ZONE AND FLOOR SPACE RATIO MAPS APPLYING TO PARK STREET FRONTAGES OF LOT 638 DP257052 (SAILS RESORT) AND LOT 639 DP257052 (PORT MARINA)

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 06:29pm.

Ms Michelle Chapman of All About Planning Pty Ltd, and representing the landowner, Bayside Group, addressed Council in opposition to the recommendation and answered questions from Councillors.

RESOLVED: Turner/Hawkins

That Council:

1. Not proceed with the preparation of a draft planning proposal for the amendment of the zone (LZN) and Floor Space Ratio (FSR) provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to Lot 638 DP257052 (Sails Resort) and Lot 639 DP257052 (Port Marina).
2. Continue discussions with the landowners, within the context of the Settlement City Precinct Structure Plan, to inform a future review of planning for the sites which will be timed depending on Council's Strategic Landuse Planning Program.

CARRIED: 8/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 06:40pm.

09.01 CREATION OF OFFICE OF DEPUTY MAYOR

RESOLVED: Besseling/Roberts

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to be twelve (12) months, concluding at the commencement of the September Ordinary Council Meeting 2015.
3. Elect the Deputy Mayor by way of open voting if more than one nomination for Deputy Mayor is received.

CARRIED: 9/0

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

AGAINST: Nil

The Mayor thanked Councillor Roberts for his service as Deputy Mayor for the past year.

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

The Returning Officer, advised that nominations for the Office of Deputy Mayor have been received for:

Councillor Sargeant, nominated by Councillors Griffiths and Roberts.
Councillor Levido, nominated by Councillors Intemann and Hawkins.

There being two nominations, the Returning Officer called for a show of hands in favour of Councillor Sargeant for Deputy Mayor.

Supporting Councillor Sargeant's nomination were Councillors Roberts, Griffiths, Cusato and Sargeant.

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

Supporting Councillor Levido's nomination were Councillors Besseling, Turner, Hawkins, Intemann and Levido.

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

The Mayor congratulated Councillor Levido on his election to the Office of Deputy Mayor.

09.02 STATUS OF OUTSTANDING REPORTS TO COUNCIL - SEPTEMBER 2014

RESOLVED: Intemann/Turner

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

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

09.03 COUNCIL MEETINGS DATES FOR 2015

RESOLVED: Griffiths/Intemann

1. That Council set the Ordinary Council Meeting dates for 2015 as the third Wednesday of each month (excluding January) being 18 February,
2. 18 March (Taking the Council to the Community - Wauchope), 15 April, 20 May, 17 June, 15 July, 19 August, 16 September, 21 October (Taking the Council to the Community - Laurieton), 18 November, 16 December.

CARRIED: 9/0

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

AGAINST: Nil

09.04 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS POLICY

RESOLVED: Levido/Griffiths

That Council:

1. Pursuant to section 253 of the Local Government Act 1993, place on public exhibition from 19 September 2014 until 24 October 2014, the draft Payment of Expenses and Provision of Facilities to Councillors Policy.
2. Note that a further report will be tabled at the November 2014 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 9/0

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

AGAINST: Nil

09.05 REPORT ON ATTENDANCE AT THE 2014 NATIONAL GENERAL ASSEMBLY CONFERENCE

RESOLVED: Roberts/Cusato

That Council note the conference report provided by Councillor Roberts on his attendance at the 2014 National General Assembly of Local Government.

CARRIED: 9/0

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

AGAINST: Nil

**09.06 RECOMMENDED ITEM FROM AUDIT COMMITTEE - AUDIT COMMITTEE
ANNUAL REPORT 2013-2014**

RESOLVED: Hawkins/Roberts

Hawkins/Roberts

That Council:

1. Adopt the Audit Committee Annual Report for the period 2013-2014.
2. Request the General Manager present a report at the March 2015 meeting of Council, outlining how project management is currently managed across the organisation and detailing how a whole-of-Council, integrated approach to project management will be developed and implemented.

CARRIED: 9/0

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

AGAINST: Nil

**09.07 RECOMMENDED ITEM FROM AUDIT COMMITTEE - REVIEW OF
INVESTMENT POLICY AND INDEPENDENT INVESTMENT ADVISOR**

RESOLVED: Hawkins/Griffiths

That Council:

1. Adopt the amendments to the Investment Policy as attached.
2. Note the current position with regard to Council's use of an Independent Investment Advisor.

CARRIED: 9/0

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

AGAINST: Nil

09.08 RECOMMENDED ITEM FROM AUDIT COMMITTEE - DISCREPANCIES IN CASHIER BANKING POLICY

RESOLVED: Hawkins/Griffiths

That Council:

1. Rescind the Discrepancies in Cashier Banking Policy and note that management of this issue will occur through an internal procedure, requiring the General Manager to report to Council any discrepancies over \$1,000 or any incidents of alleged criminal or fraudulent activity.
2. Amend the General Manager's delegation with regard to managing cashier discrepancies to \$1,000 in line with the internal procedure.

CARRIED: 9/0

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

AGAINST: Nil

09.09 MONTHLY FINANCIAL REVIEW FOR AUGUST 2014

RESOLVED: Griffiths/Hawkins

That Council adopt the adjustments in the "Financial Implications" section of the report for August 2014.

CARRIED: 9/0

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

AGAINST: Nil

09.10 INVESTMENTS - AUGUST 2014

RESOLVED: Sargeant/Hawkins

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

CARRIED: 9/0

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

AGAINST: Nil

09.11 QUESTION ON NOTICE - LEVIES

RESOLVED: Griffiths/Cusato

That the report be noted.

CARRIED: 9/0

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

AGAINST: Nil

09.12 SECOND SIX MONTHLY DELIVERY PROGRAM REPORT

RESOLVED: Sargeant/Cusato

That Council;

1. Note the second six monthly progress report on the Delivery Program 2013-2017, encompassing July 2013 - June 2014.
2. Endorse the revised format of the Delivery Program 2013-2017, noting that community engagement is not required as no changes have been made to objectives.

CARRIED: 9/0

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

AGAINST: Nil

09.13 COMPLIMENTS AND COMPLAINTS ANNUAL REPORT 2013-2014

RESOLVED: Griffiths/Intemann

That Council note the Compliments and Complaints Annual Report for 2013-2014.

CARRIED: 9/0

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

AGAINST: Nil

10.01 QUESTION ON NOTICE - YOUTH STRATEGIES IN WAUCHOPE

RESOLVED: Griffiths/Roberts

That Council support the Community Place team in the development of a collaborative Youth Strategy to provide activities and programs for Youth of Wauchope and the rest of the Local Government Area into the future.

CARRIED: 9/0

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

AGAINST: Nil

10.02 PROGRESS REPORT ON THE HERITAGE, ARTS AND CULTURE PRIORITIES ADVISORY GROUP

RESOLVED: Sargeant/Intemann

That the report regarding the progress of the Heritage, Arts and Culture Priorities Advisory Group be received and noted.

CARRIED: 9/0

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

AGAINST: Nil

10.03 RECOMMENDED ITEM FROM MAYOR'S SPORTING FUND SUB-COMMITTEE AUGUST MEETING - APPLICATIONS

RESOLVED: Besseling/Griffiths

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 Begbie in the amount of \$500.00 to assist with expenses he will incur travelling to and competing as part of the NSW All Schools Under 15's Team to compete at the All Schools Sport National Touch Football Championships to be held in Morwell, Victoria from 19 - 24 October 2014 inclusive.
2. Mr Kobe McClure in the amount of \$500.00 to assist with expenses he incurred travelling to and competing as part of the NSW All Schools AFL Championships held in Sydney from 20 - 26 July 2014 inclusive.
3. The Wauchope High School Girls Under 16's Rugby Team in the amount of \$750.00 to assist with the expenses they would have incurred competing at the State Finals of the CHS State Rugby Union Championships held in Sydney on 6 August 2014.

CARRIED: 9/0

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

AGAINST: Nil

10.04 ALCOHOL FREE ZONE RENEWAL

RESOLVED: Intemann/Griffiths

That Council:

1. Re-establish Alcohol Free Zones in the Port Macquarie CBD for a further four years from December 2014 to December 2018.
2. Establish two Alcohol Free Zones within the Port Macquarie CBD to allow for flexibility of use whilst maintaining an overall Alcohol Free Zone.

CARRIED: 9/0

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

AGAINST: Nil

10.05 DISABILITY STRATEGY 2014-2018

RESOLVED: Turner/Hawkins

That Council approve the draft Disability Strategy 2014-2018 for public exhibition from 23 September 2014 for twenty-eight days.

CARRIED: 9/0

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

AGAINST: Nil

10.06 REQUEST FOR ADDITIONAL FUNDING - 2015 AUSTRALIA DAY CELEBRATIONS

RESOLVED: Cusato/Besseling

That the 2014-2015 Australia Day Budget be increased by \$5,000.00 to cover the additional expenditure as outlined in the report.

CARRIED: 9/0

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

AGAINST: Nil

11.01 TO CONSIDER AN OFFER OF A LICENCE TO COUNCIL OF RAILWAY LAND IN RANDALL STREET, WAUCHOPE TO BE USED FOR FUTURE COMMUNITY PURPOSES

RESOLVED: Besseling/Roberts

That Council:

1. Accept an offer from Australian Rail Track Corporation Ltd to enter into a Temporary Licence with Council of three (3) railway properties in Randall Street, Wauchope to be used for future Community purposes as outlined in the terms of this report pending the preparation of a longer term Licence of these sites.
2. Authorise the General Manager to enter into negotiations to offer a Temporary Sub Licence of the sites referred to in (1) above for Community purposes on the basis that there be no cost to Council beyond lease preparation administrative costs.

CARRIED: 9/0

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

AGAINST: Nil

11.02 PORT MACQUARIE AIRPORT - AIRPORT ADVISORY GROUP CHARTER

Councillor Cusato 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 07:15pm.

MOTION

MOVED: Roberts/Sargeant

That Council defer the amended Airport Project Advisory Group Charter to the Airport Project Advisory Group for reconsideration and that Councillors be given the opportunity to provide feedback to the Airport Project Advisory Group via the General Manager prior to that reconsideration.

FORESHADOWED MOTION

MOVED: Levido

That the matter be deferred to enable referral back to the Airport Project Advisory Group for further discussions.

THE MOTION WAS PUT

RESOLVED: Roberts/Sargeant

That Council defer the amended Airport Project Advisory Group Charter to the Airport Project Advisory Group for reconsideration and that Councillors be given the opportunity to provide feedback to the Airport Project Advisory Group via the General Manager prior to that reconsideration.

CARRIED: 8/0

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

AGAINST: Nil

Councillor Cusato returned to the meeting, the time being 07:31pm.

11.03 DESTINATION SIGNAGE

RESOLVED: Cusato/Turner

That Council note:

1. The update on work to identify sites for destination signage that will raise our brand awareness with travellers and draw visitors from the Pacific and Oxley Highways; and
2. A further report will be provided in March 2015, or earlier should destination signage sites be confirmed.

CARRIED: 9/0

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

AGAINST: Nil

12.01 QUESTION ON NOTICE - LAKE CATHIE REVETMENT WALL

RESOLVED: Griffiths/Roberts

That Council note the information regarding the options assessment for the Lake Cathie Revetment Wall Preliminary Design.

CARRIED: 9/0

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

AGAINST: Nil

12.02 DA 2011 - 0615 - MODIFICATION TO BUILDING AS PART OF PREVIOUS APPROVED STAGE 2 ALTERATIONS AND ADDITIONS TO EDUCATIONAL ESTABLISHMENT (ST PAULS HIGH SCHOOL) INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT MACQUARIE - HASTINGS LOCAL ENVIRONMENTAL PLAN 2011

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 07:43pm.

RESOLVED: Intemann/Hawkins

That the determination of the modification application to DA2001 - 0615 for modification to building as part of alterations and additions to educational establishment (St Pauls High School) including clause 4.6 variation clause 4.3 (height of buildings) of the Port Macquarie - Hastings Local Environmental Plan 2011 at Lot 4 DP1119462, 151 Greenmeadows Drive, Port Macquarie, be noted.

CARRIED: 8/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 07:44pm.

12.03 DA 2014 - 0414 - TWO LOT SUBDIVISION INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.1 (MINIMUM SUBDIVISION LOT SIZE) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011

RESOLVED: Intemann/Turner

That the determination of DA2014 - 414 for the two lot subdivision including clause 4.6 objection to clause 4.1 (minimum subdivision lot size) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1, DP 855393, Tarcoola Road, Riverside, be noted.

CARRIED: 9/0

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

AGAINST: Nil

12.04 DA 2014 - 0457 - ALTERATIONS AND ADDITIONS TO TWO STOREY DWELLING HOUSE INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT MACQUARIE- HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 44 DP 31035, 17 MARSDEN CRESCENT, PORT MACQUARIE

RESOLVED: Intemann/Turner

That DA 2014-0457 for alterations and additions to a two storey dwelling house including clause 4.6 variation to clause 4.3 (Height of buildings) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 44, DP 31035, No. 17 Marsden Crescent, Port Macquarie, be noted.

CARRIED: 9/0

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

AGAINST: Nil

12.05 IMPLICATIONS OF THE 10/50 VEGETATION CLEARING CODE OF PRACTICE

MOTION

MOVED: Roberts/Cusato

That Council defer this matter to the October 2014 Council meeting.

FORESHADOWED MOTION

MOVED: Intemann

That Council:

1. Make representations to the appropriate Federal and State Ministers and Local Members on the potential impacts of the 10/50 Vegetation Clearing Code of Practice in the Port Macquarie Hastings area and seek urgent modification to the Code to address the issues raised in this report.
2. Apply a bushfire risk management approach where any party requests permission to clear on public land under the 10/50 Vegetation Clearing Code of Practice.

THE MOTION WAS PUT

RESOLVED: Roberts/Cusato

That Council defer this matter to the October 2014 Council meeting.

CARRIED: 9/0

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

AGAINST: Nil

**13.01 QUESTION ON NOTICE - TEMPORARY LOW LEVEL BRIDGE AT
TELEGRAPH POINT**

RESOLVED: Cusato/Griffiths

That Council receive and note the information provided in this report.

CARRIED: 9/0

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

AGAINST: Nil

**13.02 QUESTION ON NOTICE - ENERGY CONSUMPTION AND PORT
MACQUARIE LIBRARY**

RESOLVED: Griffiths/Levido

That Council note the information provided in the Question on Notice - energy
Consumption and Port Macquarie Library report.

CARRIED: 9/0

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

AGAINST: Nil

**13.03 QUESTION ON NOTICE - FUNDS FROM ROADS AND MARITIME
SERVICES ASSETS**

RESOLVED: Intemann/Griffiths

That the report be noted.

CARRIED: 9/0

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

AGAINST: Nil

13.04 2014 STRATEGIC BUSINESS PLAN FOR WATER & SEWER

RESOLVED: Sargeant/Intemann

That Council;

1. Adopt the Strategic Business Plans for the Local Water Utilities Water Supply and Sewerage Services.
2. Provide a copy of the plans to the NSW Office of Water.
3. Seek funding allocations previously approved under the NSW Country Towns Water Supply and Sewerage Services for the North Shore Sewerage Scheme.

CARRIED: 9/0

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

AGAINST: Nil

13.05 WAUCHOPE TRAFFIC MANAGEMENT STRATEGY

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

RESOLVED: Intemann/Griffiths

That Council:

1. Defer all broader Wauchope Traffic Management planning until the upcoming Local Government Area Traffic Study is complete and the outcomes of the Oxley Highway Corridor Strategy and Oxley Highway Safety Review are known.
 2. Develop a main street plan for High Street through the town centre, coordinated by Council's Place Making team, having regard to the principles outlined in the Roads and Maritime Service's document, Sharing the Main Street - A Practitioners' Guide to Managing the Road Environment and Traffic Routes Through Commercial Centres Sharing the Main Street.
 3. Progress planning for the various short and medium term actions that were strongly supported through the engagement process and are warranted irrespective of outcomes of broader planning:
 - Plan the upgrade of the Beechwood Road / Waugh Street intersection
 - Plan the upgrade of the Cameron Street / Blackbutt Drive intersection
 - Plan the upgrade of the High Street / Blackbutt Drive intersection
 - Plan the upgrade of the Young Street / Campbell Street / Waugh Street intersection
 4. Discontinue any future consideration of:
 - Changing the one-way direction of traffic flow on Oxley Lane
 5. Accept the Roads and Maritime Service's position that the following actions will not be considered by the Roads and Maritime Service in the short or medium term and are not financially or practically viable:
 - Oxley Highway bypass of Wauchope, either to the north or south of the town
 - Replacement of the Oxley Highway level crossing with a flyover
 6. Further investigate the option of a one- way slip lane west bound from the railway to Cameron Street.
-

CARRIED: 9/0

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

AGAINST: Nil

13.06 ROAD SAFETY REPORT 2013-14

RESOLVED: Levido/Cusato

That Council receive and note the Road Safety Report 2013-2014 for the Port Macquarie-Hastings Local Government Area.

CARRIED: 9/0

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

AGAINST: Nil

13.07 LAKE ROAD BLACKSPOT FUNDING

Councillor Sargeant 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 08:07pm.

RESOLVED: Turner/Roberts

That Council:

1. Accept the \$400,000 State Government, Roads & Maritime Services' "Blackspot" Network and Safety Program funding grant to address vehicle crashes and safety issues on Lake Road at the intersections with Acacia Avenue, Chestnut Road and Blackbutt Road.
2. Implement the Roads and Maritime Services' Grant Funded treatments, being the construction of a median in Lake Road to restrict right turns into/out of Acacia Avenue and Chestnut Road and the construction of a roundabout at the Lake Road / Blackbutt Road intersection to facilitate traffic movements and increase safety.
3. Develop a communications strategy around education for the proposed new traffic arrangements for affected businesses and road users of Lake Road.

CARRIED: 8/0

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

AGAINST: Nil

Councillor Sargeant returned to the meeting, the time being 08:16pm.

13.08 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - TRAFFIC PRIORITY - CHAPMAN STREET AND GRANITE STREET PORT MACQUARIE

RESOLVED: Intemann/Roberts

That Council approve the placement of a give-way sign and hold line in Granite Street at its intersection with Chapman Street, Port Macquarie.

CARRIED: 9/0

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

AGAINST: Nil

13.09 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - LANEWAY CLOSURE NANGARA PLACE PORT MACQUARIE

RESOLVED: Intemann/Hawkins

That Council:

1. Pursuant to Section 116 of the Roads Act 1993 No. 33 close the public laneway in Nangara Place, Port Macquarie to vehicle access, by the erection of a suitable barrier such as bollards.
2. Notify adjoining property owners of this intended course of action.

CARRIED: 9/0

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

AGAINST: Nil

13.10 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - COMBOYNE VILLAGE FAIR 2014

RESOLVED: Levido/Hawkins

That Council note the resolution of the Local Traffic Committee of 6 August 2014 as follows:

That Council approve the proposed road closures and parking restrictions associated with the 2014 Comboyne Village Fair, subject to the following conditions:

1. That the event be categorised as a Class 2 special event.
2. That the event organiser advertise, at no cost to Council, the road closures associated with the event in the local print media for a period not less than 14 days advising of the time and duration of the road closures.
3. That the event organiser advertise the event by undertaking a letter box drop to all affected residents & businesses directly affected by the road closure advising of the event and the proposed actions to be undertaken to mitigate the impact of the road closures.
4. That the Traffic Control and Traffic Management Plans as submitted with the

-
- event application be implemented, and any modifications to the plans be approved by Council prior to the running of the event.
5. That the event organiser obtains written approval from the NSW Police.
 6. That the event organiser notify the NSW Ambulance, NSW Fire and the State Emergency Services of the proposed road closures.
 7. That the event organiser notifies local Transport Services (Bus Companies, Taxis) of the proposed road closures.
 8. An RMS accredited (Yellow card) person is to be used for the establishment and removal of the traffic control devices;
 9. Qualified traffic controllers (RMS-Blue or Grey card) are to be used to control traffic.
 10. That the event organiser abides by any other condition that Council and the Police may impose.
 11. That the event organiser submit to Council prior to the commencement of the event evidence of Public Liability Insurance which is valid for the duration of the event, including placement and removal of traffic control devices.

CARRIED: 9/0

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

AGAINST: Nil

13.11 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - TASTINGS ON HASTINGS 2014

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 08:20pm.

RESOLVED: Intemann/Hawkins

That Council approve the proposed road closures associated with the 2014 Tastings On Hastings, subject to the following conditions:

1. That the event be categorised as a Class 2 special event.
 2. That the event organiser advertise, at no cost to Council, the road closures associated with the event in the local print media for a period not less than 14 days advising of the time and duration of the road closures.
 3. That the event organiser advertise the event by undertaking a letter box drop to all affected residents & businesses directly affected by the road closures advising of the event and the proposed actions to be undertaken to mitigate the impact of the road closures.
 4. That the Traffic Control and Traffic Management Plans as submitted with the event application be implemented, and any modifications to the plans be approved by Council prior to the running of the event.
 5. That the event organiser obtains written approval from the NSW Police.
 6. That the event organiser notify the NSW Ambulance, NSW Fire and the State Emergency Services of the proposed road closures.
 7. That the event organiser notifies local Transport Services (Bus Companies, Taxis) of the proposed road closures.
 8. An RMS accredited (Yellow card) person is to be used for the establishment and removal of the traffic control devices;
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9. Qualified traffic controllers (RMS-Blue or Grey card) are to be used to control traffic.
 10. That the event organiser abides by any other condition that Council and the Police may impose.
 11. That the event organiser submit to Council prior to the commencement of the event evidence of Public Liability Insurance which is valid for the duration of the event, including placement and removal of traffic control devices.

CARRIED: 8/0

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

AGAINST: Nil

Councillor Roberts returned to the meeting, the time being 08:21pm.

13.12 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - LAKE CATHIE PUBLIC SCHOOL - OCEAN DRIVE INTERSECTION

RESOLVED: Levido/Cusato

That Council:

1. Note the Committee members reviewed the Lake Cathie Public School intersection on Ocean Drive design plans and provided feedback to Council's Group Manager Transport and Stormwater Network as required.
2. Authorise Council's Group Manager Transport and Stormwater Network to provide appropriate feedback to New South Wales Public Works via Council's Development Engineer.
3. Request the developers via Council's Development Engineering Coordinator, to resubmit the plans with line marking as per Austroads Standard to this committee for review.
4. Notify the developers via Council's Development Engineering Coordinator, that the request for a the section of Ocean Drive to be allocated as a School Zone as noted on the plans, should not be shown but should be discussed with the Roads and Maritime Services separately.

CARRIED: 9/0

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

AGAINST: Nil

13.13 LAND ACQUISITION - 12 PALMVIEW PLACE, PORT MACQUARIE

RESOLVED: Intemann/Hawkins

That Council:

1. Pay compensation in the amount of \$500 (GST Exclusive) to the registered proprietor of Lot 11 Deposited Plan 777087 (12 Palmview Place, Port Macquarie) for the acquisition of that part of Lot 11 Deposited Plan 777087 more particularly described as Lot 1 in Plan of Acquisition Deposited Plan 1195206.
2. Authorise the General Manager pursuant to Section 377 of the Local Government Act 1993 to sign
 - a. the Contract for Sale
 - b. Land and Property Information Transfer form.
3. On the acquisition of Lot 1 Deposited Plan 1195206 dedicate it as public road pursuant to Section 10 of the Roads Act 1993.

CARRIED: 9/0

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

AGAINST: Nil

13.14 REQUEST FOR FORMAL RECOGNITION OF THE NAME "SPENCERS CUTTING"

RESOLVED: Intemann/Sargeant

That Council support the request to formally recognise the name "Spencers Cutting" as an Historic Site.

CARRIED: 9/0

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

AGAINST: Nil

13.15 ACQUISITION OF EASEMENT FOR SERVICES - BEECHWOOD ROAD, ROSEWOOD

RESOLVED: Levido/Griffiths

That Council:

1. Pay compensation in the amount of \$2,500 (GST Exclusive) to the owner of Lot 103 Deposited Plan 1129720 for the acquisition of an easement for services 5 metres wide as depicted "A" in Plan of Acquisition Deposited Plan 1195880.
2. Delegate to the General Manager Authority to sign:
 - a. Contract For Sale/Deed of Acquisition
 - b. Land and Property Information Transfer Granting Easement Form.

CARRIED: 9/0

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

AGAINST: Nil

13.16 NEW DEVELOPMENT SERVICING PLANS FOR WATER SUPPLY AND SEWERAGE

RESOLVED: Turner/Sargeant

That Council:

1. Adopt the new Development Servicing Plans for Water Supply and Sewerage.
2. Apply the new developer charges provided for in the Development Servicing Plans immediately.
3. Revoke the Hastings Water Supply Administration Levy Development Servicing Plan 2006.

CARRIED: 9/0

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

AGAINST: Nil

13.17 THURMSTER NEIGHBOURHOOD PLANNING: MIXED ZONING CHANGES

RESOLVED: Levido/Hawkins

That Council:

1. Forward the attached planning proposal in relation to changes to the land zones at Thurmster to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to sections 56 - 58 of the Environmental Planning and Assessment Act 1979.
2. Request that the Director General of the Department of Planning and Environment issue a written authorisation to Council to exercise delegation of the plan making functions under section 59 of the Act for the planning proposal.

CARRIED: 9/0

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

AGAINST: Nil

14 QUESTIONS FOR NEXT MEETING

14.01 POLICY MAKING AND REVIEW PROCESS

Question from Councillor Roberts:

What is this Council's definitions of both strategic and operational policy and what are the roles of staff and/or councillors within the policy making and review processes?

Comments by Councillor (if provided):

Nil.

14.02 PLACE MAKING

Question from Councillor Roberts:

What is Port Macquarie-Hastings Council's definition of 'Place Making' and how will place making be utilised by Port Macquarie-Hastings Council to provide tangible, lasting and positive outcomes for our LGA?

Comments by Councillor (if provided):

Nil.

14.03 PUBLICATIONS

Question from Councillor Sargeant:

Is it possible to incorporate a life cycle responsibility for publications which are delivered to letter boxes?

Comments by Councillor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Turner/Hawkins

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

Item 15.01 Tender T-14-29 Hastings River at Koree Island Aquatic Biological Monitoring

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

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 8.30pm

RESUME MEETING

The Ordinary Council Meeting resumed at 8.32pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Griffiths/Roberts

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

- Item 15.01 Tender T-14-29 Hastings River at Koree Island Aquatic Biological Monitoring

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

RECOMMENDATION

That Council:

1. Accept the tender for Aquatic Biological Monitoring in the Hastings River at Koree Island from Eco Logical Australia Pty Ltd for \$163,168.61 (excl GST) for a three (3) year term commencing 1 October 2014 with an option to extend for a further three (3) year period at Council's discretion.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of tender T-14-29.

CARRIED: 9/0

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

AGAINST: Nil

The meeting closed at 8.33pm.

.....
Peter Besseling
Mayor

Item: 05
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

I, declare the following interest:

☐

Pecuniary:

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

☐

Non-Pecuniary - Significant 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

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

Councillor's Signature: Date:

Important Information

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

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

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

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

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

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

Item: 06.01

**Subject: MAYORAL MINUTE - MAYORAL DISCRETIONARY FUND
ALLOCATIONS**

Mayor, Peter Besseling

RECOMMENDATION

That the Mayoral Discretionary Fund allocations for the period 4 September to 1 October 2014 be noted.

Discussion

Mayoral Discretionary Fund Allocations

The total commitment from the Mayoral Discretionary Fund from 4 September to 1 October 2014 was \$2,450.

This included the following:

Donation to Port Macquarie Community Pre-School	\$100.00
Donation to Alzheimer's Australia	\$200.00
Donation to MND	\$250.00
Annual donation to all local Schools & Colleges for end of year award presentations	\$1,900.00
	<u>\$2,450.00</u>

Attachments

Nil

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

Alignment with Delivery Program

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

RECOMMENDATION

That Council determine that the attachments to Item Numbers 09.05 and 09.11 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

Discussion

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

Item No.:	09.05
Subject:	Appointment of Individual Member to the Audit Committee
Attachment Description:	Final Evaluation Scores of Tenders
Confidential Reason:	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)).

Item No.:	09.11
Subject:	Glasshouse Quarterly Financial Report and Update on Strategic Plan Recommendations
Attachment Description:	September Quarter Glasshouse Budget Adjustments
Confidential Reason:	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)).

Item: 08**Subject: PUBLIC FORUM**

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

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

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

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

Ensuring Good Governance

What are we trying to achieve?

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

What will the result be?

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

How do we get there?

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

Ensuring Good Governance

Item: 09.01

Subject: STATUS OF OUTSTANDING REPORTS TO COUNCIL - OCTOBER 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 October 2014 Status of Outstanding Reports to Council be noted.

Discussion

Reports requested by Council

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Wall Reserve - maintenance of entire reserve (Item 12.01 - OC 18/06/14)	Studies to be presented to Councillor Briefing Session	DIAM	Sept 2014	Oct 2014
Rural Zoned Lots, Vicinity Kendall Village (Item 12.06 - OC 18/06/14)		DDE	Oct 2014	Oct 2014
Review of Council's Organisational Structure (Item 09.01 - OC 20/08/14)		GM	Oct 2014	Oct 2014
Parks & Reserve Use Policy - Review (Item 13.03 - OC 20/08/14)		DIAM	Oct 2014	Oct 2014
Amendment - 2014-2015 Fees and Charges - Outcome of Exhibition (Item 09.08 OC 20/08/14)		DCSIE	Oct 2014	Oct 2014
Kendall Village - Rural Zoned Lots (Item 12.06 - OC 17/09/14)		DDE	Oct 2014	Oct 2014
QON - Policy Making and Review Process (Item 14.01 - OC 17/09/14)		GM	Oct 2014	Oct 2014

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
QON - Place Making (Item 14.02 - OC 17/09/14)		DCOD	Oct 2014	Oct 2014
QON - Publications (Item 14.03 - OC 17/09/14)		DDE	Oct 2014	Oct 2014
Free Camping - Update (Item 11.01 - OC 21/05/14)		DCSIE	Nov 2014	Nov 2014
RV Friendly Towns - report on accreditation for Kendall and Wauchope (Item 11.03 - OC 18/06/14)		DCSIE	Nov 2014	Nov 2014
Propose a new strategic approach for town and village entry signage and community or event signage. (Item 11.04 - OC 19/03/14)	To be incorporated into the Place Making approach.	DCOD	Jun 2014	Dec 2014
Impact of Road Openings and Closures on Private Property (Item 12.03 - OC 18/09/13)	To be included in overall review of roads policies Information still being sought.	DIAM	Mar 2014	Dec 2014
Draft Development Control Guidelines - Birdon Marine West - submissions (Item 13.08 - OC 19/02/14)	Delayed. Public exhibition has occurred. Further information required as a result of the exhibition.	DDE	Apr 2014	Dec 2014

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Vegetation & Koala Habitat Maps - report: 1. Dealing with a more specific timeline as to the production of the series of vegetation maps and koala habitat maps for the Port Macquarie-Hastings Local Government Area that can be made readily available to the general public; and 2. Providing a more robust and balanced view (including consultation with interested stakeholders) of competing methodologies available in determining vegetation communities (including endangered ecological communities) and koala activity for the purposes of the current biolink habitat and vegetation mapping data sets or any future/alternative data sets. (Item 12.03 - OC 19/03/14)		DDE	Jul 2014	Dec 2014
Use of McInherney Park Western Man-Made Beach (Item 12.04 - OC 16/10/13)	Report within 1 month of adoption of PMH Recreation Plan	DIAM	Sept 2014	Feb 2015
Review of the transition or holding account (Item 08.07 - OC 18/12/13)		DCSIE	Feb 2015	Feb 2015
Benefits and future options for engagement of community volunteers (Item 10.02 - OC 21/08/13)	Report after three months of operation of volunteer arrangement	DCOD	Feb 2015	Feb 2015
Stingray Creek Bridge - accurate estimate of costs to be confirmed during the finalisation of the selective construction tender process (Item 12.07 - OC 18/12/13)		DIAM	Feb 2015	Feb 2015
Project Management (Item 09.06 - OC 17/09/14)		GM	Mar 2015	Mar 2015

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
LEP - Eco-Tourist Facilities a) the number of applications approved under the ecotourism provisions of Port Macquarie-Hastings LEP 2011. b) the number of proposals that cannot proceed as a result of the development standards specified by clause 7.14 of Port Macquarie-Hastings LEP 2011. (Item 13.09 - OC 16/04/14)		DDE	Apr 2015	Apr 2015
Free Camping - Advise on effectiveness of trial measures, results of free camping research and long-term management strategy recommendations. (Item 11.01 - OC 21/05/14)		DCSIE	May 2015	May 2015
Waste Audit - Results (Item 12.06 - OC 16/07/14)		DDE	Oct 2015	Oct 2015

Cyclic Reports

Report	Reporting Officer	Reporting Cycle
Monthly Financial Update	DCSIE	Monthly
Investments	DCSIE	Monthly
Mayoral Discretionary Fund Allocations	GM	Monthly
Development Activity and Assessment System Performance	DDE	Quarterly (Apr, Jul, Oct, Feb)
Glasshouse Quarterly Financial Report	DCSIE	Quarterly (July, Oct, Feb, Apr)
Procurement Strategy - Progress Report (Item 08.10 - ORD 18/09/2013)	DCSIE	Quarterly (July, Oct, Feb, Apr)
Glasshouse Strategic Business Plan - Progress Report	DCSIE	Quarterly (Aug, Nov, Feb, May)
Delivery Program - Progress Report	DCOD	Biannual (Mar, Sept)
Operational Plan - Progress Report	DCOD	Biannual (May, Oct)

Ensuring Good Governance

Report	Reporting Officer	Reporting Cycle
Economic Development Strategy - Progress Report (Item 10.03 - ORD 20/11/2013)	DCSIE	Biannual (June, Dec)
MIDROC Strategic Plan 2013-2017 Outcomes (Item 08.03 - ORD 21/08/2013)	GM	Annually (Jul)
Compliments and Complaints Annual Report	DCOD	Annually (Aug)
Annual Report of the Activities of the Mayor's Sporting Fund	DCOD	Annually (Aug)
Council Meeting Dates	GM	Annually (Sept)
Creation of Office - Deputy Mayor	GM	Annually (Sept)
Payment of Expenses and Provision of Facilities to Councillors Policy for Exhibition	GM	Annually (Sept)
Audit Committee Annual Report	GM	Annually (Sept)
Annual Disclosure of Interest Returns	GM	Annually (Oct)
Payment of Expenses and Provision of Facilities to Councillors Policy for Adoption	GM	Annually (Nov)
Council's Annual Report	GM	Annually (Nov)
Annual Reporting of Contracts for Senior Staff	GM	Annually (Nov)

Attachments

Nil

Ensuring Good Governance

Item: 09.02

Subject: DISCLOSURES REGISTER - ANNUAL RETURNS 2013-2014

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 Council:

1. **Note the information in the Disclosure Register for 2013-2014.**
2. **Determine that the following positions become Designated Persons pursuant to the provisions of section 441 of the Local Government Act 1993:**
 - a) **Group Manager ICT**
 - b) **Transport and Stormwater Network Technical Officer**
 - c) **Transport and Stormwater Network Operations Manager**
 - d) **Road Engineer**
 - e) **Traffic and Transport Engineer**
 - f) **Senior Arborist**

Executive Summary

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

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

A review of Designated Persons has been undertaken and identified five (5) positions to be designated pursuant to section 441 of the Local Government Act.

Discussion

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

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

Ensuring Good Governance

A review of Designated Persons has been completed and all disclosure returns for the period 1 July 2013 to 30 June 2014 have been lodged and will be tabled, by the General Manager, when this report is dealt with by Council.

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

New Positions

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

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

- Group Manager ICT
- Transport and Stormwater Network Technical Officer
- Transport and Stormwater Network Operations Manager
- Road Engineer
- Traffic and Transport Engineer
- Senior Arborist

Options

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

Community Engagement & Internal Consultation

Internal Consultation

- Councillors.
- General Manager and Directors.
- Group Manager Governance and Executive Services.
- Designated Persons.

Planning & Policy Implications

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

Financial & Economic Implications

Nil.

Attachments

Nil

Ensuring Good Governance

Item: 09.03

Subject: MID NORTH COAST REGIONAL ORGANISATION OF COUNCILS (MIDROC) STRATEGIC PLAN OUTCOMES FOR 2013-2014

Presented by: General Manager, Craig Swift-McNair

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 note the report relating to achievements against the strategic plan for 2013-2014 for the Mid North Coast Regional Organisation of Councils (MIDROC).

Executive Summary

The Mid North Coast Regional Organisation of Council's (MIDROC) represents the interests of eight Local Government Areas (LGA's) on behalf of over 300,000 residents of the Mid North Coast (MNC). The aims of MIDROC are to:

- Advocate to and informs all spheres of government of the economic, social, environmental and infrastructure needs of the region.
- Strengthen the role of local government in regional affairs with regard to policy and strategic directions of both State and Federal government.
- Support the implementation of strategies that will build community capacity across the region.

In 2013, MIDROC adopted a strategic plan for 2013-2017 and this report details progress made against the strategic plan objectives for the 2013-2014 financial year.

Discussion

This MIDROC strategic plan is the first developed in the history of MIDROC and reflects a determination by the members to become a more effective voice for local government and local communities across the Mid North Coast area.

The Strategic Plan indicates the desire of MIDROC to advance the regions position to both the State and Federal governments in a number of key areas. The four key areas are:

- Improving the lifestyle of local communities;
- Protecting our environment;
- Improving Council's capacity and productivity;
- Enabling our communities to be strong and sustainable.

Ensuring Good Governance

Detailed information relating to progress against the key areas can be found in the attached document titled '*MIDROC Strategic Plan 2013-2017 Progress Update August 2014*'.

The key achievements throughout the 2013-2014 year have been related to the work done by the various interest groups that sit under the MIDROC banner. There has been significant work undertaken particularly with the Human Resources Group, through which a regional Learning Management System was purchased. The Work Health and Safety (WH&S) Group ran regional training packages and the Geographical Information Systems (GIS) group has commenced development of a business case for a potential MIDROC business unit that could provide mapping services for not just the mid north coast, but many other local government areas into the future.

Two new groups were established across the region during 2013-2014 being the Public Relations and Customer Services groups. Increasingly groups of professionals within a field are keen to work across the region to share information and look for ways of being more efficient.

Regional procurement opportunities continue to be explored and there have been efficiency gains by working together on procurement and tendering policies and a range of other procurement related issues.

The MIDROC website was also launched in the latter part of 2013-2014. This site has allowed for further information sharing amongst Councils.

Options

Council can accept the recommendation as included in this report, or not accept same.

Community Engagement & Internal Consultation

There has been no external community engagement or internal consultation undertaken as part of the development of this report. This report has been based on a progress update report as per the attached document titled '*MIDROC Strategic Plan 2013-2017 Progress Update August 2014*'.

Planning & Policy Implications

There are no planning or policy implications as a result of this specific report. However, Council's future involvement in MIDROC needs to be considered in light of the recently announced local government reform program by the NSW State Government titled Fit for the Future. As Council works towards better understanding the State governments local government reform program, the future benefit of maintaining membership of MIDROC, or the continued existence of MIDROC into the future needs to be considered in the coming months.

Further to the above, the Councils of Clarence Valley, Coffs Harbour, Bellingen and Nambucca (noting that all of these Councils excluding Clarence Valley are currently members of MIDROC), have been recommended by the Independent Local Government Review to form a North Coast Joint Organisation.

Ensuring Good Governance

It would appear that the above-mentioned Councils have been holding discussions with regard to a potential future Joint Organisation since April 2014. It is also understood at the time of writing this report that the above-mentioned Councils will be submitting an expression of interest to the State Government, indicating their interest in becoming a regional pilot for Joint Organisations. In light of this, a discussion relating to the future of MIDROC by the MIDROC Board would be appropriate as soon as possible.

Financial & Economic Implications

There are no direct financial or economic implications as a result of this specific report.

Attachments

1 [View](#). MIDROC Strategic Plan 2013-2017 Progress Update

Ensuring Good Governance

Item: 09.04

Subject: QUESTION ON NOTICE - POLICY MAKING AND REVIEW PROCESS

Presented by: General Manager, Craig Swift-McNair

RECOMMENDATION

That the response to Policy Making and Review Processes be noted.

Question from Councillor Roberts

What is this Council's definitions of both strategic and operational policy and what are the roles of staff and/or councillors within the policy making and review processes?

Comments by Councillor (if provided)

Nil.

Response

Strategic and Operational Policy

Council does not strictly separate its Policy into either strategic or operational. The Policy suite of a Council is traditionally divided into 'Council' Policy and 'management' policy.

Policy Terminology Comparison

There is unfortunately no standard terminology used to separate Council Policy from management policy, the differentiation is usually formed on the basis of who completes the final authorisation, the table below lists commonly used terms to define these policy types:

Policy approved by Council	Policy approved by the General Manager
Council Policy	Management policy
Big 'P' Policy	Little 'p' policy
Externally Focused Policy	Internally focused policy
	Organisational policy

For clarity, throughout this response, the first listed terms above are used, Council and management.

Ensuring Good Governance

Policy Scope

The table below lists the general scope of the policy types:

Council Policy (approved by Council) covers:	Management policy (approved by the General Manager) covers:
Councillors Council Delegates Council Officials Rate payers Businesses Visitors Local Government Area General Manager Council staff Volunteers (etc.)	General Manager Council staff Volunteers (etc.)

It should be noted that a particular policy (either Council or management) may have a deliberately defined scope of coverage. For example, an adopted Council Policy may only apply to a specific location of the local government area or a management policy may apply to a specific staff group or groups.

This response specifically addresses the Policy making and review process of 'Council' Policy.

Policy Making and Review

Council has an adopted Policy and guideline for Policy making. The Policy is entitled "[Proposing New Policy, Amending Existing Policy and Rescinding Obsolete Policy Policy](#)" and the guideline is entitled "[Policy Development Process](#)", both the Policy and the guideline are available from Council's website (links above).

The Policy and guideline together form Council's Policy Development framework that guides the development and review its Policies.

Proposing New Policy, Amending Existing Policy and Rescinding Obsolete Policy Policy

The objective of the Policy is to formally document the process for proposing new Policies, amending existing Policies and rescinding obsolete Policies.

The Policy defines 'policy' as:

a rule, guideline, precedent or statement providing a direction on how community issues will be handled in the future.

The Policy (and guideline) was first adopted under Administration at the Ordinary Council Meeting held on 25 February 2009 (Item 14).

The Policy provides for three (3) guiding principles for Policy development:

Ensuring Good Governance

1. New Policies
2. Amending Council Policies
3. Rescinding Policies

Principle 1: New Policies

The 'New Policies' principle contains an eight (8) phase approach.

1. Establish Need

Determine the document type required to address the issue. Does the issue need a new Policy? Or can it be addressed through some other way such as development of a procedure or amendment to an existing Policy?

2. Research and Analysis

Identify the Policy options that would address the issue under consideration and gather evidence regarding the workability of these options. Assess any implementation constraints. Undertaking research and analysis so that unworkable or inappropriate Policy decisions are avoided.

3. Drafting

Policy should be drafted in plain English and formatted using the adopted template and author should ensure that the new Policy is consistent with existing Policy and current legislation. At this point the author should also consider any financial and administrative implications and seek input from Council staff members. Draft Policy to be presented to Executive Group and the Council prior to external consultation.

4. Consultation

Consult with the community and or stakeholders who will be affected by the Policy. Council will make a resolution to place the draft Policy on exhibition (with or without amendment) or reject the amendments or new Policy.

Draft Policies adopted for exhibition must be advertised for public comment for a minimum period of 14 days unless a statutory exhibition period is required. At a minimum, public exhibition will consist of advertising in the three locality newspapers circulating in the local government area, exhibiting the draft Policy at Council's three offices and libraries and on Council's web page. Where higher- level consultation is appropriate, Council's Community Participation Policy, matrix and tool kit should be considered.

At the closure of the exhibition period a report detailing the submissions received will be made to Council. Council, by resolution, will adopt or reject the amendments or new Policy.

5. Authorisation

Policy is only valid if approved by Council or under delegation. Council maintains a Register of Delegations.

Ensuring Good Governance

6. Communication

Although communication occurs throughout the whole of the Policy development process, specific communication of a Policy is necessary after a Policy has been approved. There are minimum communication requirements for approved Policy in the Policy Development Process.

7. Implementation

Before seeking Policy approval the author should develop a process or strategy to effectively deploy the Policy. This includes the assignment of specific implementation responsibilities to staff and follow up by those responsible for the oversight of implementation activities.

8. Review

A regular review of Policy helps to ensure that relevant and effective Policies are retained, Policy gaps are identified and redundant Policy is eliminated.

During review, the Policy intent and implementation are revisited and the effectiveness of the Policy's deployment and any unexpected outcomes are considered. The review acts as a link to the first phase of the cycle, Establish Need.

Principle 2: Amending Council Policies

Amendments to existing Council Policies must follow principle 1, unless the amendments are minor in nature.

Minor amendments will include, changes to the format of the Policy, changes to the Policy number or changes to Policy owners or those responsible for implementing the Policy.

The General Manager can approve minor amendments to Policies if in their opinion the amendment does not, change the intent of the Policy, impact on the community, result in conflict with an existing Policy or have legal or financial implications.

Principle 3: Rescinding Policies

Council Policies can only be rescinded by a formal resolution of Council.

Roles in Council Policy Development

Role of Councillors

Strictly interpreting the current adopted guideline, Councillors become involved in the Policy development process at the Drafting phase, by way of presentation of a Council report for the purposes of adoption of the draft Policy for exhibition purposes.

Councillors, then, remain involved in the Policy consultation and authorisation phases and where necessary the communication and implementation phases.

Ensuring Good Governance

Councillors can, however, also instigate the Policy development process itself. A Councillor could through a Notice of Motion request the General Manager to research a particular Policy area and present a future report to Council for consideration.

Summary of Councillors involvement in the Policy Development process:

- Instigate/Request
- Input to
- Authorisation
- Communication, where appropriate
- Implementation, where appropriate

It should be noted that the Policy titled 'Proposing New Policy, Amending Existing Policy and Rescinding Obsolete Policy Policy' was established whilst Council was under Administration and Councillors may wish the General Manager to undertake a review of this Policy with a view to an increased role for Councillors in Council Policy development.

Role of Staff

The relevant Council staff are involved throughout the entire Council Policy development process.

Summary of Council staff involvement in the Policy Development process:

- Instigate/Request
- Research and analysis
- Drafting
- Consultation/Input
- Communication
- Implementation
- An appropriate Policy Responsible Officer is identified
- Review (Instigate review on the adopted Policy review cycle)

Attachments

Nil

Ensuring Good Governance

Item: 09.05

Subject: APPOINTMENT OF INDEPENDENT MEMBER TO THE AUDIT COMMITTEE

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

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

RECOMMENDATION

That Council appoint Mr Michael Parkinson as an independent member to the Audit Committee for a term commencing in October 2014 until 30 September 2018.

Executive Summary

A vacancy current exists for an independent member on the Audit Committee. An expression of interest process has been undertaken in view to appointing a suitable independent member to the Audit Committee.

Five (5) submissions were received for which an evaluation process has been undertaken. All five (5) were considered to satisfy the requirements of the expression of interest.

The expression of interest process has been in accordance with Council's adopted procedure for the appointment of independent members to Audit Committee.

Discussion

There is currently a vacancy for an independent member on the Audit Committee. The vacancy is due to the resignation of Mr Gary Mottau.

The Audit Committee have acknowledged and thanked Mr Gary Mottau for his contribution to the Audit Committee through his term.

A number of changes have recently been approved to the Charter of the Audit Committee; one of those changes was to the establishment of a quorum. A quorum for the Audit Committee is now half the voting members of which two (2) must be independent members.

Voting members of the Audit Committee are:

- Two (2) Councillors.
- Three (3) Independent members.

Ensuring Good Governance

With the newly established clause concerning a quorum and a vacancy with regards to an independent member, there is a risk that a quorum may not be established. Moving to fill the current vacant independent member position will reduce this risk.

An expression of interest for the vacant independent member position was developed. The selection criteria utilised as the basis of the expression of interest was endorsed by the Audit Committee at its Meeting held on 14 August 2014.

The Audit Committee also expressed a desire to establish overlapping tenures for independent members - primarily to allow for continuity of knowledge and business of the Committee.

This desire has been taken into account with the tenure of this independent member role being recommended to cease on 30 September 2018.

The expression of interest was first advertised on Friday 22 August 2014 and subsequently closed on Thursday 18 September 2014.

The expression of interest was advertised in local papers, the associated documents were available via Council's e-tendering web site and the expression of interest information was also communicated via local chambers of commerce.

During the submission period, a number of telephone enquiries were received, this would indicate a high level of interest in the position currently available.

At the closing time and date of submissions, five (5) submissions had been received.

An expression of interest evaluation panel was established, which included the following Council Officers:

- General Manager.
- Group Manager Governance & Executive Services.

An evaluation of the expression of interest submissions was undertaken. Of the five (5) submissions received, all five (5) were considered to satisfy the requirements.

Please refer to the confidential spreadsheet titled "EOI-14-07 Independent Member of the Audit Committee - Evaluation (Confidential)" which details the final evaluation scores for the tenders as determined by the Evaluation Panel. 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 appointee to the Audit Committee or not accepting same.

Ensuring Good Governance

Community Engagement & Internal Consultation

Internal Consultation

- General Manager.
- Group Manager Governance & Services.

Planning & Policy Implications

This expression of interest process has followed the Council adopted procedure for the selection of independent members to the Audit Committee.

In accordance with the procedure, the General Manager is recommending the appointment of an independent member to the Audit Committee.

Financial & Economic Implications

Independent members of the Audit Committee are remunerated. Appropriate allocations are available in Council's current adopted budget for 2014-2015.

Attachments

- 1 [View](#). EOI-14-07 Independent Member of the Audit Committee - Evaluation (Confidential)

Ensuring Good Governance

Item: 09.06

Subject: REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR TURNER

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

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

RECOMMENDATION

That Councillor Turner be granted leave of absence from 16 October 2014 to 9 November 2014 (inclusive) and 19 November 2014, which includes the Ordinary Meeting of Council scheduled for 19 November 2014.

Executive Summary

Council has received a request for leave of absence from Councillor Turner from 16 October 2014 to 9 November 2014 (inclusive) and 19 November 2014. The requested period of leave includes the November 2014 Ordinary Meeting of Council.

Discussion

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

Councillor Turner has requested leave of absence for 16 October 2014 to 9 November 2014 (inclusive) and 19 November 2014. The reason for Councillor Turner's request is that he will be unable to attend to official Council duties due to a combination of both business and personal reasons.

During the requested leave of absence one (1) Ordinary Meeting of Council is scheduled, that Meeting being:

- Wednesday, 19 November 2014.

Options

Council can:

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

Ensuring Good Governance

Community Engagement & Internal Consultation

Internal Consultation

- Group Manager Governance and Executive Services.

Planning & Policy Implications

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

Financial & Economic Implications

Nil.

Attachments

Nil

Ensuring Good Governance

Item: 09.07

**Subject: QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2014
AND MONTHLY FINANCIAL REVIEW FOR SEPTEMBER 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 September 2014 Quarter.**
- 2. Adopt the adjustments in the "Financial Implications" section of the report for September 2014.**

Executive Summary

This report will detail:

1. The monthly budget adjustments as at 30 September 2014; and
2. The Quarterly Budget Review Statement (QBRs) for the end of the first quarter of the 2014/15 financial year (July 2014 to September 2014).

At a glance

- There have been several adjustments resulting in an improvement of \$377,629 to the current yearly forecasted result.
- The current adjusted 2014/15 result has now improved from a balanced original budget result to a surplus of \$257,089.

Discussion

1. MONTHLY BUDGET ADJUSTMENTS AS AT 30 SEPTEMBER 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 2014/15 budget along with proposed movement of funds to accommodate any changes.

Ensuring Good Governance

Summary

Original Budget as at 1 July 2014	Balanced	\$0
Plus adjustments:		
July Review	Balanced	\$0
August Review	Deficit	(\$120,540)
September Review	Surplus	\$377,629
Forecast budget position for 30 June 2015	Surplus	\$257,089

September Adjustments

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

Adjustments	Surplus/ Deficit	Amount \$	Comment
Glasshouse	Surplus	\$503,132	Detail regarding these adjustments is noted within the Glasshouse report tabled at this Council meeting.
Business Services Expenses	Surplus	\$8,100	Transfer to fund the Cleaning Services Scope Review noted below
Street Lighting Contribution	Surplus	\$3,316	Amount received for additional street lighting as part of Brierly Hill Development Application
Procurement Income	Surplus	\$1,681	Purchasing rebate received from suppliers
Statutory Property Income	Surplus	\$552	Council has received income from a road closure.
Education and Public Programs	Deficit	(\$123,819)	These costs have been transferred from the Glasshouse to Community Place
Cleaning Services Scope Review	Deficit	(\$10,333)	Additional unfunded review sourced from additional revenues and transfers within Business Services, as noted above
Australia Day Expenditure	Deficit	(\$5,000)	Additional funds required by the Australia Day Committee as they are running three events this financial year as per Council Resolution from 17/09/14 Item 10.06.
	Surplus	\$377,629	Adjustment to result

Additionally, 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):**

Ensuring Good Governance

Description	Notes	Funding Source	Amount
Grant Expenditure	1	Grants	\$11,500
Contribution Expenditure	2	Contributions	\$8,620
Transfers to reserve increases	3	Revenue	\$32,100
Increased reserve expenditure	4,5 & 6	Reserve	\$239,197
Transfers between projects		Revenue	\$6,000

With reference to the September adjustments, the following is noted:

1. Two grants that have been received during the month have been included in this review.
2. Council has received funding for memorial seating. The income and expenditure budget for these has been included this month.
3. As a result of the increase in jetty fees, an additional \$32,100 has been raised. These funds have been transferred to the Canal Maintenance reserve to fund future works.
4. The previously approved Infrastructure Gap Analysis had budget allocations in both 2013/14 and 2014/15. As less was expended in 2013/14 than anticipated, the 2014/15 budget has been increased. This increase has been funded by a reduction in another Economic Development project and an increase in reserve funding.
5. Council is preparing the Flynns Beach caravan park site for settlement (following exchange of contracts) with expenditure for this project funded from the Property Reserve.
6. Included in the Glasshouse result of \$503,132 is a reserve movement of \$100,000 to cover capital items for the Glasshouse.

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 large improvement to the current budget result which is now in a surplus position.
- 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. It also outlines recommended changes and reasons for major variances.

Ensuring Good Governance

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

Attached is the Quarterly Budget Review Statement for the September 2014 quarter for Council's information, which includes the following components:

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

This QBRs (Income and Expenses) has been adjusted this month to reflect comparisons to Council's yearly and quarterly budgets. For the 2014-2015 financial year, Council has implemented phased budgeting for its operational budgets. As phased budgeting for capital projects will be introduced in the 2015-2016 financial year, it is anticipated that these comparisons will be then be incorporated into the Capital Budget statement within the QBRs.

It should be noted that as this is the first reporting quarter, the quarter and the year to date results are the same.

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

1. Income

Income is currently at 92.4% of expectation. Key points to note within Income are as follows:

- Rates income increase is due to growth.
- User charges & fees are down within Waste and Water supply user charges. It is expected that this will correct over the year and is a timing issue
- Interest & investment revenue actuals vary to those of the Investment report as at the time of preparing the report the September interest adjustments had not occurred.
- Other revenues are down as a result of lower income in Ferries and Ordinance Service Income. Most of this income is affected by timing as it is handled by a third party. This will be monitored throughout the year.
- Within Grants & Contributions the key issue is timing of receipt, which is difficult to predict.

2. Employee costs

- Expenditure is down in several individual areas which may be partially attributable to either unfilled positions or staff departures. Further investigations will be undertaken to determine whether or not there are any savings.

Ensuring Good Governance

- Other reasons for the below budget spend is due to timing of workers' compensation and other employee costs.

3. Borrowing costs

This variance is mainly derived from the allocated timing of payments in budget versus actual within Sewer. This timing will be reviewed within the phased budget and adjusted.

4. Materials & Contracts

Actual costs incurred are down 35% to budgeted expectations. A review of the expenditure across departments indicates that there are a number of areas which are currently underspent. One key area of underspend of some \$600k is the sealed road repairs. Discussions with the Group Manager indicates the major spend for this will occur in the second and third quarters with only preparatory work undertaken in the first quarter.

It is expected that budgets will be spent by the end of the year and therefore it is not appropriate to make any adjustments at this time. This variance can be in large attributed to timing of events.

5. Other Expenses

This variance of approx \$1m is attributable to underspends in a number of key areas including Waste (s880 levy), Sewer and Water. Another area of underspend is the budgeted allocation for street lighting, which with the anticipated increases in costs may adjust as the year continues.

All variances that are considered to be due to timing issues will be monitored throughout the year.

TCorp Ratios

Council's current position and explanation of these ratios have been attached to this Report. Key areas to note are the Rates and Annual charges outstanding percentage and Infrastructure ratios. Additionally some of these ratios cannot be accurately determined until year end so remain estimates only.

With respect to the Rates and Annual Charges outstanding percentage, the actual ratio at 30 June 2014 was 7.25%. There has been considerable effort undertaken by staff to continue to reduce this ratio with historical data indicating that this ratio is trending down, being at levels not obtained since 2006/7.

The infrastructure ratios are estimates only. Work is being undertaken this year to ensure key data used within these calculations are robust including a review of Special Schedule 7.

Options

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

Planning & Policy Implications

Nil.

Ensuring Good Governance

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 improve the current deficit position by \$377,629.

Responsible Accounting Officer Statement

The approved budget deficit for 2014/15 following the August monthly financial review was \$122,224. The adjustments included in this report will move the budgeted position from this deficit to a surplus of \$257,089. The surplus position is considered a satisfactory result for the year.

Attachments

1 [View](#). QBRS for the quarter ended September 2014

2 [View](#). September 2014 Budget Review

Ensuring Good Governance

Item: 09.08

Subject: INVESTMENTS - SEPTEMBER 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 September 2014.

Executive Summary

- Total restricted funds invested as at 30 September 2014 equals \$167,209,306.48
- Year-to-date investment income of \$1,663,168 is 37.64% of the total annual budget.
- In line with Council's Investment Policy, the total portfolio has performed above benchmark levels.
- With expected lower term deposit interest rates this year, the maturing of a number of higher rate investments, along with a higher annual budget, it is uncertain as to whether this momentum will be maintained.

Discussion

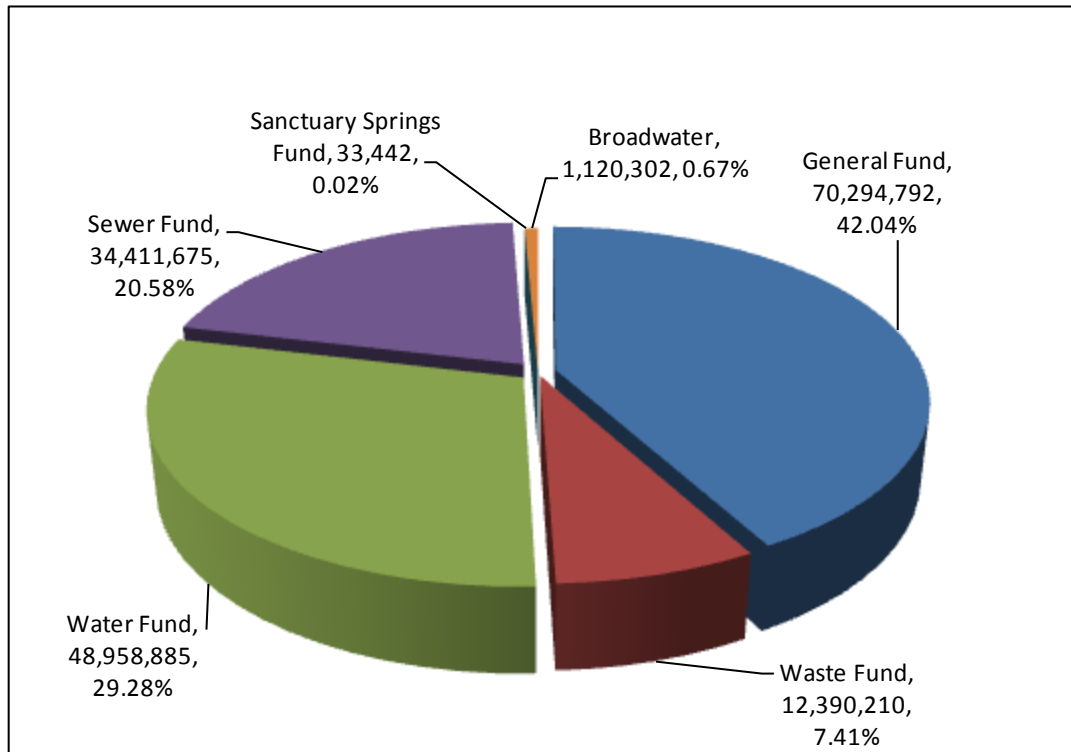
This report provides details of all funds that Council has invested under Section 625 of the Local Government Act, as at 30 September 2014. All investments were made in accordance with the Act, Regulations and Council's Investment Policy.

As at 30 September 2014, the investments held by Council totalled \$167,209,306 and is attributed to the following funds. 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.

General Fund	70,294,792
Waste Fund	12,390,210
Water Fund	48,958,885
Sewer Fund	34,411,675
Sanctuary Springs Fund	33,442
Broadwater	1,120,302
	167,209,306

Ensuring Good Governance

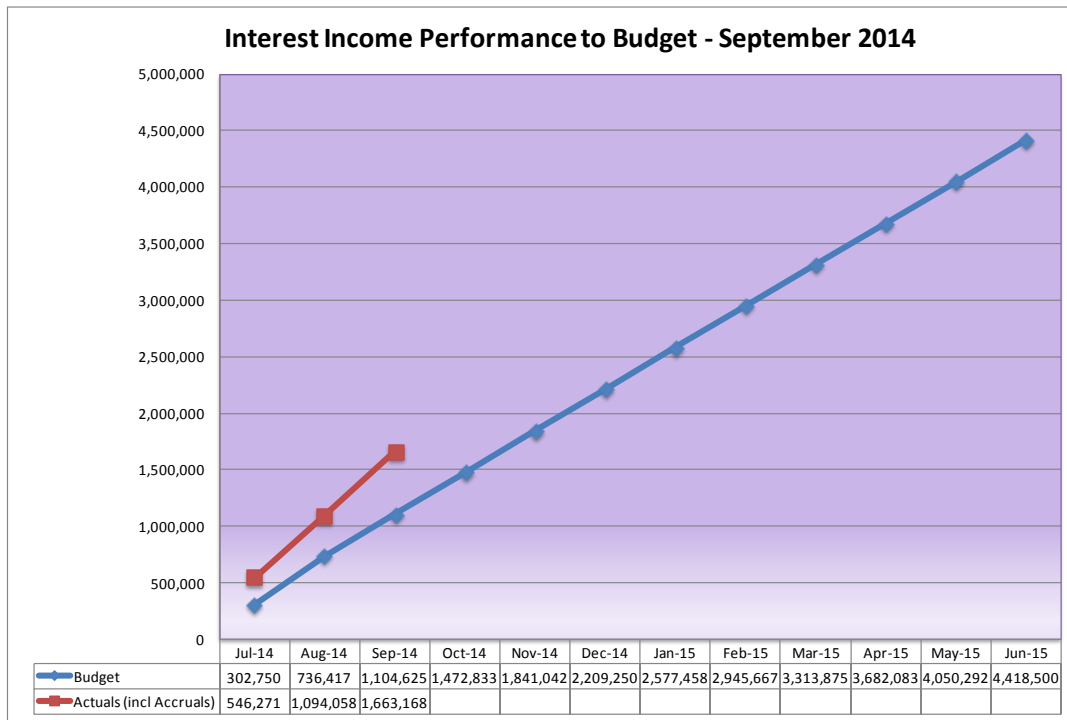
Investments by Fund - as at 30 September 2014



Portfolio Performance

- Council's total investment portfolio performance for September 2014 was 1.64% above the benchmark (4.08% against 2.44%).
- The total year-to-date investment income of \$1,663,168 is 37.64% of the total annual budget of \$4,418,500.

Ensuring Good Governance



These year-to-date and actuals are not a cash only position, but rather reflect cash and internal accruals at month end.

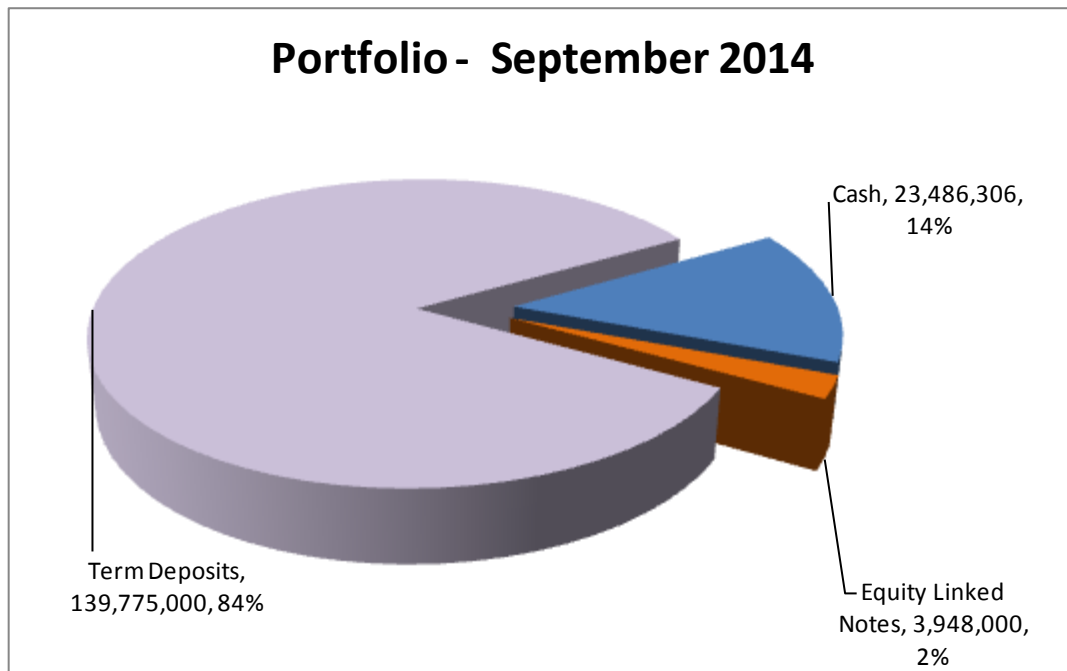
Investment Portfolio Mix

Council's current portfolio is represented by term deposits and two Capital Protected Equity Linked Notes. The total term deposits represent 84% of the total investment portfolio.

As at September month end, the total investment portfolio was \$167,209,306 up from \$160,652,601 as at the end of August 2014.

Ensuring Good Governance

Portfolio - September 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 amounts 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	\$79,775,000	57.07%	40.00%	100.00%
1 - 3 years	\$50,000,000	35.77%	0.00%	60.00%
3 - 5 years	\$10,000,000	7.16%	0.00%	30.00%
5+ years		0.00%	0.00%	15.00%
Grand Total	\$139,775,000	100.00%		

Table 2 - Overall Portfolio Credit Framework

This table shows the amounts held with various institutions based on their respective credit ratings against the 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
A	33,000,000	23.61%	60.00%	36.39%
AA	100,775,000	72.10%	100.00%	27.90%
BBB	4,000,000	2.86%	15.00%	12.14%
Below BBB		0.00%	0.00%	0.00%
Unrated/ADI	2,000,000	1.43%	10.00%	8.57%
Grand Total	139,775,000	100.00%		

These tables show the total amount held for Council's term deposits and do not include the Equity Linked Notes.

Credit Unions are regarded as ADI's (Authorised Deposit Taking Institutions) and generally do not have ratings. Under the regulation of APRA, all ADI's have to meet the same requirements in terms of capital adequacy (how much capital they are required to hold), ensuring they don't take on too much leverage and become insolvent. In addition, ADI's are an eligible investment under the Minister's Order.

Council has one investment with the Holiday Coast Credit Union (HCCU) which is an ADI. This investment is shown in table 2 and represents only 1.43% of the total investment, being \$2m.

Capital Protected Equity Linked Notes - Emu & Longreach

Council currently holds two capital protected products (CCPI) 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, these funds on deposit are growing at a rate that should return 100 cents in the dollar of the original funds invested.

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. Council is looking to place some further investments to reduce these levels.

Investment Portfolio by Maturity Date

The investment portfolio as at 30 September 2014, sorted by maturity date, is as follows:

Ensuring Good Governance

Inv Name	Type	Purchase Date	Maturity Date	Yield	Face Value		
Bank of Queensland	TD	10-Oct-13	10-Oct-14	3.8500%	\$5,000,000		
Westpac Bank	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		
St George Bank	TD	3-Feb-14	31-Jan-15	3.8200%	\$6,000,000		
National Australia Bank	TD	18-Feb-14	18-Feb-15	3.8500%	\$4,000,000		
St George Bank	TD	26-Aug-14	26-Feb-15	3.6800%	\$4,000,000		
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		
St George Bank	TD	10-Oct-13	14-Apr-15	3.9200%	\$5,000,000		
National Australia Bank	TD	15-Aug-14	15-May-15	3.6500%	\$5,000,000		
Westpac Bank	TD	20-Jun-13	22-Jun-15	4.3000%	\$3,000,000		
Westpac Bank	TD	28-Mar-14	28-Jun-15	3.8900%	\$2,000,000		
Westpac Bank	TD	22-Jul-14	22-Jul-15	3.7300%	\$775,000		
St George Bank	TD	26-Aug-14	26-Jul-15	3.7200%	\$5,000,000		
Westpac Bank	TD	26-Aug-14	26-Aug-15	3.7800%	\$5,000,000		
Bank of Queensland	TD	6-Sep-13	6-Sep-15	4.2000%	\$4,000,000		
Investec Bank (Austalia) Ltd	TD	13-Sep-13	14-Sep-15	4.2900%	\$4,000,000		
Westpac Bank	TD	29-Aug-14	29-Oct-15	3.7600%	\$4,000,000		
ANZ Bank	TD	13-Nov-12	13-Nov-15	4.7000%	\$2,000,000		
ANZ Bank	TD	12-Sep-14	12-Dec-15	3.6700%	\$3,000,000		
National Australia Bank	TD	16-Sep-14	19-Jan-16	3.6800%	\$3,000,000		
National Australia Bank	TD	28-Mar-14	28-Mar-16	4.2000%	\$2,000,000		
Westpac Bank	TD	20-Aug-14	11-Apr-16	3.7400%	\$4,000,000		
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		
Bank of Queensland	TD	16-Sep-14	16-Jun-16	3.7000%	\$3,000,000		
Westpac Bank	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 Bank	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 Bank	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		
Westpac Bank	TD	12-Mar-14	12-Mar-17	4.3800%	\$3,000,000		
Westpac Bank	TD	4-Sep-14	4-Sep-17	4.0700%	\$2,000,000		
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		
Westpac Bank	TD	4-Sep-14	4-Sep-18	4.2200%	\$4,000,000		
Total TD's					\$139,775,000		
Cash Fund							
Westpac Business Cash							
Reserve Account	CASH			14.00%	\$23,486,306		
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	96.780	\$1,000,000	\$967,800	Commerzbank - as at 31 Aug 14
L'reach S32 Partnership	A+	30-Nov-07	23-Nov-14	99.340	\$3,000,000	\$2,980,200	Delevered - UBS - as at 31 Aug 14
Total Cap Protected Notes					\$4,000,000	\$3,948,000	
Total Portfolio					\$167,261,306	\$167,209,306	

Ensuring Good Governance

Note:

- The amount within "\$ value" in the table above is the estimate of current realisable value for the investment as provided by FIIG Securities Limited and Longreach Global Capital Pty Limited and is not necessarily the amount that is to be received upon maturity.

The portfolio continues to retain a very high level of overall liquidity. The cash component total of \$23.49m up compared to last month of \$15.930m and the Capital Protected investments can be liquidated. The term deposit portfolio has a spread of maturities providing the portfolio additional liquidity of required. Council is looking to place some further investments to reduce these levels.

Council has \$4m invested across two separate transactions (Emu & Longreach). At the time of writing this report, the end of month valuation figures were not available. Therefore the portfolio component valuation remains the same from last month. The bulk of this portfolio (Longreach) will mature in November this year.

The largest sector of the portfolio is the term deposit allocation of \$139,775,000 (last month \$140,775,000) or 84% of the total.

Market News

Domestically there has been a fall in export commodity prices - from bulk resource industries such as iron ore and coal, as well as pressure on grain and sugar prices. As a consequence to path of the Australian Dollar is a critical focus for businesses, as it could provide some financial relief that might support profitability. Market analysts are stating that the drivers for the AUD's 'fair value' is not the down trends in iron ore or coal prices but rather the hunt for yields and lower volatility. Currently they note that the AUD's volatility is low with some movement that this volatility has started to rise with the trend improvement in the US economy.

Locally many banks began cutting their term deposit rates, with better rates available for the longer term hold.

Options

This is an information report.

Community Engagement & Internal Consultation

Council uses the services of an independent financial advisor, on an as needs basis with investments. As the only investments placed this month were term deposits, at which time at least three quotes were obtained from financial institutions in line with Council's Investment Policy, the services of an independent financial advisor were not required. Council obtains regular updates regarding market activities position from various institutions.

Planning & Policy Implications

Not applicable.

Ensuring Good Governance

Financial & Economic Implications

The financial and economic implications are that should benchmark levels not be reached, then this may result in budget cuts in other areas to fund the shortfall.

Alternatively, an excess about budget benchmarks may be allocated to alternate programs. These adjustments will not occur until the end of the financial year adjustments are made, once the level of available funds are determined.

Council's total investment portfolio performance for September 2014 was 1.64% above the benchmark (4.08% against 2.44) and year-to-date income has reached 37.64% of the total annual budget.

Attachments

Nil

Ensuring Good Governance

Item: 09.09

Subject: 2014-2015 FEES AND CHARGES

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 adopt the revised Schedule of Fees and Charges 2014-2015, as attached to the report.

Executive Summary

On 20 August 2014, Council made the following resolution with respect to an amendment to 2014-2015 Fees and Charges:

RESOLVED: Griffiths/Turner

That Council:

1. Publicly exhibit the following draft fees and charges (Excluding GST) for a period of 28 days:
 - a) Other Waste Management Services - Commercial Weekly Service (80Litre/140 Litre Weekly General Waste) - \$468.66.
 - b) Other Waste Management Services - Commercial Additional Weekly Garbage Service (140 Litre Weekly General Waste) - \$229.
 - c) Domestic Waste Management Services - Additional Weekly Garbage Service (140 Litre Weekly General Waste) - \$229.
 - d) Laboratory Surcharge Fee (where applicable) for 24 hour turn around - 100% of listed fee.
 - e) Laboratory Surcharge Fee (where applicable) for 48 hour turn around - 50% of listed fee.
 - f) Inspection fees under the Plumbing and Drainage Act 2011 - Manufactured Home Estate dwelling - \$300 per site.
 - g) Inspection fees under the Plumbing and Drainage Act 2011 - as prescribed by the Act.
2. Consider a report on the outcome of the exhibition at a subsequent Council Meeting.

CARRIED: 9/0

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

The purpose of this report is to consider any community feedback received during the public exhibition and evaluate the changes and alterations.

Ensuring Good Governance

The public exhibition period was from 29 August to 26 September 2014 resulted in no community feedback. As a consequence there is no recommendation to alter any of the proposed changes.

Council is now requested to adopt the revised Schedule of Fees and Charges 2014-2015, as attached.

Discussion

At the Ordinary Council meeting on 20 August 2014 Council resolved to publically exhibit the following draft fees and charges (excluding GST) for a period of 28 days, and then report to Council on the outcome of the exhibition at a subsequent Council meeting.

The changes were as follows:

- a) Other Waste Management Services - Commercial Weekly Service (80Litre/140 Litre Weekly General Waste) - \$468.66.
- b) Other Waste Management Services - Commercial Additional Weekly Garbage Service (140 Litre Weekly General Waste) - \$229.
- c) Domestic Waste Management Services - Additional Weekly Garbage Service (140 Litre Weekly General Waste) - \$229.
- d) Laboratory Surcharge Fee (where applicable) for 24 hour turn around - 100% of listed fee.
- e) Laboratory Surcharge Fee (where applicable) for 48 hour turn around - 50% of listed fee.
- f) Inspection fees under the Plumbing and Drainage Act 2011 - Manufactured Home Estate dwelling - \$300 per site.
- g) Inspection fees under the Plumbing and Drainage Act 2011 - as prescribed by the Act.

As noted in the August Council report, the following matters were highlighted as the need for additional fees and charges:

- Removal of 80 litre commercial waste service - 80 litres bins are no longer part of the new waste contract. There are approximately 110 commercial customers that receive an 80 litre weekly waste service. These customers would be at a disadvantage until new bins are delivered because they will be paying for a 140L service from 1 July but not receiving that service until 1 September. It is proposed to introduce a new charge of \$468.66 (excluding GST) which is a pro rata charge of the old 80 litre fee (\$382) calculated until 1 September and the new 140 litre fee (\$486) after 1 September.
- Additional 140 litre red bin service - In most cases where customers have a need for a higher bin capacity they are likely to opt for a 240L bin and/or an additional service. However, there are instances where space is a constraint at certain premises and where customers need an additional 140 litre bin. A charge of \$229 (excluding GST) is proposed.
- Urgent Laboratory service fees - Customers, on some occasions, require results from analysis in a quicker turnaround time than is typically provided at an industry standard. When this service is requested, the normal operating processes in the Laboratory often need to be modified. These modifications

Ensuring Good Governance

may include taking staff of pre-allocated tasks to attend to the urgent analysis and running an analysis through with only one sample, but still with all the required quality control to ensure result accuracy. These process changes can result in the actual costs of performing the analysis being greater than the charges incurred by the customer.

A review of typical Laboratory surcharge fees across other Local Government areas indicated a 100% surcharge was typically applied to 24-hour turnaround time requests and a 50% surcharge was applied to a 48-hour turnaround time request. Port Macquarie Hastings Environmental Laboratory proposes this fee structure moving forward.

- Plumbing & Drainage Inspection Fees - For manufactured housing estates, carrying out inspections under the Plumbing & Drainage Act 2011 is being implemented in lieu of the current process of issuing approvals and then carrying out inspections for water and sewerage connections under the Local Government Act 1993. This is a practical example of 'red tape reduction'. The Plumbing & Drainage Act 2011 specifies fees for a range of inspections of work required to be authorised by the Act. However, the Act does not provide for inspections fees relating to the water supply and sewerage connections of manufactured homes. This fee will allow recovery of inspection costs associated with these installations.

A full copy of the 2014-15 Schedule of Fees and Charges along with the proposed changes was exhibited from 29 August to 26 September 2014, in accordance with the Local Government Act 1993.

Options

Council has the option of not proceeding to adopt the proposed fees and charges. As there is no public objection to these changes, it is considered that these changes will have a practical benefit for residents and/or customers as outlined above.

Community Engagement & Internal Consultation

A summary of the proposed amendments articulating the changes along with the full Schedule of Fees and Charges were placed on public exhibition from 29 August to 26 September 2014. Copies were available within all Council offices with the exhibition advertised in Council Matters (newspaper) and on PMHC Listening, Council's online community participation site.

Of the 97 site visits to PMHC Listening during this period, 87 people took an action to gain more information. Of this, only 3 people actually downloaded the report with no completed submissions were received.

It is considered that those who were interested found the information provided sufficient to answer any questions.

Planning & Policy Implications

Nil.

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Financial & Economic Implications

As outlined in the August report, charges are based on fee for service and no financial implications are expected. The proposed change to fees and additional service flexibility is expected to have minor positive economic impacts.

Attachments

1 [View](#). Amended 2014-2015 Schedule of Fees and Charges

Ensuring Good Governance

Item: 09.10

Subject: PROCUREMENT STRATEGY UPDATE

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

Alignment with Delivery Program

1.5.1 Address community needs with a transparent, responsive , efficient and effective organisation that is customer focused, and aspires to deliver best practice service.

RECOMMENDATION

That Council note the progress made on the Implementation Plan as detailed in the Procurement Strategy.

Executive Summary

The purpose of this report is to provide an update on the progress made on the Implementation Plan as detailed in the Procurement Strategy for the organisation.

Discussion

At the Ordinary Council Meeting held on the 18 September 2013, Council resolved as follows:

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08.10 PROCUREMENT STRATEGY

RESOLVED: Hawkins/Roberts

That Council:

1. Endorse the Procurement Strategy as detailed in this report.
2. Approve the appointment of two (2) x Procurement Officers on a contract basis for a period of two (2) years (as detailed in the Procurement Strategy), to be initially funded across each fund of Council i.e. General, Water, Sewer & Waste, with a view to the roles becoming self-funding from savings achieved through the implementation of the Procurement Strategy.
3. Request that, commencing April 2014, the General Manager table a report at future Council meetings, at quarterly intervals, detailing progress made against the action plan as detailed in the Procurement Strategy, including savings and efficiencies achieved.
4. Request that at the December 2013 Council Meeting, the General Manager advise how effective organisational support for the procurement strategy can be encouraged and incorporated into Group Managers', Directors' and the General Manager's performance measurement plans for the remainder of the 2013-2014 year and into the 2014-2015 financial year.

CARRIED: 8/1

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

AGAINST: Sargeant

The purpose of this report is to address Resolution three (3) above, and detail progress made against the Procurement Strategy implementation plan including savings and efficiencies achieved.

It has now been 12 months since Council resolved to adopt the Procurement Strategy and significant progress has been achieved through delivery of the strategies' key strategic objectives.

The Procurement Strategy Implementation Plan contains four (4) phases;

1. Awareness
2. Setting the Foundations
3. Stakeholder Engagement
4. Transformation

Phases 1 and 2 are complete as reported to Council in July 2014. Many of the actions associated with Phases 3 and 4 are also complete with work continuing to implement the framework and processes developed to date to enable a high performing and compliant procurement culture within Council. For many actions in the strategy, work is ongoing. The attachment *APPENDIX A- Procurement Strategy Implementation Plan -September.pdf* lists the Actions within the Plan and the current status.

Responsibility and accountability is driven within the organisation by clearly defined and effective policies and procedures that are available to all staff via the Staff Intranet. The support of the Executive and the Senior Leadership Teams has rapidly driven process improvement and compliance across the organisation.

Monthly operational dashboard reporting has been developed to monitor the performance of the organisation in the procurement space. This reporting provides

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the basis for assessing compliance within standardised processes and drives continual improvement opportunities. This information is reviewed by the Executive Team on a monthly basis.

The Procurement Steering Group continues to meet monthly and will remain a critical driver of the strategy and procurement best practice. This consultative group has oversight of policy and strategic direction, being able to highlight issues and opportunities that may occur in respective departments, and is available for staff feedback.

Category Management: The Procurement Strategy proposed that PMHC move towards a centralised category management approach to procurement, where key procurement functions such as policy development; supply chain strategies; tendering; data management; contract / commercial negotiations and best practice and knowledge sharing remain a focus of the centralised procurement unit, with day-to-day purchasing undertaken by category specialists within the centralised procurement unit to ensure that best value for money procurement is undertaken across the organisation.

This approach would be delivered through a series of process steps:

- **Information Gathering** - i.e. category spend, spend analysis, market analysis, competitive analysis, customer requirements;
- **Opportunity Assessment** - analysing what are the likely opportunities, benefits and improvements available within each category;
- **Category Action Plans** - developing an action plan for each category with specific performance & savings targets for each category;
- **Undertake Relevant Procurement Processes** - i.e. tenders, expressions of interest or requests for quotation etc;
- **Implementation** - i.e. awarding the contract and implementing the proposed solutions under the contract;
- **Supplier Relationship Management** - implementing contract management processes and monitoring supplier performance and operational performance against the contract;
- **Review & Improve** - incorporating continuous improvement, ongoing benefits realisation monitoring, contract review and ongoing category review.

Challenged by system constraints, the process step of *Information Gathering* was unable to be undertaken or maintained automatically. To ensure project momentum, manual category management processing was endorsed by the Executive team. This involved the extraction and then consolidation of data. This analysis has been critical in determining detailed procurement planning, KPI expectations and category management planning for 2014/15.

Council is now manually extracting meaningful expenditure data from the Authority system. The reporting framework and process allows the organisation to track spend and performance against:

- Category
- Supplier
- Operational/ Capital expenditure
- Project
- Division
- Spend threshold.

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This detailed spend, supplier and competitive analysis as well as operational requirements has informed a high level *Opportunity Assessment*, and as a result a future priority program for *Category Action Plans* has been developed, noting that more in depth *Opportunity Assessment* will also occur within the plans themselves.

The following priority one (1) categories for Category Action Plans have been completed as programmed in September:

- Advertising and Media
- Cleaning, Construction, Maintenance and Operations
- Parks Gardens and Sports Grounds and
- Repairs and Maintenance.

The **Category Action Plan** reports on the following items:

- Executive Summary
- Scope of requirement
- Background
- Procurement objectives
- Estimate of value
- Budget/Financial considerations
- Demand analysis
- Spend analysis
- Market analysis
- Sourcing strategy
- Contract management arrangement
- Transitional issues
- Project plan
- Risk assessment
- Opportunity assessment
- Procurement plan approval.

The information contained in these plans provides the opportunity to understand the nature of the organisation's total third party expenditure and enable a strategic approach to procurement and contract management.

The key objective of the Procurement Strategy is to maximise savings across Council's procurement spend. There is the potential to save a minimum of 5% across the overall procurement spend by implementing a more formal procurement strategy. Each year Council spends between \$35 million & \$50 million procuring goods and services, therefore a 5% saving would equate to a value of between **\$1.75 million & \$2.5 million** per annum based on the current estimated spend.

These above-mentioned savings are estimates only and it is though the implementation of individual category management plans that savings (or the broader opportunities for improvement) will be realised. Consequently, the realisation of benefits will be ongoing and will be identified as potential cost savings, performance efficiencies, contractual and organisational compliance and contractor risk mitigation.

Based on the current spend against the Priority 1 categories and the broad opportunities previously identified for potential cost savings (being a minimum of 5%

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across the overall procurement spend), the potential savings associated with the Priority 1 categories is in the order of \$200,000.

Over the next few months, The Priority 1 categories will now be investigated further to determine the appropriate next steps. This may require an *undertaking of relevant procurement processes* and then *implementation* of the desired process.

The process steps of *Supplier Relationship Management* and *Review & Improve* will then occur following *Implementation*.

Whilst further work continues on the Priority one (1) categories, initial work on Priority two (2) categories will commence in October and these include:

- Water Chemicals
 - Concrete Products
 - Concrete Works and Services
 - Quarry Products
 - Road and Civil Construction Services
 - Plumbing Hardware
 - Plant Hire
 - Security Services and
 - Fleet.
- 3.

The status of the category management approach, estimated savings and realised savings will continue to be reported on a quarterly basis as the categories progress through the process steps of the Category Management approach.

Other opportunities: Opportunities are being regularly identified outside of the category management model. The Procurement team is currently working on ad hoc operational contract review and negotiations which we have every expectation will result in potential cost savings, performance efficiencies, contractual and organisational compliance and contractor risk mitigation.

Training: In consultation with the Human Resources Learning and Development team, Independent Commission Against Corruption (ICAC)Training, *Corruption Prevention for Procurement Managers and Officers* was held in September 2014. These workshops also included a debrief on Operation Jarek (an investigation by ICAC into allegations that staff from a number of local councils and other public authorities accepted secret benefits from suppliers and that staff from two local councils facilitated payment of false invoices from suppliers). The Sessions were well attended and run at capacity with 46 staff attending. Further sessions have will be booked for 2015.

Procurement continues to provide strategic advice and recommendations to staff to drive efficiencies in Council's procurement practices. Training is a critical factor to achieve best procurement practice. Since March 2014 approximately 100 staff members have undertaken some formal procurement training.

The focus on compliance and more efficient purchasing practice promotes improved expenditure management at user level. Through better practice staff are obtaining more consistent and competitive pricing for ad hoc purchasing. The auditing processes have identified have captured invoicing disparities and minimised errors. Staff are seeking better value through quotations and managing expenditure through accurate estimations and monitoring of charges.

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Tendering

The Procurement team has undertaken a full review of formal procurement documentation. A number of documents have been provided by Local Government Procurement. The suite of standard template documents is extensive and consists of documents that have been independently assessed as being best practice and ensuring they meet the strict legislative and best practice requirements of NSW councils.

Options

This report is provided for information on the progress of implementation of the Procurement Strategy.

Community Engagement & Internal Consultation

Internal consultation has taken place with the following people:

- Procurement Steering Group
- General Manager
- Acting Director Commercial Services & Industry Engagement
- Procurement Team
- Business Improvement Team
- Group Manager Information Services.

External consultation has taken place with the following groups:

- Local Government Procurement
- Arc Blue Consulting
- CIVICA
- Gosford Council
- Bega Valley Shire Council
- Coffs Harbour Council
- Shoalhaven Council
- MIDROC Procurement Alliance

Planning & Policy Implications

There are no direct planning and policy implications as a result of this report, noting that the Procurement related policies and procedures were adopted by Council in May 2013. Implementation of the Procurement Strategy has provided an increase in staff levels to assist all areas of the organisation in forward procurement planning which will ultimately lead to improved project outcomes for the community.

Financial & Economic Implications

Financial Implications

The cost of implementation of the procurement strategy is based on the appointment of two (2) x Procurement Officers on a contract basis for a period of two (2) years. These roles will initially be funded across each fund of Council i.e. General, Water, Sewer & Waste. It is anticipated that the roles will be self funding through savings achieved through the implementation of the procurement strategy. The development

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of category action plans; and the establishment of savings and performance targets will provide further clarity in this regard.

Each year Council spends between \$35 million & \$50 million procuring goods and services, therefore a 5% saving would equate to a value of between **\$1.75 million & \$2.5 million** per annum based on the current estimated spend. This will take time to achieve. Measurement and reporting on estimated and realised savings will be an ongoing process.

Economic Implications

Economic & industry development is one of the key objectives of the Procurement strategy. Council has the task of balancing the immediate needs of the community (i.e. low cost and high service) against the needs of the long term economic sustainability of the community and industries required to support competition in local markets.

Attachments

1 [View](#). APPENDIX A- Procurement Strategy Implementation Plan -September.pdf

Ensuring Good Governance

Item: 09.11

Subject: GLASSHOUSE QUARTERLY FINANCIAL REPORT AND UPDATE ON STRATEGIC PLAN RECOMMENDATIONS

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:

1. Note the information provided in the report.
2. Adopt the budget adjustments to the current financial year as detailed in the confidential attachment.

Executive Summary

At the Ordinary Council Meeting held on 20 February 2013, Council resolved:

08.17 GLASSHOUSE FINANCES

RESOLVED: Hawkins/Roberts

That Council:

1. *Note the information contained in the report.*
2. *Adopt the budget amendments to the current financial year as detailed in the confidential attachment.*
3. *Request a detailed quarterly Glasshouse financial report 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.*
4. *That a report be prepared for the March 2013 Council Meeting outlining possible options for debt reductions for the Glasshouse.*

CARRIED: 8/0

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

AGAINST: Nil

Further, at the Ordinary Council Meeting held on 16 July 2014, Council resolved:

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09.04 GLASSHOUSE STRATEGIC PLAN

MOTION

MOVED: Roberts/Turner

That Council:

- 1. Adopt the Glasshouse Strategic Plan 2014 - 2017 as detailed in this report.*
- 2. Request that the General Manager include within the Glasshouse Financial Quarterly Report, an update on progress made against the Glasshouse Strategic Plan, commencing in October 2014.*
- 3. Waive the fee for display of brochures in the Glasshouse to previous partnership program members (as at 30 June 2014) pending the outcome of the review of information services prescribed at Action 2.2 of the Glasshouse Strategic Plan.*

FORESHADOWED MOTION

MOVED: Sargeant

That Council defer consideration of the Glasshouse Strategic Plan subject to further

information being provided as previously outlined relating to levels of service and overall management and financial matters.

THE MOTION WAS PUT

RESOLVED: Roberts/Turner

That Council:

- 1. Adopt the Glasshouse Strategic Plan 2014 - 2017 as detailed in this report.*
- 2. Request that the General Manager include within the Glasshouse Financial Quarterly Report, an update on progress made against the Glasshouse Strategic Plan, commencing in October 2014.*
- 3. Waive the fee for display of brochures in the Glasshouse to previous partnership program members (as at 30 June 2014) pending the outcome of the review of information services prescribed at Action 2.2 of the Glasshouse Strategic Plan.*

CARRIED: 7/1

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

AGAINST: Sargeant

Accordingly, this report tables a quarterly report on the Glasshouse finances as at 30 September 2014, and provides an update on progress achieved against the Recommendations identified in the Glasshouse Strategic Plan 2014 - 2017.

Discussion

Glasshouse Finances

As reported to the Ordinary Council Meeting held on 16 July 2014, the Glasshouse deficit has reduced over a period of two (2) years by almost \$600,000.

The attached financial report for the quarter ended 30 September 2014 is in a different format to previous reports. The intention is to align the format more closely with that of broader organisational quarterly reporting and includes a result for the quarter (being July to September 2014). The Current Quarter and Year to Date columns are the same given that this is the first quarter of the financial year.

In terms of quarterly results, the budgeted operating deficit (before interest and depreciation) for the quarter was \$730,693. The actual operating deficit was

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\$583,683 which is a saving for the quarter of \$147,280. This is representative of a continued focus on revenue growth and ongoing review of operational costs. This will continue to be monitored throughout the year.

This operating deficit can also be represented as follows:

Glasshouse Operating Deficit by Activity - September Quarter 2014

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Operating Income			76,551	1,285	247,709	63,833	389,378
Operating Expenditure (Before Council Overheads)	56,123	213,258	81,240	123,394	152,082	218,831	844,928
Council Overheads	31,320	11,763	22,740	7,416	15,477	39,417	128,133
Net Operating Deficit	(87,443)	(225,021)	(27,429)	(129,525)	80,150	(194,415)	(583,683)

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

Glasshouse Operating Deficit by Activity (after internal adjustments) - September Quarter 2014

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Net Operating Deficit (from the above table)	(87,443)	(225,021)	(27,429)	(129,525)	80,150	(194,415)	(583,683)
Internal Overhead Distribution	87,443	225,021	27,429	(101,285)	67,339	(305,947)	-
Net Operating Deficit (after internal adjustments and transfers)	-	-	-	(230,810)	147,489	(500,362)	(583,683)

The attached financial report now shows a budget for the quarter (July-September). This budget is often one quarter (1/4) of the annual budget. This is not necessarily indicative of actual cashflows. This will be refined as the 2015/2016 budget is developed noting that whilst trends can be predicted broadly, the nature of the business dictates that variances will occur depending on bookings, the market place, business growth and competition. In addition, as the original adopted budget is based on historical data and not on the current business model, the variances are more pronounced than what would normally be expected.

The Glasshouse Budget for the current financial year is a deficit of \$5,870,777, of which \$5,560,706 is funded by general revenue (the balance being reserves and contributions from other funds). This budget was based on historical trends and given the actual results from the 2013/2014 financial year, and the adoption of the Glasshouse Strategic Plan, it is appropriate that the current year budget is reviewed. This budget includes loan repayments (principal and interest) and Council overheads which collectively comprise \$3,122,433 of the budget.

It is proposed to reduce the current year budget by \$403,132 to reflect the forecasted Glasshouse result for the current financial year. This adjustment includes an

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additional \$120,000 to fund Strategic Business Plan initiatives. Since \$100,000 of the proposed changes can be funded by Reserves, the revenue funded component of the budget will reduce by \$503,132 to \$5,057,574. This saving is also reflected in a separate report to Council titled *Quarterly Budget Review Statement - September 2014 and Monthly Financial Review for September 2014*.

Please refer to the attached confidential spreadsheet titled 'September Quarter Glasshouse Budget Adjustments' which details the proposed budget adjustments for the Glasshouse this quarter. This detail 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)).

It is anticipated that if the proposed budget adjustments are adopted, and as phased monthly budgeting is refined, that the variances as shown in the attached financial report will be reduced.

Glasshouse Strategic Plan Recommendations

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

Following adoption of the Plan by Council in July, the "Message from the Mayor" was incorporated into the document and the Strategic Plan was uploaded onto Council's website at <http://www.pmhc.nsw.gov.au/Culture-Sport-Leisure/Glasshouse/Glasshouse-Sub-committee-and-Strategic-Plan> for stakeholder and community reference.

Significant progress has been achieved since July 2014 with regard to the initial implementation of the strategic direction outlined in the Plan. This progress is summarised in the attached *Update on Glasshouse Strategic Plan Recommendations October 2014* and discussed below.

The key initial focus with regard to implementation of the Strategic Plan has been on the following Recommendations with a target date of 30 September 2014 (1.1 and 3.2) and 31 October 2014 (4.1):

- 1.1 *Develop a business plan to guide day-to-day activities consistent with delivering the key outcomes of the Strategic Plan within set timeframes*

(due 30 September 2014)
- 3.2 *Develop Glasshouse Marketing and Sales Strategies, including redevelopment of the website www.glasshouse.org.au*

(Strategies due 30 September 2014, website redevelopment due June 2015)
- 4.1 *Develop a rolling 5-year profit and loss forecast*

(Due 31 October 2014)

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These elements represent a key recommendation of the Strategic Plan to develop a range of operational plans to define the day-to-day management activities required to achieve the desired outcomes of the Strategic Plan.

As at 30 September 2014, the Business Plan and companion Marketing and Sales Plan are 95% complete pending finalisation of the 5-year profit and loss forecast (see Recommendation 4.1) and further discussion at the Glasshouse Sub-Committee meeting to be held on 7 October 2014.

Glasshouse Business Plan 2014-15

The Glasshouse operates as a commercial business unit of Council. It is recognised however that as a key cultural and community asset, Council will need to continue to subsidise the cultural and community aspects of the venue while seeking to maximise commercial opportunities and optimise revenue streams.

The purpose of the Business Plan and the overarching Strategic Plan is to build on existing strengths in the performing and visual arts and operate the venue in a business-like manner to continue to rationalise the cost of the operation of the Glasshouse to the community, while continuing to ensure that the venue is a key resource for the delivery of high quality cultural, community and commercial activities.

Central to this business management approach is the implementation of a new Service Delivery Matrix as outlined in the Glasshouse Strategic Plan 2014 - 2017 which aims to improve the efficiency, effectiveness and viability in the delivery of Glasshouse services and functions.

A key focus of the Business Plan and future direction of the Glasshouse is to grow revenue streams by building the commercial venue hire business whether that be through performance events in the theatre or corporate events such as meetings, conferences and other functions. A key element of this focus will be to identify innovative and flexible options to maximise the "hireable" spaces (eg Gallery Function Room) and ultimately to enhance utilisation and promote flexibility in the use of the venue.

With regard to performance events, the Business Plan aims to continue to grow the "commercial hire" component of the annual theatre season whilst still maintaining a commitment to a diverse yet balanced season which includes opera, contemporary dance and drama which are often not available through commercial mechanisms. The Business Plan also allows for investment in more "cutting edge" performances which represent an increased financial risk but are considered artistically worthwhile to build and cater for contemporary audiences.

The following table is provided for information to show the diversity of events held at the Glasshouse venue since July:

Performing Arts - Glasshouse Presents <ul style="list-style-type: none"> - Sydney Dance Company and workshops - Oz Opera The Magic Flute, Children's Youth Chorus and Scholarship Auditions 	Visual Arts - Regional Gallery <ul style="list-style-type: none"> - Courage to Care (anti-bullying) Exhibition and workshops - CUSP Exhibition and workshops
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<ul style="list-style-type: none"> - Tom Burlinson - Rhonda Burchmore 	
Venue Hire - Performance Events <ul style="list-style-type: none"> - Forever Diamond - Darren Percival - Justine Clarke - Buddy the Concert - The Music of Andre Rieu - Take Me Home - Music of John Denver - Johnny Cash The Concert - Taylor Henderson - Cirque Mother Africa 	1. <ul style="list-style-type: none"> - Soweto Gospel Choir - Sydney Comedy Festival - Kate Miller-Heidke - Oh What a Night - The Gruffalo - Queens - It's a Kind of Magic - Reece Mastin - Kitty Flanagan - Zeta Dance Works - La Vive Classical Recital
"Community" Events <ul style="list-style-type: none"> - Luminosity Youth Summit - Hastings Public School Showcase - Port Macquarie and District Eisteddfod (Dance) - Tacking Point Primary School Concert - St Columba Anglican School - Conservatorium of Music Friday Concerts 	Venue Hire - Conferences <ul style="list-style-type: none"> - LGNSW Water Management Conference - Australian Dental Association Convention - Business meetings / lectures

With regard to corporate events, the Business Plan aims to position the Glasshouse as the preferred venue for meetings, conferences and other functions in Port Macquarie. Recent major conferences held at the Glasshouse such as the Local Government NSW Water Management Conference and the Australian Dental Association Convention provide good examples of corporate events that can be held alongside the Glasshouse's core performing and visual arts program while contributing significantly towards commercial outcomes and the ongoing viability of the venue. It is noted that these events also have the potential to provide broad economic benefits to our community.

While the commercial venue hire business represents a key component of revenue for the Glasshouse, it is also acknowledged as being critically important in stimulating interest in other events through on-site cross promotion, advertising and awareness of upcoming shows.

Noting that the Glasshouse provides core cultural and community services where the cost of these services cannot generally be recovered on a commercial basis, the Business Plan identifies the development of key sponsorship and partnership opportunities, for example naming rights to the venue, particular spaces or events, as an important strategy to partner with the corporate sector to secure additional funding to support the delivery of the Glasshouse program of events.

The Business Plan also identifies a range of incremental revenue opportunities to be investigated with a view to optimising revenue streams and improving long-term viability.

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Glasshouse Marketing and Sales Plan 2014-15

The companion Marketing and Sales Plan details the strategies to be implemented to target and achieve the future direction outlined in the Business Plan. Key themes within the Marketing and Sales Plan include:

- Brand awareness and marketing of the Glasshouse as an overall venue;
- Growing existing and new markets (eg. the meetings, incentives, conferences and exhibitions (MICE) industry market);
- Maximising cross-promotion opportunities;
- Developing key sponsorships / partnerships; and
- Developing E-commerce tools (eg. integrated website and online ticketing).

Other actions

Further detail is provided in the attached *Update on Glasshouse Strategic Plan Recommendations October 2014*.

Options

This report is provided for information only.

Community Engagement & Internal Consultation

The information provided in this report will be presented to the Glasshouse Sub-Committee at its meeting to be held on 7 October 2014.

Planning & Policy Implications

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

Key recommendations from the Glasshouse Strategic Plan to be delivered in the current 2014-15 financial year, will be incorporated into Council's overall 2014 - 2015 Operational Plan. These modifications will be reported to Council in November as part of the first quarter report on the Operational Plan.

Financial & Economic Implications

As outlined in this report, the Glasshouse deficit has reduced significantly in comparison to previous years. The Glasshouse Strategic Plan 2014 - 2017 aims to continue the significant progress that has been made in reducing the net cost of the operation of the Glasshouse to the community, while continuing to ensure the delivery of high quality cultural, community and commercial activities.

The Glasshouse Strategic Plan 2014 - 2017 Recommendation 1.3, advocates for an Economic Impact Assessment to identify the benefits of the Glasshouse to the local and regional economy.

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Attachments

- 1 [View](#). Update on Glasshouse Strategic Plan Recommendations October 2014
- 2 [View](#). Glasshouse Financial Statement September 2014
- 3 [View](#). September Quarter Glasshouse Budget Adjustments (Confidential)

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: QUESTION ON NOTICE - PLACE MAKING

Presented by: Community & Organisational Development, Lesley Atkinson

RECOMMENDATION

That the information be noted.

Question from Councillor Roberts

What is Port Macquarie-Hastings Council's definition of 'Place Making' and how will place making be utilised by Port Macquarie-Hastings Council to provide tangible, lasting and positive outcomes for our LGA?

Comments by Councillor

Nil

Response

A Steering Group with representatives of all Divisions of Council has been established to develop a framework to guide Council's approach to Place Making in our LGA. The Steering Group have developed a definition, which no doubt will evolve and change over time as we further embed Place Making in all areas of Council.

Place Making is how we collectively shape our public spaces to maximize shared value. Based in community-based participation, Place Making involves the planning, design, management and programming of public spaces. More than just creating better urban design of public spaces, Place Making facilitates creative patterns of activities and connections (cultural, economic, social, ecological) that define a place and support its ongoing evolution

Definition of Place Making is:

- The art and science of making authentic, vibrant and resilient places that are valued by their communities and admired by visitors.
- Having our community drive the vision and create a sense of place for the benefit of all; a socially connected, economically vibrant and sustainable place.
- The creation of safe, vibrant public destinations and neighbourhoods; places where people feel a strong sense of ownership in their communities and a commitment to making things better.
- About putting people first - designing places around people.

Place Making is both a process and a philosophy, and takes root when a community expresses needs and desires about places in their lives, even if there is not yet a

Looking After Our People

clearly defined plan of action. This was the case at both the Wauchope and Laurieton launch events, where community members attending the event were asked what they liked about their community, and what their ideas were for their community.

This information has been collated and is being segmented into short, medium and long term goals for the communities to review, this ensuring that the ideas have been captured correctly. Once this has been confirmed, the actions will be costed and where funding is available will be forwarded to the Operational Plan for inclusion, pending available staff and resource to implement. Thus there will be actions which will result in concrete outcomes from Place Making

Attachments

Nil

Looking After Our People

Item: 10.02

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

Presented by: Community & Organisational Development, Lesley Atkinson

Alignment with Delivery Program

2.9.1 Provide a range of sporting and recreational opportunities.

RECOMMENDATION

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Mayor's Sporting fund to Ms Annika Toohey in the amount of \$500.00 to assist with expenses incurred travelling to, and competing as part of the Girls Blues Team at the National Hockey Championships, held in Brisbane, Queensland from 4 - 11 October 2014 inclusive.

Executive Summary

The Mayor's Sporting Fund Sub-Committee met on 25 September 2014, reached consensus on Item 7 (attached) and now submits the above recommendation for Council consideration.

Attachments

1 [View](#). Extract from Minutes of Mayors Sporting Fund Minutes September Meeting Item 7

Helping Our Community Prosper

What are we trying to achieve?

The Port Macquarie-Hastings region is able to thrive through access to a range of educational, employment and business opportunities.

What will the result be?

- Greater availability of educational opportunities.
- Key business sectors are able to benefit from our natural and existing attributes.
- Business and industry, training and education facilities sustain our population growth.
- Increased employment opportunities.
- An environmentally harmonious and prosperous tourism industry.
- Widely available communications technology.

How do we get there?

- 3.1 Create opportunities for lifelong learning and skill enhancement with the availability of a broad range of education and training facilities.
- 3.2 Promote and support an increase in business capacity in order to generate ongoing economic growth.
- 3.3 Expand tourism business opportunities and benefits through collaborative planning and promotion.
- 3.4 Maximise innovation and economic competitiveness by providing high quality communication technology throughout the Port Macquarie-Hastings region.
- 3.5 Target and encourage business enterprise by providing favourable business conditions including infrastructure and transport options.

Helping Our Community Prosper

Item: 11.01

Subject: TOWN GREEN PROTOCOL POLICY REVIEW

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

2.6.2 Create access to community facilities that allow a range of social, health and wellbeing activities.

RECOMMENDATION

That Council adopt the draft Port Macquarie Entertainment Precinct Event Use Policy for public exhibition purposes over the period from 17 October to 14 November 2014, and consider a future report following the exhibition period.

Executive Summary

The driver to review the Town Green Protocol policy was a Notice of Motion raised by Councillor Turner at the Ordinary Council Meeting held 16 April 2014. The Notice of Motion identified that events '...such as Tastings on Hastings, Ironman, Big Band Blast and the Blues & BBQ Festival are all located on the Town Green. The evolution of these events provides a strong case to ensure the Policy remains relevant and appropriate in order to maximise the public benefit from ongoing utilisation of this key public asset by these and other events'.

'The current exhibition of the draft Town Green Masterplan is a further reason to update the Town Green Protocol Policy to ensure the planned spaces and their usage are reflected in the Policy'.

The outcome of the Notice of Motion was:

13.01 NOTICE OF MOTION - TOWN GREEN PROTOCOL POLICY

RESOLVED: Turner/Hawkins

That Council:

- 1. Request the General Manager review the Town Green Protocol Policy.*
- 2. Present the revised draft Town Green Protocol Policy at the July 2014 Council Meeting with the intent of placing it on public exhibition.*

CARRIED: 8/0

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

AGAINST: Nil

Helping Our Community Prosper

In response to this resolution of Council, the General Manager formed a working group to review the policy. The working group consists of:

- Director Infrastructure & Asset Management
- Group Manager Economic Development
- Group Manager Community Place
- Group Manager Recreation & Buildings.

The working group determined that there was an opportunity to look at the use of the Town Green in a broader context of the CBD entertainment precinct and bring key stakeholder and the community into the process of developing a robust and relevant Entertainment Precinct Event Use Policy. The draft policy aims to provide guidance around Council's desire for activation by a range of users, in a way that is balanced and provides positive outcomes for our community. It recognises that the policy must be supported by good management practices and simpler approval processes.

Discussion

An update report was presented to the 20 August 2014 Ordinary Council Meeting to outline progress associated with review of the Town Green Protocol policy. This report outlined that the working group quickly determined that a more comprehensive review of the policy would be required to ensure that the principles of Place Making are firmly embedded. This report also reported that the working group had also determined that a review of the Parks & Reserves Use policy should be undertaken with Town Green requirements rolled into this overarching policy, rather than to have the Town Green Protocol as a standalone policy.

The policy presented to council for adoption for public exhibition purposes is actually titled the Port Macquarie Entertainment Precinct Event Use policy which includes the following areas:

- Town Green
- Town Square
- Hay Street Forecourt
- Clarence Street from Hay Street to Short Street
- Short Street from Clarence Street to Town Green

As has been noted in feedback from key users of the Entertainment Precinct, the draft Policy outlines Council's commitment to the creation of vibrant spaces which support a wide variety and balance of use by a range of users. It recognises that the space is enjoyed by our community and visitors to our region and that there must be a balance between event (commercial and community) and passive use of the space. Additionally, that in approving the use of the space we must be mindful of the impact of events and ensure sustainable use of the spaces for community and future users.

The draft policy seeks to address these issues by highlighting its objectives:

Helping Our Community Prosper

"The purpose of this policy is to:

- *provide guidance to the community and other users on appropriate uses of the Port Macquarie Entertainment Precinct*
- *to provide fair and equitable use of the space by all sectors of the community*
- *generate activation of public spaces within the entertainment precinct "*

Included also in the draft are activities which are proposed to be both supported and not supported by Council in the use of the Entertainment Precinct.

Options

Council has the option of adopting the draft policy for public exhibition purposes with a report outlining community feedback associated with the draft policy being presented (most likely) at the December 2014 Ordinary Council Meeting, or Council can retain the existing policy position, with required minor modifications.

Community Engagement & Internal Consultation

Staff has recognised the need to engage with the community in developing this draft policy. A Community Engagement Plan has been developed by staff which deals with engagement approach during development of the draft policy for exhibition, and with the broader engagement process during public exhibition of the draft policy.

As identified through the Engagement Plan two workshops were held to assist in determining how Council should manage the Port Macquarie Entertainment Precinct to ensure equitable access for community and commercial events and activities that will ensure an activated and vibrant precinct. The first workshop was held with internal stakeholders in August and the second workshop with external stakeholders was held on the 19 September.

The key themes from the engagement process were:

- The balanced use of the space for community, commercial and passive activities.
- The equitable enforcement of the use of the space
- Approvals process and cost
- Activation of the CBD including Town Green, Town Square, Clarence Street, Hay Street, Town Beach and Westport Park.
- The management of the space to ensure levels of maintenance and access
- Appropriate design and infrastructure for events
- Use in and around the cenotaph space

Key Stakeholders invited

Internal Stakeholder (completed August 2014)

- Australia Day Committee
- Transport & Traffic staff
- Events Staff - Community and Major
- Parks Maintenance Staff
- Glasshouse staff

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- Economic Development Team
- Electrical Trades and Services

External Stakeholders

- TCMP representatives
- RSL sub branch representatives
- Port Macquarie Chamber of Commerce
- Greater Port Macquarie Tourism Association
- Adjoining land owners/occupiers (CWA, Rydges)
- Current Event organisers
- Market Managers
- Emergency Services
- Police
- People who have engaged in the space previously

The community engagement plan for this project, attached for information, identifies the ways that staff intend to engage with our community regarding this draft policy including use of PMHC Listening, targeted engagement with identified key stakeholders, use of media and a pop up event at the Town Green.

It is proposed that the draft policy will be exhibited between 17 October and 14 November 2014.

Planning & Policy Implications

This is a shift in approach to policy development for the Organisation.

The policy will include reference to all relevant legislation associated with the management of use of Port Macquarie Entertainment Precinct area.

Financial & Economic Implications

It is expected that a vibrant Entertainment Precinct will have positive economic implications for CBD businesses via more 'feet on the street'. The use of the Entertainment Precinct by major events which drive out of region visitation will also have a positive impact in our local economy more broadly.

Attachments

- 1 [View](#). Community Engagement Plan - Port Macquarie Entertainment Precinct Event Use Policy
- 2 [View](#). Draft Port Macquarie Entertainment Precinct Event Use Policy

Looking After Our Environment

What are we trying to achieve?

We understand and manage the impact that the community has on the natural environment. We protect the environment now and in the future.

What will the result be?

- Accessible and protected waterways, foreshores, beaches and bushlands.
- Renewable energy options.
- Clean waterways.
- An environment that is protected and conserved for future generations.
- Development outcomes that are ecologically sustainable and complement our natural environment.
- Residents that are environmentally aware.
- A community that is prepared for natural events and climate change.

How do we get there?

- 4.1 Protect and restore natural areas.
- 4.2 Ensure service infrastructure maximises efficiency and limits environmental impact.
- 4.3 Implement total water cycle management practices.
- 4.4 Continue to improve waste collection and recycling practices.
- 4.5 Provide community access and opportunities to enjoy our natural environment.
- 4.6 Create a culture that supports and invests in renewable energy.
- 4.7 Increase awareness of and plan for the preservation of local flora and fauna.
- 4.8 Plan and take action to minimise impact of natural events and climate change.
- 4.9 Manage development outcomes to minimise the impact on the natural environment.

Looking After Our Environment

Item: 12.01

Subject: WALL RESERVE TREE MANAGEMENT

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

4.7.1 Promote the conservation of key habitats.

RECOMMENDATION

That Council note the information included in the report.

Executive Summary

At the Ordinary Council Meeting held on 18 June 2014, the following resolution was adopted:

12.01 NOTICE OF MOTION - WALL RESERVE

RESOLVED: *Sargeant/Levido*

That Council:

- 1. Review currently available contemporary reports and/or seek advice from an arborist or other suitably qualified person to identify those trees/trees limbs which are considered to be unhealthy and likely to cause injury to users throughout the regenerating section of Wall Reserve, so as to determine if it is possible or desirable to remove the unsafe trees/tree limbs.*
- 2. Review currently available contemporary reports and/or seek advice from an ecologist or other suitably qualified person as to the impact that removing the unsafe trees/limbs will have on Council's legislative obligations concerning Wall Reserve.*
- 3. Request the General Manager to present a report by September 2014, considering all relevant reports and advice, as to the possibility of maintaining the ground area of the entire Wall Reserve in the same manner and frequency as the currently mowed section of Wall Reserve.*
- 4. Consult with the local community to clarify the roles they would be prepared to play in assisting Council to maintain Wall Reserve.*

CARRIED: 7/0

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

AGAINST: *Nil*

In accordance with this resolution arboricultural and ecological assessments have been undertaken.

The arborist report, undertaken by Treescience, highlights risk issues associated with a return of the regeneration area to managed open space.

Looking After Our Environment

Council engaged Naturecall Environmental to undertake ecological assessment of the site. The ecological assessment report has located one threatened species onsite and has suggested that the regeneration area provides important habitat for this species.

Both reports recommend that council continue to manage this area as per the current management regime.

Staff were unable to finalise a report in time for consideration at the September 2014 meeting which was communicated to councillors by senior Council staff.

Background

The 1.2 ha area now under revegetation management within Wall Reserve was previously maintained by Council as a mown open space parkland. Numerous picnic shelters and BBQ assets had been installed over the years to embellish the entire site.

In 2005 Council staff raised Work Health and Safety (WH&S) concerns when working in this area and the potential hazards to members of the public utilising the site for recreational purposes. Investigations commenced on the risks associated with large mature trees shedding substantial sized limbs which fell within occupied 'target' fall zones. Considerations were also made of the environmental implications of making the area 'safe', as a significant number of trees would require removal or extensive pruning. This would however see the loss of numerous fauna habitat hollows.

In October 2005 Council commissioned a Threatened Fauna Survey by Darkheart Eco-Consultancy. The report identified and confirmed five (5) threatened species occurred within the reserve (Squirrel Glider, Grey-Headed Flying Fox, Little Bent-Wing Bat, Eastern Freetail Bat and Glossy Black Cockatoo), and seven (7) species listed with potential occurrence.

The Grey-Headed Flying Fox is listed as vulnerable under the *Environment Protection and Biodiversity Conservation Act*.

Several recommendations were made to ensure the observed fauna assemblage, including the threatened species, were not threaten by potential whole tree/limb removals and subsequent habitat disruption. The recommendations made were to assist the threatened species in continuing to utilise the site and support the overall environmental biodiversity benefits.

Since 2007 to present date, management practices have been modified returning this section back to a natural bushland setting. This has restricted public access from 'target' fall zones, reducing Council's public liability risk considerably.

In April 2013 Council adopted this management plan. Since this time some members of the community have continued to lobby for the reserve to be restored back to open managed parkland.

Discussion

Ecological advice

Council commissioned an Ecological Assessment Report by Naturecall Environmental in June 2014. The report confirmed again that this area has key

Looking After Our Environment

habitat values for several known and potentially occurring threatened species, the most significant being the abundance of hollow-bearing trees. The survey detected fewer fauna than Darkheart (2005), which was attributed to prevailing seasonal conditions (winter), wind and a smaller survey area.

Before commencing works, the ecologist advised staff that we would be less likely to find threatened species onsite during the survey period due to seasonal timing. The previous fauna assessment was undertaken in spring, which is a peak activity period for most birds (ie. breeding season). Undertaking such a survey in winter is not preferred as it not a peak activity period.

One adult male squirrel glider was trapped onsite during the fauna survey. A small breeding colony of squirrel gliders was recorded during the 2005 survey undertaken by Darkheart. The consultant suggests reasons for locating only one specimen during this latest survey which include poor weather during the survey period, trap avoidance, or that the resident colony has declined.

The report goes on to advise that the actual situation with the colony can only be determined by further fauna surveys at the site. Until the situation can be determined the Precautionary Principle must be applied.

“Application of the precautionary principle requires that a lack of scientific certainty about the potential impacts of an action does not itself justify a decision that the action is not likely to have a significant impact. If information is not available to conclusively determine that there will not be a significant impact on a threatened species, population or ecological community, or its habitat, then it should be assumed that a significant impact is likely and a species impact statement should be prepared.” - source *NSW Threatened Species Assessment Guidelines* (August 2007).

The Ecological Assessment report indicates that the alteration of this vegetation to be returned back to a ‘safe’ public recreation area would have significant ecological statutory obligations, including a Species Impact Statement (SIS) and financial impost. In considering the above it was recommended that the future management practices remain the ‘*current status quo*’.

Arboricultural advice

In August 2014, Council commissioned an Arborist Report from Treescience. The consultant was provided with all previous reports and documents regarding the site. The consultant visited the site on 11 and 12 August 2014 and assessed 121 trees.

The report identifies that among the 121 trees within the subject area there is a 50/50 split of juvenile/early mature specimens and full/to late mature trees.

The Arborist Report estimated that 25% of all trees within the reserve contain hollows which provide habitat opportunity for fauna.

The report states, “*generally tree health appears fair...*” and “*have been assessed as a low residual risk based on the predictable low occupancy*”, resultant from current management practices (restricting access).

Further comments surrounding the reinstatement back to a managed open recreation space for public use, “*will significantly change the subject trees or Council’s risk exposure to a medium to high risk.*”

The report provides cost estimates associated with a potential return to maintained open parkland. The cost estimate for these works are greater than \$300,000 with projected annual maintenance exceeding \$100,000.

Looking After Our Environment

The report includes the recommendation that “*the trees within the natural areas should be preserved in their current context*” and some remedial pruning for deadwood and other hazards along the natural edges where targets are identified. Recommendations within the report are justified on the basis that the current regime supports retention of the existing management regime on account of reduced risk for council relating to damage to people or property, improved nutrient source for prolonged tree health and maintenance of existing habitat opportunity.

It should be noted that recommended deadwooding and hazard removal will need to be considered in relation to ecological advice included within the Ecological Assessment Report undertaken by Naturecall.

Management Options

1. Continue to maintain the area as a revegetating natural bushland setting. Formalise existing pathways with exclusion bollards and install interpretative signage

This option would see no change to the current management regime at the site.

No ecological statutory implications, other than a license under the TSC Act may be required for limb and tree removal, and mitigation/offset measures required e.g. provision of glide poles to enhance linkages, and nest boxes to supplement loss of hollows. Costs of these actions have not been estimated.

There is scope for securing funding to undertake further habitat enhancement work e.g. removal of weeds such as Asparagus Fern, and planting of preferred native species (e.g. banksias) to enhance habitat quality.

This option will require ongoing arboricultural assessment by staff.

The cost associated with installation of bollards to delineate the walkway is estimated at \$13,750. A cheaper alternative to bollards would be to install and establish Lomandra, a native grass species, as a natural barrier. This alternative would cost approximately \$1,750.

There is the option of installing a 1.8 metre plastic coated chain mesh fence to prevent people from venturing into the area. The cost of installation of such a fence is estimated at \$44,100. Alternatively a higher cost but potentially more aesthetic option of 1.8m Pool type fence could be included however this has not been costed at this point.

The cost of installing interpretive signage will vary depending on the number and type of signs installed. As a guide, interpretive signs installed at Tacking Point Lighthouse recently cost approximately \$2,000 each.

2. Pursue management to return the site to open space, complying with all environmental current and emergent legislation and arboricultural practices, including:

- Environmental Planning and Assessment (EPA) Act 1979, Part 5.
- Threatened Species Conservation Act (TSCA) 1995, Sections 91 & 110 (SIS).
- Commonwealth Environmental Protection and Biodiversity Conservation (EPBC) Act 1999.
- Australian Standards (AS 4373 - 2007) Pruning of Amenity Trees

Looking After Our Environment

○ **Australian Standards (AS 4970 - 2009) Protection of Trees on Development Sites.**

As detailed in previous reports, this option would require detailed studies which ultimately may not lead to an approval to manage the site in this manner.

However if Council were to adopt this as the option, it would have the following impacts:

- Loss of most tree hollows in limbs and loss of at least some of the tree hollows in trunks due to loss of the entire tree. The net result would be a significant reduction in abundance and diversity of hollows.
- A significant reduction in hollow abundance will result in an increase in competition for resources within the area. The site is also a key nesting area for an abundance of common lorikeets. Removing nesting options will see greater competition for hollows on site, potentially leading to conflicts with the Squirrel Gliders and bats on site.
- Due to loss of canopy trees and foraging substrates, the current carrying capacity of the site would be significantly reduced. Loss of the regenerating undergrowth due to resumption of maintenance would also reduce carrying capacity as many arboreal invertebrates have lifecycle stages that include the lower strata. This will thus have significant implications for the ability of the Squirrel Glider to obtain not just enough food to survive but to lactate and raise young, with associated implications for recruitment.
- Prevention of any natural regeneration coupled with ongoing maintenance removing dangerous trees will see progressive erosion of the tree component. In the long term, this will contribute to a decline in the reserve's carrying capacity.

This option would require a Species Impact Statement (SIS) to be prepared. PMHC would have to apply to Office of Environment & Heritage (OEH) for the Director General's Requirements, which may specify that a longer term study of the Squirrel Glider is recorded, as well as an analysis of the site's context to the locality; and consideration of all species potentially affected.

The SIS would require concurrent consent from council and OEH.

It is highly likely that some form of offset will be required. This offset would be in the form of acquiring and permanently protecting habitat known to support Squirrel Gliders. The area of offset required is likely to be calculated using the Biobanking Methodology. Given the abundance of hollows, the offset is expected to be significantly large, hence seeking and securing the offset (if a suitable one is found available) would incur considerable expense.

Costs associated with offset sites, both the investigation and acquisition are unknown at this point in time but would likely be considerable.

The cost of undertaking a SIS has been estimated at \$20,000.

The arborist report suggests that there is approximately \$300,000 of work required to be undertaken to address identified tree risk to support this management option.

Further to this, the report suggests there would likely be annual tree maintenance costs of approximately \$100,000 per year in maintaining this area as managed open space.

Looking After Our Environment

3. **Resolve to return the site to a managed open space, without addressing the risk associated with tree health**

This would be the lowest cost option to introduce. However, it would expose staff and the public to risk of personal damage resulting from tree or branch failure.

Insurance coverage for this site likely to be revoked having previously received advice from councils insurer regarding appropriate management regimes for the site which included excluding public access from the area.

On this basis, whilst this option is the cheapest to implement it may be quite costly in future should person/s be harmed by limb fall or tree failure in this area.

Adoption of this option may also drive consideration of the impact of machinery noise to threatened species during mating and/or nesting season.

This option impacts on the organic matter recycling process which contributes to prolonged tree health.

This option would require development of a management plan associated with habitable hollows that fall to the ground in this space. There would be a requirement for some engagement with OEH in development of such a plan.

4. **Undertake additional fauna surveys during spring 2014 to assess the presence of threatened species during likely breeding/roosting season**

The cost of undertaking this action is estimated at \$10,000. The ideal time to undertake fauna surveys to capture species nesting onsite is during the months of October and November.

If this option is preferred by Council, the results of this survey would be reported to the December Ordinary Council meeting.

It is the opinion of staff that there is little value in pursuing this option further at this point in time. It will be a requirement that further comprehensive fauna studies are undertaken as part of a SIS should council want to further investigate a return to managed open space for this area.

Maintenance of Wall Reserve by the local community

For some time to date, residents have expressed their concern at the perceived lack of maintenance of open space being undertaken by Council in North Haven.

A residents group, North Haven Residents Action Group (NHRAG) has been formed and has been working closely with councils Group Manager Community Place regarding maintenance of Wall Reserve.

Initially, the primary focus had been on maintaining the regeneration area within Wall Reserve. The group identified the site as a Clean Up Australia Day site and removed significant amounts of tree debris including habitable hollows from the site.

NHRAG were advised that future maintenance events would require council approval, that the activities would need to be well defined, and that the activities would be undertaken outside of the regeneration area.

NHRAG have participated in two subsequent maintenance events at Wall Reserve.

Looking After Our Environment

There are significant place making opportunities for this group and the broader community to maintain and improve Wall Reserve and other open space throughout North Haven.

Beach to Beach is another community based group looking to make significant improvements for the Camden Haven community. The Beach to Beach project will deliver an 11 kilometre walk/cycleway connecting Camden Head with North Haven beach and will include points of interest along the way including public art, exercise stations and park furniture. This group has commenced construction of a shared walkway/cycleway in Dunbogan Reserve and are working closely with council to deliver community driven outcomes.

Staff have encouraged NHRAG members to work with Beach to Beach in their endeavours to improve public spaces in North Haven.

There are a range of park maintenance activities that NHRAG could actively participate in including, mowing, graffiti removal and cleaning and painting of park furniture.

Councils Place Making team will continue to engage with NHRAG and the broader community to identify how they can contribute to public space maintenance and improvement.

Options

Council can adopt the recommendation as presented, or Council can choose from other options outlined in this report.

Based on all the current information, staff propose that the current management regime for the regeneration area be continued.

Community Engagement & Internal Consultation

There has been external engagement with Naturecall Environmental and Treescience in developing this report for Council.

In developing this report for Council there has been no additional community engagement activities associated with the management of the regeneration area within Wall Reserve.

There has however been ongoing consultation with members of the North Haven Residents Action Group regarding management and maintenance of Wall Reserve as outlined in the discussion section of this report.

Planning & Policy Implications

The recommendation included within this report is consistent with the Tree Management and Environmental Management provisions included within the Port Macquarie - Hastings Development Control Plan 2011.

Financial & Economic Implications

The financial and economic impacts will vary depending on the management option adopted by Council.

Looking After Our Environment

As identified above, the most costly management option to implement is to resolve to return the site to a managed open space, complying with all environmental legislation and arboricultural practices. This option will also incur costs associated with SIS and, should it ultimately be supported, an offset site, the likely costs of which couldn't be estimated until concurrent approval is issued by council and OEH. However, the Naturecall report indicates that the significant number of habitable hollows located onsite would likely require a large offset site. Tree works associated with this option alone are estimated at \$300,000 initially with recurrent tree maintenance budget being required.

Attachments

1[View](#). Wall Reserve Ecological Assessment 2014

2[View](#). Wall Reserve Arborist Report August 2014

Looking After Our Environment

Item: 12.02

Subject: GRANT OFFER FROM MID NORTH COAST WEEDS CO-ORDINATING COMMITTEE

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

4.1.1 Implement and advocate a range of proactive programs for the environmental management of lands within the local government area .

RECOMMENDATION

That Council:

1. Accept the grant offer of \$21,000 from the Mid North Coast Weeds Co-ordinating Committee.
2. Adjust 2014-15 budget to reflect the grant.

Executive Summary

Port Macquarie-Hastings Council has been successful in securing a grant offer of \$21,000 from the Mid North Coast Weeds Co-ordinating Committee to undertake the control of Cockscomb Coral Trees throughout the Hastings and Camden Haven Estuaries.

Discussion

Cockscomb Coral is a declared noxious weed that has the potential to invade and destroy native vegetation in waterways and reduce public amenity.

Currently there is a total of 10km of waterways impacted by this weed in the Hastings and Camden Haven estuary. The main known investigations occur in the upper Hastings estuary from Koree Island to Dennis Bridge and smaller outbreaks exist around Laurieton.

Options

Council could choose to not accept this grant offer. Declining this offer will impact on Council's ability to control this noxious weed and to assist rural landholders in controlling this weed.

Community Engagement & Internal Consultation

Engagement with landowners will be carried out following acceptance of the grant.

Engagement will take the form of a field day on the control of this weed. Staff will also write to landowners and carry out site visits to arrange co-operative control works.

Looking After Our Environment

Planning & Policy Implications

Not applicable.

Financial & Economic Implications

No matching funds are required from Council in accepting this grant.

The grant will have positive financial and economic implications associated with assisting Council and landowners to meet their obligations to control noxious weeds.

Attachments

1 [View](#). Letter of offer from the Mid North Coast Weeds Co-ordinating Committee.

Looking After Our Environment

Item: 12.03

Subject: QUESTION ON NOTICE - PUBLICATIONS

Presented by: Development & Environment, Matt Rogers

RECOMMENDATION

That Council note the information in the report.

Question from Councillor Sargeant

Is it possible to incorporate a life cycle responsibility for publications which are delivered to letter boxes?

Comments by Councillor

Nil.

Response

It is possible to introduce a life cycle responsibility for publications which are delivered to letter boxes. However, this type of control would need to be introduced by the NSW Government as a change in law would be required for any controls to have practical effect.

In the early 2000's, the Protection of the Environment (Operations) Act 1997 was amended to make it an offence for advertising material to be distributed to premises in such a way that generates litter. The legislation requires that this material must be placed within a letter box (or similar) or under a doorway, with delivery contrary to this being an offence. Anecdotally, the legislation had a positive impact with a reduction in the incidence of litter generated by publications delivered to premises.

However, the legislation specifically exempts any material that includes editorial content, meaning that the laws cannot be used for the majority of routinely delivered publications in our area. There is currently no legal mechanism for councils to implement controls to deal with this issue.

Attachments

Nil

Looking After Our Environment

Item: 12.04

Subject: IMPLICATIONS OF THE 10/50 VEGETATION CLEARING CODE OF PRACTICE

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

4.7.1 Promote the conservation of key habitats.

RECOMMENDATION

That Council:

- 1. Acknowledge the intent of the NSW Government and NSW Rural Fire Service to improve measures to manage bushfire risk in NSW.**
- 2. Make a submission to the review of the 10/50 Vegetation Clearing Code of Practice on the potential adverse environmental and amenity impacts of the 10/50 Vegetation Clearing Code of Practice and seek modification to the Code to address the issues raised in this report.**

Executive Summary

In June 2014, the Rural Fires Amendment (Vegetation Clearing) Bill was passed by Parliament. The intent of the legislation was to reduce bushfire risk by allowing the clearing of vegetation within a 10/50 clearing entitlement area. The legislation negates all other state environmental or planning legislation as long as the vegetation clearing work carried out is carried out in accordance with the 10/50 Vegetation Clearing Code of Practice. The Code of Practice was introduced on 1 August 2014.

The 10/50 Code allows land owners to:

- a) clear all vegetation including trees within 10 metres of a habitable dwelling or high risk facility, and
- b) to clear all vegetation except trees over 3 metres in height within an additional 50 metres,

if their property falls within a 10/50 entitlement area, without the need to seek any other approvals.

Whilst the intent of the legislation and the Code is sound, namely reducing bushfire risk, the Code has much wider implications on environmental and amenity values and creates practical difficulties for local government in fulfilling its environmental and planning obligations without recognising the distinct/unique aspects of a specific area or region.

Looking After Our Environment

Discussion

Council considered a report on this matter (attached) at its September 2014 Ordinary Council Meeting and resolved as follows:

RESOLVED: Roberts/Cusato

That Council defer this matter to the October 2014 Council meeting.

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

The deferral of this matter arose from the receipt of written advice by Cr Roberts from the office of the Minister for Emergency Services in relation to concerns expressed by Council staff about the 10/50 Vegetation Clearing Code of Practice and an opportunity being given to review that advice.

Review of the advice from the Minister's office clarifies a number of issues as follows:

- NSW Rural Fire Service (RFS) is reviewing the risk posed by different types of vegetation in response to concerns raised by councils and will be advising the outcome of this review.
- RFS will continue to apply the existing hazard reduction complaint and assessment process. This means that fire hazard will be determined using a risk based approach and not through the application of the 10/50 Code.
- That bush fire risk management planning framework has not changed and a collaborative approach between the RFS and other agencies remains unchanged.

Subsequent to Council's decision to defer this matter, the RFS has made some changes to the Code and has brought forward the formal review of the Code to commence on 1 October 2014 (see attachments). The changes include:

- The buffer or entitlement area for vegetation mapped as Category 2 will be reduced from 350 metres to 150 metres;
- and The *Guide for Bush Fire Prone Land Mapping* has been updated, providing councils the ability to seek reclassification of smaller parcels of vegetation from Category 1 to Category 2, where appropriate.

However, what the advice and the letter from the RFS has been unable to address at this point is the concern about the need to balance bushfire prevention on a State wide basis and environmental and amenity values in an area like the Port Macquarie-Hastings.

The recent changes to the extent of the entitlement area and an ability to reclassify smaller parcels of vegetation will reduce the extent of potential environmental and amenity impacts but do not deal with the underlying issues that are relevant to balancing bushfire risk and environmental/amenity values.

Following is a list of potential areas of concern that remain relevant:

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- loss of amenity;
- impacts on threatened species and their habitats and on Endangered Ecological Communities;
- loss of koala habitat and koala food trees;
- loss of development yield (and associated increase in development costs) where there is a conflict between areas requiring conservation under NSW legislation and the 10/50 clearing entitlement area;
- clearing on creek banks;
- inconsistency with the Federal Environment Protection and Biodiversity Conservation Act (EPBC Act) and potential for residents to clear in contravention of the Federal legislation;
- questions of the efficacy of the policy response and bushfire prevention;
- uncertainty about compliance responsibilities;
- impact on Council compliance resources;
- use of the 10/50 Code for pernicious clearing (e.g. for improving views or dealing with leaf fall);
- liability questions associated with neighbours who do not allow clearing of the entitlement area on their land.

Given the significance of these issues to the Port Macquarie-Hastings LGA, it is recommended that representations need to be made to NSW Government and to the NSW RFS advocating modifications to the Code to minimise both the potential for unintended impacts and the practical difficulties facing Council in fulfilling its planning and environmental obligations.

The focus of the representations would be on identifying the issues of concern and on potential modifications to the legislation and the Code that would address those concerns.

The timing for making representations is ideal, given the announcement by the RFS that the formal review of the Code has been brought forward to 1 October 2014.

Options

Options include:

- Not proceeding with making representations on this matter.
- Modifying the nature of the proposed representations.

Given the significance of the issues raised, it is considered that the recommendations are an appropriate response for Council in the first instance.

Community Engagement & Internal Consultation

Internal consultation has been undertaken with the Executive and with staff in Environmental Services, Tree Management, Strategic Planning and Compliance & Sections of Council.

Consultation has occurred with other NSW Council Bushfire Officers and consideration of submissions from other stakeholders including the Environmental Defenders Office.

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The concerns reported to Council are not unique to the Port Macquarie-Hastings. Numerous councils have made representations to the NSW Government and the RFS to highlight the same issues being raised in this report. Attached to this report is a copy of correspondence from Tweed Shire Council which raises similar issues and encourages councils to advocate an appropriate balance between bushfire protection and the environment.

Planning & Policy Implications

The introduction of the 10/50 Code has significant planning and development implications, as discussed below:

1. Clearing under the 10/50 Code will override and potentially compromise vegetation/tree protection measures under:
 - a. Clause 5.9 of the Port Macquarie-Hastings Local Environmental Plan - Preservation of Trees and Part 2.6 - Tree Management of the Port Macquarie-Hastings Development Control Plan (DCP) 2013. Under these provision trees greater than 3m from a dwelling are protected and require assessment/application for removal.
 - b. Part 2.3 of the DCP - Environmental Management. These provisions require buffers to endangered ecological communities (EECs). 100m buffer for freshwater wetland EECs, 35m buffer for coastal floodplain EECs and 50m for all other EECs. The 10/50 Code will compromise these buffers and the environmental outcomes they seek to achieve. Part 2.3 also covers hollow bearing trees (HBTs) which will no longer be protected within 10m of dwellings.
 - c. State Environmental Planning Policy (SEPP) 44 - Koala Habitat Protection and associated Koala Plans of Management (KPoMs). There are numerous existing KPoMs requiring preservation of trees within 10m of dwellings that are now redundant as a result of the 10/50 Code.
 - d. SEPP 14 - Coastal Wetlands
 - e. SEPP 26 - Littoral Rainforests
 - f. SEPP 71 - Coastal Protection
2. The assessment of future development applications and planning proposals will need to have regard for (or assume) vegetation loss under the 10/50 Code to ensure appropriate environmental protection outcomes. This is likely to result in conservative 'buffer' areas being applied, reductions in dwelling yield and inefficient use of land.

A worked example of the impact of the 10/50 Code on new development layouts was provided in the September 2014 report to Council on this matter. A copy of this report is also attached. This example highlights the difficulty for councils who are required to plan for environmental outcomes as required by NSW legislation, and in doing so accommodate the potential impact of the 10/50 Code.

Financial & Economic Implications

Financial implication of the 10/50 Code remains as follows:

- An increased propensity for residents to clear vegetation will inevitably lead to pressure on Council to clear in reserves, regardless of whether the approach is

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based on 10/50 or risk. Council does not presently have allocated resources available to respond to additional requests

- Increase APZ maintenance costs associated with clearing requests
- Increased compliance costs associated with complaint and reports to council about 10/50 clearing incidents

Concerns also remain about the economic implications of the 10/50 Code as follows:

- Economic costs associated with the loss of environmental values and amenity in our area, impacting our sense of place and reducing the attractiveness of the area for tourism and investment.
- Impacts on significant species like the koala have the potential to damage the reputation of the area. The prominence of our iconic local koala population being an important tourism draw card.

Attachments

- 1[View](#). Item 12.05 Ordinary Council Meeting September 2014
- 2[View](#). Item 12.05 Ordinary Council Meeting September 2014 Attachments Maps 1-3
- 3[View](#). Item 12.05 Ordinary Council Meeting September 2014 Attachments Maps 4-9
- 4[View](#). Advice from the office of the Minister for Emergency Services
- 5[View](#). RFS Letter Advising Changes to the 10/50 Code
- 6[View](#). RFS Media Release on 10/50 Code Changes and Code Review
- 7[View](#). Letter from Tweed Shire Council 10/50 Vegetation Clearing Code of Practice

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Item: 12.05

Subject: DA 2014 - 0561 SINGLE DWELLING AND SWIMMING POOL INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE - HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 4 DP 1078494, NO. 16 COASTLANDS PLACE, PORT MACQUARIE

Report Author: Chris Gardiner

Property:	Lot 4 DP 1078494, No. 16 Coastlands Place, Port Macquarie
Applicant:	A & K Shipway, C/- Collins W Collins Pty Ltd
Owner:	A & K Shipway
Application Date:	7 August 2014
Estimated Cost:	\$378,507
Location:	Port Macquarie
File no:	DA2014 - 561.1
Parcel no:	46490

Alignment with Delivery Program

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

RECOMMENDATION

That the determination of DA 2014 - 0561 for a single dwelling and swimming pool including clause 4.6 objection to clause 4.3 (height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 4, DP 1078494, No. 16 Coastland Place, Port Macquarie, be noted.

Executive Summary

This report is for Council's information and relates to the approval of the subject Development Application under delegated authority by the Group Manager Development Assessment. Granting consent involved use of Clause 4.6 of Port Macquarie-Hastings Local Environmental Plan 2011 (LEP) to vary Clause 4.3 (Height of Buildings) by not more than 10%.

The proposed development resulted in a new dwelling having a roof height exceeding the maximum 8.5m height by 0.84m (a variation of 9.9% from the development standard). The minor variation was not considered to result in any adverse privacy, view loss or bulk and scale impacts given the context of the site. The Department of Planning and Infrastructure circular PS 08-003 provides for the Director General's assumed concurrence where such a variation is not more than 10% of the standard.

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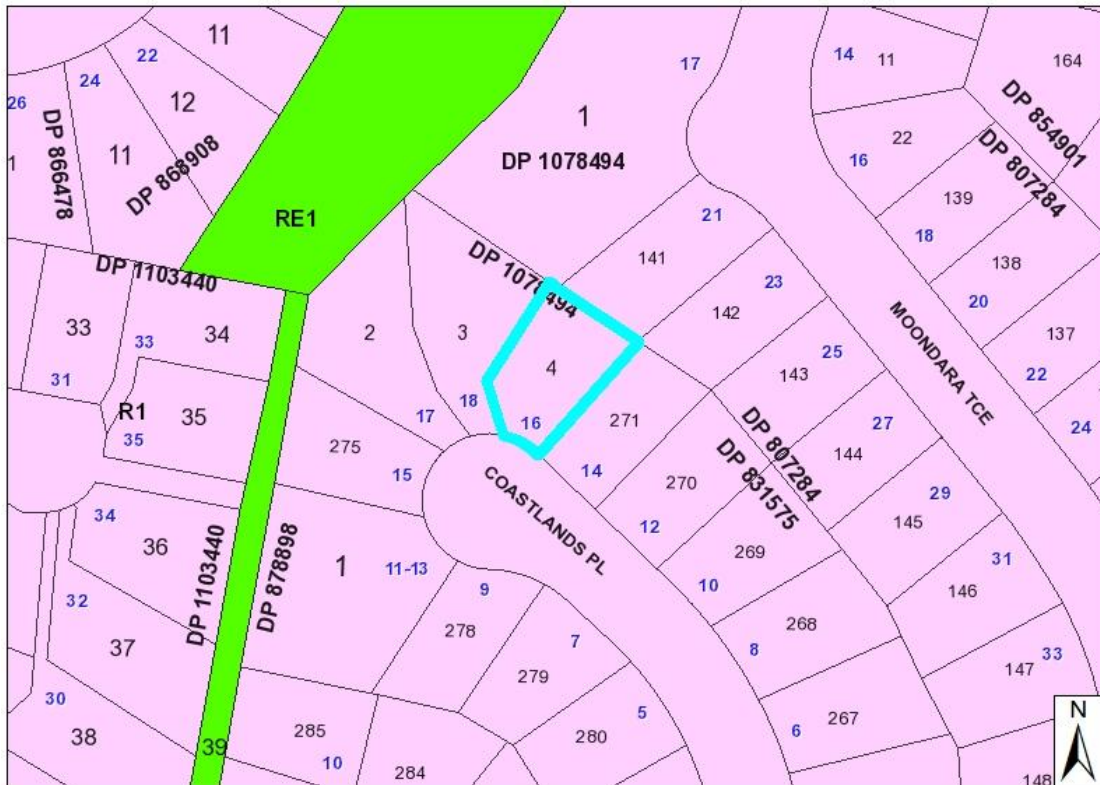
The Department's circular PS08-014 further reminds councils of their assumed concurrence role in relation to SEPP 1 and Clause 4.6 LEP variations. The circular advises that where Clause 4.6 variations are approved under delegated authority that Council be advised of the decision made and it be appropriately recorded.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 665.2m².

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



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

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2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of a new three storey dwelling and swimming pool.

Refer to attachments at the end of this report.

Attachments

1 [View](#). DA2014 - 0561 DA Consent Approval

2 [View](#). DA2014 - 0561 Approved Plans

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Item: 12.06

Subject: DA 2014 - 0552 - SINGLE DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.2A (MINIMUM LOT SIZE STANDARD FOR DWELLING) OF THE PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 103 DP 754406, 1739A BELLANGRY ROAD, BELLANGRY

Report Author: Clint Tink

Property: Lot 103 DP 754406, 1739A Bellangry Road, Bellangry
Applicant: M M Denmeade & S G Denmeade
Owner: M M Denmeade & S G Denmeade
Application Date: 31 July 2014
Estimated Cost: \$220,000
Location: Bellangry
File no: DA2014 - 552
Parcel no: 1341

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2014 - 552 for a single dwelling including Clause 4.6 variation to Clause 4.2A (minimum lot size standard for dwelling) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 103, DP 754406, 1739A Bellangry Road, Bellangry, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for a dwelling and clause 4.6 variation to clause 4.2A of Port Macquarie Hastings Local Environmental Plan 2011 at the subject site and provides an assessment of the application in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

Subsequent to exhibition of the application, no submissions were received.

The application was also reported to Council's Development Assessment Panel (DAP) on 1 October 2014 with the following resolution being made:

That the Development Assessment Panel recommend to Council that DA 2014 - 552 for a single dwelling including Clause 4.6 variation to Clause 4.2A

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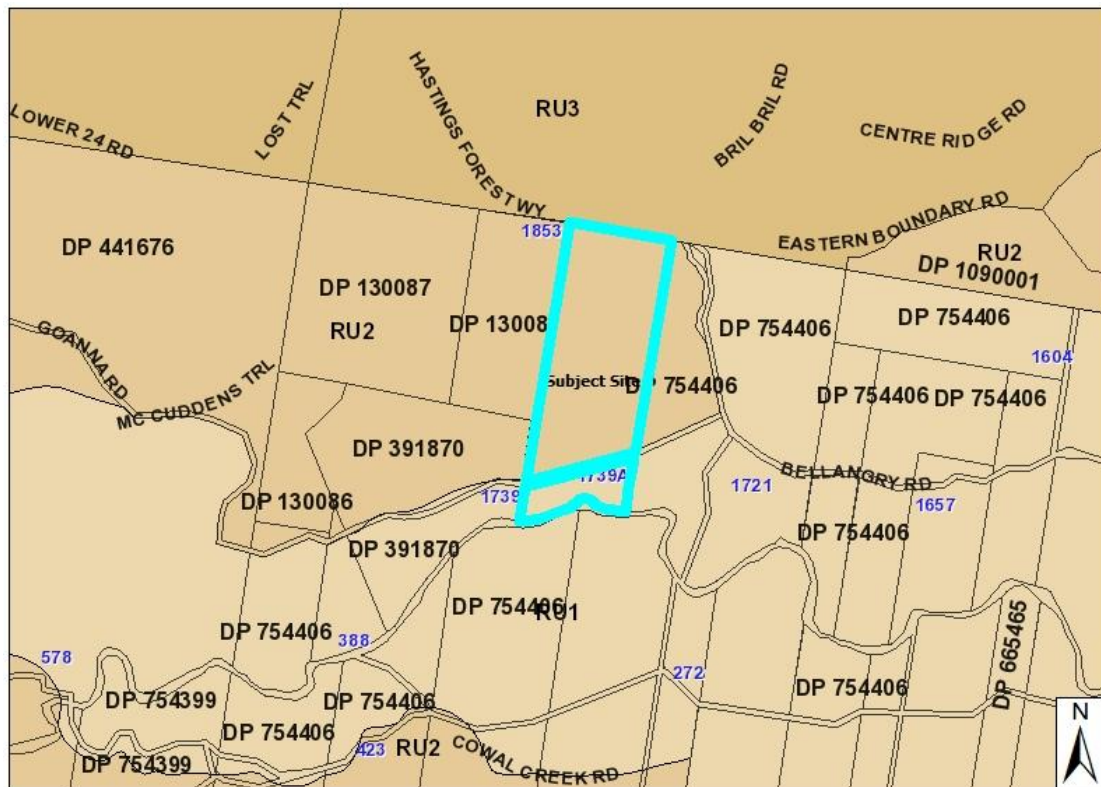
(minimum lot size standard for dwelling) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 103, DP 754406, 1739A Bellangry Road, Bellangry, be determined by granting consent subject to the recommended conditions.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 40.47ha.

The site is zoned RU1 Primary Production and RU2 Rural Landscape in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



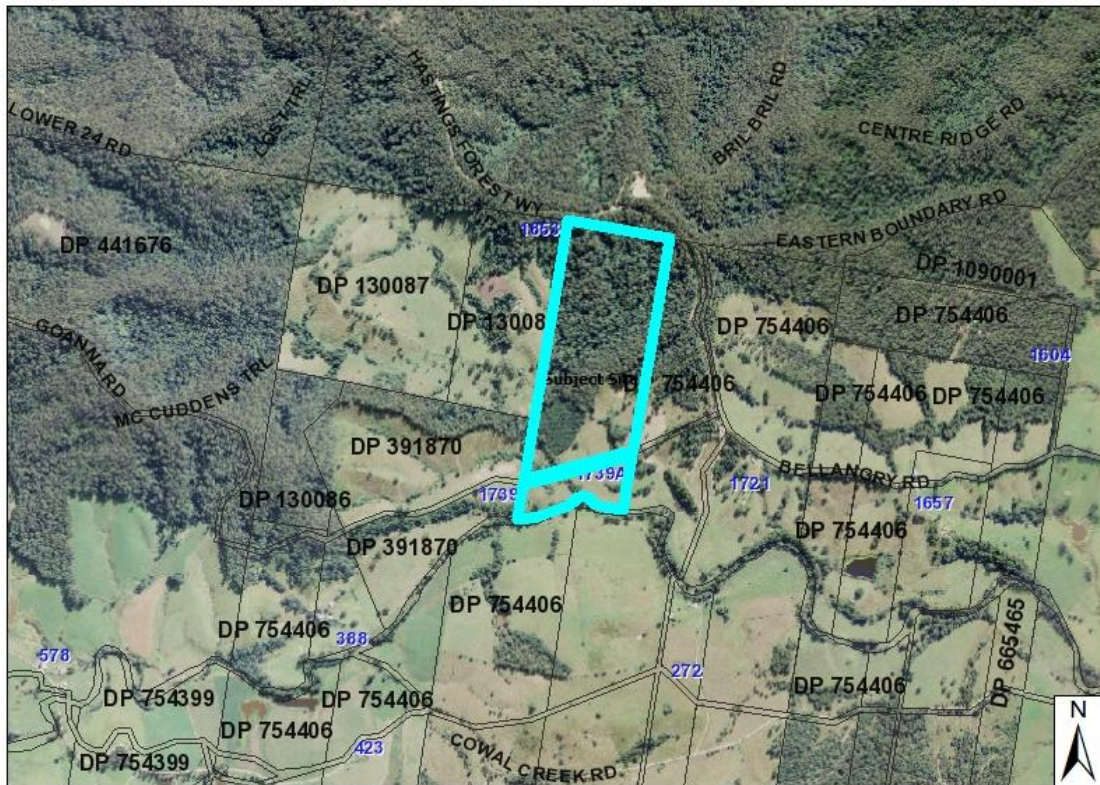
The subject site is currently vacant and made up of approximately two thirds forested vegetation to the north and a third cleared farming land to the south. The southern boundary of the property follows Mortons Creek.

Access to the property is currently off Bellangry Road via a formed track (also known as Goanna Road). The track traverses in and out of a paper crown road reserve on the way to the subject lot. This results in the track being partially located on other properties not the subject of this application.

Surrounding the site are similar semi forested farmland properties and rural dwellings.

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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- A DA1994/280 approved a dwelling onsite but was never acted on and the consent subsequently lapsed.
- Another development application for a dwelling was lodged in 2013 under DA2013 - 113. The application was subsequently withdrawn so that the applicant could resolve access arrangements to the site. The development proposed in DA2013 - 113 is essentially the same as the development proposed in DA2014 - 552.
- Erection of a single dwelling.
- Clause 4.6 variation to Clause 4.2A (Erection of dwelling houses and dual occupancies in certain rural and environmental protection zones) of the Port Macquarie Hastings Local Environmental Plan 2011.
- The site is accessed via an informal track that traverses in and out of a crown road. This results in the track being located on an adjoining Lot 118 DP 754406. Owners consent from Lot 118 to have a right of carriageway over the track has been provided. The above access arrangement is consistent with the access arrangement approved under DA1994/280.
- Concurrence to the Clause 4.6 variation to Clause 4.2A was provided by the Department of Planning & Infrastructure (DoPI) under DA2013 - 113. Council has previously received advice from the DoPI that concurrence is not required where it has been provided previously. Given nothing has changed between DA2013 -

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113 and DA2014 - 552, except for the access being formalised, further concurrence is not required.

Refer to attachments at the end of this report.

Application Chronology

- 15/9/1994 - DA1994/280 for a dwelling onsite was approved by Council. Whilst approved by Council, the consent was never acted on and subsequently lapsed.
- 27/11/2012 - The proposal was presented to Council's Pre-lodgement meeting.
- 22/2/2013 - DA 2013/113 lodged with Council.
- 28/5/2014 - DA2013 -113 was withdrawn from Council as legal access had not been resolved.
- 31/7/2014 - DA2014 - 552 lodged with Council. Access issue from DA 2013 - 113 resolved via owners consent having been provided by Lot 118 to allow a right of carriageway to be created over the existing access road.
- 11-25/8/2014 - Notification period.

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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

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

State Environmental Planning Policy 44 - Koala Habitat Protection

In accordance with clauses 6 and 7, the subject land has an area of more than one (1) hectare in size and therefore the provisions of the SEPP must be considered.

The Department of Planning and Infrastructure's Circular No. B35, Section 1.5 states that "In relation to affected DAs it is the intention of the policy that investigations for 'potential' and 'core' koala habitats be limited to those areas in which it is proposed to disturb habitat".

The proposed development does not propose to disturb any habitat as the dwelling site is cleared and access road is existing.

Based on the above, the requirements of the SEPP have been satisfied.

State Environmental Planning Policy 55 – Remediation of Land

In accordance with clause 7, following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy 62 - Sustainable Aquaculture

In accordance with clause 15C, given the nature of the proposed development, proposed stormwater controls and its' location; the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries.

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State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

In accordance with clause 6, a BASIX (certificate number 468925S_02) has been submitted demonstrating that the proposal could comply with the requirements of the SEPP.

State Environmental Planning Policy (Infrastructure) 2007

The development does not trigger any of the clauses or thresholds in the SEPP.

State Environmental Planning Policy (Rural Lands) 2008

SEPP requirement	Comment	Complies
Objectives		
2(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,	<p>A previous approval for a dwelling was issued in 1994 and remains key to justifying this application. While the consent lapsed and legislation has changed, the circumstances surrounding a dwelling on the site remains the same. In particular, surrounding uses, lot size, split zoning of the property etc all remain the same. This creates a unique scenario for the site, which is unlikely to result in any adverse precedent.</p> <p>There will be no additional impacts as a result of a dwelling being on the property now when considered against the decision made in 1994.</p> <p>The DoPI have also provided concurrence to the dwelling.</p>	Yes
2(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,	The erection of a dwelling will not result in any significant loss of agriculture land. The dwelling is likely to help manage and improve the agricultural viability of the site via a permanent caretaker.	Yes
2(c) to implement measures designed to reduce land use conflicts,	It is considered that there would be limited conflict between the development and any surrounding rural uses. Suitable separation exists that is consistent with	Yes

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	the surrounding area and previous approvals.	
2(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,	The area to be developed would not adversely impact on the state significant agricultural land onsite.	Yes
2(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.		N/A
Rural Planning Principles		
7(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,	The development will not impact on the current or potential productive and economic activities in the area. In particular, the dwelling only occupies a small percentage of the property leaving the remainder to be developed for agriculture. A dwelling was also authorised for the site in 1994 and while legislation has changed, the circumstances of the site have not.	Yes
7(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,	The site still allows agricultural diversity with the dwelling only occupying a small percentage of the site. In addition, the dwelling is likely to help manage and improve the agricultural potential of the site via a permanent caretaker.	Yes
7(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,	Refer to all comments above.	Yes
7(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,	The site is already cleared and had approval for a dwelling in the past. All relevant services are either available or can be managed onsite. The development is unlikely to create adverse demands on the local community.	Yes
7(e) the identification and protection	The site is already cleared	Yes

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of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,	and had approval for a dwelling in the past. As a result, there will be no impact on natural resources, biodiversity etc	
7(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,	The site is already cleared and had approval for a dwelling in the past. All relevant services are either available or can be managed onsite. The development is unlikely to create adverse demands on the local community.	Yes
7(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,	The site is already cleared and had approval for a dwelling in the past. All relevant services are either available or can be managed onsite.	Yes
7(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	A dwelling for the site has been accepted previously with circumstances surrounding the site not changing. For this unique reason, the development is not inconsistent with strategies for the area. No adverse precedent is likely to be created.	Yes
Rural Subdivision for Agricultural Purposes		
Matters to be considered in determining development applications for rural dwellings		
<p>10(1) This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.</p> <p>10(2) A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:</p> <p>(a) subdivision of land proposed to be used for the purposes of a dwelling,</p> <p>(b) erection of a dwelling.</p> <p>10(3) The following matters are to be</p>	The dwelling is consistent with others in the area and does not create any incompatibility issues.	Yes

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taken into account:

- (a) the existing uses and approved uses of land in the vicinity of the development,
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
- (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,
- (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).

Port Macquarie-Hastings Local Environmental Plan 2011

In accordance with clause 2.2, the subject site is zoned RU1 Primary Production and RU2 Rural Landscape.

In accordance with clause 2.3(1) and the RU1 and RU2 zone landuse tables, the proposed development for a single dwelling house is a permissible landuse with consent in both zones.

The objectives of the RU1 and RU2 zones are as follows:

RU1

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

RU2

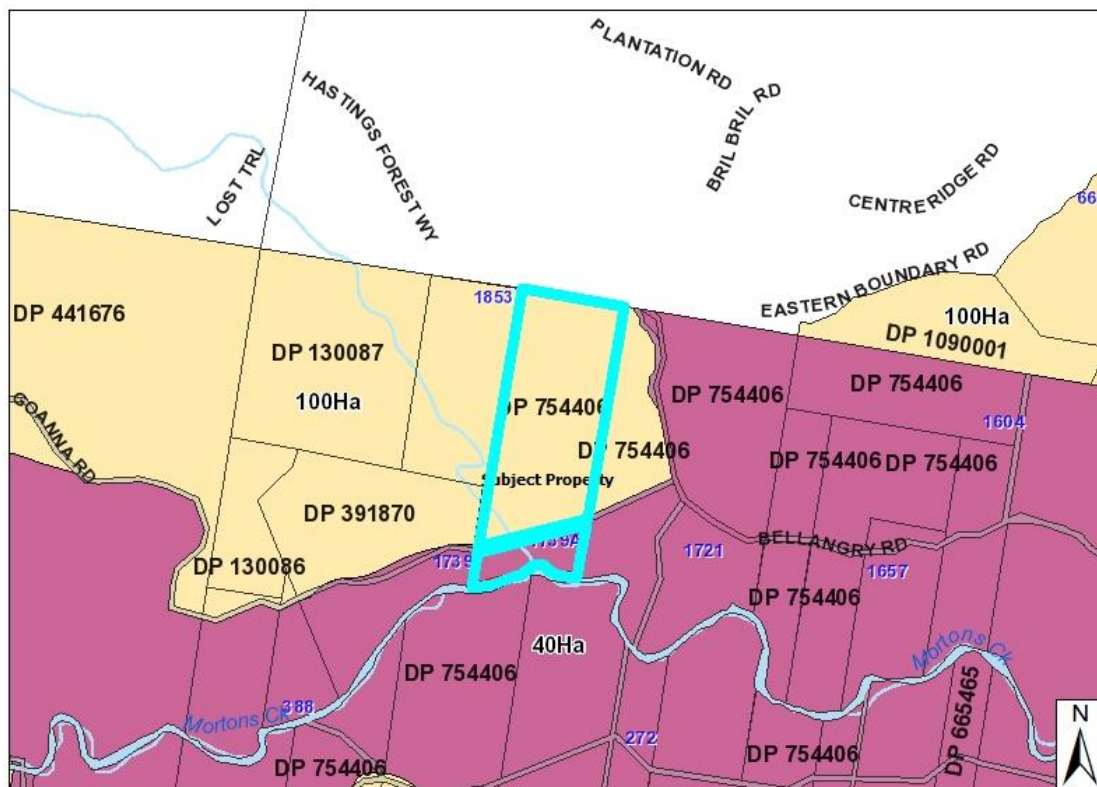
- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for rural tourism that does not compromise the primary industry capabilities of the land and is based on the rural attributes of the land.

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- To secure a future for agriculture in the area by minimising loss of potential agricultural productivity and fragmentation of rural land.

In accordance with clause 2.3(2), the development is consistent with the zone objectives, particularly as the proposal is a permissible land use, will not impact or create conflict with surrounding rural uses, will allow for management of the site/farm, does not fragment rural land, does not change the character of the area, does not result in any significant loss of agricultural land and is consistent with the established rural locality. The historic approval for a dwelling on the property sets the application apart from other sites and is not considered to result in the potential for any adverse cumulative impacts.

In accordance with clause 4.2A, the dwelling is proposed on the subject lot which does not have a dwelling entitlement. In particular, the subject lot does not meet the 40ha or 100ha minimum lot size standards applicable to the relevant areas on the property and the property is not an existing holding or an approved lot. While the property is over 40ha in total, the area of the property where the 40ha minimum lot size standard applies is only 5.4ha (approx). Refer to the minimum lot size map below for context, which shows the 40ha minimum lot size area in purple and the 100ha minimum lot size in yellow.



It should be noted that at the time of the original DA in 1994, Council staff took the approach that provided the dwelling was located in the 40ha minimum lot size area (purple area) and the overall property equated to 40ha, a dwelling was permissible. This explains how DA1994/280 was approved on the same property under basically the same circumstances. However, current interpretation of the legislation requires 40ha of the RU1 zone (40ha minimum lot size area) and hence the proposal is not considered to satisfy the minimum lot size standard.

Pursuant to Clause 4.6(3), consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a

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written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

As a result of the above, the applicant submitted a Clause 4.6 variation to the standard based on the following reasons:

- The size and shape of the subject site is consistent with the surrounding development pattern;
- The proposed dwelling is not considered likely to result in an unreasonable demand on services. Adequate area onsite is available for waste water and tank water supply;
- The proposed dwelling is considered unlikely to generate any conflicts with existing agricultural practices in the area as it is suitably separated from adjoining land owners.
- The subject site is not identified as being of high environmental hazard.
- Sufficient land area is available onsite so as to ensure occupant safety during a bushfire event;
- The proposed dwelling is not considered likely to detrimentally impact the agricultural viability of the land and it is anticipated that the grazing of cattle will continue to occur post construction of the dwelling;
- Goanna Road is a narrow gravel road servicing the subject site and one additional allotment to the west (Lot 1 DP 391870). The addition of one dwelling is not considered likely to detrimentally impact the usage pattern or quality of the road.
- The proposed dwelling is not considered likely to result in an uneconomical demand on amenities or services.
- The proposed dwelling is consistent with all relevant state policies and environmental planning instruments as demonstrated within this report, including the RU1 and RU2 zone objectives.
- The proposed development is not likely to have a detrimental impact on threatened species etc.
- The dwelling site is proposed to be located within a cleared area.
- The subject site was granted consent to contain a residential dwelling under DA1994/280 in a location similar to that proposed under this application. It is considered that this application demonstrates the sites suitability for the purposes of containing a dwelling and that the Council assessment undertaken for DA1994/280 considered matters similar to those assessed as part of this application.

Having considered the application, Clause 4.2A objectives and the Clause 4.6 variation, Council staff support the justification provided by the applicant. The site has historically contained an approval for a dwelling. While there have been some legislative changes since the original approval; the aims, objectives, minimum lot size standard and circumstances have remained relatively the same. The previous approval and circumstances surrounding the development creates a unique situation that will not result in a precedent or unplanned rural residential growth. At over 40ha, the property is also significant in size (i.e. not really rural residential).

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The development is also consistent with the objectives of the zone as discussed previously in this report and is unlikely to create any impacts of state or regional significance. This consideration is formed largely on the basis of the past approval to which other lots of a similar circumstance would not have the benefit of. For this reason, there is unlikely to be any adverse cumulative impact.

As per Planning Circulars PS 08-003 & 08-014, Council is also required to obtain concurrence to the Clause 4.6 objection from the DoPI. DoPI provided concurrence to the same development, albeit under a separate DA number, on 3 May 2013 for the following reasons:

- *A previous approval for a dwelling on the land was granted with an assumed concurrence under State Environmental Planning Policy No 1 Development Standards in 1994. It is noted that the approval was not enacted and subsequently lapsed. The approval related to a similar sized dwelling in the same location. Therefore there is no considerable material change between this application and the previously approved application. Although the variation to both development standards is large, the circumstances of the case justify a variation of the standard to enable a dwelling on the land.*
- *In this case the previous approval of a dwelling on the land distinguishes this application. It is considered that enabling a variation of the development standard under these circumstances does not result in a precedent for other undersized lots.*

The circulars further require the development to be determined by full Council and hence the recommendation for DAP.

In relation to other matters, the application does not require any tree removal.

In accordance with Clause 5.10, the site does not contain or adjoin any known heritage items or sites of significance. The area to contain the dwelling is located within an area showing signs of past farming disturbance. The applicant also carried out a search of the Aboriginal Heritage Information Management System (AHIMS) with no results being found.

Satisfactory arrangements are in place for provision of essential public utility infrastructure. The site contains sufficient area for an onsite waste management system.

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

None relevant.

(iii) any Development Control Plan in:

Port Macquarie-Hastings Development Control Plan 2013

Dwelling Provisions			
	Requirement	Proposed	Complies
DP 2.1	Articulation zone: • Min. 3m front setback • 25% max. width of dwelling	Articulation zone not proposed.	N/A
DP2.3	Front setback in rural areas is to be 20% of	There is no established setback, so the 10m	Yes

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	established setback or 10m.	standard would apply. The proposal is setback 10m from the access track that traverses the property.	
DP3.1	Garage door recessed behind building line or eaves/overhangs provided	The garage door is located on the side of the house. The rural area ensures no domination of garages on streetscape.	Yes
DP3.2	6m max. width of garage door/s and 50% max. width of building	Garage doors are less than 6m wide and less than 50% of the building.	Yes
DP3.3	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Standard rural crossover will apply.	Yes
DP4.1 DP4.2	4m min. rear setback. Variation subject to DP 4.2.	Dwelling is setback in excess of 4m from rear boundary.	Yes
DP5.1 DP5.2 DP5.3	Side setbacks: • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m	The dwelling is setback in excess of 3m from side boundaries. Dwelling articulation is acceptable for a rural property. Use of windows will aid in breaking up long sections of blank walls.	Yes
DP6.1	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	Being a 40ha+ rural property, the site contains sufficient open space.	Yes
DP10.1 DP10.2 DP10.3 DP10.4	Privacy: • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. i.e. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is	The dwelling is setback 100m from the nearest adjoining property boundary, which will ensure privacy is maintained.	Yes

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	less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m		
General Provisions			
DP1.1	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	Adequate casual surveillance available from the dwelling with limited concealment areas proposed.	Yes
DP5.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	No major cut of fill proposed or required.	Yes
DP11.1 onwards	Removal of hollow bearing trees	No tree removal proposed or required.	Yes
DP1.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint)	No tree removal proposed or required.	Yes
	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Noted
DP2.3	Driveway crossing/s minimal in number and width including maximising street parking	Only one driveway crossover proposed.	Yes
DP8.1	Parking in accordance with AS 2890.1	Being a 40ha+ rural property, the site contains sufficient area for parking.	Yes
DP11.1	Section 94 contributions	Refer to main body of report.	Yes
DP14.1	Sealed driveway surfaces unless justified	Standard rural driveway construction would suffice (i.e. compacted gravel).	Yes
DP17.2	Vehicle washing facilities – grassed area etc available.	Being a 40ha+ rural property, the site contains sufficient area for washing cars.	Yes
DP3.1	Off-street Parking spaces: • 1 space = single dwelling (behind building line)	2 spaces provided in the garage.	Yes

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

None relevant.

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iv) any matters prescribed by the Regulations:

None relevant.

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

None relevant.

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

Context & Setting

The proposal is considered to be consistent with other rural development in the locality and adequately addresses planning controls for the area.

Access, Transport & Traffic

Currently, the site is accessed via an informal track off Bellangry Road. The track traverses in and out of a crown road. This results in the track being partially located on an adjoining Lot 118 DP 754406. Owners consent from Lot 118 to have a right of carriageway over the track has been provided to formalise the situation.

The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

Water Supply

Water to be provided by onsite rainwater tanks.

Sewer

Sewer to be disposed of via an onsite system. The property contains sufficient area to dispose of effluent and conditions could be imposed to insure compliance.

Stormwater

Site contains sufficient area to deal with stormwater runoff.

Other Utilities

Telecommunication and electricity services can be made available at the applicant's expense.

Soils

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

Air & Micro-climate

The development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution.

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Flora & Fauna

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

Waste

Satisfactory arrangements can be put in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated.

Energy

The applicant has submitted a BASIX certificate, which will ensure a suitable level of energy efficiency.

Noise & Vibration

No adverse impacts anticipated. Conditions can be imposed to restrict construction to standard hours.

Natural Hazards

The site is identified as being bushfire prone. The applicant has submitted a bushfire assessment, which identified suitable separation between the dwelling and bushfire threat areas. In particular, there is at least 100m cleared grazing land from the dwelling to significant vegetation. The assessment also nominated a BAL level of 12.5. Based on the above, it is considered that the development would not be adversely affected by bushfire, subject to imposition of conditions.

The property also has frontage to Mortons Creek. While no flooding data exists for the site, it is likely that localised flooding does occur. The dwelling is noted as being 7m above the creek bed. This is similar to other dwelling locations along Mortons Creek and should be sufficient to provide protection from localised flooding events.

Safety, Security & Crime Prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The additional dwelling would provide further casual surveillance of the area.

Social Impact in the Locality

Given the nature of the proposed development and its location, the proposal is unlikely to result in any adverse social impacts.

Economic Impact in the Locality

Likely positive impacts can be attributed to the construction of the development and associated flow on effects (i.e. maintained employment in the construction industry and expenditure in the area).

Site Design and Internal Design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

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Cumulative Impacts

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

(c) The suitability of the site for the development:

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

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

No written submissions have been received following public exhibition of the application.

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions would not be required for augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993. In particular, the site is not connected to reticulated water or sewer.
- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

Refer to draft contribution schedule attached to this report and recommended conditions.

5. CONCLUSION

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

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

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

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Attachments

- 1 [View](#). DA2014 - 552 Plans
- 2 [View](#). DA2014 - 552 Development Contributions Calculation Sheet
- 3 [View](#). DA2014 - 552 Recommended Conditions

Looking After Our Environment

Item: 12.07

Subject: DA 2014 - 0124 - ALTERATIONS AND ADDITIONS TO CONSTRUCT THREE STOREY DWELLING-HOUSE INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 HEIGHT OF BUILDINGS AND 4.4 FLOOR SPACE RATIO UNDER PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - 995 OCEAN DRIVE, BONNY HILLS

Report Author: Patrick Galbraith-Robertson

Property: Lot B DP383657, 995 Ocean Drive, Bonny Hills
Applicant: Wayne Ellis Architects
Owner: W & FA Holvast
Application Date: 27 February 2014
Estimated Cost: \$354,600
Location: Bonny Hills
File no: DA2014 - 124
Parcel no: 15376

Alignment with Delivery Program

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

RECOMMENDATION

That DA2014 - 124 for alterations and additions to construct a three storey dwelling-house including clause 4.6 variation to clause 4.3 height of buildings and 4.4 floor space ratio under Port Macquarie-Hastings Local Environmental Plan 2011 at Lot B, DP 383657, No. 995 Ocean Drive, Bonny Hills, be determined by granting consent, subject to the recommended conditions.

Executive Summary

This report considers a development application for alterations and additions to construct a three storey dwelling-house at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, 16 submissions have been received which include a signed petition letter.

The application was reported to Council's Development Assessment Panel (DAP) on 1 October 2014 with the following resolution being made:

That it be a recommendation to Council that DA2014 - 124 for alterations and additions to construct a three storey dwelling-house including clause 4.6

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variation to clause 4.3 height of buildings and 4.4 floor space ratio under Port Macquarie-Hastings Local Environmental Plan 2011 at Lot B, DP 383657, No. 995 Ocean Drive, Bonny Hills, be determined by granting consent subject to the recommended conditions.

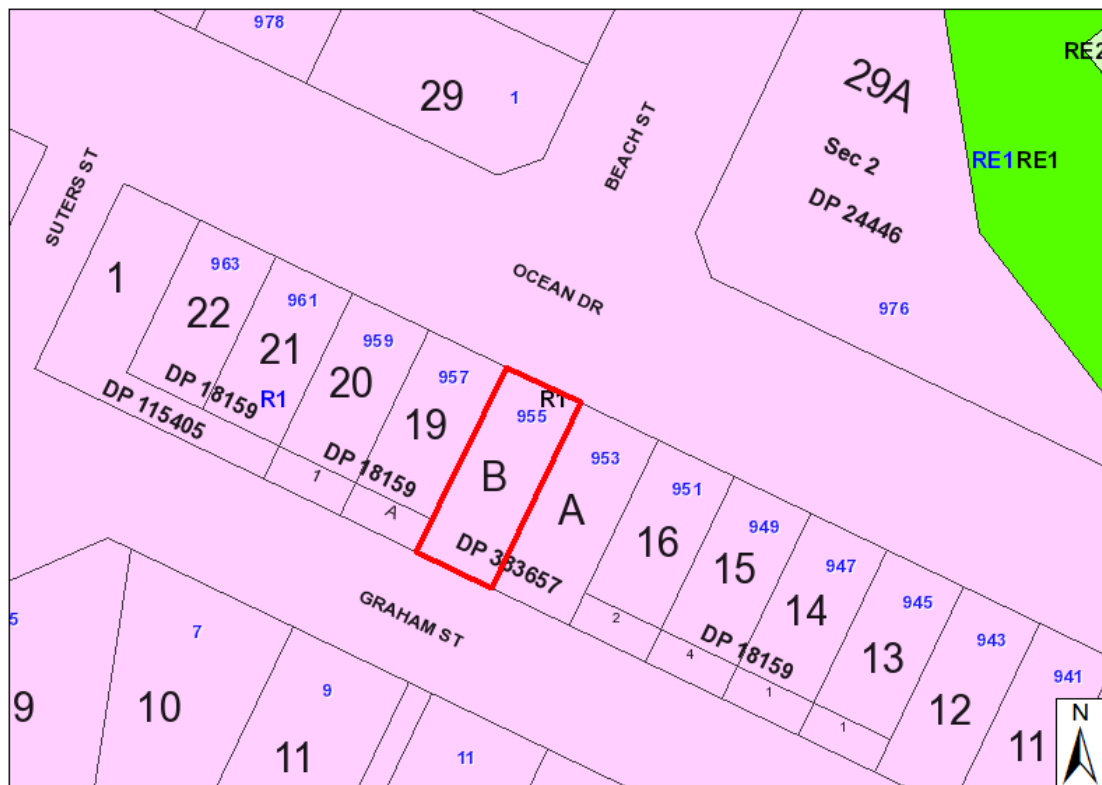
The design of the additions have been amended during the assessment of the DA, post neighbour consultation. The changes include increasing the west side setback from being a zero lot line setback and reducing the floor space of the altered building.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 245 m².

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



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

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2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Alterations and additions to an existing dwelling-house to create a 3 storey dwelling-house (as amended)

Refer to attachments at the end of this report.

Application Chronology

- 27 February 2014 - DA lodged
- 11 March 2014 - Additional information requested
- 12 March 2014 - Clarification of additional information request
- 18 March 2014 - Chased up organising height poles to be erected
- 8 April 2014 - Summary of submission issues raised provided to Applicant
- 2 May 2014 - Additional information requested
- 5 May 2014 - Site inspection including visit to neighbouring 9 Graham Street
- 6 May 2014 - Clarification of additional information request
- 31 July to 4 August - Clarification of additional information request
- 12 September 2014 - Additional fees paid
- 17 September 2014 - Amended plans submitted
- 2 October 2014 - DA reported to Council's DAP.

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3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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

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

State Environmental Planning Policy No. 55 – Remediation of Land

In accordance with clause 7, following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

The requirements of this SEPP are therefore satisfied.

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

The site is located within a coastal zone as defined in accordance with clause 4 of SEPP 71.

In accordance with clause 7, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clauses 8 and 12 to 16 of SEPP 71 and clause 5.5 of Hastings LEP 2011 inclusive, the proposed development will not result in any of the following:

- a) any restricted access (or opportunities for access) to the coastal foreshore;
- b) any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast;
- c) any identifiable adverse impacts on any known flora and fauna (or their natural environment);
- d) subject to any identifiable adverse coastal processes or hazards;
- e) any identifiable conflict between water and land based users of the area;
- f) any identifiable adverse impacts on any items of archaeological/heritage; and
- g) reduce the quality of the natural water bodies in the locality.

In particular, the site is cleared and located within an area zoned for residential purposes.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

In accordance with clause 6, a BASIX (certificate number A186479) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

The requirements of this SEPP are satisfied.

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Port Macquarie-Hastings Local Environmental Plan 2011

In accordance with clause 2.2, the subject site is zoned R1 General Residential.

In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for an altered single dwelling house is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

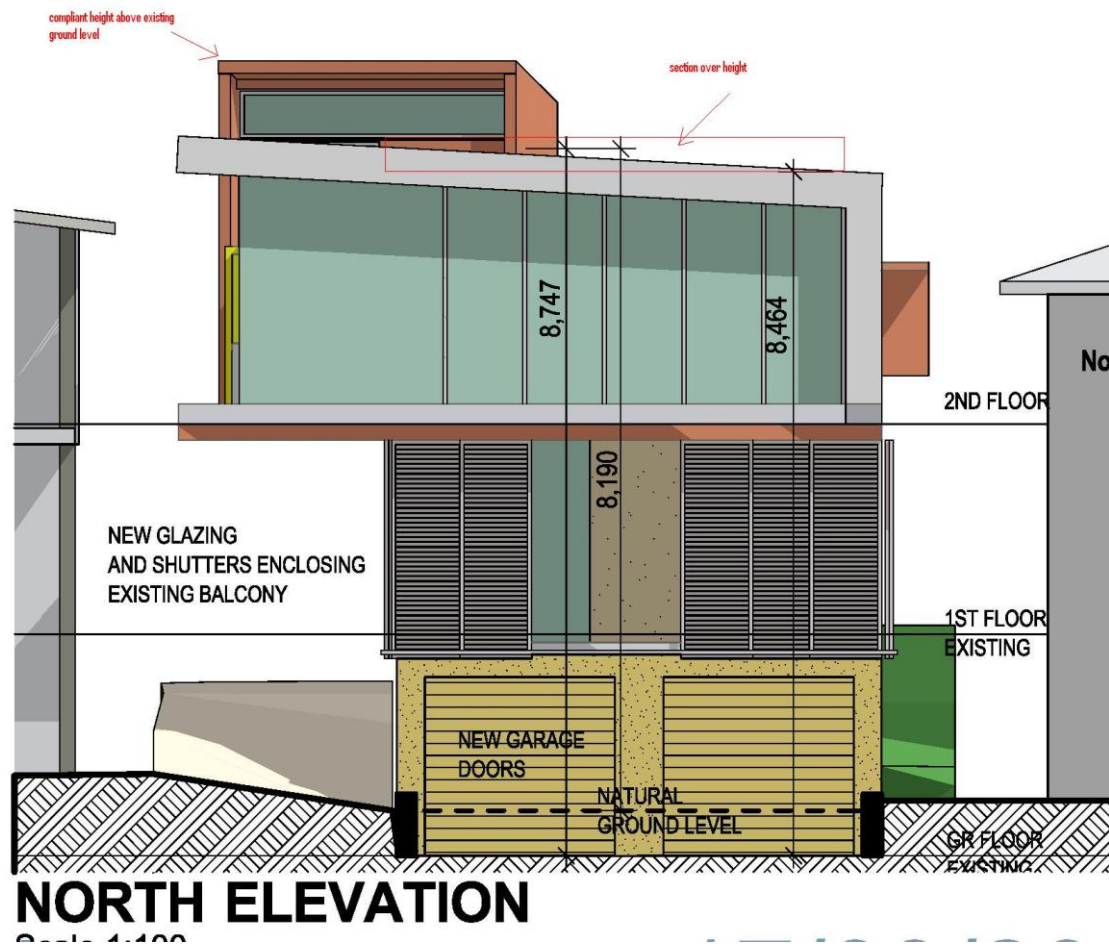
- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

In accordance with clause 2.3(2), the proposal is consistent with the zone objectives, particularly as the proposal is a permissible landuse and is sufficient consistent with the character of the established residential locality.

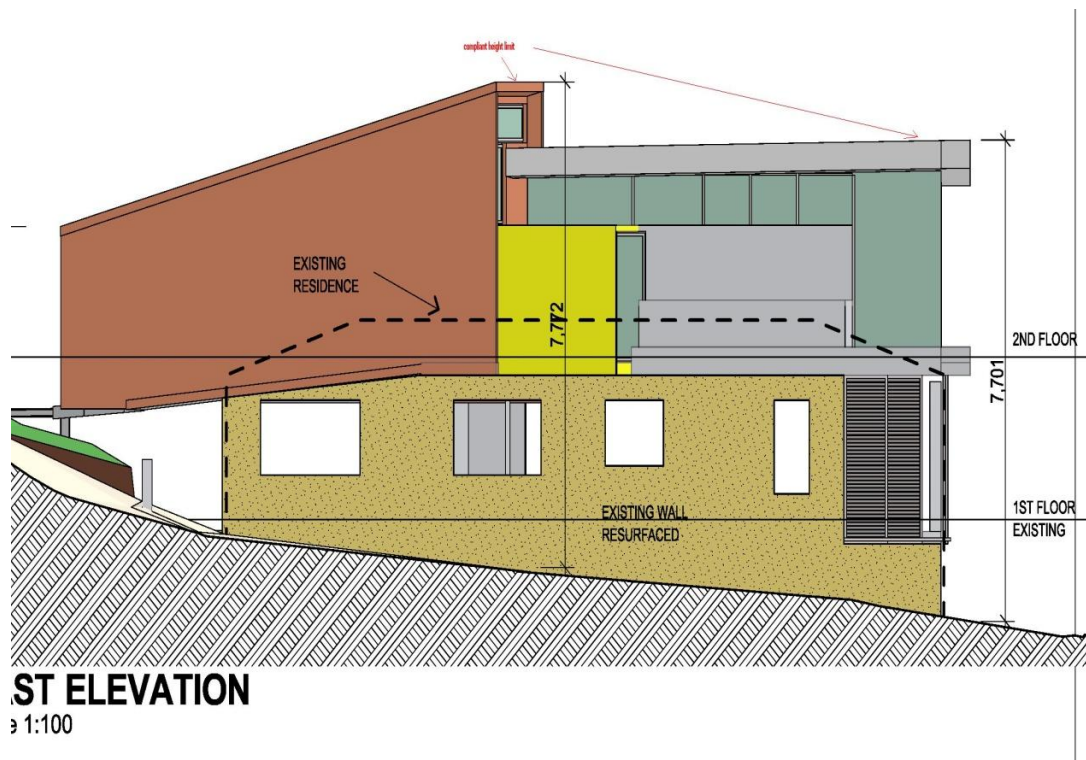
In accordance with Clause 2.6AA, any demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.

In accordance with clause 4.3, the maximum overall height of the proposal from ground level (existing), including from existing lower floor level, is 8.747m. This maximum height is unable to comply with the standard height limit of 8.5m applying to the site and equates to a 3% exceedence. Note that the highest part of the building above existing natural ground level complies with the maximum 8.5m height. The variation relates to the height above the garage floor level to the top of the roof as shown below.

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The Applicant has lodged a Clause 4.6 variation to the height in this regard, applying for a variation to the standard on the following grounds:

- The area of encroachment is less than 10%.
- This proposal accords with the state criteria for exemption to achieve better outcomes for and from development allowing flexibility in particular circumstances, because it allows a reasonable frontage to the dwelling aligning with the neighbours and affords increased living amenity. The roof over this footprint is minimum pitch and has a minor 247mm encroachment in height over the excavated land below.
- Views from residences on the south side of Graham Street will be relatively unaffected. There is no house immediately behind the proposal rather than the residences look over no.s 957 and 953 Ocean Drive.
- The building is consistent with the scale and bulk of adjacent dwellings particularly new residences. Refer specifically to no.s 957, 953, 951, 949 and 947.
- The encroachment is minor and if natural ground level were the criteria there would be no height encroachment.
- The area of encroachment has a low pitch of 3 degree skillion roof. This roof is below the entry roof which is compliant. There is no effect of this roof on views etc to adjoining properties.
- The scale from Graham Street is of a single storey dwelling. The scale from Ocean Drive is consistent with adjacent dwellings. Views from existing dwellings northwards on the south side of Graham Street are retained (refer to long section drawing). The existing house didn't have any built forms over the 3.0m drainage easement and hence afforded views down to Ocean Drive for a pedestrian standing in Graham Street. The drainage easement is not a public space, it has a retaining wall across the south making it non-trafficable and therefore has no claim to be retained unencumbered. This view across the easement would be negated even if the proposal was for a single storey dwelling.

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The Applicant's justification for the minor height variation is well justified and recommended to be supported.

In accordance with clause 4.4, the floor space ratio (FSR) of the amended proposal is technically calculated to be 0.78:1 (floor area 192m²/245m² site area) which includes consideration of half of the double garage (1 car space is excluded from the calculation of floor space) and excludes lift and stairwell areas. The FSR does not comply with the maximum 0.65:1 floor space ratio applying to the site and equates to a 20% exceedence of the standard or in real terms 32.75m² of floor area. The Applicant has lodged a Clause 4.6 variation in this regard, applying for a variation to the standard on the following grounds:

- *The site is very small in area and the establishment of a residence with 204m² of habitable floor area is not unreasonable and is in fact below the average of new dwellings.*
- *This proposal accords with the stated criteria for exemption to achieve better outcomes for and from development by allowing flexibility in particular circumstances, because it allows a reasonable habitable floor area for the dwelling.*
- *The proposal doesn't create any adverse impacts because of the floor area and envelope proposed.*
- *The site is encumbered by a 3.0m wide easement and as a result provides the site with an excess of open space at ground level.*

Having regard for the amended plans, which included removing the zero lot line setback on the west side of the dwelling fronting Graham Street and the Applicant's justification, it is recommended that the variation be supported. The additional floor space is considered to be relatively minor in the context of the scale of other buildings within the immediate locality having frontage to Ocean Drive. Additionally, it is considered that the development has incorporated suitable design elements to break up the bulk and scale of the development and will not have an adverse impact on the streetscape.

It is noted that the Department of Planning Circular PS08-003 provides Council with the assumed concurrence of the Director General with respect to the Clause 4.6 variation. However, as the floor space ratio variation is technically greater than 10% (20%) then the DA is required to be determined at an Ordinary Meeting of Council.

In accordance with clause 5.9, no listed trees in Development Control Plan 2013 are proposed to be removed.

In accordance with clause 7.13, satisfactory arrangements are in place for provision of essential public utility infrastructure.

The requirements of this LEP are therefore satisfied.

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

No draft instruments apply to the site.

(iii) any Development Control Plan in:

Port Macquarie Hastings Development Control Plan 2013

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DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch • Not located in front setback 	n/a	
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • 25% max. width of dwelling 	Approx. 0.15m secondary front setback to Graham Street Min. 5.6m to articulation west elevation wall - encroachment into 6m setback	No* Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road • Min. 2.0m Laneway 	Approx. 0.15m secondary front setback to Graham Street Min. 6.109m primary front setback to classified road - Ocean Drive	No* Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	No change to existing double garage accessed off Ocean Drive. The proposal is for alterations and additions to the remainder of the dwelling	N/a
	6m max. width of garage door/s and 50% max. width of building	No change to existing double garage accessed off Ocean Drive.	N/a
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	No change proposed to existing driveway crossover	N/a
	Garage and driveway provided on each frontage for dual occupancy on corner lot	N/a	
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	The site has no rear setback with a secondary front setback to Graham Street	n/a
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m 	Min. 1.0m west side setback with wall recess	Yes/No*

Looking After Our Environment

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. Building wall set in and out every 12m by 0.5m 	articulation to min. 0.3m side setback Min. 0.9m east side setback No adverse overshadowing impacts to neighbouring properties with reduced first and second floor setbacks Building articulation satisfactory set in and out	Yes Yes Yes
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. Grade and directly accessible from ground floor living area.	1800 x 1800 deck on second floor and existing floor plan on first floor. Remaining site area is open space.	No* Variation is minor and existing deck size is not proposed to change.
3.2.2.7	Front fences: <ul style="list-style-type: none"> If solid 1.2m max height and front setback 1.0m with landscaping 3x3m min. splay for corner sites Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings 0.9x0.9m splays adjoining driveway entrances Front fences and walls to have complimentary materials to context 	n/a	
3.2.2.8	No chain wire, solid timber, masonry or solid steel front fences	n/a	
3.2.2.10	Privacy: <ul style="list-style-type: none"> Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent 	No direct views across side boundaries between main living areas of adjacent dwellings as screened or obscured within 9m radius and within 12m private open space radius.	Yes

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DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

	Requirements	Proposed	Complies
	dwellings. i.e. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed <ul style="list-style-type: none"> • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 		
3.2.2.11	Roof terraces	n/a	
3.2.2.13 onwards	Jetties and boat ramps	n/a	

DCP 2013: General Provisions

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	Adequate casual surveillance available	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	No new cut and fill proposed	n/a
2.3.3.2	1m max. height retaining walls along road frontage	n/a	
	Any retaining wall >1.0 in height to be certified by structure engineer	n/a	
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	n/a	
2.3.3.8	Removal of hollow bearing trees	n/a	
2.6.3.1	Tree removal (3m or higher	n/a	

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DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	with 100m diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)		
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads Driveway crossing/s minimal in number and width including maximising street parking	Existing access not proposed to change direct from Ocean Drive	N/a
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	No change to existing double garage - two parking spaces servicing dwelling.	Yes
2.5.3.11	Section 94 contributions	n/a	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	n/a - alterations and additions to existing dwelling	n/a
2.5.3.14	Sealed driveway surfaces unless justified	Existing access not proposed to change direct from Ocean Drive	N/a
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length		
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface. Vehicle washing facilities – grassed area etc available.		

The proposal seeks to vary Development Provisions relating to the secondary front setback to Graham Street with a minimum 0.15m setback within the 3.0m recommended front setback.

The relevant objectives are:

- Front setbacks should support an attractive streetscape

Having regard for the development provisions and relevant objectives, the variations to front setback is Graham Street is considered acceptable for the following reasons:

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- The proposal is consistent with the setbacks of other garage and parking spaces for properties on the northern side of Graham Street.
- There is a very established character of reduced setbacks on Graham Street on the northern side of the street.
- The subject elevation fronting Graham Street is significantly articulated.
- The dwelling will maintain a visible entry to the dwelling from the street setback approximately 1.5m from the subject front boundary to Graham Street.
- The proposed altered dwelling is effectively single storey when viewed at street level from Graham Street.

The proposal seeks to vary Development Provisions relating to the western side setback with a part minimum 0.3m setback which is within the 0.9m recommended standard.

The relevant objectives are:

- To reduce overbearing and perceptions of building bulk on adjoining properties and to maintain privacy
- To provide for visual and acoustic privacy between dwellings

Having regard for the development provisions and relevant objectives, the variations to western side setback are considered acceptable for the following reasons:

- The encroachments relate to two wall recesses only on the second uppermost floor level - effectively giving the appearance of boxed hoods on the side of the building.
- The wall recesses do not add additional floor area and could be considered as encroachments such as roof eaves which can be down to 450mm.
- The length and heights of the wall recesses is limited and breaks up the side of the building.
- There are no adverse visual or acoustic privacy issues with the encroachments.

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

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

iv) any matters prescribed by the Regulations:

NSW Coastal Policy 1997

The proposed development is consistent with the objectives and strategic actions of this policy.

Demolition of structures AS 2601 – Cl. 66 (b)

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

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

None applicable.

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

Context and setting

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain as justified.
- The proposal is considered to be consistent with the desired character for residential development in the locality and adequately addresses planning controls as justified for the area.
- There are no identifiable adverse privacy impacts.
- There are no identifiable adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

View sharing

During the neighbour consultation period for the original proposal (note height has not been altered with amended proposal only increased west side setback in proximity to Graham Street), concerns surrounding view loss were raised by surrounding residents and a number of photographs and diagrams on impact were submitted. The Applicant arranged for the owner to install height poles as an initial means for the assessing officer and neighbours to check the extent of view impacts and to assess the scale of the proposal.

The assessing officer carried out an inspection of the site and surrounding area from Ocean Drive, Graham Street, Short Street and Rainbow Beach which revealed that the properties likely to have possible view sharing impacts requiring closer investigation included 7, 9 and 11 Graham Street. The assessing officer subsequently met with the owner of 9 Graham Street and observed views from key viewing points within the subject properties. A photo from a site visit from key primary living vantage point (deck off living space on first floor level) at adjacent 9 Graham Street is included below. The height poles are visible in the photos.

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The applicant was provided with a summary list of the submissions received following neighbour consultation of the original proposal. Amended plans have been subsequently submitted which have not been neighbour notified.

With regard to view impacts, the notion of view sharing is the appropriate terminology which is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. Taking all a significant view away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.

Using the principles of NSW Land and Environment Court case law - *Tenacity Consulting v Warringah 2004 NSW LEC 140*, the following assessment comments are provided in regards to the view impacts particularly to neighbouring properties to the south of the site mentioned above using the 4 step process to establish whether the view sharing is acceptable/reasonable:

Step 1

Assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

As illustrated in the above photograph in particular, the subject neighbours enjoy a view orientated north towards Rainbow Beach and then to distant views to Lake Cathie and to the Port Macquarie coastline. The dwellings immediately adjacent to the south enjoy water views of the Pacific Ocean and part of closer foreshore beach view (partly obstructed by existing dwellings on the north side of Graham Street). The

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distant coastline views are considered to be whole views and iconic particularly with the land and ocean interface.

The views to the north towards Port Macquarie also take in Tacking Point lighthouse, although no definitive shape of the lighthouse can be seen with the naked eye. Residents have advised previously with other recent Development Applications that the light of the lighthouse is visible at night.

Step 2

Consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The views of Rainbow Beach, distant views of Port Macquarie etc, ocean views and sections of land/ocean interface are enjoyed from affected residences across their front boundary. The views are enjoyed from both standing and sitting positions from various parts of both residences. The above photo was taken from primary living areas (i.e. not bedrooms).

Step 3

Assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The extent of the impact upon the views enjoyed from 7, 9 and 11 Graham Street are considered to be minor to moderate for the following reasons:

- The existing views of the more distant land and water interface will be retained from primary living areas.
- The distant views of Lake Cathie and Port Macquarie will be retained, including the Tacking Point lighthouse.
- Sections of ocean view will be lost (by another dwelling two doors to the east - height poles in photo), but not to the point where it completely impacts on the overall broader vista of the ocean.
- Where views are more impacted it is from the lesser use areas of the house (i.e. bedrooms) or the front yard/street area.
- The view loss from 9 Graham Street of the more proximal section of beach including interface with the sand is currently not a complete whole view of the beach. The loss of view of some of the surf and beach at low tide across the current roof top of the existing lower height dwelling is considered minor to moderate given the maximum height of the building complying with the height limits in particular.

Step 4

Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more

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reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The impacts on view sharing for the properties at 7, 9 and 11 Graham Street, are reasonable for the following reasons:

1. The secondary front setback variation does not result in any additional significant loss of view.
2. The proposal complies with the 8.5m maximum building height limit at the highest point of the building (variation is for lower skillion roof section which is taken from garage floor level).
3. The building will sit lower than a full two storey dwelling when viewed from Graham Street.
4. Whilst the building is technically 3 storeys in its central core, the lowest ground floor level is significantly cut into the site.
5. The proposal provides for a 4 bedroom dwelling and is on a site with significant fall.
6. The proposal is not inconsistent with the desired character for the area particularly given the significant number of existing established larger dwellings within the Ocean Drive strip and the number of reduced front setbacks fronting Graham Street.
7. The design of the proposal is considered a reasonable response to the site conditions and context in regards to maintaining view sharing to the neighbouring dwellings to the south of the site.

Access, transport and traffic

The proposal will be unlikely to have any adverse impacts in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development noting that there is no increase in dwellings.

Water Supply

Service available – details required with S.68 application.

Sewer

Service available – details required with S.68 application.

Stormwater

Service available – details required with S.68 application.

Council's Stormwater Engineer has reviewed the proposal particularly with regard to the cantilevered section of building across the drainage easement. The engineer has advised that the section of building is acceptable with the vertical clearance proposed for maintenance purposes.

With regard to the street level relationship of the building, a grading plan is recommended to be provided as a condition of consent for the Graham Street

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frontage of the site which demonstrates that any stormwater overflows from Graham Street are directed into the existing easement for drainage traversing the site.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

The site does not contain or adjoin any known heritage item or site of significance.

Other land resources

No adverse impacts anticipated. The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

Soils

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

Air and microclimate

The construction of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution.

Flora and fauna

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

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX.

Noise and vibration

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

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.

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Social impacts in the locality

Given the nature of the proposed development, the proposal is unlikely to result in any adverse social impacts.

Economic impact in the locality

No adverse impacts. Likely positive impacts can be attributed to the construction of the development and associated flow on effects (i.e. increased expenditure in the area).

Site design and internal design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

Cumulative impacts

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

(c) The suitability of the site for the development:

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

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

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

16 submissions have been received which include a signed petition letter.

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

Submission Issue/Summary	Planning Comment/Response
The design is not suited to such a small block. This has resulted in a number and size of variations being required to be approved regarding bulk and scale relating the Port Macquarie-Hastings Local Environmental Plan 2011 and Development Control Plan 2013.	The proposed altered dwelling is suitable to the site having regard to the justified variations and compliance detailed earlier in this report.
The block is small at 245m ² and the owner has knowledge that the small lot would impose considerable restrictions to the scale of the development. The proposal attempts to justify pushing the envelope on regulations with little regard to the impacts on adjacent neighbours' views and harmony with the general streetscape of the area.	

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The Floor space ratio of 0.83:1 is over 0.65:1 by 28%.	The floor space ratio of the amended proposal is calculated to be 0.78:1 which includes consideration to count half of the double garage by definition and exclude lift and stairwell areas. Refer to discussion earlier in this report.
The secondary road setback of 3.0m is a variation to the 4.5m setback requirement.	The secondary road setback is proposed to be 0.3m and is recommended to be supported as justified earlier in this report.
The first floor and above side boundary setbacks appear to be much less than required (3.0m) for sections of walls on both the west and east side of the building. This could be a concern to the neighbours.	The side setbacks are compliant with the DCP as encroachments in to the 3m side setback with the exception of the western wall recesses which are considered to have no adverse impacts.
The building height - although it is claimed to be a maximum height of 8.727m (above the 8.5m height limit) represents an overrun of 0.227m. The effective height on the eastern side has been measured off the plans as 9.85m above the existing ground level of the garage doors with the proposed inclusive of the third storey. This will double the height of the existing 2 storey building at the highest point of the proposal (measuring 1.96x the current height at the gable. If the garage is more than half the length of the house then the amount the building exceeds height restrictions will be more like 25%.	This height interpretation is incorrect. Refer to comments earlier in this report that address height compliance. If the dwelling was a new dwelling and proposed cut into the natural ground level it would comply.
The roof line should be lowered to the regulatory maximum of 8.5m above existing ground level. Light can be provided by installing skylights at any location on the roof instead of via the window on the north side of the high section at the back, as currently designed. And it is ventured that this would lower construction costs.	The portion of the building containing the highlight windows complies with the height limit.
The argument made in the submission about the height being compliant when measured from natural (versus existing) ground level - claimed to be excavated at the front is erroneous given that the easement on the eastern side of the house was a creek bed in its natural state but now includes a 525mm OD concrete pipe buried under a layer of soil which provides the existing ground level - an increase of 700mm above natural ground level.	Height is calculated from existing ground level and the plans are accurate.

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The proposal is inconsistent with the height objectives of the Port Macquarie-Hastings Local Environmental Plan 2013.	Height is assessed and considered acceptable as described in this report.
The building is too high and bulky for the site.	The building is considered to be acceptable in bulk and scale. The architectural articulation of the building assists with the break up the perceived bulk of the building.
Given that the block has unimpeded significant and iconic views north/north-east and cannot be built out on this aspect as it looks straight down Beach Street, the need for a palatial third floor is questioned.	View sharing has been addressed earlier in this report as being acceptable.
No consideration has been given to the view sharing with neighbours in arriving at this design. The structure will be higher than both neighbouring houses - and in particular the recently built (2013) adjoining house built with empathetic design on a similar sized block - even though 955 is at a much lower natural ground level.	The Applicant has provided a section plan of assumed impacts on views and considered the height limits applying to the site.
The view from the neighbouring properties across the property is highly valuable and the proposal will obliterate the views. The height exceedence is not reasonable.	View sharing has been addressed earlier in this report as being acceptable.
71 percent of the dwellings fronting Graham Street are single storey.	It is agreed that there are a number of dwellings with only single storey height sections fronting Graham Street. The proposed altered dwelling is effectively single storey when viewed at street level from Graham Street.
The assertions made in regard to there being minor off-site impacts on the amenity and value of neighbouring and adjacent properties are unsubstantiated and incorrect.	The altered dwelling is considered suitable within the existing context having regard to planning controls as justified earlier in this report.
No doubt the owners are attempting to build something that they consider to be architecturally different and appealing but in so doing have given little thought to off-site impacts.	
One of the key elements encompassed in the community's vision statement for Bonny Hills is to retain its' village atmosphere and the issued that most people raise in relation to this is keeping building heights reasonable. Residents do not want to see high rise developments particularly in unsuitable locations - this is one such location.	
While precedents have been set under	Each DA is treated on its own merit

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previous administrations and under different sets of rules this is not a valid argument with more of the same. The flow on impacts of allowing one-off transgressions to accepted standards are many, and poor governance in this regard sends mixed messages to the community and developers at large.	having regard to context and current planning controls. The altered dwelling is considered suitable within the existing context having regard to planning controls.
The proposal does not pass the test of reasonableness and cumulative transgression is unacceptably large with reference to NSW Land and Environment Court case law <i>Tenacity Consulting V Warringah 2004 NSW LEC 140</i> .	The proposal is considered to pass the view sharing test as addressed earlier in this report.
The application is for a 3 storey building which is not in keeping with most buildings in this area which are 2 storey only. The 3 storey building would not be in keeping with the designs which respond to landform.	There are a number of other three storey buildings. The height of the altered dwelling is considered suitable within the existing context having regard to planning controls.
It should be noted that solar power and or solar water may be required on the roof thus making the building even higher than proposed.	Solar panels are exempt under State Policy subject to certain requirements.
The Applicant should provide further documentation which justifies the contention of minimal adverse impact on surrounding properties and the general location.	The Applicant has provided sufficient information to support the plans submitted to enable a proper assessment of the application.
The assessment of view loss is inadequate and should be accompanied by a quantitative and qualitative assessment in order to accurately describe the impacts on view loss by the proposed development.	View sharing has been addressed earlier in this report as being acceptable.
The information submitted does not address the relative performance requirements/objectives which underpin the development standards.	Variations are addressed earlier in this report and are recommended to be supported.
The quantity of variations to the LEP and DCP provisions will result in a building which has a bulk and scale which is inconsistent with that which is reasonable and reflective of minimising impacts on adjoining and adjacent properties and does not reflect the development constraints presented by the site itself.	The variations are minor and the altered dwelling is considered suitable within the existing context.
The proposal is significantly different to development which exists and has historically existing. More recent development in the area has had a 2 storey design concept, which is generally accepted as being consistent with the	

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context and setting of the locality.	
Due to the nature of historic development in the area, the majority of properties had had access to near and far coastal views for a considerable period of time. This has been based upon the notion of view sharing, which has generally been adopted in the area and underpinned by a development bulk and scale which is consistent with this concept. No objective assessment of justification of the impacts of the proposed development upon view loss has been provided. The proposal will have an unquantified and unqualified impact upon existing views. Also associated with the loss of views, would be negative impact on property values.	View sharing has been addressed earlier in this report as being acceptable.
Whilst 3 storey dwellings and reduced front and side boundary setback are present in the area, the variation of development control standards based upon this does not take into account the potential cumulative loss in amenity of the area.	The variations are minor and the altered dwelling is considered suitable within the existing context.
The development is already building onto Graham Street without the usual setback. Question whether there is enough room to make up for the lack of the block size with the front setback variation already.	The altered dwelling is considered suitable within the existing context.
The objectors were concerned about privacy. The Applicant has provided screens on the balconies facing north so that there would be little overlooking from the proposal. A large setback and generous area of deep landscaping would however achieve the same result without privacy screens that have a negative impact on the amenity of balconies.	There are no adverse privacy impacts.
The proposal has a minimal rear setback to the rear boundary.	The site is considered to not have a rear boundary given it has with two street frontages. The secondary street frontage setback to Graham Street is considered satisfactory as addressed earlier in this report.
The cantilevering at an angle on sections of the proposed additions make the plan innovative and imaginative but not on this block of land. It shall increase views from the proposed building but even without an easement underneath it encroaches on the allowed side boundary setback limits.	View sharing has been addressed earlier in this report as being acceptable.
If the stormwater drain in the easement becomes blocked how would excavation be	Council's Stormwater Engineer has reviewed the proposal

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done without causing damage to either the building and/or at great expense to Council?	particularly with regard to the cantilevered section of building across the drainage easement. The engineer has advised that the section of building is acceptable with the vertical clearance proposed for maintenance purposes.
The west wall of the second floor is exceptionally close to the neighbour's boundary. This exceeds the Council regulations and will negatively impact on the neighbour's privacy. The additional habitable area will impose on the neighbour's private open space and land making the neighbour's land less appealing.	West wall referred to has been pulled in as part of amendments to the proposal.

(e) The Public Interest:

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

The proposed development satisfies relevant planning controls, including variations as justified, and is not expected to impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

None applicable.

5. CONCLUSION

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

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

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

Attachments

- 1 [View](#). DA2014 - 124 DA Plans.pdf
- 2 [View](#). DA2014 - 124 Recommended Conditions
- 3 [View](#). DA2014 - 124 Submission - Anne Huleatt
- 4 [View](#). DA2014 - 124 Submission - Bevan
- 5 [View](#). DA2014 - 124 Submission - Bonny Hills Residents - Roger Barlow
- 6 [View](#). DA2014 - 124 Submission - Counsell

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- 7[View](#). DA2014 - 124 Submission - Donald Hunter
- 8[View](#). DA2014 - 124 Submission - Garnett
- 9[View](#). DA2014 - 124 Submission - Kelly Huleatt
- 10[View](#). DA2014 - 124 Submission - Louise Hunter
- 11[View](#). DA2014 - 124 Submission - Timothy Huleatt
- 12[View](#). DA2014 - 124 Submission - Toohey
- 13[View](#). DA2014 - 124 Submission - Wulff

Planning and Providing Our Infrastructure

What are we trying to achieve?

Our population growth is supported through public infrastructure, land use and development strategies that create a connected, sustainable and accessible community.

What will the result be?

- Supported and integrated communities.
- Infrastructure provision and maintenance that respects community expectations and needs.
- A natural environment that can be accessed by a network of footpaths, cycleways, coastal and hinterland walkways.
- Accessible, convenient and affordable public transport.
- Employment and population growth that is clustered within urban centres.

How do we get there?

- 5.1 Create and maintain integrated transport system that eases access between population centres and services.
- 5.2 Ensure transport options are safe, functional and meet access needs across the Local Government Area.
- 5.3 Develop and enhance quality open space and recreational facilities.
- 5.4 Plan settlements to accommodate a range of compatible land uses and projected population growth.

Planning and Providing Our Infrastructure

Item: 13.01

Subject: DRAFT RECREATION PLAN

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 publicly exhibit the Draft Recreation Plan from 20 October to 28 November 2014 and consider a further report after the exhibition period.

Executive Summary

A draft Port Macquarie - Hastings Recreation Plan has been prepared for Council by ROSS Planning. The Recreation Plan is intended to provide council and the community with clear direction regarding the future of our parks, recreation and sporting facilities for the next 10 years.

It is proposed that Council adopt the draft Recreation Plan, that Council staff then exhibit the draft Recreation Plan from 20 October to 28 November 2014, and that Council considers a final Recreation Plan for adoption at a future Ordinary Council Meeting.

Discussion

As we know and appreciate, our LGA has some fantastic recreational resources, including the Coastal Walk, Port Macquarie Skatepark, the Wauchope All-Abilities Playground, our sporting facilities, and our amazing beaches. As a Council, we need to be well prepared to continue to deliver an appropriate level of recreational facilities and services to our unique population into the future.

To guide forward planning, in September 2013 Council engaged ROSS Planning to develop a Recreation Plan for the LGA. The Recreation Plan is a strategic planning document which is intended to provide council and the community with clear direction regarding the future of our parks, recreation and sporting facilities for the next 10 years.

To prepare the Recreation Plan, ROSS Planning has undertaken extensive research, mapping and consultation. The Recreation Plan maps all current recreation facilities across the LGA, and planned developments for the next 10 year period. It identifies the community's recreational activities, together with our capacity as a Council to deliver and maintain recreational services.

The consultant analysed local demographic and population data. This was of particular importance given our aging population and the way our active senior

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citizens recreate. Recreation trends and future recreation needs were also reviewed, and opportunities to increase recreational use and access across the LGA that would see a healthier population in the long term were considered.

Representatives of sporting clubs and community groups were interviewed during the preparation of the draft Recreation Plan to scope issues and concerns, determine what is working well and where improvements can be made. The general population of the LGA was provided an opportunity to have their say about recreation via an online survey hosted on PMHC Listening.

The responses individuals gave online, together with the results of interviews, data research, mapping and 'ground truthing', provided the basis for the development of the draft Recreation Plan. The draft Recreation Plan is attached for information.

The draft Recreation Plan

The draft Recreation Plan is a comprehensive document and it is not practical to provide an oversight of the entire document in this report. Some of the key points associated with the draft plan are:

- The plan generally indicates that rates of provision for open space and major facilities are meeting (or exceeding) industry standards. Current supply of open space across the LGA is 3.95 hectares per 1000 residents, which exceeds industry standards of 2.83 hectares per 1000 residents and councils adopted standards of 3.0 hectares per 1000 residents.
- There is significant opportunity to improve the quality of facilities being provided
- There is further opportunity to improve opportunity for activation through place making or commercial activities such as boot camps, yoga, etc.
- The plan also recommends outsourcing of management of aquatic facilities and indoor stadiums, which is current practice with the exception of Wauchope Indoor Sports Stadium.
- Recognition that there will be future demand for additional recreational boating infrastructure to support increases in this activity and to support population growth
- The plan proposes the formation of a sport & recreation advisory group to assist council in determining priorities and managing delivery of the plan.

It is really important to acknowledge that there are recreational demands and trends which have emerged since early rounds of community engagement were undertaken. As a consequence some of these emerging demands are not included in the draft. It is considered that these can be adequately captured during the public exhibition process and included in the final plan following analysis and determination. For example, recent requests for sites for BMX and remote control car clubs, and infrastructure to support the re-emergence of baseball at a local level, have not been captured in the plan.

There have been several iterations of the draft plan to date and further changes to the document have been requested by councillors and staff. Staff have requested ROSS Planning to make these further changes to the draft plan prior to public exhibition of the document. The requested changes are identified in the table below:

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Page	Comment
2	Two full stops after “future communities” (paragraph 1)
2	Flow chart: Operational Plan 2013-2014 should read 2014-2015
2	Remove comma after development - last line of first paragraph
4	in box, remove or modify reference to ‘DINKS’
5	2nd last paragraph, should note Wauchope as well as Camden Haven Last paragraph - change reference from 'growth hotspots' to 'growth areas'
5	Font change for “consistent with” (paragraph 2)
21	Re: Tuffins Lane - remove hyphen in “in-sufficient”
23	Refers to ‘TARDIIS’ this term is not relevant externally
23	To the dot points add ‘available (vacant preferably) riverside land
23 & 89	Include opportunity for private water based recreation incl. water skiing facilities in these sections and update Implementation Table actions.
24	Re: Settlement Point walkway question re: “over the rocks”
25 & 93	Too much emphasis on Move Eat Live Well project. This project was a one off. Increase emphasis on personal training, boot camps, surf school programs as briefly mentioned on page 25. CHANGE 3.3 & 3.4 of the implementation plan to reflect this.
28	Delete/change waterslide picture. Has been removed as part of management changeover for the Wauchope Pool facility.
50	Contribute significantly to local amenity and sense of place
57	There are localities missing off Rural precinct list, which should be noted, e.g. Rollands Plains, Telegraph Point, Lorne, Byabarra, Pappinbarra, North Shore (Typo - Pembroke)
80	Change heading from Peri-Urban Planning Precinct to Rural Planning Precinct
84	Inconsistent Rural list relative to page 57
89	Second last dot point: change ocean to river
89	DELETE ‘A full list of boat ramps, wharves, jetties and pontoons and their condition audit can be found in Council’s TARDIIS Services Review Project, Phase 2: Boat Ramps/Wharves/Jetties/Pontoons Case for Change document.’
90	Re: 1.2 under Rationale - add “& to improve access for the community”
90	Re: 1.6 under Recommendation - add “contingent on 1.4 above”
92	Item 1.11 insert ‘and’ between ‘disability’ and ‘the’ and add “as funding becomes available” at the end of the rationale for item 1.11
94	Item 3.1 add “ in indoor environments” to the end of the rationale
94	Item 3.6 add “for local parks” to the end of the recommendation
95	Item 4.4 Re: the recommendation - Should be pursued though Councils website.
95	Item 4.6 Re: recommendation - follow current engagement policy
96	Item 5.5 - Question mark against this - also highlighted is the reference to “every 6-12 months for its effectiveness”
97	Item 5.6 under Recommendation - “Link with adopt a park” should be added

Staff anticipate that these changes will be made prior to this report being considered by council and the final draft plan will be tabled at the Ordinary Council Meeting scheduled for 15 October 2014.

Planning and Providing Our Infrastructure

Options

Council can adopt the recommendation to place the draft Recreation Plan included within this report on public exhibition and seek public feedback on the Plan. Alternatively, Council also has the option of deciding not to place this draft Recreation Plan on exhibition.

Community Engagement & Internal Consultation

The level of impact of the project is 'Level 1 - High level of impact on the whole or a large part of Port Macquarie-Hastings Local Government Area'. In accordance with an identified Level 1 project impact, the most appropriate types of community participation are to *Inform, Consult, Involve, and Collaborate*.

Community engagement was an essential and central part of ROSS Planning's work to prepare the Recreation Plan. A community engagement strategy has been prepared for the project by the consultant and is attached for information. Consultation undertaken during development of the draft plan comprised:

- Group meetings with a number of internal council departments
- one-on-one interviews with a range of Council staff from various areas
- consultation with key stakeholders, including state government departments, and industry to ensure recommendations included in the Recreation Plan would be consistent with any relevant strategies/visions of these groups
- on-site and telephone interviews were held with community organisations (including progress associations), sport and recreation providers and facility managers
- targeted youth engagement through school classroom discussions
- community consultation via an online (PMHC Listening) and intercept survey
- three open community 'State of Play' workshops were held (Port Macquarie, Wauchope and North Haven)
- a sport and recreation 'timeout' workshop (with local club representatives) for sport/recreation clubs to talk through issues in a group setting
- a sport and recreation club survey was sent to all sport and recreation clubs to provide input to the study
- the vast majority of representatives from sport and recreation clubs were interviewed to discuss issues and needs in more detail
- Interviews (personal and telephone) were held with community groups that traditionally cater for older residents to ensure their local sport and recreational needs were included in the study.

Council encouraged residents to participate in the development of the Recreation Plan by advertising the online survey which was hosted on Council's PMHC Listening site. The online survey gave all residents an opportunity to have their say about the future of open space and recreation opportunities and facilities across the LGA. The survey was open from 3 November 2013 to 20 January 2014. Over 258 responses were received to the online and intercept survey.

The information gathered throughout the consultation period was collated and provides the basis of the development of the draft Recreation Plan.

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A Community Engagement Plan (attached for information) has been developed by staff to ensure that the community and identified key stakeholders are aware that the draft plan is being exhibited, and to identify opportunities for them to provide feedback for consideration in the development of the final plan document.

The public exhibition period will commence on 20 October and will run until 28 November. During this time staff will engage with the community in the following ways:

- Targeted engagement with groups and individuals who have already been involved in the development of the draft plan
- Pop Up engagement events in Port Macquarie, Camden Haven and Wauchope
- Information included on councils website and PMHC Listening
- Survey included on PMHC Listening and at Pop Up events

Planning & Policy Implications

Adoption of this plan by council in future will establish the planning framework for recreational infrastructure, programs and services for the next ten years.

Planning implications will be given due consideration when the Recreation Plan has been adopted and timelines for delivery of specific actions within the plan draw near.

Financial & Economic Implications

There are significant financial implications associated with this plan. Actual costs associated with plan implementation will not be known until such times as the plan has been adopted by council and prioritisation of plan actions have been determined.

It should be noted that funding of plan actions will not be the sole responsibility of council. The plan presents opportunities for the community to contribute to its delivery through fundraising efforts, sourcing of grants, place making activities and works in kind labour contributions.

The plan also identifies opportunities for council to partner with other organizations and agencies in delivering plan outcomes. For example, partnering with National Parks and Wildlife Service in ongoing development of the Googik Track.

Attachments

- 1 [View](#). ROSS Planning - Community Engagement plan for PMH Recreation Plan
- 2 [View](#). ROSS Planning - Community Engagement Plan Activities
- 3 [View](#). Community Engagement Plan - Draft Recreation Plan Public Exhibition Period
- 4 [View](#). Draft Port Macquarie Hastings Recreation Plan

Planning and Providing Our Infrastructure

Item: 13.02

Subject: GAOL POINT LOOKOUT

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 Gaol Point Lookout.**
- 2. Adopt Option 1 as the Gaol Point Concept Plan.**
- 3. Endorse staff preparing detailed designs and cost estimates as required to support funding applications.**
- 4. Continue to support the community in their endeavours to raise funds for the project.**

Executive Summary

At the Ordinary Council Meeting held on 16 July 2014 Council resolved the following in relation to Gaol Point:

RESOLVED: Sargeant /Roberts

That Council:

- 1. Place the six draft concept plans for Gaol Point on public exhibition for a period of 28 days commencing on 21 July 2014 and seek community feedback.*
- 2. Following the completion of the public exhibition period and in consideration of the community feedback, prepare a preferred concept plan for Gaol Point to be presented at a future meeting of Council.*

CARRIED: 8/0

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

AGAINST: Nil

In accordance with this resolution, staff undertook engagement with the community including the use of PHMC Listening, displays in the customer service centre and libraries, and an information session held at Gaol Point. A survey was developed and distributed which gave people the option to choose between six concept plans.

72% of respondents preferred the major works concepts, Options 1 and 2. The Lions Clubs prefer minimal works without a shelter, Option 3. After incorporating the weighting of the Lions Clubs vote against a shelter, Option 1 prevails as the most popular plan.

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Discussion

The purpose of this report is to outline the results of the community engagement for the Gaol Point Lookout. The following draft concept plans were put on exhibition for a period of 4 weeks from 21 July to 18 August:

Option 1 Major works

Option 2 Major works with shelter

Option 3 Minimal works

Option 4 Minimal works with shelter

Option 5 No works

Option 6 No works with shelter

During the exhibition period 61 surveys were completed, with 32 of these surveys including additional comments. There were 2 detailed submissions received and comments were received from the Lions Clubs following a meeting directly with staff.

A total of 72% of the survey respondents preferred the Major Works concepts; Options 1 and 2. The Lions Clubs would prefer Minimal Works without a Shelter; Option 3.

The surveys showed a 50% split between those that preferred an option without a shelter (Options 1, 3 and 5) and those that preferred options with a shelter (Options 2, 4 and 6). The Lions Clubs preferred to exclude the shelter from the final design.

The weighting of the combined Lions Clubs vote against the shelter, leads to staff recommending Option 1 (Major Works without a shelter) being preferred over option 2 (Major Works with a shelter) as the most desirable.

The Lion's Clubs chose Option 3 because they felt that it was more achievable with minimal budget. They believe that the core improvements should be a priority rather than a shelter and additional embellishments. They also request that treatment of the central island including gardens and interpretive signage be added to Option 3.

Staff agree that core improvements should be considered as a priority however adoption of Option 1 allows for important improvements including more usable space at the lookout area, more connecting pathways, incorporation of art and more seating as well as gardens and interpretive signage for the central traffic island.

Many valuable comments came out of the engagement that should be considered in the detailed design phase. These comments can be summarised as:

- Support for interpretation of the history of Port Macquarie noting that the information displayed should be historically correct
- Mixed comments about the merits of a shelter however if one is to be included it should be unobtrusive and high quality
- Gaol Point is an important location in Port Macquarie and deserves high quality treatment

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- Request for more seating and picnic settings

Detailed results are outlined under the Community Engagement Section.

Option 1 should be adopted as the preferred concept. Comments about high quality finishes, historically correct interpretation and more seating should be incorporated in the detailed design.

The next steps in planning the project are to begin detailed design and cost estimates as required to support funding applications.

Options

Council can adopt Option 1 as the Gaol Point Concept Plan. Alternatively, Council has the choice of adopting another Option (2-6) as the final concept plan for Gaol Point. Council may opt to make further changes to the chosen plan.

Community Engagement

The level of impact of the project is 'Level 2 - High level of impact of a local nature, eg. a local area, specific community or user group' as it has a high level of impact to the Lions Clubs, whom have had a long association with the site, and park users from across the local government area and visitors to the region.

In accordance with this resolution staff undertook the following engagement activities:

- Plans available on PMHC Listening with an option to vote on your preferred option and/or provide comments
- Plans exhibited in the Libraries and Council Customer Service Centres
- On site engagement held on Thursday, 7 August from 11am to 2pm. Tacking Point Lion's Club provided a sausage sizzle. Staff encouraged visitors to complete a survey.

A total of 61 surveys were returned.

Submissions closed on 18 August 2014.

Survey Results

Option	Number of Votes	Percentage
Option 1 Major works	18	29
Option 2 Major works with shelter	26	43
Option 3 Minimal works	11	18
Option 4 Minimal works with shelter	3	5
Option 5 No works	2	3
Option 6 No works with shelter	1	2
TOTAL	61	100%

The survey results are shown in the table above. A total of 72% of the survey respondents showed a preference for Options 1 and 2 (Major Works). There was a

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50% split between those that preferred an option without a shelter (Options 1, 3 and 5) and those that preferred options with a shelter (Options 2, 4 and 6).

Council officers engaged with the Lions Clubs separately. Refer to Comments from Specific Organisations Section.

COMMENTS FROM INDIVIDUALS

Comments received both online and through the engagement session at Gaol point can be grouped into several themes: history, shelter, importance of Gaol Point, seating and picnic, general and other issues.

History

- Shipping signage plaques in lawns of Town Green could possibly be placed into paths to save them at Lions Point
- We like the fact that some history and artwork would be offered to our visitors and locals and children
- Something like the HMS Sydney memorial in Geraldton with large, dramatic, artistic shelter. Any changes should provide interpretation of the history.

Shelter

- Like as is. But if there is another option then no shelter as it will ruin the view
- Either a better quality shelter or totally without.
- Shelter for sun and rain is needed
- There should be a shelter as long as it is unobtrusive
- If there is a shelter don't block views from the surf webcam mounted on the HW Boutique Hotel
- Many people stand in the rain to see the view so the cover would be good

Importance of Goal Point

- Option 2 is the best of the 6 very poor options. The headland lookout is the 'jewel in the crown' of the Town Beach precinct and should be highlighted with a modern structure featuring a design sympathetic to the ocean side reserve - not an ordinary 'two posts and flat roof' structure. Locals and visitors flock to this reserve - make it beautiful for goodness sake!! Put a little effort into it!!
- It's a great area and is good for informal visits by visitors and locals alike
- Our premium view in Port Macquarie deserves the ultimate option.
- The transparent look is pleasing. Make sure is graffiti and vandal proof. Looks good
- The most important point in PM deserves something high quality.
- This major feature overlooking the river entrance deserves to be treated with the respect it deserves. This point reflects the town attitude and should set the pace for the town's presentation
- Wonderful idea overdue

Seating and Picnic

- Suggest 2 or 3 picnic shelters on traffic island
- Include seating
- More tables and chairs
- More seating needed
- More picnic settings and seats

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General

- Line marking not necessary
- Request low planting of all vegetation so not to impede the view of the coastline from any point when walking in this area.
- Trim trees so they don't block the view
- Add a rail around the centre garden to keep idiots off
- Fence around centre garden
- Wheelchair access is good and allows more viewers.
- Needs toilets

Other issues

- Road to skate park is a pinch point. Can it be widened
- Bottom of hill for sea rescue with access straight to water. Restaurant above this. Viewing platform on top of hill. Restaurant can fund sea rescue and building works
- A sign showing "What's On" for the week should be placed in Town Green
- Need a drive in tourist information bay

1.

COMMENTS FROM SPECIFIC ORGANISATIONS

Lions Clubs (Tacking Point and Port Macquarie)

A separate meeting was held with the Lions Clubs to discuss the options. Representatives of the Port Macquarie Lions Club and the Tacking Point Lions Club attended. The Lions Clubs would like to partner Council in the project to assist with grant applications, fund raising, monetary and in-kind donations.

They advised that they took a vote at their respective meetings and Option 3 Minimal Works was preferred. They advised that a shelter was not their priority at the site. Option 3 was chosen on the basis that funding was likely to be limited and the priority is for core improvements such as access, interpretation, seating and lookout area.

The Lions Clubs requested improvements to the central island be added to Option 3, including:

- Lions wall to remain, but updated and improved
- Some gardens for beautification
- Interpretive signage with information/ history of the indigenous people, settlement of Port Macquarie and the Lions Clubs.

Port Macquarie Lions Club has submitted a small grant application to cover some of these elements.

Port Macquarie Historical Society Inc (Letter attached)

- Any interpretation should be accurate and well researched.
- There is no documented evidence of a cannon used at Gaol Point.
- Interpretive footpath should be easy to read.
- Offer assistance in compiling accurate interpretation material

GR Consulting Engineers (Letter attached)

- Concepts should consider Rotary Park Redevelopment Plans
- Accessible parking space should be at the western end
- Decorative paving disjointed

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- Lions walls don't have a function and dominate the space
- Works should be high quality and not dominate views
- Suggest slender sculptural element that identifies Port Macquarie that can be used as a photo opportunity for tourists
- Existing contours should be checked
- Stormwater drainage and outlets need to be improved
- History should be featured

Planning & Policy Implications

Gaol Point forms part of Crown Reserve 82916. Council are appointed as Trust Managers of this Reserve. Works proposed within the Gaol Point concept plan are consistent with the maintenance and embellishment expectations of Council as Trust Manager for this site.

Works proposed in the concept plans are considered exempt development under Section 66(1)(a) of State Environmental Planning Policy (Infrastructure) 2007.

Financial & Economic Implications

There are no project specific Council budgetary allocations for improvements to Gaol Point included within the 2014/15 Operational Plan.

Any financial allocation towards capital works in this location by Council would require a further resolution of Council in consideration of the overall impact on Councils adopted budget.

There are however works in kind opportunities which could allow for improvements to be undertaken at Gaol Point with minimal financial outlay. Lions Clubs representatives have also expressed interest in adopting particular sections of the site for improvement and maintenance.

There are also grant funding opportunities which could be explored to allow for improvements to be undertaken at the site. Port Macquarie Lions Club has submitted a small grant application for works proposed within the central traffic island.

Attachments

1[View](#). 6 Concept Plans

2[View](#). Letter from Port Macquarie Historical Society Inc

3[View](#). Letter from GR Consulting Engineers

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Item: 13.03

Subject: RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -
COUNTDOWN TO CHRISTMAS 2014

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 approve the temporary road closure of Horton Street, Port Macquarie (between Town Green and 20m south of William Street) to conduct the annual Countdown to Christmas event on Thursday, 27 November 2014 from 5:30 pm to 9:00 pm, subject to the following conditions:

1. That the Countdown to Christmas event be categorised as a Class 2 special event.
2. That the event organisers obtain NSW Police approval.
3. That the submitted Traffic Management and Traffic Control Plans be accepted.
4. That the event organiser submit to Council not less than fourteen (14) days prior to the commencement of the event evidence of Public Liability Insurance which is valid for the duration of the set-up, running and pull down of the event.
5. That the event organiser advertise the event in the local print media for a period not less than fourteen (14) days prior, advising of the time and duration of the road closure.
6. That the event organiser advertise the event by undertaking a letterbox drop to all affected businesses and residents along the route affected by the road closure not less than fourteen days(14) prior, advising of the event and the proposed actions to be undertaken to mitigate the impact of the road closure.
7. That the event organiser notify the NSW Ambulance, NSW Fire and the State Emergency Services of the proposed road closures.
8. That the event organiser notify local Transport Services (Bus Companies, Taxis) of the proposed road closures.
9. An RMS accredited (Yellow card) person is to be used for the set up/down of barricades.
10. Qualified traffic controllers (RMS-Blue or Grey card) are to be used to control traffic.
11. The road reserve area is to be maintained and left in a clean and tidy condition at the completion of the event.
12. That the event organiser abide by any other condition that Council, RMS

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and the Police may impose.

13. That the section of Horton Street, between Clarence Street and 20m South of William Street be re-opened traffic following the completion of the parade and fun run.

Executive Summary

The Local Traffic Committee met on 3 September 2014, reached consensus on Item 06 (attached) and now submits the above recommendation for Council consideration.

UNANIMOUS SUPPORT:

Council – Y

RMS – Y

Police – Y

Local Member for Port Macquarie (Rep) – Y

Attachments

1 [View](#). Item 06 Local Traffic Committee 2014 09 03

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Item: 13.04

**Subject: RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -
BEECHWOOD BILLYCART CLASSIC 2014**

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 approve the temporary road closure of Beechwood and Pappinbarra Roads on Sunday, 16 November 2014 from 11.00 am to 12.30 pm, to conduct the annual Beechwood Billycart Classic, subject to the following conditions:

1. That the Beechwood Billycart Classic be categorised as a Class 1 special event.
2. That the event organisers obtain NSW Police approval.
3. That the submitted Traffic Management Plan be accepted.
4. The applicant submits a detailed Traffic Control Plan designed and certified by an authorised Traffic Management Organisation prior to the event.
5. That the event organiser submit to Council not less than fourteen (14) days prior to the commencement of the event evidence of Public Liability Insurance which is valid for the duration of the set-up, running and pull down of the event.
6. That the event organiser advertise, at no cost to Council, the event in the local print media for a period not less than fourteen (14) days prior, advising of the time and duration of the road closures.
7. That the event organiser advertise the event by undertaking a letterbox drop to all affected residents along the race route affected by the road closures not less than fourteen days(14) prior, advising of the event and the proposed actions to be undertaken to mitigate the impact of the road closures.
8. That the event organiser notify the NSW Ambulance, NSW Fire and the State Emergency Services of the proposed road closures.
9. That the event organiser notify local Transport Services (Bus Companies, Taxis) of the proposed road closures.
10. An RMS accredited (Yellow card) person is to be used for the set up/down of barricades.
11. Qualified traffic controllers (RMS-Blue or Grey card) are to be used to control traffic.
12. The road reserve area is to be maintained and left in a clean and tidy condition at the completion of the event.

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- 13. That the event organiser abide by any other condition that Council, RMS and the Police may impose.**
- 14. No motorised vehicles are to be used in this event.**

Executive Summary

The Local Traffic Committee met on 3 September 2014, reached consensus on Item 08 (attached) and now submits the above recommendation for Council consideration.

UNANIMOUS SUPPORT:

Council – Y
RMS – Y
Police – Y
Local Member for Oxley (Rep) – Y

Attachments

1 [View](#). Item 08 Local Traffic Committee 2014 09 03

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Item: 13.05

Subject: RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -
IRONMAN 70.3 - 2014

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 approve the temporary road closures associated with the 2014 Ironman 70.3 Triathlon on Sunday 19 October 2014, subject to the following conditions:

1. That the Port Macquarie Ironman 70.3 Triathlon be categorised as a Class 1 special event.
2. That the event organisers obtain NSW Police approval.
3. That the submitted Traffic Management and Traffic Control Plans be accepted.
4. That the event organiser submit to Council not less than fourteen (14) days prior to the commencement of the event evidence of Public Liability Insurance which is valid for the duration of the set-up, running and pull down of the event.
5. That the event organiser advertise, at no cost to Council, the event in the local print media for a period not less than fourteen (14) days prior, advising of the time and duration of the road closures.
6. That the event organiser advertise the event by undertaking a letterbox drop to all affected residents along the race route affected by the road closures not less than fourteen days(14) prior, advising of the event and the proposed actions to be undertaken to mitigate the impact of the road closures.
7. That the event organiser notify the NSW Ambulance, NSW Fire and the State Emergency Services of the proposed road closures.
8. That the event organiser notify local Transport Services (Bus Companies, Taxis) of the proposed road closures.
9. An RMS accredited (Yellow card) person is to be used for the set up/down of barricades.
10. Qualified traffic controllers (RMS-Blue or Grey card) are to be used to control traffic.
11. The road reserve area is to be maintained and left in a clean and tidy condition at the completion of the event.
12. That the event organiser abide by any other condition that Council, RMS and the Police may impose.

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Executive Summary

The Local Traffic Committee met on 3 September 2014, reached consensus on Item 09 (attached) and now submits the above recommendation for Council consideration.

UNANIMOUS SUPPORT:

Council – Y

RMS – Y

Police – Y

Local Member for Port Macquarie (Rep) – Y

Attachments

1 [View](#). Item 09 Local Traffic Committee 2014 09 03

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Item: 13.06

Subject: RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - PORT IRON 5.0K FUN RUN - 2014

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 approve the temporary road closures associated with the Port Iron 5K Fun Run on Saturday, 18 October 2014 from 7:30 am to 8:30 am, subject to the following conditions:

1. That the Port Iron 5K Fun Run be categorised as a Class 2 special event.
2. That the event organisers obtain NSW Police approval.
3. That the submitted Traffic Management and Traffic Control Plans be accepted
4. That the event organiser submit to Council not less than fourteen (14) days prior to the commencement of the event evidence of Public Liability Insurance which is valid for the duration of the set-up, running and pull down of the event.
5. That the event organiser advertise, at no cost to Council, the event in the local print media for a period not less than fourteen (14) days prior, advising of the time and duration of the road closures.
6. That the event organiser advertise the event by undertaking a letterbox drop to all affected residents along the race route affected by the road closures not less than fourteen days(14) prior, advising of the event and the proposed actions to be undertaken to mitigate the impact of the road closures.
7. That the event organiser notify the NSW Ambulance, NSW Fire and the State Emergency Services of the proposed road closures.
8. That the event organiser notify local Transport Services (Bus Companies, Taxis) of the proposed road closures.
9. An RMS accredited (Yellow card) person is to be used for the set up/down of barricades.
10. Qualified traffic controllers (RMS-Blue or Grey card) are to be used to control traffic.
11. The road reserve area is to be maintained and left in a clean and tidy condition at the completion of the event.
12. That the event organiser abide by any other condition that Council, RMS and the Police may impose.

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Executive Summary

The Local Traffic Committee met on 3 September 2014, reached consensus on Item 10 (attached) and now submits the above recommendation for Council consideration.

UNANIMOUS SUPPORT:

Council – Y

RMS – Y

Police – Y

Local Member for Port Macquarie (Rep) – Y

Attachments

1 [View](#). Item 10 Local Traffic Committee 2014 09 03

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Item: 13.07

Subject: RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -
IRONKIDS 2014 - LAURIETON

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 approve the temporary road closures associated with the IronKids Camden Haven event on Saturday, 18 October 2014 from 9:00 am to 11.00 am, subject to the following conditions:

1. That the IronKids Camden Haven event be categorised as a Class 2 special event.
2. That the event organisers obtain NSW Police approval.
3. That the submitted Traffic Management and Traffic Control Plans be accepted
4. That the event organiser submit to Council not less than fourteen (14) days prior to the commencement of the event evidence of Public Liability Insurance which is valid for the duration of the set-up, running and pull down of the event.
5. That the event organiser advertise, at no cost to Council, the event in the local print media for a period not less than fourteen (14) days prior, advising of the time and duration of the road closures.
6. That the event organiser advertise the event by undertaking a letterbox drop to all affected residents along the race route affected by the road closures not less than fourteen days(14) prior, advising of the event and the proposed actions to be undertaken to mitigate the impact of the road closures.
7. That the event organiser notify the NSW Ambulance, NSW Fire and the State Emergency Services of the proposed road closures.
8. That the event organiser notify local Transport Services (Bus Companies, Taxis) of the proposed road closures.
9. An RMS accredited (Yellow card) person is to be used for the set up/down of barricades.
10. Qualified traffic controllers (RMS-Blue or Grey card) are to be used to control traffic.
11. The road reserve area is to be maintained and left in a clean and tidy condition at the completion of the event.
12. That the event organiser abide by any other condition that Council, RMS and the Police may impose.

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Executive Summary

The Local Traffic Committee met on 3 September 2014, reached consensus on Item 11 (attached) and now submits the above recommendation for Council consideration.

UNANIMOUS SUPPORT:

Council – Y

RMS – Y

Police – Y

Local Member for Port Macquarie (Rep) – Y

Attachments

1 [View](#). Item 11 Local Traffic Committee 2014 09 03

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Item: 13.08

Subject: RURAL UNDERSIZED LOT ANALYSIS

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

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

RECOMMENDATION

That Council consider the issue of rural dwellings around major rural towns and villages in the review of the PMH Urban Growth Management Strategy, including a particular focus on development opportunities surrounding Kendall.

Executive Summary

The purpose of this report is to consider the status of planning policy for rural dwellings surrounding the village of Kendall, following consideration of an application for a single dwelling by Council in June 2014.

The report describes Council's existing planning for rural settlement, rural planning principles and consultation with the Department of Planning & Environment. The results of a preliminary desktop review of undersized lots is also provided, which show that there are approximately 26 lots within 2km of Kendall and 3,300 undersized lots throughout the Port Macquarie-Hastings local government area (LGA).

The issues to be addressed in a policy review are summarised by the report. There are a range of issues that need to be assessed in order to determine the net impact of changes to dwelling provisions, including impacts on existing and potential future agriculture, impacts on future urban expansion options, increased demands for urban services and infrastructure and environmental impacts.

In the past, the review of policy for rural dwellings has been undertaken by Council in relation to rural residential settlement, most recently in the context of the Urban Growth Management Strategy, to identify areas that are suitable for increased development having regard to all of these factors.

Council is currently reviewing the UGMS and will soon undertake community engagement on a range of settlement related issues. It is therefore recommended that Council consider the issue of rural dwellings around major rural towns and villages in the review of the PMH Urban Growth Management Strategy, including a particular focus on development surrounding Kendall and Beechwood as these two villages contain a higher level of local services.

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Background

Council considered a report at its Ordinary Meeting in June 2014 in relation to a development application for the proposed construction of a rural dwelling on land at Lorne road Kendall. The application proposed a variation of the minimum area required for a dwelling for that lot using *Clause 4.6 of the LEP - Exceptions to development standards*. The application was considered by Council and was determined as follows:

RESOLVED: Intemann/Hawkins

1. *That DA 2013 - 0575 for a single dwelling including clause 4.6 objection to clause 4.2A (minimum lot size for dwelling) of the Port Macquarie-Hastings Local Environment Plan 2011 at Lot 209 & 211, DP 754418, Lorne Road, Kendall, be determined by refusal for the following reasons:*
 - a) *The proposal is inconsistent with the objectives of Clause 4.2A of the Port Macquarie-Hastings Local Environmental Plan 2011 as it will result in a form of unplanned rural residential development.*
 - b) *The development would result in an adverse precedent and cumulative impact associated with approving dwellings on undersized rural lots, leading to an incremental undermining of the rural zone objectives, the development standard, and result in an increase in unplanned rural residential development.*
 - c) *Variation of the development standard in the circumstance is not considered to be in the public interest.*
2. *That the General Manager research the number of rural zoned lots, that are within the vicinity of the Kendall Village, on which a dwelling is not permissible under Port Macquarie-Hastings LEP 2011 and that the options available to Council be reported within four months including any implications for coordinated settlement planning and consideration of regional planning policy.*
3. *That the report includes a proposal for undertaking a strategic assessment of other villages in the local government area.*

CARRIED: 5/3

FOR: Besseling, Cusato, Hawkins, Intemann and Levido

AGAINST: Griffiths, Roberts and Sargeant

Following a request for a review of the determination of DA 2013 - 0575, the application was subsequently approved by Council.

This report provides a summary of action taken in response to resolutions 2 and 3 of Council's resolution of June 2014 above. The report explores the options and implications for changes to the LEP within 2km of Kendall village, having regard to local, state and regional planning policy.

Discussion

1. Existing Planning for Rural Settlement

There is currently a minimum lot size of 40 hectares for the erection of a dwelling on rural zoned land throughout much of the Port Macquarie-Hastings local government area under the provisions of Port Macquarie-Hastings Local Environmental Plan (LEP) 2011. This is the case in the area surrounding Kendall.

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There are some additional provisions in the LEP in relation to the erection of dwellings in rural areas, which provide flexibility in some instances, having regard to the history of subdivision and ownership.

Generally speaking, the 40 hectare minimum lot size has been introduced for rural areas throughout much of coastal NSW to prevent over-fragmentation of land that has or may have agricultural value in the long term. Council's planning has been consistent with regional planning in this respect.

Historically, Council has provided for coordinated rural residential development within the local government area as a form of housing choice. In the early 1980's a number of small rural residential areas were identified at Bonny Hills, Telegraph Point and Kendall. In 1987, Council introduced controls on rural residential subdivision which allowed development within 5km of certain towns and villages. In 1994, it was estimated that approximately 1,700 hectares of land in these areas had been developed as dispersed estates across the 'circles', resulting in difficulties in providing cost effective service delivery.

Current rural settlement planning in the Port Macquarie-Hastings is based on principles in the Mid North Coast Regional Strategy (MNCRS) and State Environmental Planning Policy (Rural Lands) 2008.

The PMH Urban Growth Management Strategy (UGMS) identifies areas of proposed rural residential development and provisions to limit rural dwellings and rural subdivision have been retained in Port Macquarie- Hastings LEP 2011 (LEP) to:

- ensure that rural residential development is able to be serviced efficiently,
- strengthen the settlement hierarchy identified in the strategy and complement the character of existing centres,
- areas close to existing centres and away from areas that may have values for urban expansion,
- outside the coastal area (east of the new alignment of the Pacific Highway),
- protect areas of primary production, natural resource and biodiversity values,
- avoid areas of hazard (e.g. flooding),
- integrate with the supply of infrastructure and transport
- be clustered to encourage a sense of community and to avoid fragmentation across the landscape.

The LEP provisions are consistent with regional planning principles for rural residential development identified in the Mid North Coast Regional Planning Policy.

Current rural residential supply in the local government area is predominantly provided in existing and developing rural residential areas at King Creek, Kendall and Beechwood. In recent years new rural residential investigation areas have been released in these locations and a Draft Structure Plan proposing substantial additional rural residential development at Greater Sancroix is currently on public exhibition until 20 October 2014.

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2. Potential Changes to LEP 2011

Council can consider changes to LEP 2011 to permit dwellings on undersized rural lots in part or all of the Port Macquarie Hastings rural areas. This has been reviewed on a number of occasions in the past and would be undertaken in consultation with the Department of Planning & Environment regarding regional policy.

Initial consultation has been undertaken with the Department to confirm the status of Council's current rural and settlement planning. The reply from the Department is included as Attachment to this report. In summary, the Department has confirmed that Council's existing planning for rural settlement is consistent with existing regional policy but that changes can be considered by Council.

The Departments response is included in part below:

"Rural dwellings and rural residential development are recognised as offering important lifestyle and housing choices for many residents. They must however be undertaken in appropriate manner to avoid potential land use conflict and to protect primary production activities and the biodiversity value of rural areas. The Mid North Coast Regional Strategy addresses how council's should plan for both rural dwellings and rural residential development.

In respect to rural dwellings, the regional strategy requires councils to adopt and maintain appropriate subdivision standards for rural zones consistent with the principles of State Environmental Planning Policy (Rural Lands) 2008 within their local environmental plans. The regional strategy also requires council's to adopt local environmental plan provisions to limit dwellings in rural zones. Council's Urban Growth Management Strategy (UGMS) provides a suitable basis for this to occur.

The regional strategy identifies that rural residential development should occur on land close to urban settlement, away from the coast and away from areas that may have value in the future for urban expansion. Areas where significant vegetation clearing would be required or where current or potential primary production will be affected should be avoided, and preference should be given to areas most economical to services.(and)..no change to the basis for rural settlement policy has been foreshadowed at this time".

In conclusion, the Department noted the current review of the Urban Growth Management Strategy for Port Macquarie-Hastings, adding that these issues should be considered in the review.

The Department of Planning & Environment applies planning principles in rural areas in accordance with State Environmental Planning Policy (Rural Lands) 2008 and Section 117 Direction 1.2 Rural Zones. The 117 Direction provides that a planning proposal must not increase the permissible density of land within a rural zone unless justified by a study or strategy.

The key issues to be considered in determining appropriate LEP provisions include:

a) Existing Undersized Rural lots

Council planning staff have undertaken a preliminary analysis of the number of rural zoned lots on which a dwelling is not permissible under Port

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Macquarie Hastings Local Environmental Plan (LEP) 2011 in order to inform this report.

Based on this initial analysis, it is estimated that there are approximately 3,300 undersized rural zoned lots (less than 40 hectares) which do not contain a dwelling within the Port Macquarie Local Government Area (LGA). The lots in question are scattered throughout the LGA, with concentrations of lots along major roads and between urban and rural settlements at varying distances to centres and services.

Approximately 260 of these lots are located within a 2km radius of the major rural centres of Kendall, Beechwood, Telegraph Point and Comboyne, excluding crown land and other non rateable land such as reserved land, RMS land and school sites.

Of these, 55 lots are located within 2km radius of Kendall. A closer analysis of these lots subsequently reduced the number to 26 based on a course assessment to determine dwelling eligibility under Clause 4.2A of the LEP. Extrapolating the results of this analysis, it is estimated that there are approximately 122 lots of undersized rural zoned lots within a 2km radius of the major rural centres of Kendall, Beechwood, Telegraph Point and Comboyne, which currently do not permit a dwelling under Clause 4.2A of the LEP.

Clearly, the scope of any proposed change to the LEP is a key consideration as the more broadly any change is applied, the greater number of additional dwellings in rural areas that will potentially be created. An increase in the number of dwellings has a number of impacts, as discussed below:

b) Infrastructure & Servicing

- Rural dwellings generate demands for urban services such as schools, shops and employment for residents. They typically generate similar numbers of trips to urban centres as residences in urban areas and therefore impact on rural roads.

-

Council is responsible for infrastructure such as construction and maintenance of roads, water supply, parks and community halls, provision of bushfire fighting services and garbage collection. The cost of provision and maintenance of such services to scattered low density residential development is substantially greater than to higher density communities.

c) Farmland

The Department of Planning & Environment has identified regionally significant farmland within the Port Macquarie-Hastings LGA. Council is required to consider the impact of proposed development on the function of these areas and on rural areas generally.

Agricultural impacts relate not only to existing uses but to potential future uses and the need for buffers in order that genuine rural land uses are not unreasonably restricted.

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The Department's rural planning principles include the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses and the minimisation of rural land fragmentation.

d) Environmental

The Department's rural planning principles include the consideration of natural and physical constraints. Environmental constraints would therefore need to be considered in assessing the impact of any proposed intensification of land use in rural areas.

Options

There are a number of options in relation to Council's policy on rural dwellings.

1. Council could opt to retain the existing provisions.
2. Council could opt to undertake a study to investigate the scope of policy change for dwellings in rural areas generally or for a specific area or areas.
3. Council could consider the issue in the review of the PMH Urban Growth Management Strategy, or
4. Council could resolve to commence the preparation of a planning proposal for a specific amendment to the LEP.

As discussed in this report, there are a large number of undersized rural lots throughout the Port Macquarie-Hastings LGA. There are also a range of issues that need to be assessed in order to determine the net impact of changes to dwelling provisions, including impacts on existing and potential future agriculture, impacts on future urban expansion options, increased demands for urban services and infrastructure and environmental impacts.

The review of policy for rural dwellings has therefore been undertaken by Council in the context of the Urban Growth Management Strategy, to identify areas that are suitable for increased development having regard to all of these factors.

Council is currently reviewing the UGMS and will soon undertake community engagement on a range of settlement related issues. It is therefore recommended that Council consider the issue of rural dwellings around major rural towns and villages in the review of the PMH Urban Growth Management Strategy, including a particular focus on development surrounding Kendall and Beechwood as these two villages contain a higher level of local services.

Community Engagement & Internal Consultation

This report follows a resolution of Council in relation to a proposal for a single dwelling at Kendall. The report presents an initial overview of issues related to planning for rural dwellings.

In preparing the report, Council has written to the Department of Planning and Environment requesting that the Department in relation to regional planning policy regarding rural settlement. In conclusion, the Department noted the current review of the Urban Growth Management Strategy for Port Macquarie-Hastings, adding that these issues should be considered in the review. The Department's reply is considered in this report.

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Consultation is proposed with the community on issues related to rural dwellings surrounding rural towns in the review of the Port Macquarie-Hastings Urban Growth management Strategy, which is currently underway.

Planning & Policy Implications

This report is in relation to potential change to Council's local environmental plan provisions regarding rural dwellings around Kendall and the associated planning and policy implications.

Financial & Economic Implications

The financial implications associated with dispersed rural settlement are discussed in the body of this report.

There are also economic implications associated with policy for rural dwellings. In general terms, adverse implications can be associated with the impact of rural dwellings on agricultural potential and the fragmentation of land in areas that may be suitable for urban expansions.

More detailed comments on the financial and economic implications of this matter will be able to be made as part of the proposed detailed review of rural dwellings in the PMH Urban Growth Management Strategy.

Attachments

- 1 [View](#). Letter from Department of Planning & Environment - Rural and Settlement Planning

Planning and Providing Our Infrastructure

Item: 13.09

Subject: LIVEABLE NEIGHBOURHOODS EAST PORT - COMMUNITY ENGAGEMENT

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

5.4.2 Review planning instruments and strategies to ensure currency and facilitate sustainable development outcomes whilst acknowledging the impact on community affordability.

RECOMMENDATION

That Council:

- 1. Publicly exhibit the report *Liveable Neighbourhoods Framework - Eastport Urban Regeneration* and carry out community engagement in the manner outlined in this report.**
- 2. Consider a further report following completion of the community engagement, including a review of submissions and any necessary amendments to the report.**

Executive Summary

The Liveable Neighbourhoods project is the work Council is doing to achieve the urban consolidation outcomes identified in the Mid North Coast Regional Strategy and Council's Urban Growth Management Strategy.

On 21 May 2014, Council endorsed the urban design report associated with the first stage of the Liveable Neighbourhoods project for the Port Macquarie Town Fringe areas of Aston Hill, Westport and Town Beach West. The project is now focussing on the next stage of Liveable Neighbourhoods at East Port, including Town Beach and Lord Street, south to Hill Street.

The key deliverables of the project include:

- An urban design report describing the area and identifying opportunities and constraints.
- A plan identifying pedestrian connections, desired dwelling densities, potential civic, commercial or retail land use opportunities, and opportunities for open space or public realm improvements.
- Recommendations for changes to the local environmental plan or the development control plan as necessary.
- Recommendations on suitable sites for future place making opportunities.

Council approval is sought to proceed to engage the community more broadly and seek feedback on the ideas and recommendations in the report.

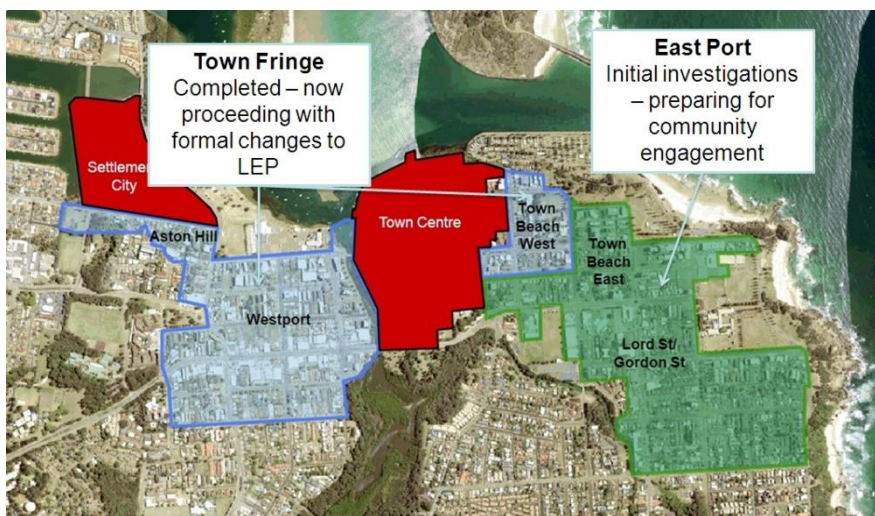
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Discussion

The Liveable Neighbourhoods project is the work Council is doing to achieve the urban consolidation outcomes identified in the Mid North Coast Regional Strategy and Council's Urban Growth Management Strategy.

On 21 May 2014, Council endorsed the urban design report associated with the first stage of the Liveable Neighbourhoods project for the Port Macquarie Town Fringe areas of Aston Hill, Westport and Town Beach West. Changes recommended in the report are now proceeding through the formal amendment process.

The project is now focussing on the next stage of Liveable Neighbourhoods at East Port. The study area is shown below:



Urban design firm, Architectus, has been engaged to carry out the majority of the analysis, continuing from the earlier Town Fringe work and prepare recommendations for any changes to the local environmental plan or development control plan.

The principles of this stage of the project are largely the same as those for the Town Fringe. Namely,

- **Place making** - building upon the unique attributes of each neighbourhood
- **Connectivity** - ensure easy access with a focus on pedestrians and cyclists
- **Liveability** - create desirable places by promoting high quality housing and public spaces
- **Delivery** - prioritising recommendations for improvements to public spaces

The key deliverables of the project include:

- An urban design report including:
 - a description of the area
 - land use opportunities and constraints
 - pedestrian connections, potential civic, commercial or retail land use opportunities
 - opportunities for open space or public realm improvements

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- recommendations for changes to the local environmental plan or the development control plan as necessary
- recommendations on suitable sites for future place making opportunities.

Architectus have prepared the attached draft urban design report. The recommendations in the report are aimed at achieving the following: Generally aligning building height and Floor Space Ratio controls where they are inconsistent, for example east of Lord Street:

- Creating opportunities where there is development potential, for example Burrawan Street and Pacific Drive.
- Improving consistency in built form along key streets, for example Gordon Street and Lord Street.
- Reinforcing key sites where amalgamation might occur, for example corners of Church and William Street.
- Reducing Floor Space Ratio on William Street consistent with 6 storey height (west of Lord Street) as recommended in the earlier Town Fringe report.

Options

Council approval is sought to proceed to engage the community more broadly and seek feedback on the ideas and recommendations in the report. Council has the option to:

1. Proceed to community engagement with the attached material and in the manner described below.
2. Proceed to community engagement with amended materials or engagement plan.
3. Not proceed to community engagement.

Option 1 is recommended noting that Council may opt to amend the materials or engagement plan and that further community engagement will be need to be undertaken as part of any local environmental plan or development control plan amendments that arise from this urban design work.

Not proceeding to community engagement will have an impact on internal project timeframes and will compromise meeting the milestone objectives of the Operational Plan. Nevertheless, not proceeding at this time is not likely to have a significant community impact.

Community Engagement & Internal Consultation

The purpose of this report is to seek Council's approval to carry out formal community engagement. The following community engagement plan was prepared as part of the project plan for this project and sets out four key engagement stages.

Stage 1: Initial community engagement - August /September 2014

Tell the community about the project and ask for comments and ideas using pmhclisting.com.au. Any feedback is to be considered as part of the early analysis. Council will decide whether to proceed to Stage 2.

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Stage 2: Draft report and recommendations

Publically exhibit the draft options report for period of 28 days to allow community review and feedback. An information session or workshop will be held during this time. Feedback will be considered and preferred options will be drafted as recommendations. Council will decide whether to proceed to Stage 3. This is expected to take place in October/December 2014, subject to the resolution of Council arising from this report.

Stage 3: Draft changes to the planning provisions -

Changes to the local environmental plan and development control plan will be made available for community review and feedback. Council will decide whether to make any alterations and proceed to Stage 4. This is expected to take place between April and July 2015, subject to the outcomes of the consultation process proposed in this report.

Stage 4: New planning provisions in effect

Council will inform the community when the new plans are made and when they start. This is expected to be completed by December 2015, subject to the outcomes of Stages 3 and 4 above.

Stage 1 started on 1 August 2014 by establishing a dedicated web page on PMHC Listening, inviting early ideas from the community. The website comprises four key elements:

1. Basic information was made available describing the study area and the objectives of the project.
2. Discussion topics were set up around the focus questions:
 - What makes East Port unique?
 - If you could change one thing about East Port, what would that be?
 - What would make you want to walk or cycle more in East Port?
 - What would make East Port more accessible for everyone?
3. An interactive map that allows people to tag places of interest or meaning to them and write why. The tags are available for others to see.
4. A 'stories' section is available for people to share their stories and photos for East Port.

The web pages will remain open until formal community engagement commences, when they will be replaced with more targeted questions relating to the material on exhibition.

To-date, the number of community visits to the web page has been good but actual engagement has been low. Between 1 August and 17 September 2014:

- 276 people visited the project page
- 219 people (79%) downloaded information or visited additional pages
- 10 people (4%) participated by leaving comments or using the interactive map.

Note that the above numbers refers to unique individuals, not web page hits.

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In addition, Ms Michelle Chapman from All About Planning Pty Ltd, and as a landowner in the area, submitted written comments. These were uploaded to the website with Ms Chapman's permission.

On 12 August 2014, an item was added to Council's Facebook page inviting people to join the discussion, with one comment being posted from a community member.

Several key themes emerged from the online discussion:

- Local mature street trees are valued and should be retained.
- Preference for more street trees including creating or reinforcing 'avenues'
- Significant town centre and distant landscape views contribute to the character of the area.
- Concerns about any increased heights on prominent ridgelines.
- Concern that there is no market demand for apartment buildings.
- Support for improving on and off road cycle paths, including a suggestion for a potential cycle link.

In response to these comments, the project team have added the following to the analysis for broader public comment:

- Identification of key views and local landscape features.
- Identification of potential 'avenues' along key pedestrian links.
- Mapping a cycle link between Macquarie Park and Owen Street.

Council endorsement to proceed to Stage 2 of the community engagement is now sought. This stage will see the following actions carried out:

- Publication of the urban design report and draft structure plan for public comment and feedback.
- Notification of landowners and residents by mail.
- Update the PMHC Listening web page to reflect the current stage of engagement and focus feedback on Stage 2 materials.
- Preparation and distribution of a media release announcing the community engagement.
- A community engagement activity held in the study area for face to face feedback and to raise awareness.
- A drop-in session held at Council Headquarters to allow people to view exhibition material and ask questions of the project team.
- Preparation of a submissions report for Council.
- Preparation of a revised plan and identification of priorities.

The summary for this stage of engagement and the revised plans are anticipated to be reported to Council at the December 2014 meeting.

Planning & Policy Implications

The project is consistent with Council's strategic planning framework, notably the Port Macquarie-Hastings Urban Growth Management Strategy 2011-2031. The project responds directly to the planning principle for housing to "promote urban

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consolidation in central, well-connected locations that provides a range of services or recreation opportunities for residents”.

The project also contributes to particular outcomes sought by the Community Strategic Plan:

- The ‘looking after our people’ outcome to have ‘community hubs which provide access to services and social connections’ by taking a place-based approach in planning at the neighbourhood level.
- The ‘looking after our environment’ outcome to have ‘development outcomes that are ecologically sustainable and complement our natural environment’ by encouraging infill and redevelopment of already zoned land.
- The ‘planning and providing our infrastructure’ outcome to have ‘employment and population growth that is clustered within urban centres’ by encouraging higher density development close to the Port Macquarie CBD.

Financial & Economic Implications

The preparation of the urban design report and recommendations for local environmental plan amendments relating to urban consolidation is identified in action 5.4.2.4 in Council’s Operational Plan for 2014-2015.

Completion of the work in the manner outlined in this report is able to be undertaken within Council’s Strategic Land Use Planning section in consultation with other divisions of Council.

The work is funded as a scheduled project within Council’s Strategic Planning Program for 2014-2015 at an approximate cost to Council of \$70,000 including staff time and consultant costs.

The anticipated completion date is December 2015, including changes to the local environmental plan and development control plan.

It is expected that the work will provide for positive economic outcomes by ensuring that Council’s planning controls remain contemporary and facilitate good development in line with market demands.

Attachments

1 [View](#). Liveable Neighbourhoods Framework East Port: Background and neighbourhood recommendations

2 [View](#). Liveable Neighbourhoods Framework East Port: Planning recommendations

Subject: CONFIDENTIAL COMMITTEE OF THE WHOLE

RECOMMENDATION

1. That Council move into Confidential Committee of the Whole to receive and consider the following items:
 - Item 15.01 Review of Organisational Structure

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).
 - Item 15.02 Tender T-14-35 Glasshouse Solar Photovoltaic System

This item is considered confidential under Sect 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
 - Item 15.03 Tender T-14-28 Cairncross Waste Management Facility Environmental Impact Assessment

This item is considered confidential under Sect 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. That pursuant to Section 10A Subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole on the basis that the items to be considered are of a confidential nature.
3. That the recommendations made in Confidential Committee of the Whole be made public as soon as practicable.

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

RECOMMENDATION

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

Item 15.01 Review of Organisational Structure

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

RECOMMENDATION

Item 15.02 Tender T-14-35 Glasshouse Solar Photovoltaic System

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

RECOMMENDATION

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Environmental Impact Assessment**

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RECOMMENDATION